CONTENTS **February 2009**

I. EXECUTIVE ORDERS

BJ 09-01 Carry-Forward Bond Allocation 2008 184

II. EMERGENCY RULES

Education

Student Financial Assistance Commission, Office of Student Financial Assistance—Scholarship/Grant Programs—Circumstances Warranting Exception to the Initial and Continuous Enrollment Requirements (LAC 28:IV.2103) 185

Scholarship/Grant Programs—Eligibility and Responsibilities of Post-Secondary Institutions (LAC 28:IV.1903) 185

Tuition Trust Authority, Office of Student Financial Assistance—START Savings Program (LAC 28:VI.305) 186

Governor

Office of Elderly Affairs—Membership Requirements (LAC 4:VII.1151 and 1153) 186

Health and Hospitals

Bureau of Health Services Financing—Home and Community Based Services Waivers Elderly and Disabled Adults—Reimbursement Rate Reduction (LAC 50:XXI.9101) 187

Home and Community-Based Services Waivers—New Opportunities Waiver—Reimbursement Rate Reduction (LAC 50:XXI.14301) 188

Home Health Program—Durable Medical Equipment—Reimbursement Reduction (LAC 50:XIII.10301) 189

Hospice—Payment for Long Term Care Residents—Reimbursement Rate Reduction (LAC 50:XV.4307) 190

Hospital Services—Inpatient Hospitals Reimbursement Rate Reduction (LAC 50:V.953, 955, and 959) 191

Inpatient Hospital Services—Small Rural Hospitals Reimbursement Methodology (LAC 50:V.1125 and 1127) 192

Intermediate Care Facilities for Persons with Developmental Disabilities—Reimbursement Rate Reduction (LAC 50:VII.32903 and 32913) 193

Medicaid Eligibility—Youth Aging Out of Foster Care (LAC 50:III.2307) 194

Mental Health Rehabilitation Program—Reimbursement Rate Reduction (LAC 50:XV.901) 195

Nursing Facilities—Leave of Absence Days—Reimbursement Reduction (LAC 50:VII.1321) 196

Outpatient Hospital Services—Private Hospitals Reimbursement Reduction (LAC 50:V.5313, 5513, 5713, 5913 and 6115) 197

Outpatient Hospital Services—State-Owned Hospitals Reimbursement Methodology (LAC 50:V.5715 and 6127) 198

Personal Care Services—Long Term Reimbursement Rate Reduction (LAC 50:XV.12917) 199

Targeted Case Management—Reimbursement Rate Reduction (LAC 50:XV.10701) 199

Licensed Professional Counselors Board of Examiners—Licensure Requirements (LAC 46:LX.Chapter 33) 200

Office for Citizens with Developmental Disabilites—Home and Community-Based Services Waivers New Opportunities Waiver—Reimbursement Rate Reduction (LAC 50:XXI.14301) 188

Office of Aging and Adult Services—Home and Community Based Services Waivers—Elderly and Disabled Adults—Reimbursement Rate Reduction (LAC 50:XXI.9101) 187

Personal Care Services—Long Term Reimbursement Rate Reduction (LAC 50:XV.12917) 199

Social Services

Office of Community Services—Daycare Services (LAC 67:V.2301) 202

Office of Family Support—Jobs for America's Graduates Louisiana (JAG-LA) Program (LAC 67:III.5591) 202

Wildlife and Fisheries

Wildlife and Fisheries Commission—Fall Shrimp Season Closure—Fall Shrimp Season Closure Remainder of Zone 1 202

Large Coastal Shark Season Opening 203

III. RULES

Agriculture and Forestry

Office of the Commissioner—Agritourism (LAC 7:XLV.Chapter 1) 204

Structural Pest Control Commission—Administration, Applications and Examinations (LAC 7:XXV.Chapter 1) 205

This public document was published at a total cost of $2,750. Five hundred copies of this public document were published in this monthly printing at a cost of $2,750. The total cost of all printings of this document including reprints is $2,750. This document was published by Moran Printing, Inc. 5425 Florida Boulevard, Baton Rouge, LA 70806, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-971 and R.S. 49:981-999. This material was printed in accordance with standards for printing bystate agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of theLouisiana Revised Statutes.

The Office of the State Register provides auxiliary aids for the *Louisiana Register* for visually impaired individuals. By appointment, oral presentation of the *Register* is available at the Office of the State Register, or an audiocassette tape of requested sections of the *Register* can be provided for the cost incurred by the Office of the State Register in producing such a tape. For more information contact the Office of the State Register.

Education
Board of Elementary and Secondary Education—Bulletin 118—Statewide Assessment Standards and Practices—LEAP Alternate Assessment, Level 1 (LAC 28:CXI.Chapter 19) 208
Bulletin 118—Statewide Assessment Standards and Practices—End-of Course Tests (EOCT) (LAC 28:CXI.Chapter 18) 214
Bulletin 118—Statewide Assessment Standards and Practices—Testing (LAC 28:CXI.305, 307, 309, 311, 312, 313, 315, 501, 701, 2011, 2701) 216
Bulletin 746—Louisiana Standards for State Certification of School Personnel—Math for Professionals Certificate (LAC 28:CXXXI.348) 220
Bulletin 746—Louisiana Standards for State Certification of School Personnel—Mild/Moderate (LAC 28:CXXXI.629) 221
Bulletin 746—Louisiana Standards for State Certification of School Personnel—Practitioner Licenses (LAC 28:CXXXI.313) 221
Bulletin 746—Louisiana Standards for State Certification of School Personnel—Professional Level Certificates (LAC 28:CXXXI.305 and 309) 222
Bulletin 746—Louisiana Standards for State Certification of School Personnel—The State as a Private Provider (LAC 28:CXXXI.239) 222
Standing and Executive Committees (LAC 28:I.501) 223
Student Financial Assistance Commission, Office of Student Financial Assistance—Health Care Educator Loan Forgiveness Program (LAC 28:IV.Chapter 16) 224
Scholarship/Grant Programs (LAC 28:IV.103, 301, 504, 701, 703, 803, 1001, 1401-1409, 1413-1417, 1705, and 1901) 227
Tuition Trust Authority, Office of Student Financial Assistance—START Saving Program (LAC 28:VI.305, 309 and 311) 235
Governor
Board of Certified Public Accountants—Peer Review and Practice Monitoring Programs (LAC 46:XIX.1503) 235
Commission on Law Enforcement and Administration of Criminal Justice—Peace Officer Training (LAC 22:III.4723) 238
Health and Hospitals
Board of Medical Examiners—Podiatrists; Licensure and Certification (LAC 46:XLV.1303, 1304, 1305, 1307, 1319, 1321, 1323, 1325, 1327, 1357, 1365, 1367, and 1369) 240
Board of Veterinary Medicine—Veterinary Practice (LAC 46:LXXXV.700 and 711) 244
Bureau of Health Services Financing—Hospital Licensing Standards—Emergency Preparedness Electronic Reporting Requirements (LAC 48:I.9335) 245
Multi-Systemic Therapy (LAC 50:XV.Chapter 251) 245
Nursing Facilities Minimum Licensing Standards—Emergency Preparedness Inactivation of License Due to Emergency or Disaster (LAC 48:I.9729) 248
Office of Public Health—Expedited Partner Therapy-Patient/Partner Notification (LAC 51:II.117) 249
Natural Resources
Office of Conservation—Ground Water Management (LAC 43:VI.Chapters 1-7) 249
Public Safety and Corrections
Corrections Services—Supervised Release of Sex Offenders upon Expiration of Sentence (LAC 22:I.403) 252
Revenue
Policy Services Division—Designation of Tax Matters Person (LAC 61:III.501) 254
Income Tax Withholding Tables (LAC 61:I.1501) 255
Social Services
Office of Family Support—State Plan and Passport Denial (LAC 67:III.2303 and 2547) 270
Transportation and Development
Control and Specific (LOGO) Signing (LAC 70:III.115) 271
Treasury
State Employees' Retirement System—Active Member Vacancies (LAC 58.I:305) 271

IV. NOTICES OF INTENT
Economic Development
Office of the Secretary, Office of Business Development—Economic Development Award Program (EDAP) and Economic Development Loan Program (EDLOP)(LAC 13:III.Chapter 1) 272
Governor's Economic Development Rapid Response Program (LAC 13:V.Chapter 2) 285
Workforce Development and Training Program (LAC 13:III.Chapter 3) 289
Louisiana Economic Development Corporation—Economic Development Award Program (EDAP) and Economic Development Loan Program (EDLOP)(LAC 13:III.Chapter 1) 272
Workforce Development and Training Program (LAC 13:III.Chapter 3) 285

Education
Board of Elementary and Secondary Education—Bulletin 124—Supplemental Educational Services—SES Provider Responsibilities (LAC 28:CXXXV.115) 294
Bulletin 741—Louisiana Handbook for School Administrators—Compulsory Attendance (LAC 28:CXV.1103) 295
Bulletin 741—Louisiana Handbook for School Administrators—Guidelines for Expulsions (LAC 28:CXV.1309) 296
Bulletin 741—Louisiana Handbook for School Administrators—Other Reports (LAC 28:CXV.723) 297
Bulletin 741—Louisiana Handbook for School Administrators—Placement of Students (LAC 28:CXV.1110) ... 297
Bulletin 741—Louisiana Handbook for School Administrators—Staff Misconduct (LAC 28:CXV.502) 298
Bulletin 741—Louisiana Handbook for School Administrators—Teacher Bill of Rights (LAC 28:CXV.519) 300
Bulletin 741—Louisiana Handbook for School Administrators—Written Policies and Procedures (LAC 28:CXV.337) 301
Environmental Quality
Office of the Secretary, Legal Affairs Division—Concentrated Animal Feeding Operations (LAC 33:IX.2501, 2505, 2515, 2703, 2903, 2905, and 4903)(WQ077ft) 302
Solid Waste Buffer Zones (LAC 33:VII.508, 709, 717, and 719)(SW049) 309
Standards for the Use or Disposal of Sewage Sludge and Biosolids (LAC 33:IX.7301, 7303, 7305, 7307, 7309, 7313, and 7395)(WQ076) 311
Firefighters Retirement System
Firefighters Retirement System—Processing Claims for Survivor Benefits—Determining Whether a Member Was Killed in the Line of Duty (LAC 58:XIII.101) 334
Governor
Division of Administration, Office of Facility Planning and Control—Louisiana Uniform Public Work Bid Form (LAC 34:III.Chapter 3) 335
Health and Hospitals
Board of Nursing—Registered Nurses—Alternative to Disciplinary Proceedings (LAC 46:XLVII.3419) 339
Registered Nurses—Disciplinary Proceedings; Alternative to Disciplinary Proceedings (LAC 46:XLVII.3405) 340
Registered Nurses—Peripherally Inserted Central Catheter (PICC) Insertion, Radiographic Verification of Placement and Removal (LAC 46:XLVII.3707) 341
Registered Nurses—Renewal of License (LAC 46:XLVII.3333) 342
Insurance
Office of the Commissioner—Regulation 97—Vehicle Tracking Systems (LAC 37:XIII.Chapter 133) 344
Public Safety and Corrections
Corrections Services—Drug-Free Workplace (LAC 22:I.207) 345
Social Services
Office of Family Support—Licensing Class "A" Regulations for Day Care Centers Caring for Sick Children (LAC 67:III.7388, 7389, 7390, 7391, 7392, 7393, 7395, and 7399) 348
Substance Abuse Testing (LAC 67:I.Chapter 1) 353
TANF—Legal Access and Visitation (LAC 67:III.5567) 355
Wildlife and Fisheries
Wildlife and Fisheries Commission—Domesticated Aquatic Organisms (LAC 76:VII.905) 357
General and Wildlife Management Area Hunting (LAC 76:XIX.111) 358
Invasive Noxious Aquatic Plants (LAC 76:VII.1101) 372
Resident Game Hunting Season (LAC 76:XIX.101 and 103) 374

V. POTPOURRI
Agriculture and Forestry
Horticulture Commission—Landscape Architect Registration Exam 378
Horticulture Commission—Retail Floristry Examination 378
Environmental Quality
Office of Environmental Assessment/Air Quality Division—Annual Emissions Inventory Data Submittals 378
Office of the Secretary—Declaratory Ruling (No. DR-08-003) 379
Natural Resources
Office of Conservation—Orphaned Oilfield Sites 380
Office of the Secretary—Fishermen's Gear Compensation Fund 380
Social Services
Office of Community Services—SSBG Supplemental Funds—Intended Use Report 380

VI. INDEX 382

Executive Orders

EXECUTIVE ORDER BJ 09-01

Carry-Forward Bond Allocation 2008

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act 51 of the 1986 Regular Session of the Louisiana Legislature (hereafter "Act"), Executive Order No. BJ 2008-47 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 2008 (hereafter "the 2008 Ceiling");

(2) the procedure for obtaining an allocation of bonds under the 2008 Ceiling; and

(3) a system of central record keeping for such allocations;

WHEREAS, Section 4(H) of No. BJ 2008-47 provides that if the ceiling for a calendar year exceeds the aggregate amount of bonds subject to the private activity bond volume limit issued during the year by all issuers, by executive order, the Governor may allocate the excess amount to issuers or an issuer for use as a carry-forward for one or more carry-forward projects permitted under the Act;

WHEREAS, Executive Order No. BJ 2008-20, issued on June 13, 2008, allocated twenty million dollars ($20,000,000) from the 2008 Ceiling to the St. Tammany Parish Development District for Mortgage Revenue Bonds for multifamily housing, but the entire allocation of twenty million dollars ($20,000,000) was returned unused to the 2008 Ceiling;

WHEREAS, Executive Order No. BJ 2008-22, issued on July 9, 2008, allocated twenty-five million dollars ($25,000,000) from the 2008 Ceiling to the Louisiana Community Development Authority for Industrial Bonds, but twenty-five million dollars ($25,000,000) was returned unused to the 2008 Ceiling; and

WHEREAS, One hundred eighty nine million three hundred twenty two thousand three hundred forty dollars ($189,322,340) of the 2008 Ceiling was not allocated during the 2008 calendar year;

WHEREAS, the Governor desires to allocate two hundred thirty four million three hundred thirty two thousand three hundred forty dollars ($234,322,340) of the excess 2008 Ceiling as carry-forward for projects which are permitted and eligible under the Act;

NOW THEREFORE, I, BOBBY JINDAL, 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: Pursuant to and in accordance with the provisions of Section 146(f) of the Internal Revenue Code of 1986, as amended, and in accordance with the requests for carry-forward filed by the designated issuers, the excess private activity bond volume limit under the 2008 Ceiling is hereby allocated to the following issuers, for the following carry-forward projects, and in the following amounts:

Issuer	Carry-Forward Project	Carry-Forward Amount
Louisiana Public Facilities Authority	Student Loan Program	$91,200,000
Rapides Finance Authority	Single Family Mortgage Revenue Bond Program	$10,963,000
Hammond-Tangipahoa Home Mortgage Authority	Single Family Mortgage Revenue Bond Program	$10,963,000
Lafayette Public Trust Financing Authority	Single Family Mortgage Revenue Bond Program	$18,978,000
Finance Authority of New Orleans	Pathway to Homeownership Project	$73,021,340
EBR Mortgage Finance Authority	Single Family Mortgage Revenue Bond Program	$29,197,000

SECTION 2: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 3: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 10th day of February, 2009.

Bobby Jindal
Governor

ATTEST BY
THE GOVERNOR
Jay Dardenne
Secretary of State
0902#089

Emergency Rules

DECLARATION OF EMERGENCY

Student Financial Assistance Commission
Office of Student Financial Assistance

Scholarship/Grant Programs—Circumstances Warranting Exception to the Initial and Continuous Enrollment Requirements
(LAC 28:IV.2103)

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend and re-promulgate the rules of the Scholarship/Grant programs [R.S. 17:3021-3025, R.S. 3041.10-3041.15, and R.S. 17:3042.1.1-3042.8, R.S. 17:3048.1, R.S. 56:797.D(2)].

This rulemaking will provide definitions of "course of study" and "clinical program" to assist postsecondary institutions in determining when a student is considered to be enrolled full time although not enrolled in at least 12 hours each semester or eight hours each term.

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. LASFAC has determined that this Emergency Rule is necessary in order to prevent imminent financial peril to the welfare of the affected students.

This Declaration of Emergency is effective February 4, 2009, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act. (SG09102E)

Title 28
EDUCATION
Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs
Chapter 21. Miscellaneous Provisions and Exceptions
§2103. Circumstances Warranting Exception to the Initial and Continuous Enrollment Requirements

A. - C.3. ...

a. *Course of study* for the purposes of this paragraph is a program:

i. established by the postsecondary institution leading to an associate's degree, or

ii. with course work specified by school of study at a postsecondary institution (e.g., business, architecture, mass communications, art and design) required for admission to that school for further studies to earn a baccalaureate degree.

b. *Clinical program* for the purposes of this paragraph means student teaching, practicum courses, or clinic based experiences required to earn a baccalaureate degree.

D. - G.5.b.iii. …

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), amended LR 23:1648 (December 1997), repromulgated LR 24:647 (April 1998), amended LR 24:1916 (October 1998), LR 26:1015 (May 2000), LR 26:2002 (September 2000), LR 27:36 (January 2001), repromulgated LR 27:1866 (November 2001), amended LR 27:1875 (November 2001), LR 28:46 (January 2002), LR 28:449 (March 2002), LR 28:775 (April 2002), LR 28:2330 and 2333 (November 2002), LR 29:126 (February 2003), LR 29:2373 (November 2003), LR 29:2373 (November 2003), LR 30:785 (April 2004), LR 30:1167 (June 2004), LR 31:1060 (May 2005), LR 33:440 (March 2007), LR 35:

George Badge Eldredge
General Counsel

0902#036

DECLARATION OF EMERGENCY

Student Financial Assistance Commission
Office of Student Financial Assistance

Scholarship/Grant Programs—Eligibility and Responsibilities of Post-Secondary Institutions
(LAC 28:IV.1903)

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend and re-promulgate the rules of the Scholarship/Grant programs (R.S. 17:3021-3025, R.S. 3041.10-3041.15, and R.S. 17:3042.1.1-3042.8, R.S. 17:3048.1, R.S. 56:797.D(2)).

This rulemaking revises the rules regarding the Leveraging Educational Assistance Partnership (LEAP) to include a federally mandated notice to award recipients of the source of the funds for the LEAP award.

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. LASFAC has determined that this Emergency Rule is necessary in order to prevent imminent financial peril to the welfare of the affected students.

This Declaration of Emergency is effective February 4, 2009, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act. (SG09103E)

Title 28
EDUCATION
Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs
Chapter 19. Eligibility and Responsibilities of Post-Secondary Institutions
§1903. Responsibilities of Post-Secondary Institutions

A. - C.1.f. …

g. certify that it has notified each eligible student that the grant is a LEAP grant which is funded by the state of Louisiana and the Federal government.

C.2. - G.. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, 17:3041.10-3041.15, 17:3041.21-3041.26 and R.S. 17:3048.1 and R.S. 17:3050.1–3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:645 (April 1998), amended LR 24:1914 (October 1998), LR 25:1459 (August 1999), LR 26:1998 and 2002 (September 2000), repromulgated LR 27:1864 (November 2001), amended LR 28:448 (March 2002), LR 28:775 (April 2002), LR 28:1760 (August 2002), LR 28:2333 (November 2002), LR 30:784 (April 2004), LR 30:1166 (June 2004), LR 31:40 (January 2005), LR 31:3111, 3114 (December 2005), LR 33:1340 (July 2007), LR 35:

George Badge Eldredge
General Counsel

0902#039

DECLARATION OF EMERGENCY

Tuition Trust Authority
Office of Student Financial Assistance

START Savings Program
(LAC 28:VI.305)

The Louisiana Tuition Trust Authority (LATTA) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend rules of the Student Tuition Assistance and Revenue Trust (START Saving) Program (R.S. 17:3091 et seq.).

These rule changes will authorize account owners to change their investment option twice during the 2009 calendar year. This change is a one time authorization of the Internal Revenue Service and is time sensitive.

This Emergency Rule is necessary to allow the Louisiana Office of Student Financial Assistance and 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. LATTA has 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 on February 4, 2009, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act. (ST09104E)

Title 28
EDUCATION
Part VI. Student Financial Assistance—Higher Education Savings
Chapter 3. Education Savings Account
§305. Deposits to Education Savings Accounts

A. - D.3. …

4. Changing the Investment Option

a. Through 2008, the investment option can be changed only once in any 12-month period.

b. For the 2009 calendar year, the investment option may be changed at any time, but no more than two times.

c. Beginning the 2010 calendar year and thereafter, the investment option may be changed one time each calendar year.

D.5. - E.4. …

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:715 (June 1997), amended LR 24:1270 (July 1998), LR 26:2263 (October 2000), LR 27:1880 (November 2001), LR 30:788 (April 2004), LR 30:1169 (June 2004), LR 30:2302 (October 2004), LR 32:1433 (August 2006), LR 32:2240 (December 2006), LR 35:

George Badge Eldredge
General Counsel

0902#042

DECLARATION OF EMERGENCY

Office of the Governor
Office of Elderly Affairs

Membership Requirements
(LAC 4:VII.1151 and 1153)

In accordance with the emergency provisions of the Administrative Procedures Act, R.S. 49:953(B) et seq., the Governors Office of Elderly Affairs is declaring an Emergency Rule to revise Sections 1151 and 1153 of the Council on Aging (Title 4, Part VII Chapter 11 Subchapter C of the *Louisiana Administrative Code*), relative to the requirements to participate as a board member of a council on aging.

The effective date of this Emergency Rule is February 4, 2009, and it shall be in effect for 120 days, or until a final Rule is promulgated, whichever occurs first.

The Emergency Rule is necessary to clarify the requirements to be on a Council on Aging's Board of Directors.

There will be no adverse fiscal impact on the state as a result of this Rule inasmuch as the members of the council on aging board of directors are volunteers and are not reimbursed for participation.

Title 4
ADMINISTRATION
Part VII. Governor's Office
Chapter 11. Elderly Affairs
Subchapter C. Council on Aging
§1151. Establishment of Parish Councils on Aging

A. …

B. Governance

1 - 3.e. …

f. For board member's qualifications, refer to §1153(B).

C. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:87.2(E), 46:932(8), 46:1601, 46:1602, 46:1605.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 25:1467 (August 1999), amended LR 35:

§1153. Membership

A. …

B. Board of Directors

1 - 6.e. …

f. If a council on aging's charter is revoked, by the Governor's Office of Elderly Affairs and the formation of a new council on aging for the parish is approved, former board members who served during the 12 month period prior to the time of revocation shall be prohibited from serving as board members on the council on aging board for a period of three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:932(8), 46:1602, 46:1603.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 25:1468 (August 1999).amended LR 35:

Interested persons may submit written comments to Beverly Armstead, Governor's Office of Elderly Affairs, P.O. Box 61, Baton Rouge, LA 70821. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at the Office of Elderly Affairs, 412 North Fourth Street Third Floor, Baton Rouge, LA 70802.

James Bulot, PhD
Executive Director

0902#018

DECLARATION OF EMERGENCY

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

Home and Community Based Services Waivers
Elderly and Disabled Adults—Reimbursement Rate Reduction (LAC 50:XXI.9101)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services amends LAC 50:XXI.9101 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 19 of the 2008 Regular Session of the Louisiana Legislature which states: "The secretary shall, subject to the review and approval of the Joint Legislative Committee on the Budget, implement reductions in the Medicaid program as necessary to control expenditures to the level appropriated in this Schedule. Notwithstanding any law to the contrary, the secretary is hereby directed to utilize various cost-containment measures to accomplish these reductions, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations and other measures as allowed by federal law." This Emergency Rule is promulgated in accordance with the provisions of 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 final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of Aging and Adult Services amended the provisions governing the Elderly and Disabled Adult (EDA) Waiver to adopt provisions governing the reimbursement methodology for the EDA Waiver services, including implementation of an hourly wage enhancement payment to providers for direct care staff (*Louisiana Register*, Volume 34, Number 2).

As a result of a budgetary shortfall, the bureau has determined that it is necessary to amend the provisions governing the reimbursement methodology for the EDA Waiver to reduce the reimbursement rates paid for designated waiver services. This action is necessary to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the EDA Waiver Program by approximately $763,383 for state fiscal year 2008-2009.

Effective February 1, 2009, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services amends the provisions governing the reimbursement methodology for the EDA Waiver to reduce the reimbursement rates paid for designated services.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community Based Services Waivers
Subpart 7. Elderly and Disabled Adults
Chapter 91. Reimbursement
§9101. Reimbursement Methodology

A. - B.8.d. …

C. Effective for dates of service on or after February 1, 2009, the reimbursement rate for companion services shall be reduced by 3.5 percent of the rate on file as of January 31, 2009.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:251 (February 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:

Implementation of the provisions of this Rule is 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 Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A

copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Alan Levine
Secretary

0902#002

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Office of the Secretary
Bureau of Health Services Financing
and
Office for Citizens with Developmental Disabilities

Home and Community-Based Services Waivers
New Opportunities Waiver—Reimbursement Rate Reduction (LAC 50:XXI.14301)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amends LAC 50:XXI.14301 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 19 of the 2008 Regular Session of the Louisiana Legislature which states: "The secretary shall, subject to the review and approval of the Joint Legislative Committee on the Budget, implement reductions in the Medicaid program as necessary to control expenditures to the level appropriated in this Schedule. Notwithstanding any law to the contrary, the secretary is hereby directed to utilize various cost-containment measures to accomplish these reductions, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations and other measures as allowed by federal law." This Emergency Rule is promulgated in accordance with the provisions of 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 final Rule, whichever occurs first.

The Department of Health and Hospitals, Office for Citizens with Developmental Disabilities amended the provisions governing the reimbursement methodology for the New Opportunities Waiver (NOW) to implement a wage enhancement payment for direct support professionals who provide certain services to NOW recipients (*Louisiana Register*, Volume 34, Number 2).

As a result of a budgetary shortfall, the bureau has determined that it is necessary to amend the provisions governing the reimbursement methodology for the New Opportunities Waiver to reduce the reimbursement rate paid for certain services. This action is necessary to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the New Opportunities Waiver Program by approximately $4,710,178 for state fiscal year 2008-2009.

Effective February 1, 2009, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities amends the provisions governing the reimbursement methodology for the New Opportunities Waiver to reduce the reimbursement rates.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community Based Services Waivers
Subpart 11. New Opportunities Waiver
Chapter 143. Reimbursement
§14301. Reimbursement Methodology

A. - F.10.d. …

G. Effective for dates of service on or after February 1, 2009, the reimbursement rate for certain services provided in the NOW Waiver shall be reduced by 3.5 percent of the rate in effect on January 31, 2009.

1. The reimbursement rates shall be reduced for the following services:
   a. individualized and family support services;
   b. center-based respite care;
   c. community integration development;
   d. residential habilitation-supported independent living;
   e. substitute family care;
   f. day habilitation;
   g. supported employment;
   h. transportation for day habilitation and supported employment models;
   i. employment-related training; and
   j. professional services.

2. The following services shall be exempt from the rate reduction:
   a. environmental accessibility adaptations;
   b. specialized medical equipment and supplies;
   c. personal emergency response systems (PERS);
   d. skilled nursing services; and
   e. one-time transitional expenses.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 30:1209 (June 2004), amended by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 34:252 (February 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 35:

Implementation of the provisions of this Rule is 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 Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Alan Levine
Secretary

0902#009

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services

Home Health Program—Durable Medical Equipment
Reimbursement Reduction
(LAC 50:XIII.103)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XIII.103 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 19 of the 2008 Regular Session of the Louisiana Legislature which states: "The secretary shall, subject to the review and approval of the Joint Legislative Committee on the Budget, implement reductions in the Medicaid program as necessary to control expenditures to the level appropriated in this Schedule. Notwithstanding any law to the contrary, the secretary is hereby directed to utilize various cost-containment measures to accomplish these reductions, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations and other measures as allowed by federal law." This Emergency Rule is promulgated in accordance with the provisions of 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 final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing currently provides coverage and reimbursement for medical equipment, supplies and appliances in the Home Health Program. Reimbursement for these services is either the lesser of: billed charges; 70 percent of either the applicable Medicare fee schedule or the manufacturer's suggested retail price (MSRP); or the lowest cost at which the item has been determined to be widely available.

The bureau has determined that, due to a budgetary shortfall, it is necessary to reduce the reimbursement rates paid for certain durable medical equipment. This action is necessary to avoid a budget deficit in the medical assistance programs. For the purpose of clarity, the bureau also proposes to repromulgate the general provisions governing the reimbursement methodology for medical equipment, supplies and appliances in its entirety in the appropriate place in the *Louisiana Administrative Code* (LAC). It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately $165,043 for state fiscal year 2008-2009.

Effective February 1, 2009, the Department of Health and Hospitals, Bureau of Health Services Financing repromulgates the general provisions governing the reimbursement methodology for medical equipment, supplies and appliances in the appropriate place in the LAC and amends these provisions to reduce the reimbursement rate paid for certain medical equipment.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XIII. Home Health Program
Subpart 3. Medical Equipment, Supplies and Appliances
Chapter 103. Reimbursement Methodology
§10301. General Provisions

A. Unless otherwise stated in this Part XIII, the reimbursement for all medical equipment, supplies and appliances is established at:

1. 70 percent of the 2000 Medicare fee schedule for all procedure codes that were listed on the 2000 Medicare fee schedule and at the same amount for the HIPAA compliant codes which replaced them; or
2. 70 percent of the Medicare fee schedule under which the procedure code first appeared; or
3. 70 percent of the manufacturer's suggested retail price (MSRP) amount; or
4. billed charges, whichever is the lesser amount.

B. If an item is not available at the rate of 70 percent of the applicable established flat fee or 70 percent of the MSRP, 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.

C. Effective for dates of service on or after February 1, 2009, the reimbursement paid for the following medical equipment, supplies, appliances and repairs shall be reduced by 3.5 percent of the rate on file as of January 31, 2009:

1. ambulatory equipment;
2. bathroom equipment;
3. hospital beds, mattresses and related equipment; and
4. the cost for parts used in the repair of medical equipment, including parts used in the repair of wheelchairs.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:86 (January 2005), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:

Implementation of the provisions of this Rule is 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 Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Alan Levine
Secretary

0902#001

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Hospice—Payment for Long Term Care Residents
Reimbursement Rate Reduction (LAC 50:XV.4307)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XV.4307 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 19 of the 2008 Regular Session of the Louisiana Legislature which states: "The secretary shall, subject to the review and approval of the Joint Legislative Committee on the Budget, implement reductions in the Medicaid program as necessary to control expenditures to the level appropriated in this Schedule. Notwithstanding any law to the contrary, the secretary is hereby directed to utilize various cost-containment measures to accomplish these reductions, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations and other measures as allowed by federal law." This Emergency Rule is promulgated in accordance with the provisions of 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 final Rule, whichever occurs first.

Section 1902(a)(13)(B) of the Social Security Act allows Medicaid programs to pay hospice providers an additional amount equal to at least 95 percent of the nursing facility or intermediate care facility for persons with developmental disabilities (ICF/DD) per diem rate when hospice patients are residents of nursing facilities or ICF/DDs. Pursuant to Section 1902, the Department established provisions to pay hospice providers 100 percent of the long term care facility's per diem rate (*Louisiana Register*, Volume 28, Number 6). At the recommendation of the Centers for Medicare and Medicaid Services (CMS), the department amended the provisions of the June 20, 2002 Rule governing hospice services covered under the Medicaid Program to clarify the hospice payment rate provisions (*Louisiana Register*, Volume 34, Number 3).

As a result of a budgetary shortfall, the bureau has determined that it is necessary to amend the provisions governing the reimbursement for hospice services provided to long-term care residents. This action is necessary to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Hospice Program by approximately $643,399 for state fiscal year 2008-2009.

Effective February 1, 2009, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement for hospice services provided to long term care residents to reduce the reimbursement rates.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XV. Services for Special Populations
Subpart 3. Hospice
Chapter 43. Reimbursement
§4307. Payment for Long Term Care Residents

A. Pursuant to Section 1902(a)(13)(B) of the Social Security Act, an additional amount will be paid to hospice providers on routine home care and continuous home care days to take into account the room and board furnished by a long term care facility for a Medicaid recipient:

1. who is residing in a nursing facility or intermediate care facility for persons with developmental disabilities (ICF/DD);
2. who would be eligible under the state plan for nursing facility services or ICF/DD services if he or she had not elected to receive hospice care;
3. who has elected to receive hospice care; and
4. for whom the hospice program and the nursing facility or ICF/DD have entered into a written agreement in accordance with the provisions set forth in the Licensing Standards for Hospice Agencies (LAC 48:I.Chapter 82), under which the hospice program takes full responsibility for the professional management of the individual's hospice care and the facility agrees to provide room and board to the individual.

B. Under these circumstances, payment to the facility is discontinued and payment is made to the hospice provider which must then reimburse the facility for room and board.

C. The rate reimbursed to hospice providers shall be 95 percent of the per diem rate that would have been paid to the facility for the recipient if he/she had not elected to receive hospice services.

1. This rate is designed to cover "room and board" which includes performance of personal care services, including assistance in the activities of daily living, administration of medication, maintaining the cleanliness of the patient's environment, and supervision and assistance in the use of durable medical equipment and prescribed therapies.
2. This rate is in addition to the routine home care rate or the continuous home care rate.

D. Any patient liability income (PLI) determined by the Bureau will be deducted from the additional payment. It is the responsibility of the Medicaid enrolled facility to collect the recipient's PLI.

E. - F. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 19:749 (June 1993), amended LR 28:1471 (June 2002), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:

Implementation of the provisions of this Rule is 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 Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Alan Levine
Secretary

0902#004

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Hospital Services—Inpatient Hospitals
Reimbursement Rate Reduction
(LAC 50:V.953, 955, and 959)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:V.953, 955 and 959 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 19 of the 2008 Regular Session of the Louisiana Legislature which states: "The secretary shall, subject to the review and approval of the Joint Legislative Committee on the Budget, implement reductions in the Medicaid program as necessary to control expenditures to the level appropriated in this Schedule. Notwithstanding any law to the contrary, the secretary is hereby directed to utilize various cost-containment measures to accomplish these reductions, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations and other measures as allowed by federal law." This Emergency Rule is promulgated in accordance with the provisions of 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 final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted Rules which established the prospective reimbursement methodology for inpatient hospital services provided in free-standing psychiatric hospitals and distinct part psychiatric units of acute care general hospitals (*Louisiana Register*, Volume 19, Number 6) as well as in private (non-state) acute care general hospitals (*Louisiana Register*, Volume 20, Number 6). In compliance with the directives of Act 17 of the 2006 Regular Session of the Louisiana Legislature, the bureau amended the reimbursement methodology for inpatient hospital services to increase the Medicaid reimbursement rates paid to private hospitals and free-standing and distinct part psychiatric units (*Louisiana Register*, Volume 33, Number 2). The bureau subsequently adopted a Rule to provide for a supplemental Medicaid payment to non-rural, non-state acute care hospitals for having a Medicaid inpatient utilization greater than 30 percent (hereafter referred to High Medicaid) and teaching hospitals for furnishing additional graduate medical education services as a result of the suspension of training programs at the Medical Center of Louisiana at New Orleans due to the impact of Hurricane Katrina (*Louisiana Register*, Volume 34, Number 5).

As a result of a budgetary shortfall, the bureau has determined that it is necessary to amend the provisions governing the reimbursement methodology for inpatient hospital services to reduce the current reimbursement rates. This action is necessary to avoid a budget deficit in the medical assistance programs. Taking into consideration the 3.5 percent reduction in per diem rates and the 3 percent reduction in the last two quarterly supplemental payments to High Medicaid hospitals in state fiscal year 2009, the department has carefully reviewed the proposed rates and is satisfied that they are consistent with efficiency, economy and quality of care and are sufficient to enlist enough providers so that private (non-state) inpatient hospital services under the state plan are available at least to the extent that they are available to the general population in the state. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Hospital Services Program by approximately $3,356,261 for state fiscal year 2008-2009.

Effective February 20, 2009, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for inpatient hospital services to reduce the reimbursement rates.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part V. Hospital Services
Subpart 1. Inpatient Hospitals
Chapter 9. Non-Rural, Non-State Hospitals
Subchapter B. Reimbursement Methodology
§953. Acute Care Hospitals

A. - B.3. …

C. Effective for dates of service on or after February 20, 2009, the prospective per diem rate paid to acute care hospitals shall be reduced by 3.5 percent of the per diem rate on file as of February 19, 2009.

1. Payments to the following hospitals and/or specialty units for inpatient hospital services shall be exempted from these reductions:

a. small rural hospitals, as defined in R.S. 40:1300.143; and

b. High Medicaid hospitals, level III Regional Neonatal Intensive Care Units and level I Pediatric Intensive Care Units as defined in R.S. 46.979;

2. For the purposes of qualifying for the exemption to the reimbursement reduction as a High Medicaid hospital, the following conditions must be met.

a. The inpatient Medicaid days utilization rate for high Medicaid hospitals shall be calculated based on the cost report filed for the period ending in state fiscal year 2007 and received by the department prior to April 20, 2008.

b. Only Medicaid covered days for inpatient hospital services, which include newborn and distinct part psychiatric unit days, are included in this calculation.

c. Inpatient stays covered by Medicare Part A cannot be included in the determination of the Medicaid inpatient utilization days rate.

D. Effective for dates of service on or after February 20, 2009, the amount appropriated for quarterly supplemental payments to non-rural, non-state acute care hospitals that

qualify as a high Medicaid hospital shall be reduced to $4,925,000. Each qualifying hospital's quarterly supplemental payment shall be calculated based on the pro rata share of the reduced appropriation.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:876 (May 2008), LR 34:877 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:

§955. Long Term Hospitals

A. …

B. For dates of service on or after February 20, 2009, the prospective per diem rate paid to long term hospitals for inpatient services shall be reduced by 3.5 percent of the rate on file as of February 19, 2009.

1. Payments for inpatient hospital services to high Medicaid hospitals classified as long term hospitals shall be exempted from these reductions.

2. For the purposes of qualifying for the exemption to the reimbursement reduction as a High Medicaid hospital, the following conditions must be met.

a. The inpatient Medicaid days utilization rate for high Medicaid hospitals shall be calculated based on the cost report filed for the period ending in state fiscal year 2007 and received by the department prior to April 20, 2008.

b. Only Medicaid covered days for inpatient hospital services, which include newborn and distinct part psychiatric unit days, are included in this calculation.

c. Inpatient stays covered by Medicare Part A cannot be included in the determination of the Medicaid inpatient utilization days rate.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:876 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:

§959. Inpatient Psychiatric Hospital Services

A. …

B. Effective for dates of service on or after February 20, 2009, the prospective per diem rate paid to non-rural, non-state free-standing psychiatric hospitals and distinct part psychiatric units shall be reduced by 3.5 percent of the rate on file as of February 19, 2009.

1. Distinct part psychiatric units that operate within an acute care hospital that qualifies as a high Medicaid hospital, as defined in §953.C.2, are exempt from the rate reduction.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:876 (May 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:

Implementation of the provisions of this Rule is 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 Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Alan Levine
Secretary

0902#003

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Inpatient Hospital Services—Small Rural Hospitals
Reimbursement Methodology
(LAC 50:V.1125 and 1127)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.1125 and 1127 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted a Rule which established the prospective reimbursement methodology for inpatient hospital services provided in private (non-state) acute care general hospitals (*Louisiana Register*, Volume 20, Number 6), free-standing psychiatric hospitals and distinct part psychiatric units (*Louisiana Register*, Volume 19, Number 6). In compliance with the directives of Act 17 of the 2006 Regular Session of the Louisiana Legislature, the bureau amended the reimbursement methodology for inpatient hospital services to increase the Medicaid reimbursement rates paid to private hospitals and free-standing and distinct part psychiatric units (*Louisiana Register*, Volume 33, Number 2).

Act 327 of the 2007 Regular Session of the Louisiana Legislature authorized the department to amend the reimbursement methodology governing state fiscal year 2009 Medicaid payments to small rural hospitals for inpatient and outpatient hospital services and psychiatric services, including services provided by hospital-based rural health clinics. In compliance with the directives of Act 327, the department amended the provisions governing the reimbursement methodology for inpatient hospital services and psychiatric services rendered by small rural hospitals (*Louisiana Register*, Volume 34, Number 7). This Emergency Rule is being promulgated to continue the provisions of the July 1, 2008 Emergency Rule.

This Emergency Rule is being promulgated to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation in the Hospital Services Program and recipient access to providers of these medically necessary services.

Effective February 28, 2009, the Department of Health and Hospitals, Bureau of Health Services Financing amends the reimbursement methodology governing payments to small rural hospitals for inpatient hospital services and psychiatric services for state fiscal year 2009.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part V. Hospital Services
Subpart 1. Inpatient Hospitals
Chapter 11. Rural, Non-State Hospitals
Subchapter B. Reimbursement Methodology
§1125. Small Rural Hospitals

A. Effective for dates of service on or after July 1, 2008, the prospective per diem rate paid to small rural hospitals for inpatient acute care services shall be the median cost amount plus 10 percent.

1. The per diem rate calculation shall be based on each hospital's year-end cost report period ending in calendar year 2006. If the cost reporting period is not a full period (12 months), the latest filed full period cost report shall be used.

B. The Medicaid cost per inpatient day for each small rural hospital shall be inflated from their applicable cost reporting period to the midpoint of the implementation year (December 31, 2008) by the Medicare market basket inflation factor for PPS hospitals, then arrayed from high to low to determine the median inpatient acute cost per day for all small rural hospitals.

C. The median cost and rates shall be rebased at least every other year using the latest filed full period cost reports as filed in accordance with Medicare timely filing guidelines.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:

§1127. Inpatient Psychiatric Hospital Services

A. Effective for dates of service on or after July 1, 2008, the prospective per diem rate paid to small rural hospitals for psychiatric services rendered in distinct part psychiatric units shall be the median cost amount per inpatient day plus 10 percent.

1. The per diem rate calculation shall be based on each hospital's year-end cost report period ending in calendar year 2006. If the cost reporting period is not a full period (12 months), the latest filed full period cost report shall be used.

B. The Medicaid cost per inpatient psychiatric day for each small rural hospital shall be inflated from their applicable cost reporting period to the midpoint of the implementation year (December 31, 2008) by the Medicare market basket inflation factor for PPS hospitals, then arrayed from high to low to determine the median inpatient acute cost per day for all small rural hospitals.

C. The median cost and rates shall be rebased at least every other year using the latest filed full period cost reports as filed in accordance with Medicare timely filing guidelines.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:

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

Alan Levine
Secretary

0810#076

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Intermediate Care Facilities for Persons with Developmental Disabilities—Reimbursement Rate Reduction
(LAC 50:VII.32903 and 32913)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:VII.32903 and 32913 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 19 of the 2008 Regular Session of the Louisiana Legislature which states: "The secretary shall, subject to the review and approval of the Joint Legislative Committee on the Budget, implement reductions in the Medicaid program as necessary to control expenditures to the level appropriated in this Schedule. Notwithstanding any law to the contrary, the Secretary is hereby directed to utilize various cost-containment measures to accomplish these reductions, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations and other measures as allowed by federal law." This Emergency Rule is promulgated 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 final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing promulgated provisions governing the reimbursement methodology for intermediate care facilities for persons with developmental disabilities that utilize the Inventory for Client and Agency Planning instruments (*Louisiana Register,* Volume 31, Number 9). Provisions governing the reimbursement methodology for hospital leave of absence days were also included in the Rule. The September 20, 2005 Rule was amended to include reimbursement of certain medical supply costs for Medicaid recipients who are medically fragile (*Louisiana Register,* Volume 33, Number 3) and to implement a wage enhancement payment for direct care staff employed with the facility (*Louisiana Register,* Volume 33, Number 10). Effective for dates of service on or after July 1, 2007, the reimbursement paid to these facilities was increased in accordance with the reimbursement methodology established in the September 20, 2005 Rule. As a result of a budgetary shortfall, the bureau has determined that it is necessary to reduce the reimbursement rate paid to non-state intermediate care facilities for persons with developmental disabilities.

This action is necessary to avoid a budget deficit in the medical assistance programs. Taking into consideration the

3.5 percent reduction in per diem rates in state fiscal year 2009, the department has carefully reviewed the proposed rates and is satisfied that they are consistent with efficiency, economy and quality of care and are sufficient to enlist enough providers so that private (non-state) intermediate care facility services for persons with developmental disabilities under the state plan are available at least to the extent that they are available to the general population in the state. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid program by approximately $2,686,666 for state fiscal year 2008-2009.

Effective February 20, 2009, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for non-state intermediate care facilities for persons with developmental disabilities to reduce the reimbursement rates.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part VII. Long Term Care
Subpart 3. Intermediate Care Facilities for Persons with Developmental Disabilities
Chapter 329. Reimbursement Methodology
Subchapter A. Non-State Facilities
§32903. Rate Determination

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

J. Effective for dates of service on or after February 20, 2009, the reimbursement rate for non-state intermediate care facilities for persons with developmental disabilities shall be reduced by 3.5 percent of the per diem rate on file as of February 19, 2009.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:2253 (September 2005), amended LR 33:462 (March 2007), LR 33:2202 (October 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:

§32913. Leave of Absence Days

A. The reimbursement to non-state ICF/DDs for hospital leave of absence days is 75 percent of the applicable per diem rate.

B. The reimbursement for leave of absence days is 100 percent of the applicable per diem rate.

1. A leave of absence is a temporary stay outside of the ICF/DD, for reasons other than for hospitalization, provided for in the recipient's written individual habilitation plan.

C. Effective for dates of service on or after February 20, 2009, the reimbursement to non-state ICF/DDs for leave of absence days is 75 percent of the applicable per diem rate on file as of February 19, 2009.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:2255 (September 2005), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 35:

Implementation of the provisions of this Rule is 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 Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Alan Levine
Secretary

0902#005

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Medicaid Eligibility—Youth Aging Out of Foster Care
(LAC 50:III.2307)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:III.2307 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Foster Care Independence Act of 1999, Public Law 106-109, established provisions which allow states to offer programs designed to better assist adolescents with the transition from foster care to self-sufficiency once they reach age 18. Section 477 of the Act, referred to as the John H. Chafee Foster Care Independence Program or "Chafee Option," established a new eligibility group to provide health care benefits to former foster care recipients between the ages of 18 and 21.

Act 352 of the 2008 Regular Session of the Louisiana Legislature authorized the Department of Health and Hospitals to adopt provisions pursuant to the Chafee Option which provide regular Medicaid coverage or an alternative benefits package to independent youth aging out of foster care. In compliance with Act 352, the Department of Health and Hospitals, Bureau of Health Services Financing proposes to adopt provisions to establish a new Medicaid eligibility group to provide Medicaid coverage to youth between the ages of 18 and 21 who are transitioning out of foster care.

This action is being taken to promote the health and well-being of individuals in foster care by maintaining their access to health care services after they have aged out of the foster care system. It is estimated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately $37,722 for state fiscal year 2008-2009.

Effective March 1, 2009, the Department of Health and Hospitals, Bureau of Health Services Financing adopts provisions to establish a new Medicaid eligibility group for youth who are aging out of foster care.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part III. Eligibility
Subpart 3. Eligibility Groups and Factors
Chapter 23. Eligibility Groups and Medicaid Programs
§2307. Youth Aging out of Foster Care

A. Pursuant to Section 477 of the Foster Care Independence Act of 1999 (Public Law 106-169) and Act 352 of the 2008 Regular Session of the Louisiana Legislature, the Department of Health and Hospitals hereby implements a Medicaid eligibility group, effective March 1, 2009, to provide health care coverage to youth who are transitioning out of foster care to self-sufficiency upon reaching age 18. This eligibility group will be called Youth Aging out of Foster Care.

B. Eligibility Requirements. Youth who are aging out of foster care on or after March 1, 2009 and meet all of the following requirements may receive Medicaid health care coverage under this new eligibility group.

1. The youth must be from age 18 up to age 21.
2. The youth must have been in foster care and in state custody, either in Louisiana or another state, upon obtaining age 18.
3. The youth must live in Louisiana.

C. Income, resources and insurance status are not considered when determining eligibility.

D. Individuals determined eligible in this group shall receive coverage of medically necessary health care services provided under the Medicaid State Plan.

1. The assistance unit shall consist of the youth only.

E. Eligibility for the program will continue until the youth reaches age 21 unless the youth:

1. moves out of state;
2. requests closure of the case;
3. is incarcerated; or
4. dies.

F. Application Process. No application is required for this eligibility group. Closure of a foster care case due to the youth reaching age 18 establishes eligibility.

G. Certification Period. The certification period shall begin the month the youth reaches age 18 and will end on the last day of the month in which the youth reaches age 21.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:

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

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

Alan Levine
Secretary

0902#083

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Mental Health Rehabilitation Program
Reimbursement Rate Reduction (LAC 50:XV.901)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XV.901 in the Medical Assistance Program as authorized by R.S. 36:254, pursuant to Title XIX of the Social Security Act and as directed by Act 19 of the 2008 Regular Session of the Louisiana Legislature which states: "The secretary shall, subject to the review and approval of the Joint Legislative Committee on the Budget, implement reductions in the Medicaid program as necessary to control expenditures to the level appropriated in this Schedule. Notwithstanding any law to the contrary, the secretary is hereby directed to utilize various cost-containment measures to accomplish these reductions, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations and other measures as allowed by federal law." This Emergency Rule is promulgated in accordance with the provisions of 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 final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing repealed the existing Rules governing the administration of the Mental Health Rehabilitation (MHR) Program that had been promulgated prior to 2004 and adopted revised provisions governing MHR services, including the reimbursement methodology (*Louisiana Register*, Volume 31, Number 5). The reimbursement paid for MHR services is a flat fee for each covered service provided to a qualified recipient.

As a result of a budgetary shortfall, the bureau has determined that it is necessary to amend the provisions governing the reimbursement methodology for MHR services to reduce the reimbursement rates. This action is necessary to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Mental Health Rehabilitation Program by approximately $498,924 for state fiscal year 2008-2009.

Effective February 1, 2009, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for mental health rehabilitation services to reduce the reimbursement rate.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XV. Services for Special Populations
Subpart 1. Mental Health Rehabilitation
Chapter 9. Reimbursement
§901. Reimbursement Methodology

A. - B. …

C. Effective for dates of service on or after February 1, 2009, the reimbursement rates for MHR services shall be

reduced by 3.5 percent of the fee amounts on file as of January 31, 2009.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1091 (May 2005), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:

Implementation of the provisions of this Rule is 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 Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Alan Levine
Secretary

0902#007

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Nursing Facilities—Leave of Absence Days
Reimbursement Reduction
(LAC 50:VII.1321)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:VII.1321 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 19 of the 2008 Regular Session of the Louisiana Legislature which states: "The secretary shall, subject to the review and approval of the Joint Legislative Committee on the Budget, implement reductions in the Medicaid program as necessary to control expenditures to the level appropriated in this Schedule. Notwithstanding any law to the contrary, the secretary is hereby directed to utilize various cost-containment measures to accomplish these reductions, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations and other measures as allowed by federal law." This Emergency Rule is promulgated 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, Bureau of Health Services Financing promulgated a Rule that amended the provisions governing reimbursement to nursing facilities for hospital leave of absence days (*Louisiana Register*, Volume 27, Number 1). Effective for dates of service on or after July 1, 2008, the reimbursement paid to nursing facilities was increased in accordance with the reimbursement methodology established in the August 20, 2002 Rule (*Louisiana Register*, Volume 28, Number 8). As a result of a budgetary shortfall, the bureau has determined that it is necessary to reduce the reimbursement paid to nursing facilities for leave of absence days.

This action is necessary to avoid a budget deficit in the medical assistance programs. Taking into consideration the reduction in per diem rates in state fiscal year 2009 for hospital and home leave of absence days based on occupancy rates, the department has carefully reviewed the proposed rates and is satisfied that they are consistent with efficiency, economy and quality of care and are sufficient to enlist enough providers so that non-state nursing facility services under the state plan are available at least to the extent that they are available to the general population in the state. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately $1,721,897 for state fiscal year 2008-2009.

Effective February 20, 2009, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for nursing facility leave of absence days.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part VII. Long Term Care Services
Subpart 1. Nursing Facilities
Chapter 13. Reimbursement
§1321. Leave of Absence Days

A. For each Medicaid recipient, nursing facilities shall be reimbursed for up to seven hospital leave of absence days per occurrence and 15 home leave of absence days per year.

B. The reimbursement for hospital leave of absence days is 75 percent of the applicable per diem rate.

C. Nursing facilities with occupancy rates under 90 percent. Effective for dates of service on or after February 20, 2009, reimbursement for hospital and home leave of absence days will be reduced to 10 percent of the applicable per diem rate in addition to the nursing facility provider fee.

D. Nursing facilities with occupancy rates equal to 90 percent or greater. Effective for dates of service on or after February 20, 2009, the reimbursement paid for home leave of absence days will be reduced to 90 percent of the applicable per diem rate, which includes the nursing facility provider fee.

1. The reimbursement for hospital leave of absence days shall continue to be 75 percent of the applicable per diem rate, which includes the nursing facility provider fee.

E. Occupancy percentages will be determined from the average annual occupancy rate as reflected in the Louisiana Inventory of Nursing Home Bed Utilization Report published from the period six months prior to the beginning of the current rate quarter. Occupancy percentages will be updated quarterly when new rates are loaded and shall be in effect for the entire quarter.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:

Implementation of the provisions of this Rule is 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 Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for

responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Alan Levine
Secretary

0902#008

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Outpatient Hospital Services—Private Hospitals
Reimbursement Reduction
(LAC 50:V.5313, 5513, 5713, 5913 and 6115)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.5313, 5513, 5713, 5913 and adopts §6115 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 19 of the 2008 Regular Session of the Louisiana Legislature which states: "The secretary shall, subject to the review and approval of the Joint Legislative Committee on the Budget, implement reductions in the Medicaid program as necessary to control expenditures to the level appropriated in this Schedule. Notwithstanding any law to the contrary, the secretary is hereby directed to utilize various cost-containment measures to accomplish these reductions, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations and other measures as allowed by federal law." This Emergency Rule is promulgated in accordance with the provisions of 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 final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted a Rule which established the reimbursement methodology for outpatient hospital services (*Louisiana Register*, Volume 22, Number 1). In compliance with the directives of Act 17 of the 2006 Regular Session of the Louisiana Legislature, the bureau amended the provisions governing the reimbursement methodology for outpatient hospital services to increase the reimbursement paid to private (non-state)acute care hospitals for cost-based outpatient services (*Louisiana Register*, Volume 33, Number 2). As a result of a budgetary shortfall, the bureau has determined that it is necessary to reduce the reimbursement paid to non-rural, non-state hospitals for outpatient services by 3.5 percent. This action is necessary to avoid a budget deficit in the medical assistance programs.

Taking into consideration the 3.5 percent reduction in outpatient hospital rates in state fiscal year 2009, the department has carefully reviewed the proposed rates and is satisfied that they are consistent with efficiency, economy and quality of care and are sufficient to enlist enough providers so that private (non-state) outpatient hospital services under the state plan are available at least to the extent that they are available to the general population in the state. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately $913,312 for state fiscal year 2008-2009.

Effective February 20, 2009, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for certain outpatient hospital services to reduce the reimbursement rates.

Title 50
PULIC HEALTH—MEDICAL ASSISTANCE
Part V. Hospitals
Subpart 5. Outpatient Hospitals

Chapter 53. Outpatient Surgery
Subchapter B. Reimbursement Methodology
§5313. Non-Rural, Non-State Hospitals

A. Effective for dates of service on or after February 20, 2009, the reimbursement paid to non-rural, non-state hospitals for outpatient surgery shall be reduced by 3.5 percent of the fee schedule on file as of February 19, 2009.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Service Financing, LR 35:

Chapter 55. Clinic Services
Subchapter B. Reimbursement Methodology
§5513. Non-Rural, Non-State Hospitals

A. Effective for dates of service on or after February 20, 2009, the reimbursement paid to non-rural, non-state hospitals for outpatient clinic services shall be reduced by 3.5 percent of the fee schedule on file as of February 19, 2009.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Service Financing, LR 35:

Chapter 57. Laboratory Services
Subchapter B. Reimbursement Methodology
§5713. Non-Rural, Non-State Hospitals

A. Effective for dates of service on or after February 20, 2009, the reimbursement paid to non-rural, non-state hospitals for outpatient laboratory services shall be reduced by 3.5 percent of the fee schedule on file as of February 19, 2009.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Service Financing, LR 35:

Chapter 59. Rehabilitation Services
Subchapter B. Reimbursement Methodology
§5913. Non-Rural, Non-State Hospitals

A. Effective for dates of service on or after February 20, 2009, the reimbursement paid to non-rural, non-state hospitals for outpatient rehabilitation services shall be reduced by 3.5 percent of the fee schedule on file as of February 19, 2009.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Service Financing, LR 35:

Chapter 61. Other Outpatient Hospital Services
Subchapter B. Reimbursement Methodology
§6115. Non-Rural, Non-State Hospitals

A. Effective for dates of service on or after February 20, 2009, the reimbursement paid to non-rural, non-state hospitals for outpatient hospital services other than clinical

diagnostic laboratory services, outpatient surgeries, rehabilitation services and outpatient hospital facility fees shall be reduced by 3.5 percent of the fee schedule on file for February 19, 2009.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Service Financing, LR 35:

Implementation of the provisions of this Rule is 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 Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Alan Levine
Secretary

0902#010

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Outpatient Hospital Services—State-Owned Hospitals
Reimbursement Methodology
(LAC 50:V.5715 and 6127)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.5715 and 6127 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953.B(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted a Rule which established the reimbursement methodology for outpatient hospital services at an interim rate of 60 percent of billed charges and cost settlement adjusted to 83 percent of allowable costs documented in the cost report, except for laboratory services subject to the Medicare fee schedule, outpatient rehabilitation and outpatient surgeries (*Louisiana Register*, Volume 22, Number 1). The January 20, 1996 Rule was subsequently amended to reduce the reimbursement rate paid for outpatient services (*Louisiana Register*, Volume 26, Number 12). Rules were later promulgated to increase the reimbursement paid for outpatient hospital rehabilitation services rendered to Medicaid recipients who are age 3 and older, outpatient clinic services and outpatient laboratory services (*Louisiana Register*, Volume 29, Number 7).

In compliance with Act 17 of the 2006 Regular Session of the Louisiana Legislature, the department amended the reimbursement methodology for outpatient services to increase the Medicaid reimbursement rates paid for outpatient services rendered in private (non-state) acute hospitals (*Louisiana Register*, Volume 33, Number 2). The department promulgated an Emergency Rule to amend the provisions governing the reimbursement methodology for outpatient hospital services rendered by small rural hospitals (*Louisiana Register*, Volume 34, Number 5). The department promulgated an Emergency Rule to amend provisions governing the reimbursement of outpatient clinical laboratory services and other covered outpatient services rendered by state-owned hospitals (*Louisiana Register*, Volume 34, Number 7). This Emergency Rule is being promulgated to continue the provisions of the July 1, 2008 Emergency Rule.

This action is necessary to avoid a budget deficit in the medical assistance programs.

Effective February 27, 2009, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the reimbursement methodology governing payments to state-owned hospitals for outpatient clinical laboratory services and other covered outpatient services.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part V. Hospital Services
Subpart 5. Outpatient Hospitals
Chapter 57. Laboratory Services
Subchapter B. Reimbursement Methodology
§5715. State-Owned Hospitals

A. For dates of service on or after July 1, 2008, state-owned hospitals shall be reimbursed for outpatient clinical laboratory services at 100 per cent of the current Medicare Clinical Laboratory Fee Schedule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:153 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Service Financing, LR 35:

Chapter 61. Other Covered Services
Subchapter B. Reimbursement Methodology
§6127. State-Owned Hospitals

A. Cost Based Services. The reimbursement methodology for state-owned outpatient hospital services are determined by a hospital cost to charge ratio based on each state hospital's latest filed cost report. These cost to charge ratio calculations will be reviewed on an ongoing basis as cost reports are filed and will be adjusted as necessary.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:

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

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

Alan Levine
Secretary

0810#075

DECLARATION OF EMERGENCY

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

Personal Care Services—Long Term
Reimbursement Rate Reduction
(LAC 50:XV.12917)

The Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services amends LAC 50:XV.12917 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 19 of the 2008 Regular Session of the Louisiana Legislature which states: "The secretary shall, subject to the review and approval of the Joint Legislative Committee on the Budget, implement reductions in the Medicaid program as necessary to control expenditures to the level appropriated in this Schedule. Notwithstanding any law to the contrary, the secretary is hereby directed to utilize various cost-containment measures to accomplish these reductions, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service limitations and other measures as allowed by federal law." This Emergency Rule is promulgated in accordance with the provisions of 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 final Rule, whichever occurs first.

Pursuant to the Deficit Reduction Act of 2005, the Department of Health and Hospitals, Office of Aging and Adult Services amended the provisions governing long-term personal care services to implement a pilot program called the Louisiana Personal Options Program (La POP) which allows Medicaid recipients to direct and manage their own personal care services (*Louisiana Register*, Volume 34, Number 12). The December 20, 2008 Rule also amended the provisions governing the reimbursement methodology for long-term personal care services to establish a payment methodology for La POP.

As a result of a budgetary shortfall, the department has determined that it is necessary to amend the provisions governing the reimbursement methodology for long-term personal care services to reduce the reimbursement rate. This action is necessary to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Personal Care Services Program by approximately $3,004,559 for state fiscal year 2008-2009.

Effective February 1, 2009, the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services amends the provisions governing the reimbursement methodology for long term-personal care services to reduce the reimbursement rate.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XV. Services for Special Populations
Subpart 9. Personal Care Services
Chapter 129. Long Term Care
§12917. Reimbursement Methodology

A. - C.3. …

D. Effective for dates of service on or after February 1, 2009, the reimbursement rate for long-term personal care services shall be reduced by 3.5 percent of the rate on file as of January 31, 2009.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:913 (June 2003), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:253 (February 2008), LR 34:2581 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 35:

Implementation of the provisions of this Rule is 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 Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Alan Levine
Secretary

0902#006

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Targeted Case Management—Reimbursement Rate
Reduction (LAC 50:XV.10701)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:XV.10701 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act and as directed by Act 19 of the 2008 Regular Session of the Louisiana Legislature which states: "The secretary shall, subject to the review and approval of the Joint Legislative Committee on the Budget, implement reductions in the Medicaid program as necessary to control expenditures to the level appropriated in this Schedule. Notwithstanding any law to the contrary, the secretary is hereby directed to utilize various cost-containment measures to accomplish these reductions, including but not limited to precertification, preadmission screening, diversion, fraud control, utilization review and management, prior authorization, service

limitations and other measures as allowed by federal law." This Emergency Rule is promulgated in accordance with the provisions of 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 final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for targeted case management services to: 1) require case management agencies to bill in 15 minute increments; 2) establish cost reporting requirements; and 3) increase the reimbursement rate paid for targeted case management services provided to infants and toddlers (*Louisiana Register,* Volume 35, Number 1).

As a result of a budgetary shortfall, the bureau has determined that it is necessary to amend the provisions governing the reimbursement methodology for targeted case management to reduce the reimbursement rate. This rate reduction is not applicable to Infants and Toddlers and EPSDT case management. This action is necessary to avoid a budget deficit in the medical assistance programs. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately $186,970 for state fiscal year 2008-2009.

Effective February 1, 2009, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for targeted case management to reduce the reimbursement rate.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XV. Services for Special Populations
Subpart 7. Targeted Case Management
Chapter 107. Reimbursement
§10701. Reimbursement

A. - D. …

E. Effective for dates of service on or after February 1, 2009, the reimbursement for case management services provided to the following targeted populations shall be reduced by 3.5 percent of the rates on file as of January 31, 2009:

1. participants in the Nurse Family Partnership Program;
2. individuals with developmental disabilities; and
3. individuals with disabilities resulting from HIV.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1040 (May 2004), amended LR 31:2032 (August 2005), amended LR 35:73 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:

Implementation of the provisions of this Rule is 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 Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Alan Levine
Secretary

0902#011

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Licensed Professional Counselors Board of Examiners

Licensure Requirments (LAC 46:LX.Chapter 33)

In accordance with the emergency provisions of the Administrative Procedures Act, R.S. 49:953(B) et seq., the Licensed Professional Counselors Board of Examiners is declaring an Emergency Rule to revise Sections 3303 and 3307-3313 of the Board Rules (Title 46, Part LX of the *Louisiana Administrative Code*), relative to the academic requirements for licensure of Marriage and Family Therapists.

The effective date of this Emergency Rule is January 16, 2009, and it shall be in effect for 120 days, or until a final rule is promulgated, whichever occurs first.

The Emergency Rule is necessary to clarify requirements for Licensed Marriage and Family Therapists and Marriage and Family Therapy Interns as to graduate degrees and academic clinical supervision.

There will be no adverse fiscal impact on the state as a result of this Rule insasmuch as the Licensed Professional Counselors Board of Examiners operates solely on self-generated funds. Further, it will benefit the consumer by helping to assure strict and definite academic requirements for licensure of Licensed Marriage and Family Therapists.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LX. Licensed Professional Counselors Board of Examiners
Subpart 2. Professional Standards for Licensed Marriage and Family Therapists
Chapter 33. Requirements for Licensure
§3303. Definitions

Allied Mental Health Discipline—repealed.

* * *

Appropriate Graduate Degree—repealed.

* * *

Marriage and Family Therapist Intern or MFT Intern—a person registered with the board who is receiving MFT approved post-graduate supervision.

Recognized Educational Institution—repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:155 (February 2003), amended LR 29:2784 (December 2003), LR 35:

§3307. Specific Licensing Requirements for Applications Made on or before June 30, 2004

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:155 (February 2003), amended LR 29:2785 (December 2003), repealed LR 35:

§3309. Specific Licensing Requirements for Applications Made on or before June 30, 2004

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:156 (February 2003), amended LR 29:2785 (December 2003), repealed LR 35:

§3311. Academic Requirements

A. The advisory committee and board have determined that *meets the standards* as provided in RS 37:1101(12) means:

1. a master's or doctoral degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) in a regionally accredited educational institution or a certificate in marriage and family therapy from a post-graduate training institute accredited by COAMFTE; or

2. a master's or doctoral degree in marriage and family therapy or marriage and family counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) in a regionally accredited educational institution with a minimum of six graduate courses in marriage and family therapy including coursework on the AAMFT Code of Ethics and a minimum of 500 supervised direct client contact hours, with a minimum of 250 hours of these 500 hours with couples and families, and a minimum of 100 hours of face-to-face supervision. The training of the supervisor must be equivalent to that of an AAMFT Approved Supervisor or AAMFT Supervisor Candidate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:156 (February 2003), amended LR 29:2785 (December 2003), LR 35:

§3313. Examination Requirements

A. The examination for licensure shall be the national marriage and family therapy examination as determined by the advisory committee. No other examination will be accepted.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:158 (February 2003), amended LR 35:

§3315. Supervision Requirements

A. General Provisions

1. Applicants who meet the degree or certification requirements must successfully complete a minimum of two years of work experience in marriage and family therapy under qualified supervision in accordance with COAMFTE supervision standards as described in this Section.

B. Definitions for Supervision

* * *

MFT Intern—a person registered with the board who is receiving supervision from an LMFT-approved supervisor or LMFT-registered supervisor candidate.

* * *

C. Supervision Requirements for Licensure

1. A registered MFT intern must complete a minimum of two years of post-graduate work experience in marriage and family therapy that includes at least 3,000 hours of clinical services to individuals, couples, or families.

1.a. - 7.e. ...

D. Qualifications of an LMFT-Approved Supervisor and an LMFT-Registered Supervisor Candidate

1. - 2. ...

3. A person who wishes to become an LMFT-approved supervisor must be a licensed marriage and family therapist and must submit a completed application that documents that he or she meets the requirements. in one of two ways.

a. The applicant may meet the requirements by meeting the following coursework, experience, and supervision of supervision requirements.

i. Coursework requirements:

(a). a one-semester graduate course in marriage and family therapy supervision from a regionally accredited institution; or

(b). an equivalent course of study consisting of a 15-hour didactic component and a 15-hour interactive component in the study of marriage and family therapy supervision approved by the advisory committee. The interactive component must include a minimum of four persons.

ii. Experience requirements:

(a). has a minimum of two years experience as a licensed marriage and family therapist.

iii. Supervision of supervision requirements:

(a). 36 hours of supervision of supervision for marriage and family therapy must be taken from an LMFT-approved supervisor.

(b). - (c). repealed.

b. …

4. LMFT-Registered Supervisor Candidate

a. …

i. includes documentation of a minimum of two years of experience as a licensed marriage and family therapist;

a.ii. - d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1101-1122.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Licensed Professional Counselors Board of Examiners, LR 29:158 (February 2003), amended LR 29:2787 (December 2003), LR 35:

Eddye Boeneke
Executive Director

0902#012

DECLARATION OF EMERGENCY

Department of Social Services
Office of Community Services

Daycare Services (LAC 67:V.2301)

The Department of Social Services (DSS), Office of Community Services (OCS), has exercised the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), to amend LAC 67:V.2301, to become effective upon the signature of the Secretary of the DSS.

Emergency action is necessary to allow the transfer of funds within the DSS from the Office of Family Support (OFS) to the OCS for the payment of daycare services delivered to a non-custody child of a minor child in foster care. The OFS provides OCS with the majority of funds utilized to support the agency's daycare services program of which this service is a part.

This Emergency Rule shall remain in effect for a period of 120 days.

Title 67
SOCIAL SERVICES
Part V. Community Services
Subpart 4. Daycare Services
Chapter 23. Daycare
§2301. Daycare Services

A. - C. ...

D. reserved.

E. The non-custody child of a minor child in foster care is upon birth at risk for abuse and or neglect due to: the abuse/neglect history of the parent, the legal status of the parent as a minor and a ward of the state, the lack of financial or other support resources of the minor parent, and, the competency level of the minor parent to provide care for a child. Protective services provided to insure the safety and well-being of a non-custody child of minor child in foster care shall include but not be limited to child care assistance.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 98.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 11:689 (July 1985), amended LR 18:868 (August 1992), LR 25:2443 (December 1999), LR 31:101 (January 2005), LR 33:1685 (August 2007), LR 35:

Kristy N. Nichols
Secretary

0902#020

DECLARATION OF EMERGENCY

Department of Social Services
Office of Family Support

Jobs for America's Graduates Louisiana (JAG-LA) Program
(LAC 67:III.5591)

The Department of Social Services, Office of Family Support, has exercised the emergency provision in accordance with R.S. 49:953(B), the Administrative Procedure Act to amend LAC 67:III:5591, Jobs for America's Graduates Louisiana (JAG-LA) Program a TANF Initiative. This Emergency Rule, effective February 3, 2009, will remain in effect for a period of 120 days.

The agency is expanding the age range of participants and the scope of services of the JAG-LA Program to keep in school those students at risk of failing in school, to capture out-of-school youth in need of a high school education, to provide an avenue for achieving academically, and to assist students in ultimately earning recognized credentials that will make it possible for them to exit school and enter post-secondary education and/or the workforce.

The authorization for emergency action in this matter is contained in Act 19 of the 2008 Regular Session of the Louisiana Legislature.

Title 67
SOCIAL SERVICES
Part III. Office of Family Support
Subpart 15. Temporary Assistance to Needy Families (TANF) Initiatives
Chapter 55. TANF Initiatives
§5591. Jobs for America's Graduates Louisiana (JAG-LA) Program

A. Effective July 1, 2007, the Office of Family Support shall enter into a Memorandum of Understanding with the Department of Education for the Jobs for America's Graduates Louisiana (JAG-LA) Program to help keep in school those students at risk of failing in school, to capture out-of-school youth in need of a high school education, to provide an avenue for achieving academically, and to assist students in ultimately earning recognized credentials that will make it possible for them to exit school and enter post-secondary education and/or the workforce.

B. These services meet the TANF Goal 3 to prevent and reduce the incidence of out of wedlock pregnancies by providing intervention and improved life prospects for students who show evidence of failing, dropping out or engaging in negative behaviors that can lead to dependency, out-of-wedlock births, imprisonment, and/or other undesirable outcomes which may lead to the detriment and impoverishment of youth.

C. Eligible participants in the JAG-LA Program shall be 12-22 years of age and must face at least two designated barriers to success that include economic, academic, personal, environmental, or work related barriers.

D. ...

AUTHORITY NOTE: Promulgated in accordance with 42 USC 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 18, 2007 Reg. Session. Act 19, 2008 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 33:2468 (November 2007), amended LR 34:698 (April 2008), LR 35:

Kristy H. Nichols
Secretary

0902#021

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Fall Shrimp Season Closure—Remainder of Zone 1

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 and R.S. 56:497 which allows the Wildlife and Fisheries Commission to delegate to the secretary of the department the powers, duties and authority to set seasons, and in accordance with a resolution adopted by the Wildlife and Fisheries Commission on August 7, 2008, which authorized the Secretary of the Department of Wildlife and Fisheries to change the closing dates of the 2008 Fall Shrimp Season if biological and technical data indicate the need to do so or if enforcement problems develop and to close all or parts of state inside and outside waters if significant numbers of small white shrimp are found in these waters, and to re-open these waters if significant numbers of marketable size shrimp are available for harvest, the Secretary of the Department of Wildlife and Fisheries does hereby declare that the 2008 fall inshore shrimp season in the remaining portion of Shrimp Management Zone 1 shall close at official sunset January 23, 2009 except for the open waters of Breton and Chandeleur Sounds as described by the double-rig line (R.S. 56:495.1(A)2) which shall remain open until 6 a.m., March 31, 2009.

Robert J. Barham
Secretary

0902#016

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Large Coastal Shark Season Opening

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 Rule LAC 76:VII.357.M.2 which allows the secretary to establish seasons, the Secretary of the Department of Wildlife and Fisheries hereby declares:

Effective 12:01 a.m., January 23, 2009, the commercial fishery for large coastal sharks in Louisiana waters, as described in LAC 76:VII.357.B.2, (great hammerhead, scalloped hammerhead, smooth hammerhead, nurse shark, blacktip shark, bull shark, lemon shark, sandbar shark, silky shark, spinner shark and tiger shark) will open until 12:01 a.m., April 1, 2009. Effective with this opening, properly licensed and permitted persons may commercially harvest, possess, and sell large coastal sharks and fins thereof, whether taken from within or without Louisiana waters in compliance with the rules as set forth by the National Marine Fisheries Service for federal waters, and by the Louisiana Wildlife and Fisheries Commission at their October 2, 2008 meeting. Only properly licensed and permitted dealers may purchase large coastal sharks and fins during the open season.

The secretary has been notified by the National Marine Fisheries Service that the harvest of large coastal sharks in the federal waters of the Gulf of Mexico will open on January 23, 2009. Establishment of this seasonal opening will ensure that compatible seasonal regulations are in effect in state and adjacent federal waters.

Robert J. Barham
Secretary

0902#015

Rules

RULE

Department of Agriculture and Forestry
Office of the Commissioner

Agritourism (LAC 7:XLV.Chapter 1)

In accordance with the Administrative Procedures Act, R.S. 49:950 et seq., and R.S. 3:2, 3:3 and 9:2795.5, the Commissioner of Agriculture and Forestry, adopts regulations to define agritourism activities and to provide the procedure for the approval of agritourism plans of operation. Under R.S. 9:2795.5 the commissioner must define activities related to agritourism for the limitation of civil liability provided for in the statute to become effective and to implement the intent of the legislature. Plans of operation must also be approved by the director of the Louisiana Cooperative Extension Service of the Louisiana State University Agricultural Center or his designee in order to implement the legislation. These regulations provide for the procedure by which an agritourism professional's plan of operation may be submitted for approval and the effects of the approval of the plan. This Rule is enabled by R.S. 9:2795.5.

Title 7
AGRICULTURE AND ANIMALS
Part XLV. Agritourism
Chapter 1. Agritourism Activities; Plans of Operation

§101. Definitions

A. The words and terms defined in R.S. 9:2795.5 are applicable to this Chapter.

B. The following words and terms are defined for the purposes of this Chapter.

Agricultural Operation—a working farm, ranch, or other commercial agricultural, aquacultural, horticultural, or forestry operation.

Agritourism Plan of Operation—a planning document that will assist agritourism professionals in identifying and addressing possible inherent risks on their operations through recommended best management practices. Components of the plan will include listing of activities, their risks, suggestions for minimizing those risks, and a plan for the location of warning signs.

Commissioner—the Commissioner of Agriculture and Forestry for Louisiana.

Department—the Louisiana Department of Agriculture and Forestry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2, 3:3 and 9:2795.5.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 35:204 (February 2009).

§103. Agritourism Activities

A. Agritourism activities are activities engaged in by a participant for one or more of the purposes of enjoyment of, education about, or participation in, the activities of an agricultural operation.

B. The commissioner has defined certain activities as agritourism activities when such activities are conducted in relation to an agricultural operation. The defining of an activity as an agritourism activity also includes the enjoyment of, education about or participation in closely related activities even though such closely related activities may not be specifically listed in the definition. For example, an agricultural craft tour or visit includes such things as attending on-site lectures, hands on participation in the making of an art or craft article, and purchase of an article.

1. The commissioner may add or remove activities to or from the list of agritourism activities from time to time by publishing a supplemental list of agritourism activities in the Potpourri Section of the *Louisiana Register* and by updating the list of activities on the department's website.

2. Interested persons may request activities to be added or deleted from the list of agritourism activities.

a. All such requests shall be submitted in writing to the department by letter or e-mail. Each request shall provide the name, address, and contact information for the person making the request, a description of the activity, and how it is related to an agricultural operation.

b. The commissioner shall make the determination as to whether the activity will be added or deleted from the list of agritourism activities. The requesting party shall be notified of the commissioner's decision.

C. A list of the agritourism activities shall be published annually in the Potpourri Section of the February issue of the *Louisiana Register* and on the department's website.

D. The initial annual listing of agritourism activities established by the commissioner is listed below.

Annual Listing of Agritourism Activities in Accordance with LAC 7:XLV.101-105	
Notice: The activities listed below are agritourism activities only when conducted in relation to an agricultural operation as defined in LAC 7:XLV.101.	
Agricultural Crafts Tours and Visits	Farm/Ranch Vacations
Agricultural Exhibits Tours and Visits	Farmers Markets/on Farm Sales/Roadside Stands Visits and Participation
Agricultural Fairs and Festivals Visits and Participation	Fishing
Agricultural Operations Planting, Harvesting and Working Activities	Game/Exotic Farm Animal Tours and Visits
Agricultural Operations Tours and Visits	Garden/Nursery Tours and Visits
	Guided Crop Tours and Visits
Bed and Breakfasts Tours, Visits, and Stays	Hiking/Packing Trips
Bird Watching	Historical Tours of or Visits to Former Agricultural Operations
Boating/Swamp Tours	Horseback/Pony Riding
Camping/Picnicking	Hunting
Christmas Tree Farms Visits and Tree Cutting	Hunting/Working Dog Trials/Training
Corn/Hay Bale/Other Mazes Visits and Participation	Petting Zoos Tours, Visits, and Interaction with Animals
Crop Harvesting at U-Pick Operations	Pumpkin Patch Visits and Participation
Educational Tours and Visits	Skeet Shooting
Equine Activity [as defined in R.S. 9:2795.3(A)(3)] Attendance and Participation	Wagon Rides Attendance and Participation
	Winery Tours and Visits

Annual Listing of Agritourism Activities in Accordance with LAC 7:XLV.101-105	
Notice: The activities listed below are agritourism activities only when conducted in relation to an agricultural operation as defined in LAC 7:XLV.101.	
Farm Animal Activity [as defined in R.S. 9:2795.1(A)(3)] Attendance and Participation	Youth Camp Stays and Participation

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2, 3:3 and 9:2795.5.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 35:204 (February 2009).

§105. Procedure for Submission of Plan of Operation

A. Any agritourism professional who conducts an agritourism activity and seeks to avail himself of R.S. 9:2795.5 shall submit a written and completed agritourism plan of operation for each such activity to the Louisiana Cooperative Extension Service of the Louisiana State University Agricultural Center for approval. Multiple activities may be included in the plan. The agritourism plan of operation may be sent to LSU AgCenter, 11959 Highway 9, Homer, LA 71040.

1. An agritourism professional who adds an agritourism activity after his agritourism plan of operation has been approved shall submit an agritourism plan of operation for the new activity to the Louisiana Cooperative Extension Service of the Louisiana State University Agricultural Center for approval.

2. An agritourism plan of operation shall be submitted for each separate agricultural operation where agritourism activities are to be conducted.

B. The agritourism plan of operation shall include:

1. the name, physical address, mailing address, and telephone number of the agritourism professional;

2. the name under which the agritourism professional will operate, the physical address, mailing address and telephone number of the agricultural operation, if different than the information provided for the agritourism professional;

3. the business structure, (sole proprietorship, partnership, corporation, limited liability company, joint venture, or other structure);

4. the physical location of the agricultural operation;

5. the nature of the agritourism activities to be conducted at the location;

6. the known inherent risks to participants in the agritourism activities;

7. the best management practices, including the placement of warning signs, to be used by the agritourism professional for reducing these risks and for warning participants of the risks;

8. any other information requested by the Louisiana Cooperative Extension Service of the Louisiana State University Agricultural Center.

C. An agritourism professional, upon approval and implementation of his agritourism plan of operation, shall be presumed to be conducting an agritourism activity for each activity listed on an approved agritourism plan of operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2, 3:3 and 9:2795.5.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 35:205 (February 2009).

Mike Strain, DVM
Commissioner

0902#025

RULE

Department of Agriculture and Forestry
Structural Pest Control Commission

Administration, Applications and Examinations
(LAC 7:XXV.Chapter 1)

In accordance with the Administrative Procedures Act, R.S. 49:950 et seq., and R.S. 3366, the Department of Agriculture and Forestry, Structural Pest Control Commission, (commission) amends regulations to change the secretary of the commission, amend requirements for applicants to obtain affidavits of experience, provide for disqualification of applicants based on failure to pass or for cheating on an examination, provide for an appeal from such disqualification, and make technical language changes.

The commission deems the implementation of these rules and regulations necessary to define the secretary of the commission as the Assistant Commissioner of Agricultural and Environmental Sciences, to define the word "department," provide applicants a method to verify employment or experience where supervisors refuse or are no longer available to make such verifications; to close a loop hold that would allow an applicant who failed to pass an examination to still obtain a license or registration; to provide for the consequences of cheating on exams for licensing and registration, with provisions for appealing a disqualification for that reason; and to make technical changes that clarify or simplify the rules.

This Rule complies with and are enabled by R.S. 3:3366.

Title 7
AGRICULTURE AND ANIMALS
Part XXV. Structural Pest Control
Chapter 1. Structural Pest Control Commission
§101. Definitions

* * *

Department—the Louisiana Department of Agriculture and Forestry.

* * *

Secretary or Secretary of the Commission—the Assistant Commissioner of Agricultural and Environmental Sciences (assistant commissioner).

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3362 and 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission LR 15:954 (November 1989), 17:251 (March 1991), LR 23:855 (July 1997), LR 30:1143 (June 2004), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 31:26

(January 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 32:796 (May 2006), repromulgated LR 32:1015 (June 2006), amended LR 33:39 (January 2007), LR 35:205 (February 2009).

§103. Administration of the Affairs of the Commission; Adoption of Rules and Regulations

A. As provided by R.S. 3:3364, the commissioner or his designee shall serve as permanent chairman of the commission.

B. The assistant commissioner shall serve as secretary of the commission.

C. - Q. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3364 and 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:325 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 20:644 (June 1994), LR 35:206 (February 2009).

§109. Licensee Examination; Contents of Application; Examination

A. An application for examination for licensure may be made at any time by filing a complete application, on forms provided by the commission.

B. ...

C. Each applicant for examination shall pay a nonrefundable fee of $50 per examination upon the commission's approval of the applicant's application for examination.

D. - D.3. …

4. proof of practical experience in pest control work:

a. upon request of the commission, the applicant shall submit from the said supervising licensee, a written statement that the jobs have been participated in by the applicant under his supervision and that the applicant has demonstrated the requisite knowledge to perform and supervise such work;

b. experience in pest control work. Information to be provided includes, but is not limited to, business name and address where employed under supervision, name of the licensee providing supervision to the applicant and evidence of registration while in the claimed employment. Applicants seeking licensure on the basis of experience must provide a notarized statement from the licensee who supervised the applicant, attesting to the period of supervised employment and the capacity in which the applicant was employed, said affidavit to be executed on a form to be provided by the department;

c. if at the time of application, the licensee who provided supervision is deceased, his whereabouts are unknown, or fails or refuses to supply the statement, affidavit, or both, required under Subparagraphs a and b above, then the commission may waive the requirements for such statement, affidavit, or both upon:

i. submission by the applicant of a notarized statement signed by the applicant that the licensee who provided supervision is deceased, his whereabouts are unknown, or fails or refuses to supply the statement, affidavit, or both, required under Subparagraphs a and b above, and

ii. verification by the department to the commission of the applicant's experience in pest control work.

E. Any applicant who is not approved by the commission to take the examination will be notified of the commission's decision. An applicant who has not been approved by the commission to take an examination will not be admitted to the examination.

F. ...

G. Examinations will be given once during each quarter of the year by the director or the secretary only at the times or places which have been previously announced for each quarter.

H. - I. …

J. An applicant shall be disqualified from completing an examination or taking any other examination administered under these rules and regulations if the applicant is caught or found to be cheating on an examination or using any written materials, electronic devices, or other means during an examination, which have not been authorized or allowed by the director or person administering the examination.

1. Any such applicant shall not be allowed to finish the examination and shall receive a score of zero. If an applicant finished the examination prior to the discovery of the cheating or use of unauthorized written materials, electronic devices, or other means the applicant's examination shall be voided and the applicant shall receive a score of zero.

2. Any applicant who is not allowed under this Subsection J to finish an examination, or whose examination is voided, or who is disqualified from taking the examination or any other examination administered under these rules and regulations may appeal the action to the commission.

i. The appeal must be in writing, state the grounds for the appeal, and filed with the director or secretary within 30 days of the date of the action complained of.

ii. The appeal will be placed on the agenda for the next meeting of the commission and the applicant will be notified of the date and place of the next meeting.

iii. The appeal will be decided by the commission. The decision of the commission shall be the final administrative decision in the matter.

iv. An appeal from the decision of the commission shall be in accordance with the Administrative Procedure Act.

v. The action or administrative decision shall become final if no appeal is timely filed at any step in the proceedings or if the action is upheld on appeal.

3. During the pendency of any appeal or during the time limit for the filing of any appeal the applicant shall not be allowed to take any examination administered under these rules and regulations.

4. If the action or administrative decision is not appealed or is upheld on appeal then the applicant shall not be allowed to take or re-take the examination or any other examination administered under these rules and regulations for a period of three years from the examination date without the approval of the commission given at a meeting of the commission.

K. Each applicant shall be sent written notification of his or her examination results within 30 days after completing of the examination.

AUTHORITY NOTE: Promulgated in accordance with R.S.3:3366, 3:3368 and 3:3369.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:326 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:955 (November 1989), LR 35:206 (February 2009).

§113. Registration of Employees; Duties of Licensee and Registered Employee with Respect to Registration; Examinations

A. - D.3. …

E. An employee's registration certificate shall be issued within 20 working days after the department receives the completed registration form or the technician has successfully passed the examination, whichever is later.

F. The requirements for the examination are as follows.

1. Each employee requesting to take the examination will be notified by the department of the date, time, and location of the next available examination.

2. The minimum score required for successful completion of the examination is 70 percent.

3. The consequences and procedures that apply as a result of cheating on an examination or using any written materials, electronic devices, or other means during an examination, which have not been authorized or allowed by the director or person administering the examination are the same as are provided for in §109.J of this Chapter.

4. Each technician who did not successfully pass the examination will be notified of the results in writing within twenty working days after the examination.

G.. Each registration certificate is personal to the holder and may not be transferred to another for any purpose or for any period of time and may not be utilized in any way by any person other than the registered employee whose name appears on the certificate.

H. A registration certificate is valid only while the registered employee remains under the supervision of the licensee making application for the employee's registration certificate.

I. The licensee must require the registered employee to sign the registration certificate, in the presence of the licensee, within five days after the licensee receives the registration certificate from the department.

J. A registered employee must have his registration certificate in his possession at all times while engaging in pest control work and must display his registration certificate upon reasonable request by any employee of the department and to any person for whom pest control work is being performed.

K. A registered employee may perform pest control work only in the phase of pest control work for which he is registered.

L. Upon termination of a registered employee, the licensee must secure the employee's registration certificate, notify the department of the employee's termination and return the registration certificate to the department within five working days after the termination.

M. If the licensee is unable to retrieve the registration certificate of a terminated employee, the licensee must notify the department of the employee's termination within five working days after the termination and provide written reasons for the failure to retrieve the terminated employee's registration certificate.

N. Each employee and/or registered technician shall remit to each employer all funds collected in connection with structural pest control work performed by the employee.

O. Each employer shall pay each employee and/or registered technician in accordance with the terms of the employment agreement between them.

P. Each employer shall withhold from the pay of each employee the amounts which employers are required to withhold from employees by applicable state and federal laws.

Q. Each employer shall keep complete records at the place of business establishment of all structural pest control work performed for a period of at least two years. These records shall include the address of the structure treated, the name of the technician who performed the treatment, the name of the person for whom the treatment was performed, and the common name of the pesticide applied.

R. Each registered technician shall participate in a continuing education program as a condition of maintaining his or her status as a registered technician at least once annually (July 1 to June 30).

1. Each continuing education program must be approved in advance by the department.

2. Each continuing education program must be a minimum of one hour in length per category in which the technician is registered.

3. Documentation of the technician attendance and participation must be forwarded to the department and a copy retained at the technician's place of employment.

4. Any registered technician who fails to attend may be called to a commission hearing.

AUTHORITY NOTE: Promulgated in accordance with R.S.3:3366, 3:3368 and 3:3369.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:327 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:956 (November 1989), LR 32:797 (May 2006), repromulgated LR 32:1016 (June 2006), LR 35:207 (February 2009).

§141. Minimum Specifications for Termite Control Work

A. The commission's annual listing of chemicals approved for termite control work shall remain in full force and effect until superseded by a publication of a subsequent full listing.

1. All chemicals registered by the EPA and the department are approved by the commission, but only at the chemical compositions approved by the EPA.

2. The commission will issue an annual listing of chemicals approved by the commission for termite control work. The listing shall become effective upon publication in the Potpourri Section of the *Louisiana Register* and shall remain in effect until changed by the commission. The commission may supplement its listing whenever any new chemical is approved for termite control work and may also remove a previously approved chemical from its approved listing by publication in the Potpourri Section of the

Louisiana Register. Upon publication of the listing of chemicals approved for termite control work, all previous listings shall be repealed. The commission delegates to the assistant commissioner the responsibility for publication of the list of chemicals approved by the commission.

A.3. - L.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:330 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:958 (November 1989), LR 20:644 (June 1994), LR 21:931 (September 1995), LR 23:1285 (October 1997), LR 25:235 (February 1999), LR 25:1620 (September 1999), LR 26:2437 (November 2000), LR 27:1180 (August 2001), LR 29:1063 (July 2003), LR 30:1145 (June 2004), repromulgated LR 30:1614 (August 2004), LR 35:207 (February 2009).

Mike Strain, DVM
Commissioner

0902#024

RULE

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—LEAP Alternate Assessment, Level 1
(LAC 28:CXI.Chapter 19)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 118—Statewide Assessment Standards and Practices*: §1901. Overview; §1903. Introduction; §1905. Participation Criteria; §1907. Test Structure; §1909. Scoring; Subchapter E. Alternate Achievement Levels and Performance Standards; §1911. LAA 1 Alternate Achievement Levels; §1913. Performance Standards; Subchapter F. Alternate Achievement Level Descriptors; §1915. Introduction; §1917. Grade span 3-4 Alternate Achievement Level Descriptors; §1919. Grade Span 5-6 Alternate Achievement Level Descriptors; §1921. Grade Span 7-8 Alternate Achievement Level Descriptors; §1923. Grade Span 9-10 Alternate Achievement Level Descriptors; §1925. LAA 1 Science Alternate Achievement Level Descriptors. LAA 1 Science Alternate Achievement Level Descriptors. The document will provide new and updated statewide test information and provide easy access to that information. It was necessary to revise the bulletin at this time to incorporate new and edited guidelines to the Louisiana Alternate Assessment, Level 1 (LAA 1) statewide assessment program. New policy language, updates, scaled-score ranges, achievement levels, and achievement level descriptors are being added to Chapter 19, Louisiana Alternate Assessment Level 1 (LAA 1). The new policy addresses English language arts and mathematics being assessed in grade spans 3-4; 5-6; 7-8; 9-10 and science being assessed at grades 4, 8, and 11.

Title 28
EDUCATION
Part CXI. Bulletin 118—Statewide Assessment Standards and Practices
Chapter 19. LEAP Alternate Assessment, Level 1
Subchapter A. Background
§1901. Overview

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

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1556 (July 2005), amended LR 32:239 (February 2006), LR 33:425 (March 2007), LR 35:208 (February 2009).

Subchapter B. General Provisions
§1903. Introduction

A. The LAA 1 is a performance-based student assessment that evaluates each student's knowledge and skills in the Louisiana content standards using extended standards (ES).

1. LAA 1 correlates to the ESs that are extensions of the state academic content standards.

2. The ESs capture the essence of the content standards and provide a way for students with significant cognitive disabilities to access the general education curriculum.

B. Three levels of academic complexity related to each ES provide instructional access for students with varying academic abilities.

1. The ESs are organized in four grade spans that represent the core academic content considered appropriate for students taking LAA 1 at each grade span:

a. grades 3-4;
b. grades 5-6;
c. grades 7-8; and
d. grades 9-11.

C. Definitions

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

Content Standards—broad statements of what students should know and be able to do.

Benchmarks—define the standards more specifically.

GLEs—state what all students should know and be able to do at the end of a given grade level.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:425 (March 2007), LR 35:208 (February 2009).

Subchapter C. Target Population

§1905. Participation Criteria

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

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:425 (March 2007), repromulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student Performance, LR 35:209 (February 2009).

Subchapter D. LAA 1 Test Design

§1907. Test Structure

A. LAA 1 is organized by grade spans.

Content Area	Grade Span	Skill Area	
English Language Arts	3-10	Writing Reading Using Information Resources Listening	25 performance tasks distributed across the 4 test components
Mathematics	3-10	Numbers Measurement and Geometry Data Algebra and Patterns	25 performance tasks distributed across the 4 test components
Science	4, 8, and 11	Science as Inquiry Physical Science Life Science Earth, Space, and Environmental Science	25 performance tasks distributed across the 4 test components
Notes: Quantities of performance tasks are approximate and will not exceed the number noted. Quantities of performance tasks aligned to each component will vary. The Earth, Space, and Environmental Science Component is not assessed in grade 11.			

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:425 (March 2007), LR 35:209 (February 2009).

§1909. Scoring

A. The scoring rubric for the LAA 1 is based on a 0 to 2 point or a 0 to 1 point scale according to an item-specific rubric.

1. Two point tasks allow the possibility of a partially correct response.

2. One point tasks are either correct or incorrect.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:426 (March 2007), LR 35:209 (February 2009).

Subchapter E. Alternate Achievement Levels and Performance Standards

§1911. LAA 1 Alternate Achievement Levels

A.1 The Louisiana LAA 1 alternate achievement levels are:

a. exceeds standard;

b. meets standard; and

c. working toward standard.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance LR 33:426 (March 2007), LR 35:209 (February 2009).

§1913. Performance Standards

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

B. LAA 1 Alternate Achievement Levels and Scaled-Score Growth Ranges

1. English Language Arts and Mathematics Scaled Score Ranges

Achievement Level	English Language Arts Scaled-Score Ranges			
	Grade Span 3-4	Grade Span 5-6	Grade Span 7-8	Grade Span 9-10
Exceeds Standard	840-900	840-900	848-900	845-900
Meets Standard	810-839	810-839	810-847	810-844
Working Toward Standard	700-809	700-809	700-809	700-809
Mathematics Scaled-Score Ranges				
Achievement Level	**Grade Span 3-4**	**Grade Span 5-6**	**Grade Span 7-8**	**Grade Span 9-10**
Exceeds Standard	845-900	843-900	846-900	840-900
Meets Standard	810-844	810-842	810-845	810-839
Working Toward Standard	700-809	700-809	700-809	700-809

2. Science Scaled Score Ranges

Science Scaled-Score Ranges				
Achievement Level	Grade 4		Grade 8	Grade 11
Exceeds Standard	845-900		850-900	838-900
Meets Standard	810-844		810-849	810-837
Working Toward Standard	700-809		700-809	700-809

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:426 (March 2007), amended LR 35:209 (February 2009).

Subchapter F. Alternate Achievement Level Descriptors

§1915. Introduction

A. Alternate achievement level descriptors for Louisiana assessments were developed by committees composed of Louisiana educators who represented the subjects and grades assessed. The descriptors define what a student should know and be able to do at each achievement level for each subject assessed at a given grade level.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:426 (March 2007), amended LR 35:210 (February 2009).

§1917. Grade Span 3-4 Alternate Achievement Level Descriptors

A. Grade Span 3-4 English Language Arts Alternate Achievement Level Descriptors

Exceeds Standard
Students scoring at this level generally exhibit the ability to 1. determine the meaning of a word that has a prefix or a suffix; 2. identify the main character in a story; 3. identify the main idea in texts; 4. identify the sequence of events (i.e., beginning and end) of texts; 5. locate specific information in texts when given more than five choices; 6. identify the central idea and logical sequence of a written composition; 7. identify the parts of an informal letter; 8. identify a step in a given set of familiar two-step directions; 9. respond to a question using two or more words; and 10. determine the sequence of events on a daily schedule.
Meets Standard
Students scoring at this level generally exhibit the ability to 1. identify two words that use the same prefix or suffix; 2. identify two characters in a story; 3. identify two ideas in texts; 4. identify the beginning of a sequence of events in a text; 5. locate specific information in texts when given five choices; 6. construct a simple sentence or phrase with a central idea; 7. identify an item in a list; 8. identify a step in a set of familiar one-step directions; 9. respond to a question with a one-word answer other than yes or no; and 10. locate "Which comes next?" on a daily schedule.
Working Toward Standard
Students scoring at this level may exhibit the ability to 1. identify a word with a prefix or a suffix; 2. identify one character in a story; 3. identify one idea in texts; 4. identify the end of a sequence of events in a text; 5. locate specific information in texts when given three choices; 6. identify the central idea in a simple sentence or phrase; 7. identify the location for a signature; 8. respond to a simple one-word command; 9. respond to a simple yes or no question; and 10. locate a single event on a daily schedule.

B. Grade Span 3-4 Mathematics Alternate Achievement Level Descriptors

Exceeds Standard
Students scoring at this level generally exhibit the ability to 1. read and/or write numbers to a specific place value; 2. order sets of objects by less than, more than, most, or least; 3. solve real-world problems using addition or subtraction; 4. calculate the amount of money needed for a purchase or activity; 5. use visual representations or objects to represent a problem; 6. measure lengths of objects and select appropriate measurement units and/or tools for a given situation; 7. tell time to the hour and use a clock to match times with activities; 8. recognize and apply positional concepts; 9. construct simple two-dimensional shapes; 10. identify events as possible or impossible and/or likely or unlikely; 11. make predictions about outcomes of daily events; and 12. extend a simple pattern.
Meets Standard
Students scoring at this level generally exhibit the ability to 1. identify numbers to a specific place value; 2. show that equal means the same as; 3. identify a set of objects with "more"; 4. identify simple addition and subtraction concepts in daily living; 5. sort and/or identify coins and dollars; 6. identify a picture sequence that completes a routine task; 7. identify the difference between long and short; 8. use measurement tools for a specific activity; 9. associate activities with various times of day; 10. follow simple spatial directions; 11. sort two-dimensional shapes and/or objects by common and/or different attributes; 12. identify the next event in a routine; and 13. identify a simple pattern.
Working Toward Standard
Students scoring at this level may exhibit the ability to 1. count objects to a given number; 2. count to solve simple problems; 3. identify the exchange of money as a means to make a purchase; 4. select pictures or symbols that show a pattern; 5. select objects of the same length; 6. recognize basic measurement tools; 7. identify simple directional concepts; 8. recognize two-dimensional shapes; and 9. match a simple pattern to another pattern.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 33:426 (March 2007), amended LR 35:2210 (February 2009).

§1919. Grade Span 5-6 Alternate Achievement Level Descriptors

A. Grade Span 5-6 English Language Arts Alternate Achievement Level Descriptors

Exceeds Standard
Students scoring at this level generally exhibit the ability to 1. identify a content-specific vocabulary word that best completes a simple sentence or phrase; 2. identify a character trait of the main character in a story; 3. identify the beginning, middle, and end of a text; 4. identify what happened last and predict what will happen next in a text; 5. identify a cause and an effect in a text; 6. use an appropriate transition word (first, then, next, or last) to sequence events in a written composition; 7. identify an evaluation of media (e.g., film, performance, field trip); 8. identify a step in a set of three-step directions; 9. respond to a question using three or more words; and 10. answer a question about information on a calendar.

Meets Standard
Students scoring at this level may exhibit the ability to 1. identify content-specific vocabulary words; 2. identify the main character and another character in a story; 3. identify the middle of a text; 4. predict what will happen next in a text; 5. identify a cause or an effect in a text; 6. use an appropriate transition word (first, then, next) in a short composition (one or two sentences); 7. identify parts of an informal letter; 8. identify a step in an unfamiliar set of two-step directions; 9. respond to a question using two words; and 10. locate information on a calendar.
Working Toward Standard
Students scoring at this level may exhibit the ability to 1. identify a content-specific vocabulary word; 2. identify the main character in a story; 3. identify the beginning and end of a text; 4. predict what will happen last in a text; 5. skim or scan a text to locate specific information; 6. use the transition word first to correctly sequence two events in a composition; 7. identify the item that best completes a list of two items; 8. identify a step in a familiar set of two-step directions; 9. respond to a question with a one-word answer and; 10. identify a calendar from among similar items.

B. Grade Span 5-6 Mathematics Alternate Achievement Level Descriptors

Exceeds Standard
Students scoring at this level generally exhibit the ability to 1. identify the fraction associated with a given model; 2. solve real-life problems using addition or subtraction; 3. order numbers or fractions by less than, more than, most, and/or least; 4. use next-dollar strategy to make a purchase and determine the specific bills or coins needed for a purchase; 5. determine if a given number is sufficient for a given situation; 6. use visual representations or objects to model a problem or situation; 7. measure during daily living activities; 8. sort items according to weight, capacity, length, temperature, and/or time; 9. order a minimum of three items according to weight, capacity, length, temperature, or time; 10. sort shapes according to dimensions; 11. find the horizontal or vertical length of a path between two points on a grid; 12. organize and display data using tables, charts, and/or graphs; and 13. find the missing element in a pattern;
Meets Standard
Students scoring at this level generally exhibit the ability to 1. match geometric models of fractions with real-life models of fractions; 2. identify simple addition and subtraction concepts in real life; 3. identify a set of objects with "more"; 4. show that equal means the same as; 5. identify and write/state money amounts; 6. match visual representations or objects to a given problem or situation; 7. sort items according to one of the following: more or less, long or short, heavy or light, early or late, day or night, hot or cold; 8. sort two-dimensional shapes and/or objects with common and/or different attributes; 9. identify three-dimensional shapes; 10. select a route from one specific point to another; 11. interpret tables, charts, and/or graphs about daily activities; and 12. extend a pattern.
Working Toward Standard
Students scoring at this level may exhibit the ability to 1. identify the number of parts an object is divided into; 2. count to solve simple problems; 3. sort and/or identify coins and dollars; 4. identify a picture sequence that completes a routine task; 5. select objects of similar measurement; 6. identify two-dimensional shapes; 7. identify locations on a map or floor plan; 8. select appropriate pictures or symbols for a chart; and 9. identify a pattern.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 35:210 (February 2009).

§1921. Grade Span 7-8 Alternate Achievement Level Descriptors

A. Grade Span 7-8 English Language Arts Alternate Achievement Level Descriptors

Exceeds Standard
Students scoring at this level generally exhibit the ability to 1. determine the meaning of a noun or verb, which has a prefix or suffix, from its known root; 2. identify changes in the setting within one or more stories; 3. predict the outcome of a text; 4. complete an "if…then" statement from information found within a given text; 5. identify the main idea and the beginning, middle, and end of a composition; 6. determine placement of information on an application; 7. identify one step of a familiar four-step procedure or routine; and 8. use information on a calendar.
Meets Standard
Students scoring at this level generally exhibit the ability to 1. identify the change in meaning of nouns or verbs when a prefix or suffix is added; 2. identify one setting in a story; 3. identify the main idea of a text; 4. identify a cause-and-effect relationship in a text; 5. identify the main idea and some details in written phrases or sentences; 6. determine placement of parts of a friendly letter; 7. identify one step of an unfamiliar simple procedure or task; and 8. identify changes in a daily schedule.
Working Toward Standard
Students scoring at this level may exhibit the ability to 1. identify the change in meaning of a noun or verb when a prefix or suffix is added; 2. identify the main character and one of the character's traits; 3. identify the sequence of events in a text; 4. identify a cause or an effect in a text; 5. identify the chronological or sequential order in written phrases or sentences; 6. identify an evaluation of media (e.g., a television show, a radio broadcast, art); 7. identify one step of a familiar, simple multistep procedure or routine; and 8. identify the sequence of activities in a daily schedule.

B. Grade Span 7-8 Mathematics Alternate Achievement Level Descriptors

Exceeds Standard
Students scoring at this level generally exhibit the ability to 1. identify fractions associated with a given model; 2. identify money denominations including amounts with decimals in daily-living situations; 3. order by less than, more than, most, and/or least; 4. identify a model of a given multiplication problem; 5. use visual representations or objects to model a situation; 6. order a minimum of three items according to weight, capacity, length, temperature, or time; 7. recognize a model of a turn; 8. apply positional concepts; 9. find the horizontal and vertical lengths of a path between two points on a grid;

10. create a chart of information using pictures or symbols;
11. identify events as possible or impossible and/or likely or unlikely;
make predictions about outcomes of daily events; and
13. reproduce a pattern.

Meets Standard

Students scoring at this level generally exhibit the ability to
1. identify a number as a whole number, fraction, or decimal;
2. identify a set of objects with "more";
3. count the number of groups;
4. solve real-world problems using addition or subtraction;
5. match visual representations or objects to a given situation;
6. sort items according to one of the following: more or less, long or short, heavy or light, early or late, day or night, hot or cold;
7. sort items according to weight, capacity, length, temperature, and/or time;
8. recognize positional concepts;
9. select a route from one specific point to another;
10. compare data in tables, charts, and/or graphs; and
11. find the missing element in a pattern.

Working Toward Standard

Students scoring at this level may exhibit the ability to
1. show that equal means the same as;
2. count the objects in a group;
3. identify a picture sequence that completes a routine task;
4. follow simple spatial directions;
5. identify locations on a map and/or a floor plan;
6. use tables, charts, and/or graphs to locate information in daily activities;
7. identify the next event in a routine; and
8. extend a pattern.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 35:211 (February 2009).

§1923. Grade Span 9-10 Alternate Achievement Level Descriptors

A. Grade Span 9-10 English Language Arts Alternate Achievement Level Descriptors

Exceeds Standard

Students scoring at this level generally exhibit the ability to
1. determine the meaning of a word with a prefix (dis-) or a suffix (-er, -est);
2. identify the main idea in a passage;
3. compare or contrast literary elements (e.g., character, character traits, setting) or ideas within a passage;
4. differentiate fact from opinion in texts;
5. identify the introduction, supporting details, and conclusion of a written composition;
6. determine placement of information on a business letter;
7. identify steps in a set of detailed instructions for a complex procedure or task; and
8. identify the appropriate graphic organizer to use to locate specific information.

Meets Standard

Students scoring at this level generally exhibit the ability to
1. identify a second word that uses the same prefix (dis-) or a suffix (-er, -est);
2. identify details, events, or ideas in a passage;
3. draw a conclusion from information in texts;
4. identify an opinion in texts;
5. identify the central idea and supporting details in a composition;
6. determine placement of information on a letter of request;
7. identify steps in a detailed set of instructions for an unfamiliar procedure or task; and
8. respond to a question about information found on a timeline.

Working Toward Standard

Students scoring at this level may exhibit the ability to
1. identify a word that uses a prefix (dis-) or a suffix (-er, -est);
2. describe the setting of a passage;
3. draw an inference from texts;
4. locate a fact in texts;
5. identify a central idea in a composition;
6. determine placement of information on a job application;
7. identify steps in a detailed set of instructions for a familiar procedure or routine; and
8. locate specified information on a timeline.

B. Grade Span 9-10 Mathematics Alternate Achievement Level Descriptors

Exceeds Standard

Students scoring at this level generally exhibit the ability to
1. identify a model of a given division or multiplication problem;
2. solve real-life problems using proportional reasoning;
3. use visual representations or objects to solve an equation;
4. determine the area or perimeter of an object using given standard or nonstandard units;
5. find the horizontal and vertical length of a path between two points on a grid;
6. recognize a model of a translation;
7. solve a problem or answer questions using data from a chart or graph;
8. make predictions about outcomes of daily events; and
9. reproduce a pattern.

Meets Standard

Students scoring at this level generally exhibit the ability to
1. solve real-world problems using addition or subtraction;
2. determine the number of objects in two comparison groups;
3. use visual representations or objects to model an equation;
4. distinguish between area and perimeter;
5. select a route from one specific point to another;
6. recognize and apply positional concepts;
7. compare data in tables, charts, and/or graphs;
8. identify events as possible or impossible or likely or unlikely; and
9. find the missing element in a pattern.

Working Toward Standard

Students scoring at this level may exhibit the ability to
1. identify a model of one-to-one correspondence;
2. identify a picture sequence to complete a routine task;
3. identify locations on a map and/or floor plan;
4. follow simple spatial directions;
5. use tables, charts, and/or graphs to locate information in daily activities;
6. identify the next event in a routine; and
7. extend a pattern.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 35:212 (February 2009).

§1925. LAA 1 Science Alternate Achievement Level Descriptors

A. LAA 1 Grade 4 Science Alternate Achievement Level Descriptors

Exceeds Standard

Students scoring at this level generally exhibit the ability to
1. ask appropriate questions about organisms or events in the environment;
2. use appropriate sensory descriptions to communicate about an observation and use an appropriate tool to extend a sensory observation;
3. identify appropriate safety equipment needed in a specific event;
4. identify a characteristic, material, or state of matter for sorting a set of objects;
5. push or pull to move an object to a specific location;
6. identify uses of energy in common settings;
7. identify basic needs that are common to both plants and animals;
8. match plant parts to their functions or parts of the human skeletal system to their functions;
9. sequence the stages of the life cycle of a bean plant or human growth from birth to adulthood;
10. match common animals to different habitat types;

11. select appropriate clothing for specific weather conditions;
12. identify differences in representations of spring, summer, fall, and winter; and
13. match multiple human-made items with the natural resources from which they were made.

Meets Standard

Students scoring at this level generally exhibit the ability to

1. select one of the five senses to make a specific observation or the correct tool to use to extend that sense;
2. recognize the correct use of safety equipment;
3. sort objects based on a single characteristic, material, or state of matter;
4. follow directions to push or pull an object;
5. sort by common uses of energy;
6. select more than one basic need of plants or animals and match common animals to a habitat type;
7. identify the same plant part on different plants or match parts of the skeletal system to their location in the human body;
8. recognize the correct sequence of the life cycle of a bean plant or the general relationship between human growth and age;
9. sort appropriate clothing by basic weather conditions or sequence morning, noon, and night; and
10. identify human-made items.

Working Toward Standard

Students scoring at this level may exhibit the ability to

1. recognize an object, part of an organism, or an event that is inconsistent with a group;
2. match descriptions or pictures with the correct sensory organ;
3. recognize a use of energy, a tool, or safety equipment;
4. imitate pushing or pulling an object;
5. select a basic need of plants or animals or match a common animal to a habitat type;
6. recognize a plant part or part of the human skeletal system;
7. recognize a part of the life cycle of a bean plant or that persons of the same age grow at different rates; and
8. recognize a change in basic weather conditions or identify representations of daytime and nighttime.

B. LAA 1 Grade 8 Science Alternate Achievement Level Descriptors

Exceeds Standard

Students scoring at this level generally exhibit the ability to

1. identify two or more steps in proper sequence to solve a science problem;
2. recognize the highest or lowest example of varying conditions (hot-cold, long-short, heavy-light) by using a measurement tool;
3. sequence the steps of a pattern based on a scenario or identify a simple graph that represents a specific situation;
4. identify hazardous situations and match appropriate technology to common tasks ;
5. describe how the state of water changes under varying temperature conditions;
6. match different actions to corresponding changes in the motion of objects;
7. identify changes in an object's temperature as it is subjected to different temperatures;
8. sequence how food travels from one organ to another in the human digestive system;
9. recognize individuals' features that identify them as being in a specific stage of their life span;
10. identify different ways to prevent disease transmission;
11. identify familiar human traits that children and their parents may have in common;
12. identify several animals that live in the same habitat;
13. identify an adaptation that helps a plant or animal live in a specific Louisiana habitat;
14. modify an activity based on a changing sequence of weather conditions represented by symbols;
15. identify basic characteristics of Earth, the Moon, and the Sun; and
16. identify a polluted area and the cause.

Meets Standard

Students scoring at this level generally exhibit the ability to

1. select two or more steps to solve a simple science problem;
2. match correctly recorded measurements of length, weight, or temperature;
3. select a description or graphic that best represents a set of data or complete the next step in a pattern;
4. select appropriate ways to complete science tasks safely or recognize the appropriate use of technology;
5. match water in solid, liquid, and gaseous states to different temperature conditions;
6. select an action that results in an increase in speed or change in direction of a moving object or recognize that heat can transfer from one object to another;
7. locate organs in the human digestive system;
8. recognize a correct sequence of stages in the human life span;
9. recognize that germs may be transmitted directly or indirectly;
10. sort animals by common traits or match familiar animals to their appropriate habitats;
11. match adaptation (e.g., method of movement) to habitat;
12. match weather symbols to descriptions of different weather conditions or recognize differences between Earth, the Moon, and the Sun; and
13. sort polluted and unpolluted areas.

Working Toward Standard

Students scoring at this level may exhibit the ability to

1. recognize similar patterns in data;
2. recognize measurement tools, technology, or safety procedures;
3. identify ways to stop or slow the motion of objects;
4. sort objects that are being heated or cooled or recognize that water has three states;
5. recognize a basic organ in the human digestive system or that common diseases are caused by germs;
6. sort individuals according to life-span stages;
7. recognize differences in animal characteristics, physical adaptations, or habitats;
8. recognize that symbols are used to represent different weather conditions, Earth, the Moon, or the Sun; and
9. recognize a polluted area.

C. LAA 1 Grade 11 Science Alternate Achievement Level Descriptors

Exceeds Standard

Students scoring at this level generally exhibit the ability to

1. identify a step necessary to complete a given scientific investigation or that performing processes in their proper order affects safety;
2. make an appropriate selection based on data or identify how technology can improve information gathering;
3. identify the difference between mixtures and compounds or how objects in a given mixture, having similar properties of color, shape, and size, can be easily separated by using their magnetic properties or density: whether they sink or float in water;
4. match how the motion of an object on a level surface changes as the surface texture varies due to the use of different common surface materials;
5. identify the presence of hazardous situations involving different uses of energy;
6. compare the life cycles of a frog and a given mammal;
7. assemble a basic food chain;
8. identify structural relationships between the parts of the circulatory system and the functions of each part;
9. identify how fitness activities improve one's health;
10. identify different healthy activities and/or diets; and identify different unhealthy activities and/or diets that contribute to a person's susceptibility to becoming ill; and
11. identify early warning symptoms of common illnesses that signal the need to get help.

Meets Standard

Students scoring at this level generally exhibit the ability to

1. recognize an appropriate and safe procedure for a scientific investigation;
2. compare situations using data or sort technology by the kind of information it can provide;
3. recognize that substances may be mixtures or compounds, or sort objects in a mixture based on color, shape, or size;
4. match changes in motion with different external forces or recognize that magnets may attract or repel certain substances;
5. sort hazardous and nonhazardous exposure to heat, light, or electricity;

6. compare the life cycles of a human and a given mammal; 7. recognize basic food chains; 8. identify where parts of the circulatory system are located in the human body; and 9. match a fitness activity to a health improvement, sort healthy and unhealthy activities and diets, or match symptoms to common illnesses.
Working Toward Standard
Students scoring at this level may exhibit the ability to 1. recognize safety or scientific procedures or match the technology used by different types of scientists; 2. match data to a specific situation; 3. recognize that objects can have different physical properties; 4. recognize that in certain circumstances light, heat, or electricity can be hazardous; 5. recognize the life cycles of different common organisms; 6. recognize what different common animals eat; 7. recognize parts of the human circulatory system; 8. recognize fitness activities or that certain activities affect the body in different ways; and 9. recognize that the body changes during an illness.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, Office of Student and School Performance, LR 35:212 (February 2009).

Amy B. Westbrook, Ph.D.
Executive Director

0902#061

RULE

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—End-of Course Tests (EOCT)
(LAC 28:CXI.Chapter 18)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has adopted *Bulletin 118—Statewide Assessment Standards and Practices*: §1801, Overview; §1803, Introduction; §1805, EOCT Development and Implementation Plan; §1807, Algebra I Test Structure; §1809, English II Test Structure; §1811, EOCT Achievement Levels; §1813, Performance Standards; §1815, Introduction; and §1817, EOCT Achievement Level Descriptors. The document provides new and updated statewide test information and provide easy access to that information. It was necessary to revise the bulletin at this time to incorporate new and edited guidelines to the EOCT statewide assessment program. New policy language, updates, scaled-score ranges, achievement levels, and achievement level descriptors are being added to Chapter 18, End of Course Tests (EOCT). The new policy addresses the Algebra I tests and implementation of English II tests in spring 2009.

Title 28
EDUCATION
Part CXI. Bulletin 118, Statewide Assessment Standards and Practices

Chapter 18. End-of-Course Tests

Subchapter A. Background

§1801. Overview

A. The tests which are both criterion-referenced and standards-based assessments will be available online to high school students beginning fall 2007. The tests will be phased in over a period of five years beginning with Algebra I. In the first years of administration, policies regarding the use of EOCT results shall be determined by the district's local pupil progression plan.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 35:214 (February 2009).

Subchapter B. General Provisions

§1803. Introduction

A. EOCT will measure the knowledge and skills a student should have mastered by the end of the course. The results of the EOCT will help ensure that all Louisiana students have access to a rigorous curriculum that meets high academic standards.

B. EOCT will assess student learning in the high school courses:

1. algebra I;
2. geometry;
3. English II;
4. English III;
5. biology; and
6. American history;

C. Any student enrolled in and/or receiving credit for an EOCT course, regardless of grade inclusive of middle school students taking high school courses for high school credit is required to take the EOCT upon completion of that course.

D. EOCT will be offered at the end of the fall and spring semesters.

1. Students completing the course at the end of the fall semester shall participate in the fall test regardless of the grade earned during the fall semester.
2. Students completing the course at the end of the spring semester shall participate in the spring test regardless of the grade earned during the spring semester.

E. Retests will not be offered for EOCT.

F. Since these tests are being developed for use in Louisiana schools, any school selected for field tests shall participate in the field tests. In spring 2009, the geometry field tests will be administered.

G. Students completing the following courses will take the Algebra I test:

1. Algebra I: course code 160321;
2. Algebra I, Part 2: course code 160338;
3. Integrated Mathematics I: course code 160339;
4. Algebra I—Middle School: course code 160380.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 35:214 (February 2009).

§1805. EOCT Development and Implementation Plan

Course	Test Administration	Year 1 2008–2009	Year 2 2009–2010	Year 3 2010–2011	Year 4 2011–2012	Year 5 2012–2013
Algebra I	Field Test					
	Operational Test	√	√	√	√	√
English II	Field Test					
	Operational Test	√	√	√	√	√
Geometry	Field Test	√				
	Operational Test		√	√	√	√
Biology	Field Test		√			
	Operational Test			√	√	√
English III	Field Test			√		
	Operational Test				√	√
American History	Field Test				√	
	Operational Test					√

NOTE: The field test in the table is the stand-alone field test for the initial item development.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 35:215 (February 2009).

Subchapter C. EOCT Test Design

§1807. Algebra I Test Structure

A. The Algebra I EOC tests include three sessions, all of which will be administered online:

1. 25—item multiple-choice session in which students may not use calculators;
2. 3—item constructed-response session, in which students may use calculators; and
3. 25—item multiple-choice session in which students may use calculators.

B. Student responses to multiple-choice items will be computer-scored.

C. Student responses to the constructed-response items will be scored by the contractor.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 35:215 (February 2009).

§1809. English II Test Structure

A. The English II EOC tests include three components, all of which will be administered online:

1. 2 multiple-choice sessions with 24 items each; and
2. 1 writing session which requires a response to a prompt.

B. Three of the following components will appear on every test:

1. paired poems;
2. a drama excerpt;
3. a short story or novel excerpt; or
4. a nonfiction passage.

C. Two discrete items will appear on every test.

NOTE: A discrete item is not passage-related but stands alone:

1. items related to using information resources; and
2. items related to writing conventions.

D. The writing performance session consists of a single writing prompt that students respond to based on the body of literature they have encountered in their English II courses, or extracurricular reading.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 35:215 (February 2009).

Subchapter D. Achievement Levels and Performance Standards

§1811. EOCT Achievement Levels

A.1. The Louisiana EOCT achievement levels are:

a. excellent;
b. good;
c. fair;
d. needs improvement.

B. Achievement Level Definitions

Excellent—a student at this achievement level has demonstrated mastery of course content beyond Good.

Fair—a student at this achievement level has demonstrated only the fundamental knowledge and skills needed for the next level of coursework in the subject area.

Good—a student at this achievement level has demonstrated mastery of course content and is well prepared for the next level of coursework in the subject area.

Needs Improvement—a student at this achievement level has not demonstrated the fundamental knowledge and skills needed for the next level of coursework in the subject area.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 35:215 (February 2009).

§1813. Performance Standards

A. Performance standards for EOCT Algebra I and English II tests are finalized in scaled-score form.

B. EOCT Achievement Levels and Scaled-Score Ranges

1. Algebra I Scaled-Score Ranges

Algebra I	
Achievement Level	**Scaled-Score Ranges**
Excellent	739-800
Good	700-738
Fair	668-699
Needs Improvement	600-667

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 35:215 (February 2009).

Subchapter E. Achievement Level Descriptors

§1815. Introduction

A. Achievement level descriptors for Louisiana assessments were developed by committees composed of Louisiana educators who represented the subjects and grades assessed. The descriptors define what a student should know and be able to do at each achievement level for each subject assessed at a given grade level.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 35:215 (February 2009).

§1817. EOCT Achievement Level Descriptors

A. Algebra I Achievement Level Descriptors

Excellent
Students at this achievement level generally have exhibited the ability to: 1. solve problems involving indirect measurement, and express results in terms of the degree of precision or accuracy; 2. identify the common characteristics of families of linear functions; 3. recognize a linear or nonlinear relationship for data organized in charts or tables; 4. evaluate polynomials for given values of the variables; 5. apply scientific notation to perform computations; 6. determine whether two linear equations have parallel or perpendicular graphs; 7. solve systems of inequalities; 8. determine geometric probabilities based on the areas of figures; and 9. compare and contrast linear functions algebraically in terms of their rates of change.
Good
Students at this achievement level generally have exhibited the ability to: 1. represent quantities using scientific notation; 2. translate between tabular and algebraic representations of real-life situations; 3. compute simple probabilities; 4. select and use appropriate units of measurement in the metric system; 5. evaluate an exponential expression for a given value of the variable; 6. analyze real-life relationships that can be modeled by tables representing linear functions; 7. translate among tabular, algebraic, and function notation in real-life situations; 8. make appropriate translations between verbal and symbolic representations; 9. solve problems in coordinate geometry involving midpoints; 10. describe characteristics of parallel lines; 11. calculate combinations and permutations to solve problems; and 12. recognize differences among number systems (e.g., whole numbers and irrational numbers).
Fair
Students at this achievement level generally have exhibited the ability to: 1. represent and use linear functions to solve real-life problems; 2. select and use appropriate units of measurement to solve problems; 3. translate between tabular and graphical representations of real-life situations; 4. apply proportional reasoning to model and solve real-life problems involving direct variation; 5. calculate and use measures of central tendency and variability; 6. use appropriate function notation when given a verbal statement; 7. use the graph of a linear equation to describe and interpret slope, intercept, point, intersection, etc.; 8. determine the most appropriate measure of central tendency for a set of data based on its distribution; and 9. evaluate numerical expressions involving positive exponents.
Needs Improvement
Students at this achievement level are generally working toward the ability to: 1. use linear functions to solve real-life problems; 2. select and use appropriate units of measurement to solve problems; 3. translate between tabular and graphical representations of real-life situations; 4. apply proportional reasoning to model and solve real-life problems involving direct variation; and 5. calculate and use measures of central tendency and variability.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 35:216 (February 2009).

Amy B. Westbrook, Ph.D.
Executive Director

0902#060

RULE

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—Testing
(LAC 28:CXI.305, 307, 309, 311, 312, 313, 315, 501, 701, 2011, 2701)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 118—Statewide Assessment Standards and Practices*: §305, Test Security Policy; §307, Change of District Test Coordinator Notification; §309, Erasure Analysis; §311, Addressing Suspected Violations of Test Security and Troubling Content in Written Responses (Constructed Responses, Short Answers, and Essays); §312, Administrative Error; §313, Viewing Answer Documents; §315, Emergencies during Testing; §501, District Test Coordinator Role; §701, Overview of Assessment Programs in Louisiana; §2011, Grade 4 Achievement Level Descriptors; §2701, Administration and Scoring. The document will provide new and updated statewide test information and provide easy access to that information. It was necessary to revise the bulletin at this time to incorporate the new name of The Division of Standards, Assessments, and Accountability (DSAA) to Division of Assessments and Accountability, (DAA), make updates to the Assessment Program Overview chart and to incorporate guidelines for the newly developed statewide assessment, LAA 1 and make edits to LAA 2 Grade 4 achievement level descriptors for science at the Foundational and Pre-Foundational levels and Grade 4 achievement level descriptors for social studies at the Basic and Approaching Basic levels.

Title 28
EDUCATION
Part CXI. Bulletin 118—Statewide Assessment Standards and Practices

Chapter 3. Test Security

§305. Test Security Policy

A. - A.3.i. ...

j. fail to report any testing irregularities to the district test coordinator (a testing irregularity is any incident in test handling or administration that leads to a question regarding the security of the test or the accuracy of the test data), who must report such incidents to the LDE, Division of Assessments and Accountability;

k. ...

4. Each school district as described in this policy shall develop and adopt a district test security policy that is in compliance with the state's test security policy. A Statement of Assurance regarding the LEA's test security policy must be submitted annually to the LDE, Division of Assessments and Accountability. This statement must include the name of the individual designated by the district superintendent or institution to procure test material. The policy shall provide:

4.a. - 9.b. ...

c. Any discrepancies noted in the serial numbers of test booklets, answer documents, and any supplementary secure materials, or the quantity received from contractors must be reported to the LDE, Division of Assessments and Accountability, by the designated institutional or school district personnel prior to the administration of the test.

d. In the event that test booklets, answer documents, or supplementary secure materials are determined to be missing while in the possession of the institution or school district or in the event of any other testing irregularities or breaches of security, the designated institutional or school district personnel must immediately notify by telephone the LDE, Division of Assessments and Accountability, and follow the detailed procedures for investigating and reporting specified in this policy.

e. ...

f. Each district superintendent or institution must annually designate one individual in the district or institution as district test coordinator, who is authorized to procure test materials that are utilized in testing programs administered by or through the SBESE of the LDE. The name of the individual designated must be provided in writing to the LDE, Division of Assessments and Accountability, and included on the Statement of Assurance.

g. Testing shall be conducted in class-sized groups. Bulletin 741 (913A) states that K-3 classroom enrollment should be no more than 26 students, and in grades 4-12, no more than 33, except in certain activity types of classes in which the teaching approach and the material and equipment are appropriate for large groups. For grades K-8, the maximum class size for Health and Physical Education classes may be no more than 40. Class size for exceptional students is generally smaller Bulletin 741, (915). Permission for testing in environments that differ from the usual classroom environment must be obtained in writing from the LDE, Division of Assessments and Accountability, at least 30 days prior to testing. If testing outside the usual classroom environment is approved by the Division of Assessments and Accountability, the school district must provide at least one proctor for every 30 students.

9.h. - 17. ...

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1528 (July 2005), amended LR 32:233 (February 2006), LR 33:255 (February 2007), LR 33:424 (March 2007), LR 33:2033 (October 2007), LR 34:65 (January 2008), LR 34:431 (March 2008), LR 34:1351 (July 2008), LR 35:217 (February 2009).

§307. Change of District Test Coordinator Notification

A. If during the academic year the person appointed as district test coordinator changes, the district superintendent must notify the LDE, Division of Assessments and Accountability. The notification must be in writing and must be submitted within 15 days of the change in appointment.

1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1530 (July 2005), amended LR 32:234 (February 2006), LR 33:257 (February 2007), LR 34:1351 (July 2008), LR 35:217 (February 2009).

§309. Erasure Analysis

A. - A.3.b. ...

4. Once districts, schools, and individual students have been identified, the state superintendent of education sends letters to district superintendents stating that students in those districts have been identified as having excessive wrong-to-right erasures. Based on the number of erasures found, scores for students exceeding the four-standard-deviation criterion will be voided. Individual student reports from the testing program will reflect the voided scores. In the aggregation of scores at the school, district, and state levels, each voided score will have the effect of a zero score. Copies of the District/School and Student Erasure Analysis reports are enclosed with the letters. Copies of the correspondence are provided to the deputy superintendent of education, the assistant superintendent of the Office of Student and School Performance, the director of the Division of Assessments and Accountability, and the district test coordinator.

5. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1530 (July 2005), amended LR 32:234 (February 2006), LR 33:257 (February 2007), LR 35:217 (February 2009).

§311. Addressing Suspected Violations of Test Security and Troubling Content in Written Responses (Constructed Responses, Short Answers, and Essays)

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

d. The district test coordinator must then fax a completed void form to the LDE, Division of Assessments and Accountability, as directed in the *District and School Test Coordinators Manual*. The original Void Verification form, along with a copy of the school test coordinator's request for the void, must also be mailed to the LDE, Division of Assessments and Accountability, as directed in the manual.

2. Reported Violations by School Personnel or Other Persons. All suspected instances of cheating should be reported directly to the school's district test coordinator for further investigation, and a report of the incident must be sent to LDE, Division of Assessments and Accountability. If it is deemed necessary to void tests, the DTC must fax a completed void form to the LDE, Division of Assessments and Accountability. The original Void Verification form along with a written report of the investigation carried out must be mailed to the LDE, Division of Assessments and Accountability.

3. - 3.a.iii. ...

b. If possible incidents of violations are discovered in the scoring process, the scoring contractor notifies the LDE, Division of Assessments and Accountability, of suspect documents with a summary of its findings.

c. Professional assessment and related-content personnel from the Division of Assessments and Accountability review the suspect documents and determine whether the evidence supports voiding the responses.

d. If voiding is recommended, LDE mails the district superintendent a letter of what was observed during the scoring process that caused the alert and identifies the particular document that was voided. Copies of the correspondence are provided to the deputy superintendent of education, the assistant superintendent of the Office of Student and School Performance, the director of the Division of Assessments and Accountability, and the local district test coordinator.

i. Within 30 calendar days of the receipt of such a letter, the district must investigate the incident and provide a written plan of action to the state superintendent of education. If the district and/or parent/guardian(s) wish to discuss the situation further or to examine the student responses, a meeting may be scheduled at the LDE offices between staff members from the Division of Assessments and Accountability district representatives, and parent/guardian(s).

4. Disturbing Content. If student responses with disturbing content are discovered during the scoring process, the scoring contractor will notify the appropriate staff member at the LDE, Division of Assessments and Accountability.

a. - b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1531 (July 2005), amended LR 33:257 (February 2007), LR 35:217 (February 2009).

§312. Administrative Error

A. Administrative errors that result in questions regarding the security of the test or the accuracy of the test data are considered testing irregularities. If it is deemed necessary to void the test, the district test coordinator must fax a completed void form to the LDE, Division of Assessments and Accountability, as directed in the *District and School Test Coordinators Manual*. The original Void Verification from, along with a copy of the account of the incident, must also be mailed to the LDE, Division of Assessments and Accountability, as directed in the manual.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 32:390 (March 2006), amended LR 33:257 (February 2007), LR 34:66 (January 2008), LR 34:1351 (July 2008), LR 35:218 (February 2009).

§313. Viewing Answer Documents

A. ...

B. The district test coordinator must send a written request to view the answer document to the LDE, Division of Assessments and Accountability. The request must include:

B.1. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1532 (July 2005), amended LR 32:234 (February 2006), LR 33:218 (February 2007).

§315. Emergencies during Testing

A. - A.6. ...

7. If test security has been compromised, the district test coordinator must notify the LDE, Division of Assessments and Accountability, as soon as possible.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1532 (July 2005), amended LR 32:234 (February 2006), LR 33:258 (February 2007), LR 34:66 (January 2008), LR 35:218 (February 2009).

Chapter 5. Test Coordinator Responsibilities

Subchapter A. District Test Coordinator

§501. District Test Coordinator Role

A.1. - A.2.n. ...

o. investigating any testing irregularities and reporting them to the LDE, Division of Assessments and Accountability;

p. reporting to the LDE, Division of Assessments and Accountability, instances of students marking in a wrong section of the answer document;

q. ...

r. returning any secure materials used for test accommodations, such as transparencies or computer disks, to the LDE, Division of Assessments and Accountability;

s. - x. ...

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1533 (July 2005), amended LR 33:258 (February 2007), LR 34: 1352 (July 2008), repromulgated LR 35:57 (January 2009), amended LR 35:218 (February 2009).

Chapter 7. Assessment Program Overview

§701. Overview of Assessment Programs in Louisiana

A. ...

Name of Assessment Program	Assessment Population	Administered
Kindergarten Screening		
Kindergarten Developmental Readiness Screening Program (KDRSP)	Kindergarten	Fall 1987–

Name of Assessment Program	Assessment Population	Administered
Norm-Referenced Tests (NRTs)		
California Achievement Test (CAT/F)	Grades 4, 6, and 9	Spring 1988–Spring 1992 (no longer administered)
California Achievement Test (CAT/5)	Grades 4 and 6 Grade 8	Spring 1993–Spring 1997 Spring 1997 only (no longer administered)
Iowa Tests of Basic Skills (ITBS) (Form L) and Iowa Tests of Educational Development (ITED) (Form M)	Grades 4, 6, 8, 9, 10, and 11	Spring 1998 (no longer administered)
ITBS ITED (Form M)	Grades 3, 5, 6, and 7 Grade 9	Spring 1999–Spring 2002 (no longer administered)
ITBS ITED (Form B)	Grades 3, 5, 6, and 7 Grade 9	Spring 2003–Spring 2005 (no longer administered)
Criterion-Referenced Tests (CRTs)		
National Assessment of Educational Progress (NAEP)	Grades 4, 8, and 12	Spring 1990–
Louisiana Educational Assessment Program (LEAP)	Grades 3, 5, and 7	Spring 1989–Spring 1998 (no longer administered)
Graduation Exit Examination ("old" GEE)	Grades 10 and 11	Spring 1989–Spring 2003 (state administered) Fall 2003– (district administered)
Louisiana Educational Assessment Program (LEAP) (ELA and Mathematics)	Grades 4 and 8	Spring 1999–
LEAP (Science and Social Studies)	Grades 4 and 8	Spring 2000–
Graduation Exit Examination (GEE) (ELA and Mathematics)	Grade 10	Spring 2001–
GEE (Science and Social Studies)	Grade 11	Spring 2002–
End-Of-Course Tests (EOCT)	Algebra I	Fall 2007–
EOCT	Algebra I	Spring 2008–
EOCT	English II	Fall 2008–
EOCT	English II	Spring 2009–
Integrated NRT/CRT		
Integrated Louisiana Educational Assessment Program (iLEAP)	Grades 3, 5, 6, 7, and 9	Spring 2006–
Special Population Assessments		
Louisiana Alternate Assessment, Level 1 (LAA 1)	Students with Individualized Education Programs (IEPs) who meet participation criteria in grades 3–11.	Spring 2000–
LAA 1	ELA and Mathematics (Grade spans 3–4; 5–6; 7–8; 9–10); Science (Grades 4, 8, and 11).	Revised Spring 2008–
Louisiana Alternate Assessment, Level 2 (LAA 2) ELA and Mathematics (Grades 4, 8, and 10) Science and Social Studies (Grade 11)	Grades 4, 8, 10, and 11	Spring 2006–
LAA 2 ELA and Mathematics	Grades 5, 6, 7, and 9	Spring 2007–
LAA 2 Science and Social Studies	Grades 4 and 8	Spring 2008
Louisiana Alternate Assessment-B (LAA-B) ["out-of-level" test]	Students with Individualized Education Programs (IEPs) who met eligibility criteria in Grades 3–11.	Spring 1999–Spring 2003 (no longer administered)
English Language Development Assessment (ELDA)	Limited English Proficient (LEP) students in Grades K–12	Spring 2005–

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24:4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1534 (July 2005), amended LR 32:235 (February 2006), LR 34:66 (January 2008), LR 34:1352 (July 2008), LR 35:218 (February 2009).

Chapter 20. LEAP Alternate Assessment, Level 2

Subchapter D. Achievement Level Descriptors

§2011. Grade 4 Achievement Level Descriptors

A. - B. ...

C. Grade 4 Science Achievement Level Descriptors

Basic
* * *
Approaching Basic
* * *
Foundational
A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling but has demonstrated the foundational knowledge and skills that can be built upon to access the grade-level curriculum. Students scoring at this level generally exhibit the ability to: 1. demonstrate limited understanding of fundamental scientific tasks; 2. read/interpret simple data in graphic form; 3. make simple observations and respond to directed questions, when prompted; 4. exhibit limited understanding of the ways in which properties of objects, motion of objects, and forms of energy apply to their everyday life; 5. exhibit limited understanding of characteristics, life cycles, and environments of organisms; 6. exhibit limited understanding of basic concepts related to properties of earth materials, weather, and objects in the night sky; and 7. exhibit limited understanding of basic components of an ecosystem.

Pre-Foundational
A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling. However, the student may be developing the foundational knowledge and skills that can be built upon to access the grade-level curriculum. Students scoring at this level need to develop the ability to: 1. demonstrate understanding of fundamental scientific tasks; 2. read/interpret simple data in graphic form; 3. make simple observations and respond to directed questions; 4. exhibit understanding of the ways in which properties of objects, motion of objects, and forms of energy apply to their everyday life; 5. exhibit understanding of characteristics, life cycles, and environments of organisms; 6. exhibit understanding of basic concepts related to properties of earth materials, weather, and objects in the night sky; and 7. exhibit understanding of basic components of an ecosystem.

D. Grade 4 Social Studies Achievement Level Descriptors

Basic
A student at this level has demonstrated only the fundamental knowledge and skills needed for the next level of schooling. Students scoring at this level generally exhibit the ability to: 1. Geography: identify major geographic features on maps and globes; define geographic vocabulary; describe the connection between people and the environment; interpret geographical data; define the world in spatial terms; and define processes that shape earth. 2. Civics: identify the branches and major responsibilities of government; and list the rights and responsibilities of citizens as stated in the Bill of Rights. 3. Economics: identify fundamental economic concepts and terms; recognize that the decisions made by individuals, households, businesses, and governments result in economic outcomes. 4. History: identify and describe important people, events, and documents in American history; demonstrate an understanding of the concepts of historical perspective and time; distinguish between primary and secondary historical sources; and describe some scientific and technological advancements.
Approaching Basic
A student at this level has only partially demonstrated the fundamental knowledge and skills needed for the next level of schooling. Students scoring at this level generally exhibit the ability to: 1. Geography: recognize major geographic features on maps and globes; select words that define geographic vocabulary; explain the connection between people, places, man and the environment; identify geographical data; identify the world in spatial terms; and identify processes that shape earth. 2. Civics: recognize that the United States has a government that is divided into branches; and state that citizens have rights and responsibilities. 3. Economics: identify some fundamental economic concepts and terms. 4. History: recognize a few of the most important people, events, and documents in American history; demonstrate a limited understanding of the concepts of historical perspective and time; and identify some important scientific and technological advancements.
Foundational
* * *
Pre-Foundational
* * *

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 33:271 (February 2007), amended LR 34:2558 (December 2008), repromulgated LR 35:59 (January 2009), amended LR 35:219 (February 2009).

Chapter 27. Placement Tests

§2701. Administration and Scoring

A. - C. ...

D. District test coordinators score the placement tests for students taking the tests in the public school districts. The LDE, Division of Assessments and Accountability, scores all placement tests administered by charter schools and laboratory schools.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:1558 (July 2005), amended LR 35:220 (February 2009).

Amy B. Westbrook, Ph.D.
Executive Director

0902#062

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Math for Professionals Certificate
(LAC 28:CXXXI.348)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has adopted *Bulletin 746—Louisiana Standards for State Certification of School Personnel:* §348. Math for Professionals Certificate. The adoption of this policy allows for the issuance of an ancillary professional certificate to an individual who has an undergraduate degree from a regionally accredited college or university and/or evidence of a math and/or science work related background. With the continued shortage of mathematics teachers in Louisiana there was a need for additional routes to certification. This policy allows individuals with pure mathematic or science backgrounds the opportunity to become certified to teach in the area of mathematics.

Title 28
EDUCATION
Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel

Chapter 3. Teaching Authorizations and Certifications

Subchapter C. Ancillary Teaching Certificates

§348. Math for Professionals Certificate

A. An Ancillary Math for Professionals certificate is issued to an applicant who has an undergraduate degree from a regionally accredited university and/or evidence of a math and/or science work-related background.

B. Math for Professionals certificate is valid for one year and allows an individual to teach one or more mathematics courses on a part-time basis.

1. Eligibility Requirements
   a. Meets at least one of the following:
      i. earned 30 credit hours of mathematics; or
      ii. earned a Master's degree in mathematics or science content area; or

iii. successful passing of the Praxis Mathematics: Content Knowledge test (0061).

b. Recommendation and support of employing school system and current employer. Written request is required from the Louisiana employing authority indicating that the person will be employed in the area being sought once the certification is granted.

c. Completion of a district developed classroom readiness/training program, based on state guidelines.

2. Renewal Guidelines. The Louisiana employing school district must request renewal of this certificate for each school year of employment. The certificate would be renewable annually based on successful local evaluations and request of employing school district.

3. The person holding such certification is not eligible for tenure.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:220 (February 2009).

Amy B. Westbrook, Ph.D.
Executive Director

0902#063

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Mild/Moderate (LAC 28:CXXXI.629)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746—Louisiana Standards for State Certification of School Personnel:* §629. Requirements to add Mild/Moderate. This revision to the mild/moderate add-on policy allows an individual to substitute three years of successful teaching experience in mild/moderate for the practicum in assessment and evaluation course currently required for add-on certification. Current policy did not allow for the waiver of any coursework required for certification in mild/moderate: 1-12. Individuals completing three years of teaching in the area of mild/moderate have gained extension experience in the area of assessment and evaluation which may substitute for the three hour practicum requirement for certification.

Title 28
EDUCATION
Part CXXXI. Bulletin 746— Louisiana Standards for State Certification of School Personnel
Chapter 6. Endorsements to Existing Certificates
Subchapter B. Special Education Level and Area Endorsements
§629. Requirements to add Mild/Moderate

A. - A.1.d. …

e. practicum in assessment and evaluation of M/M exceptional learners; or three years of successful teaching experience in Mild/Moderate.

2. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1817 (October 2006), amended LR 35:221 (February 2009).

Amy B. Westbrook, Ph.D.
Executive Director

0902#064

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Practitioner Licenses (LAC 28:CXXXI.313)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746—Louisiana Standards for State Certification of School Personnel:* §313. Practitioner Licenses. This revision in the Practitioner License certification policy would allow an individual enrolled in the Master's Degree Alternate Certification Program an additional year on a PL3 license to complete requirements for a standard teaching certificate. The current policy allowed an individual to be employed on a PL 3 license for three years while completing the master's alternate program. This revision allows for the extension of that certificate for an additional fourth year while they are completing the program required for certification.

Title 28
EDUCATION
Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel
Chapter 3. Teaching Authorization and Certifications
Subchapter A. Standard Teaching Authorizations
§313. Practitioner Licenses

A. Practitioner Licenses 1, 2, and 4 may be issued for one school year, renewed annually, and held a maximum of three years while the holder completes an alternate program. Upon completion of the three years of employment on this certificate, the holder must fulfill guidelines for a Level 1 or higher-level certificate for continued employment in a Louisiana school system. The Practitioner License 3 may be issued for one school year, renewed annually, and held a maximum of four years while the holder completes an alternate program. Upon completion of the four years of employment on this certificate, the holder must fulfill guidelines for a Level 1 or higher-level certificate for continued employment in a Louisiana school system.

B. - D.3.…

4. Program requirements must be completed within the four year maximum that the license can be held.

E. - E.3.c. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1800 (October 2006), amended LR 35:221 (February 2009).

Amy B. Westbrook, Ph.D.
Executive Director

0902#065

RULE

Board of Elementary and Secondary Education

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

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746—Louisiana Standards for State Certification of School Personnel:* §305. Professional Level Certificates and §309. Out-of-State (OS) Certificate. This revision in the Out-of-State (OS) certification policy allows an out-of-state teacher with a five year break in service to be issued a special one-year non-renewable certificate while he/she completes six semester hours of college level coursework required for the issuance of a three year out-of-state (OS) certificate. This allows more flexibility for individuals coming from another state who do not have teaching experience in the five years immediately preceding their application for a Louisiana teaching certificate.

Title 28
EDUCATION
Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel
Chapter 3. Teaching Authorizations and Certifications
Subchapter A. Standard Teaching Authorizations
§305. Professional Level Certificates

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

(f). has not been out of teaching in the five years immediately preceding first employment or application for a Louisiana certificate. A candidate who has not taught in five years may be issued a one-year non-renewable (OS1) certificate while he/she completes six semester hours required for the issuance of a three-year non-renewable (OS) certificate.

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 33: 433 (March 2007), LR 34:233 (February 2008), LR 34:1611 (August 2008), LR 35:222 (February 2009).

§309. Out-of-State (OS) Certificate

A. - B.4. ...

5. if applicant earned a degree five or more years prior to the date of application, he/she must have been a regularly employed teacher for at least one semester, or 90 consecutive days, within the five year period immediately preceding first employment in Louisiana or application for a Louisiana certificate. Lacking this experience, he/she must earn six semester hours of credit in state-approved courses (see Chapter 12) during the five year period immediately preceding application. A candidate who has not taught in five years may be issued a one-year non-renewable (OS1) certificate while he/she completes six semester hours required for the issuance of a three-year non-renewable (OS) certificate.

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

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1799 (October 2006), amended LR 33:433 (March 2007), LR 34:1611 (August 2008), LR 35:222 (February 2009).

Amy B. Westbrook, Ph.D.
Executive Director

0902#066

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—The State as a Private Provider
(LAC 28:CXXXI.239)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746—Louisiana Standards for State Certification of School Personnel:* §239. The State as a Private Provider. This revision of this policy would allow an individual with three years of teaching experience to apply for an initial teaching certificate without the completion of the Louisiana Teacher Assistance and Assessment Program (LaTAAP) prior to the issuance of that certificate. The current policy did not allow for the issuance of an initial Louisiana teaching certificate without the completion of LaTAAP guidelines. This removal of this requirement will align the state as a provider policy with all other policies in Bulletin 746 for the issuance of an initial teaching certificate.

Title 28
EDUCATION
Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel
Subchapter B. Alternate Teacher Preparation Programs
Chapter 2. Louisiana Teacher Preparation Programs
§239. The State as a Private Provider

A. The Louisiana Department of Education, Division of Teacher Certification and Higher Education, may act as a program provider in directing certification efforts of candidates who meet these criteria.

1. Candidate must accumulated three years of successful experience in an approved Louisiana school in the area(s) of certification, which experience can be used by the Louisiana Department of Education in lieu of the internship or student teaching portion of the program. Experience accumulated by elementary education certification candidates must be in core content areas at appropriate grade levels.

2. Candidate must have experienced difficulty in completing alternate program requirements, through no fault of his/her own.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1796 (October 2006), amended LR 35:222 (February 2009).

Amy B. Westbrook, Ph.D.
Executive Director

0902#067

RULE

Board of Elementary and Secondary Education

Standing and Executive Committees (LAC 28:I.501)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended revisions to the LAC 28:I.501. Advisory Councils. LAC 28:I.501, contains the committee structure for the Board of Elementary and Secondary Education. BESE is changing committee structure from eight standing committees and the allowance of special committees studying selected strategic initiatives to six standing committees and three executive committees which will meet as needed. BESE is changing committee structure to assist the board in the exercise of its powers and responsibilities as defined in the constitution and by law.

Title 28
EDUCATION
Part I. Board of Elementary and Secondary Education
Chapter 5. Organization
§501. Standing and Executive Committees

A. As a means of assisting the board in the exercise of its powers and responsibilities as defined in the constitution and by law, standing and executive committees are created.

B. Standing committees, composed of not less than three members of the board and appointed by the president, are:

1. Finance Committee. The following are examples of issues that will be considered by the Finance Committee:
   a. contracts and leases;
   b. grants and allocations;
   c. audit reports;
   d. MFP;
   e. financially at-risk schools;
   f. budgets: BESE, LDE, BSS, SSD, RSD, Charter Schools, subgrantees;
   g. commission(s)/task forces; and
   h. bulletin(s)/administrative handbooks.

2. High School Redesign Committee. The following are examples of issues that will be considered by the High School Redesign Committee:
   a. dual enrollment/articulation;
   b. redesign innovations;
   c. diploma options;
   d. Louisiana Virtual School;
   e. career and technical education;
   f. dropout prevention;
   g. curriculum enhancements: International Baccalaureate, Advanced Placement, project-based learning, industry-based certificates;
   h. commission(s)/task forces; and
   i. bulletin(s).

3. Literacy and Numeracy Committee. The following are examples of issues that will be considered by the Literacy and Numeracy Committee:
   a. literacy;
   b. numeracy;
   c. commission(s)/task forces; and
   d. bulletin(s).

4. Quality Leaders/Educators Committee. The following are examples of issues that will be considered by the Quality Leaders/Educators Committee:
   a. leadership development;
   b. professional development;
   c. professional accountability;
   d. certification/articulation;
   e. approval of teacher education programs and units;
   f. teacher certification appeals;
   g. commission(s)/task forces; and
   h. bulletin(s).

5. State Authorized School Oversight Committee. The following are examples of issues that will be considered by the State Authorized School Oversight Committee:
   a. RSD and school takeover;
   b. SSD/BSS;
   c. school approval: Brumfield vs. Dodd and nonpublic;
   d. commission(s)/task forces;
   e. bulletin(s)/administrative handbooks; and
   f. charter schools.

6. Student/School Performance and Support Committee. The following are examples of issues that will be considered by the Student/School Performance and Support Committee:
   a. assessment issues: LEAP, GEE, *i*LEAP, remediation;
   b. accountability issues: school performance, interventions, improvements;
   c. academically at-risk schools;
   d. school choice, vouchers, supplemental education services;
   e. district dialogues;
   f. curriculum: content standards, GLEs, comprehensive curriculum, textbooks, elective courses;
   g. alternative schools/programs;
   h. special education;
   i. early childhood;
   j. school and community support;
   k. adult education;
   l. commission(s)/task forces; and
   m. bulletin(s).

C. Executive Committees, chaired by a BESE officer, to meet as needed, are:

1. Board Administration/Relations Committee. The following are examples of issues that will be considered by the Board Administration/Relations Committee:
   a. advisory council matters;
   b. travel: BESE and LDE;
   c. education/management: operations, reorganization, personnel;

d. evaluation of BESE Executive Director and unclassified staff;

e strategic planning;

f. retreat planning;

g. study group topics;

h. evaluation of state superintendent;

i. public awareness campaigns, communications;

j. creation of advisory councils and commissions;

k. committee restructuring;

l. 8(g); and

m. bulletin(s).

2. Legal/Due Process Committee. The following are examples of issues that will be considered by the Legal/Due Process Committee:

a. tenure hearings;

b. adjudication of teaching certificates; and

c. charter revocation hearings.

3. Legislative Committee. The following are examples of issues that will be considered by the legislative committee:

a. state and federal legislation and

b. Legislative Action Plan.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:415 (March 2008), amended LR 35:223 (February 2009).

Amy B. Westbrook, Ph.D.
Executive Director

0902#068

RULE

Student Financial Assistance Commission
Office of Student Finanical Assistance

Health Care Educator Loan Forgiveness Program
(LAC 28:IV.Chapter 16)

The Louisiana Student Financial Assistance Commission (LASFAC) has adopted Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6). (SG0998R)

Title 28
EDUCATION
Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs
Chapter 16. Health Care Educator Loan Forgiveness Program

§1601. General Provisions

A. The Health Care Educator Loan Forgiveness Program is administered by the Louisiana Office of Student Financial Assistance (LOSFA) in accordance with a Memorandum of Understanding by and between the Louisiana Board of Regents and the Louisiana Student Financial Assistance Commission (LASFAC).

B. Description, History and Purpose. The Health Care Educator Loan Forgiveness Program (Program) is established to provide funding to individuals to pursue an advanced degree, either masters or doctoral degree, in nursing or allied health. The purpose of the program is to provide an incentive for individuals who receive an advanced degree in nursing or allied health education to become postsecondary education faculty members in the field of registered nursing or top demand allied health education.

C. Effective Date. Health Care Educator Loans shall be disbursed by LASFAC beginning with the 2008-2009 academic year.

D. Eligible Semesters/Terms. Health Care Educator Loans will be disbursed to recipients seeking a master's degree in August and January. Health Care Educator Loans will be disbursed to recipients pursuing a doctoral degree in August, January, and June, if applicable.

E. Award Amount. A Health Care Educator Loan Forgiveness Program recipient may receive up to $20,000 per academic year. Recipients pursuing a master's degree may receive a lifetime maximum loan of $40,000 and may receive two disbursements of $10,000, one in August and one in January. Recipients pursuing a doctoral degree may receive a lifetime maximum loan of $60,000 and may receive up to three disbursements per academic year, depending upon whether he is enrolled full-time or at least 2/3 time. A recipient pursuing a doctoral degree may receive $10,000 if he is enrolled full-time and $5,000 if he is enrolled at least 2/3 time, one disbursement in August and one disbursement in January. A recipient who has not received $20,000 during the academic year and who enrolls during the summer term will receive $5,000 in June.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 35:224 (February 2009).

§1603. Definitions

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

Academic Year—the academic year begins with the fall semester or term of the award year, includes the winter term, if applicable, the spring semester or term, and concludes with the completion of the summer term, if applicable.

Enrolled Full-Time—the student is enrolled for at least 9 semester hours in the fall or spring (or equivalent for term), 6 semester hours in the summer or equivalent as determined by the program in which he is enrolled.

Enrolled 2/3 Time—the student is enrolled for at least 6 semester hours in the fall or spring (or equivalent for term).

Participating Institution—a postsecondary institution in Louisiana selected by the Board of Regents to participate in the Health Care Educator Loan Forgiveness Program.

Recipient—a masters or doctoral degree student who has been nominated by a participating institution to participate in the Health Care Educator Loan Forgiveness Program and who has completed a master promissory note to receive program funds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 35:224 (February 2009).

§1605. Participation in the Program

A. To participate in the Health Care Educator Loan Forgiveness Program, a student must be nominated to participate in the Program by a participating institution.

B. Once nominated, a student must complete and return a master promissory note to the Louisiana Office of Student Financial Assistance. By signing the master promissory note, the student agrees that:

1. for students seeking a masters degree:

a. he will enroll full-time in the degree program during the fall, winter, if applicable, and spring semesters/terms;

b. he will remain enrolled full-time unless granted an exception to this requirement by the Board of Regents;

c. upon completion of his degree program, he will become a full-time nurse or allied health faculty member at the institution which nominated him for the health care educator loan;

d. he will remain a full-time nurse or allied health education faculty member until he teaches one year for each $10,000 he received;

2. for students seeking a doctoral degree:

a. he will enroll full-time, or at least 2/3 time, in the degree program during the fall, winter, if applicable, and spring semesters/terms;

b. he will remain enrolled full-time, or at least 2/3 time, unless granted an exception to this requirement by the Board of Regents;

c. upon completion of his degree program, he will become a full-time nurse or allied health faculty member at the institution which nominated him for the health care educator loan;

d. he will remain a full-time nurse or allied health education faculty member until he teaches one full year for each $10,000 he received.

C. A recipient will be eligible to continue to receive Health Care Educator Loan Forgiveness Program loans until he obtains his masters or doctoral degree, provided that he continues to maintain full time enrollment, or at least 2/3 time enrollment for doctoral degree students, unless an exception to this requirement is granted for cause in accordance with §1607.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 35:225 (February 2009).

§1607. Exceptions to Program Requirements

A. Exception to the full time enrollment requirement, or 2/3 time enrollment for those seeking a doctoral degree.

1. The Board of Regents may grant an exception to the full-time enrollment requirement or 2/3 time for doctoral students, if all of the following conditions are met.

a. The recipient has a temporary mental or physical disability, or other circumstance for which the board may deem an exception is appropriate.

b. The recipient requests an exception and provides such documentation as the board requires in order to evaluate whether an exception should be granted.

c. The recipient requests and obtains approval for the exception prior to withdrawing from enrollment or decreasing the number of hours in which he is enrolled.

2. The Board of Regents may grant an exception to the requirement to become a full-time nurse or allied health education faculty member if the following conditions are met.

a. The recipient has a temporary mental or physical disability or other circumstance for which the board may deem an exception is appropriate.

b. The recipient requests an exception and provides such documentation as the board requires to evaluate whether an exception should be granted.

c. The recipient requests and obtains approval for the exception prior to terminating his employment or otherwise fails to meet the requirement to teach full-time as a registered nursing or allied health education faculty member.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 35:225 (February 2009).

§1609. Discharge of Obligation

A. The obligations of the recipient may be discharged by cancellation, teaching for the required period of obligation, or by monetary repayment.

B. Cancellation. The Board of Regents may discharge the requirement to maintain full-time enrollment, or 2/3 time for doctoral degree students, the requirement to complete the degree program in which the recipient is enrolled, or the requirement to teach full-time as a registered nurse or allied health education faculty member under the following circumstances:

1. the recipient has a permanent mental or physical disability, or other circumstance for which the board may deem discharge is appropriate; and

2. the recipient provides such documentation as the board requires in order to evaluate whether a discharge should be granted; or

3. the participating institution at which the recipient is employed requests that the board discharge the teaching requirement and provides such documentation that the board requires to make a determination that the obligation should be discharged.

C. Fulfillment of Teaching Requirement. The obligation may be discharged under the following conditions:

1. the recipient secures full-time employment as a nurse or allied health program faculty member at the institution which nominated him for the loan program or at another participating institution with the assistance and approval of the institution which nominated him for the loan program; and

2. the recipient begins teaching full-time as a nurse or allied health program faculty member no later than the semester following the semester the student obtains his masters or doctoral degree; or

3. if the student is unable to secure employment as a fulltime faculty member at the institution which nominated him for the loan program or at another participating institution with the assistance and approval of the institution which nominated him for the loan program, the recipient may fulfill the teaching obligation by working in a public health facility, state office, or other alternative service as the board may deem appropriate. The student must seek and

obtain board approval prior to undertaking such an alternative service position;

4. each year of full time teaching or other alternative service as approved by the board will discharge $10,000 of the obligation.

D. Monetary Repayment. A recipient may be terminated from participation in the program either with or without default.

1. Termination without Default

a. Termination without default occurs when:

(i) the recipient's enrollment in the degree program for which he received program funds is discontinued;

(ii) the recipient fails to remain enrolled on a full-time basis, or 2/3 time for doctoral students; or

(iii) the recipient fails to maintain good academic standing.

b. In the event of termination without default, the recipient must repay the total of program funds received plus interest to LOSFA within 90 days of the date an event listed in §1609.D.1.a.(i)-(iii) occurs.

c. Interest will accrue at the prime interest rate at the time the condition in §1609.D.1.a.(i)-(iii) occurs plus 3 percent. Interest will accrue from the date of each disbursement.

2. Termination with Default

a. Termination with default occurs:

(i) if, upon completion of the degree, the recipient fails to obtain a full-time faculty position in a nurse or allied health education program or fails to obtain approval for an alternative service position without just cause; or

(ii) the recipient is terminated from his employment for cause or voluntarily leaves his employment prior to fulfillment of the teaching obligation.

b. In the event of termination with default, the principal due at the time of default will be calculated in accordance with the following formula.

(i) [(a/b) x (b-c)]3 = d.

(ii) For purposes of the formula above, "a" is equal to the total of the loans disbursed; "b" is equal to the months of service obligation required; "c" is equal to the number of months of the teaching obligation that were fulfilled; and "d" is equal to the total principal balance at the time repayment begins.

c. Interest will accrue on the principal due at the prime rate at the time of default plus 3 percent.

d. Interest will begin to accrue 60 days following the board's determination that the recipient is in default and shall accrue for the duration of the repayment period.

e. The recipient must make payment in full of the total amount due or begin making monthly payments no later than 60 days after the date of default and shall pay at least 25 percent of the total amount, including interest, due each calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 35:225 (February 2009).

§1611. Responsibilities of Program Fund Recipients

A. Each recipient of program funds shall:

1. provide LOSFA with a completed master promissory note and W-9 form;

2. provide the board with documentation that he was enrolled, in good academic standing, full- time, or 2/3 time for doctoral students, not later than August 15, January 15, or June 15, if applicable, of each academic year during which he is to receive program funds;

3. provide the board with documentation that he has undertaken to discharge his obligation:

a. by teaching full-time as a nurse or allied health program faculty member; or

b. by working in a public health facility, state office, or other alternative service as the board previously approved in accordance with §1615.F.

B. Provide any other information to the board or LOSFA as deemed necessary to process a request for an exception to the program requirements or a request for discharge of the obligations of the recipient in connection with the receipt of program funds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 35:226 (February 2009).

§1613. Responsibilities of Participating Institutions

A. Each participating institution shall:

1. nominate individuals to participate in the Health Educator Loan Forgiveness Program in accordance with specifications to be provided to it by the Board of Regents;

2. provide the board with the following information on each nominee:

a. name;

b. current address;

c. Social Security number;

d. program of study; and

e. anticipated graduation date;

f. other information as requested by the board.

3. at the request of the board, provide documentation that recipients enrolled full-time, or at least 2/3 time for doctoral students, if the recipient is enrolled at that institution, and that the student is in good academic standing;

4. at the request of the board, provide documentation that a recipient is or was employed as a full-time registered nurse or allied health education faculty member.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 35:226 (February 2009).

§1615. Responsibilities of the Board of Regents

A. The Board of Regents shall notify each institution that is eligible to participate in the program of its eligibility, the number of students it may nominate for the academic year, and the number of those students nominated which may be enrolled as a masters or doctoral degree students.

B. The board shall collect information from the participating institutions as set forth in §1613.A-D. The board shall notify all participating institutions if additional information is required.

C. The board shall provide the information collected from participating institutions regarding nominees to LOSFA within 30 days of receipt in a format to be agreed upon between the board and LOSFA.

D. In the event a recipient is terminated from participation in the program, the board will determine whether it is with or without default, determine the date the termination if without default or the date of default if with default and immediately notify LOSFA.

E. The board will receive requests for exception to program requirements and requests for discharge from participating institutions and recipients. It will evaluate the requests and notify the participating institution and/or recipient if additional information is needed to process the request and what that information is. It will notify the participating institution, the recipient, and LOSFA of any determination regarding a request for exception to program requirements or for discharge.

F. The board will evaluate a request by a recipient to undertake to discharge his obligation by a form of service other than as a full-time registered nurse or allied health education faculty member and approve or deny such request in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 35:226 (February 2009).

§1617. Responsibilities of LOSFA

A. LOSFA shall:

1. obtain program nominee information from the board and provide the nominee with a master promissory note, written instructions, and a W-9 form;

2. LOSFA will pay program funds directly to the student when all of the following have been satisfied:

a. it has received a completed, signed master promissory note;

b. it has received a completed W-9; and

c. it has received confirmation from the board that a recipient was enrolled full-time, or at least 2/3 time for doctoral degree students in accordance with §1611.B;

3. LOSFA will maintain a secure database of all information collected on recipients and former recipients, including name, address, Social Security number, program of study, name of the institution which nominated the student for the loan program, name of the institution at which a recipient was enrolled when receiving program funds, anticipated graduation date, amount disbursed, and maximum amount available;

4. upon notification by the board that a recipient has been terminated from the program without default, LOSFA will:

a. calculate the total amount due;

b. notify recipient of the date of the event listed in §1609.D.1.a.(i)-(iii) and that he has 90 days from that date to pay the full amount due;

c. if payment is not received within 90 days of the date of termination as determined by the Board of Regents, LOSFA will institute collection activities and forward the file to the collection division of the Louisiana Attorney General's office;

5. upon notification by the board that a recipient has been terminated from the program with default, LOSFA will:

a. calculate the total amount due;

b. notify recipient of the date of default and that he has 60 days from the date of default to pay the full amount due or begin making monthly payments in amount sufficient to pay at least 25 percent of the total amount due, including interest, each calendar year;

c. if payment of the total amount due or repayment does not begin within 60 days of the date of default, LOSFA will institute collection activities, including forwarding the file to the collection division of the Louisiana Attorney General's office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 35:227 (February 2009).

§1619. Responsibilities of LASFAC

A. LASFAC shall promulgate administrative rules in accordance with the Louisiana Administrative Procedure Act, in consultation with the Louisiana Board of Regents and in accordance with a memorandum of understanding entered into by and between LASFAC and the Louisiana Board of Regents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 35:227 (February 2009).

George Badge Eldredge
General Counsel

0902#041

RULE

Student Financial Assistance Commission
Office of Student Finanical Assistance

Scholarship/Grant Programs
(LAC 28:IV.103, 301, 504, 701, 703, 803, 1001, 1401-1409, 1413-1417, 1705, and 1901)

The Louisiana Student Financial Assistance Commission (LASFAC) has amended its Scholarship/Grant rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6). (SG0997R)

Title 28
EDUCATION
Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs

Chapter 1. Scope

§103. Purpose

A. - C. …

D. LAC 28:IV shall be amended and updated as necessary. Such updates will be forwarded to institutions in the form of Scholarship and Grant Program Memoranda (SGPM), or Taylor Opportunity Program for Students (TOPS) Bulletins. These memoranda and bulletins will cover additions, deletions, revisions and clarifications to the rules and regulations. In compliance with Act 1302 of the 1999

Regular Session of the Legislature, information shall be mailed to the president and superintendent of each city and parish school board in the state, the principal and counselors of each high school in the state, the chancellor, director of financial aid, business office, auditor and registrar of each public post-secondary school in the state and each regionally accredited independent college or university which is a member of the Louisiana Association of Independent Colleges and Universities.

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:632 (April 1998), amended LR 24:1897 (October 1998), LR 26:65 (January 2000), repromulgated LR 27:1841 (November 2001), amended LR 35:227 (February 2009).

Chapter 3. Definitions

§301. Definitions

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

* * *

Eligible Colleges or Universities—Louisiana public colleges or universities and regionally accredited independent colleges or universities in the state that are members of the Louisiana Association of Independent Colleges and Universities; and, for recipients of the TOPS Tech Award only, beginning with the 2009-2010 Academic Year (College), any school that has a valid and current certificate of registration issued by the State Board of Cosmetology in accordance with law and that is accredited by an accrediting organization recognized by the United States Department of Education and any proprietary school that has a valid and current license issued by the Board of Regents in accordance with law and that is accredited by an accrediting organization recognized by the United States Department of Education.

* * *

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

HISTORICAL NOTE: HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 24:2237 (December 1998), LR 25:256 (February 1999), LR 25:654 (April 1999), LR 25:1458 and 1460 (August 1999), LR 25:1794 (October 1999), LR 26:65 (January 2000), LR 26:688 (April 2000), LR 26:1262 (June 2000), LR 26:1601 (August 2000), LR 26:1993, 1999 (September 2000), LR 26:2268 (October 2000), LR 26:2752 (December 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), LR 27:1219 (August 2001), LR 27:1840 (November 2001), LR 27:1875 (November 2001), LR 28:45 (January 2002), LR 28:446 (March 2002), LR 28:772 (April 2002), LR 28:2330, 2331 (November 2002), LR 29:555 (April 2003), LR 29:879 (June 2003), LR 30:1159 (June 2004), LR 30:2015 (September 2004), LR 31:36 (January 2005), LR 31:3112 (December 2005), LR 33:86 (January 2007), LR 33:439 (March 2007), LR 33:1339 (July 2007), LR 33:2612 (December 2007), LR 34:234 (February 2008), LR 34:1388 (July 2008), LR 34:1884 (September 2008), LR 35:228 (February 2009).

Chapter 5. Applications, Federal Grant Aid and ACT Test

§504. Out-of-State and Out-of-Country High School Graduates and Eligible Non-Graduates

A. - A.1. …

2. enter a Louisiana postsecondary institution and/or 1595 (code for the Louisiana Taylor Opportunity Program-Students, Baton Rouge, LA.) in the "score report choices" section of the ACT and/or 9019 (code for Taylor Opportunity Program for Students) in the "send scores" section of the SAT registration form.

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 30:2017 (September 2004), amended LR 31:36 (January 2005), LR 35:228 (February 2009).

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

§701. General Provisions

A. Legislative Authority. Awards under the Louisiana Taylor Opportunity Program for Students (TOPS), the Opportunity, Performance and Honors Awards, are established as set forth in R.S. 17:3048.1 et seq., as amended.

B. Description, History and Purpose. The Taylor Opportunity Program for Students (TOPS) is a comprehensive, merit-based student aid program consisting of a series of components, with each component having its own eligibility criteria and titled award. The purpose of TOPS is to provide an incentive for Louisiana residents to academically prepare for and pursue post-secondary education in this state, resulting in an educated work force enabling Louisiana to prosper in the global market of the future. The major components of TOPS are the Opportunity Award, the Performance Award and the Honors Award.

C. - G.2. …

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), amended LR 23:1645-1648 (December 1997), repromulgated LR 24:635 (April 1998), amended LR 24:1901 (October 1998), LR 25: 256 (February 1999), LR 26:67 (January 2000), LR 26:1262 (June 2000), LR 26:1995 (September 2000), LR 26:2000 (September 2000), repromulgated LR 27:1848 (November 2001), amended LR 28:447 (March 2002), LR 28:2331 (November 2002), LR 29:880 (June 2003), LR 29:2372 (November 2003), LR 30:1161 (June 2004), LR 31:2213 (September 2005), LR 35:228 (February 2009).

§703. Establishing Eligibility

A. - A.5.a.i(d). ...

* * *

(e). beginning with the graduates of academic year (high school) 2007-2008, at the time of high school graduation, an applicant must have successfully completed 17.5 units of high school course work that constitutes a core curriculum and is documented on the student's official transcript as approved by the Louisiana Department of Education as follows.

Units	Course
1	English I
1	English II
1	English III
1	English IV
1	Algebra I (1 unit) or Applied Algebra 1A and 1B (2 units)
1	Algebra II
1	Geometry, Calculus or comparable Advanced Mathematics
1	Biology
1	Chemistry
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology or Agriscience I and II (both for 1 unit; provided however, that such Agriscience unit shall not be considered a science elective for the purpose of the math or science elective requirement below)
1	An elective from among the following math subjects: Geometry, Calculus, Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III, Advanced Mathematics I [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Pre-Calculus], Advanced Mathematics II [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Functions and Statistics], Integrated Mathematics III or the following science subjects: Biology II, Chemistry II, Physics or Physics II
1	American History
1	World History, Western Civilization or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, nonpublic)
1	Fine Arts Survey; (or substitute 2 units performance courses in music, dance, or theater; or 2 units of studio art or visual art; or 1 elective from among the other subjects listed in this core curriculum)
2	Foreign Language, both units in the same language
1/2	Computer Science, Computer Literacy or Business Computer Applications (or substitute at least one-half unit of an elective course related to computers that is approved by the State Board of Elementary and Secondary Education (BESE) or substitute at least one-half unit of an elective from among the other subjects listed in this core curriculum). BESE has approved the following courses as computer related for purposes of satisfying the 1/2 unit computer science requirement for all schools (courses approved by BESE for individual schools are not included): Advanced Technical Drafting (1/2 or 1 credit) Business Computer Applications (1/2 or 1 credit) Computer Applications or Computer/Technology Applications (1/2 or 1 credit) Computer Architecture (1/2 or 1 credit) Computer Electronics I (1/2 or 1 credit) Computer Electronics II (1/2 or 1 credit) Computer/Technology Literacy (1/2 or 1 credit) Computer Science I (1/2 or 1 credit) Computer Science II (1/2 or 1 credit) Computer Systems and Networking I (1/2 or 1 credit) Computer Systems and Networking II (1/2 or 1 credit) Database Design and Programming (1/2 or 1 credit) Database Programming with PL/SQL (1/2 credit) Desktop Publishing (1/2 or 1 credit) Digital Graphics & Animation (1/2 credit) Digital Media I (1/2 or 1 credit) Digital Media II (1/2 or 1 credit) Introduction to Business Computer Applications (1/2 or 1 credit) Java Programming (1/2 or 1 credit) Multimedia Productions or Multimedia Presentations (1/2 or 1 credit) Technology Education Computer Applications (1/2 or 1 credit) Telecommunications (1/2 credit) Web Mastering or Web Design (1/2 credit) Word Processing (1/2 or 1 credit) Independent Study in Technology Applications (1/2 or 1 credit)

ii.(a). For students graduating in academic year (high school) 2007-2008 and prior, for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Physical Science	General Science, Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*, Advanced Mathematics I, Advanced Mathematics II
Chemistry	Chemistry Com
Fine Arts Survey	Speech Debate (2 units)
Western Civilization	European History
Civics	AP American Government
*Applied Mathematics III was formerly referred to as Applied Geometry	

(b). For students graduating in academic year (high school) 2006-2007 and after, for purposes of satisfying the requirements of §703.A.5.a.i above, or §803.A.6.a, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Physical Science	Integrated Science
Algebra I	Algebra I, Parts 1 and 2, Integrated Mathematics I
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Algebra II	Integrated Mathematics II
Geometry	Integrated Mathematics III
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*, Advanced Mathematics I[beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Pre-Calculus], Advanced Mathematics II [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math –Functions and Statistics]
Chemistry	Chemistry Com
Fine Arts Survey	Speech III and Speech IV (both units)
Western Civilization	European History
Civics	AP American Government
*Applied Mathematics III was formerly referred to as Applied Geometry	

A.5.a.iii - I.8. …

J. Natural Disaster Initial Eligibility Requirements

1. To establish eligibility for a TOPS Opportunity, Performance or Honors Award, a displaced student graduating from high school or completing a BESE approved home study program at the 12th grade level during the 2005-2006, 2006-2007, 2007-2008, and 2008-2009

academic years (high school) must meet all of the requirements of §703.A-I.8 above, except as follows:

a. A displaced student who has been certified by the principal or headmaster to have graduated during the 2005-2006, 2006-2007, 2007-2008, and 2008-2009 school years from an out-of-state high school that meets the criteria of an eligible out-of-state high school as provided in §1701.A.4 and 5 shall not be required to have for the respective awards a higher minimum composite score on the ACT or on the Scholastic Aptitude Test than required for a student who graduates from an eligible Louisiana high school provided such student has, for an opportunity award, a cumulative high school grade point average on all courses on the high school transcript of at least 2.50 calculated on a 4.00 scale or, for a performance or honors award, a cumulative high school grade point average on all courses on the high school transcript of at least 3.50 calculated on a 4.00 scale.

b. The requirement that a student who graduates from an eligible Louisiana high school during the 2005-2006, 2006-2007, 2007-2008, and 2008-2009 school years must have successfully completed the applicable core curriculum shall be waived for a displaced student based upon a sworn affidavit by the student's high school principal or headmaster or authorized designee that failure to comply with such requirement is due solely to the fact that the required course or courses were not available to the student at the school attended.

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

i. such dependent or independent student actually resided in Louisiana during the entire 2004-2005 academic year (high school) and was enrolled for such time in an eligible Louisiana high school and graduated from high school during the 2005-2006, 2006-2007, 2007-2008, or 2008-2009 academic year (high school); or

c.ii. - d.ii. …

e. A displaced student who during the 2005-2006, 2006-2007, 2007-2008, and 2008-2009 academic years (high school) successfully completes at the 12th grade level a home study program approved by the State Board of Elementary and Secondary Education shall not be required to have also completed the 11th grade level of an approved home study course.

2 - 4.b.ii. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.6.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 32:2239 (December 2006), LR 33:435 (March 2007), LR 33:2357 (November 2007), LR 33:2612 (December 2007), LR 35:228 (February 2009).

Chapter 8. TOPS-Tech Award

§803. Establishing Eligibility

A. - A.6.a.i. …

ii. for students graduating in the 2000-2001 school year and thereafter, the high school course work documented on the student's official transcript as approved by the Louisiana Department of Education constituting the following TOPS-Tech core curriculum.

Core Curriculum—TOPS-Tech Award	
Units	**Course**
1	English I
1	English II
1	English III
1	English IV or substitute 1 unit of Business English
1	Algebra I; or both Algebra I, Part 1 and Algebra I, Part 2; or both Applied Mathematics I and Applied Mathematics II
2	Geometry, Applied Mathematics III, Algebra II, Financial Mathematics, Advanced Mathematics I [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Pre-Calculus], Advanced Mathematics II [beginning with the 2008-2009 academic year (high school) this course is renamed Advanced Math – Functions and Statistics], Discrete Mathematics, or Probability and Statistics (2 units). Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry and Algebra II, and shall be considered the equivalent of the 3 required math units
1	Biology
1	Chemistry or Applied Chemistry
1	Earth Science, Environmental Science, Physical Science, Integrated Science, Biology II, Chemistry II, Physics, Physics II, or Physics for Technology or Agriscience I and II (both for 1 unit)
1	American History
1	World History, Western Civilization, or World Geography
1	Civics and Free Enterprise (1 unit combined) or Civics (1 unit, nonpublic)
Remaining Core Courses Shall Be Selected from One of the Following Options:	
Option 1	**Total of 17 units**
1	Fine Arts Survey or substitute 2 units of performance courses in music, dance, or theater; or substitute 2 units of visual art courses; or substitute 2 units of studio art courses; or a course from the Career and Technical Program of studies that is approved by the BESE (must be listed under the Vocational Education Course Offerings in Bulletin 741 or the updates to Bulletin 741); or substitute 1 unit as an elective from among the other subjects listed in this core curriculum
2	Foreign Language, Technical Writing, Speech I or Speech II
1	One unit from the secondary computer education program of studies that is approved by the BESE
or	
Option 2	**Total of 19 Units**
4	In a career major comprised of a sequence of related specialty courses. In order for a student to use this option, the courses for the career major must be approved by BESE.
1	Credit in a basic computer course.
1	In related or technical fields. A related course includes any course which is listed under the student's major. A technical course is one that is listed in the approved career option plan for the high school at which the course is taken.

or

6.a.iii - 10. …

B. Natural Disaster Initial Eligibility Requirements

1. To establish eligibility for a TOPS Tech Award, a displaced student graduating from high school or completing

a BESE approved home study program at the 12th grade level during the 2005-2006, 2006-2007, 2007-2008, and 2008-2009 academic years (high school) must meet all of the requirements of §803.A above, except as follows.

a. A displaced student who has been certified by the principal or headmaster to have graduated during the 2005-2006, 2006-2007, 2007-2008, and 2008-2009 school years from an out-of-state high school that meets the criteria of an eligible out-of-state high school as provided in §1701.A.4 and 5 shall not be required to have a higher minimum composite score on the ACT or on the Scholastic Aptitude Test than required for a student who graduates from an eligible Louisiana high school provided such student has a cumulative high school grade point average on all courses on the high school transcript of at least 2.50 calculated on a 4.00 scale.

b. The requirement that a student who graduates from an eligible Louisiana high school during the 2005-2006, 2006-2007, 2007-2008, and 2008-2009 school years must have successfully completed the applicable core curriculum shall be waived for a displaced student based upon a sworn affidavit by the student's high school principal or headmaster or authorized designee that failure to comply with such requirement is due solely to the fact that the required course or courses were not available to the student at the school attended.

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

i. such dependent or independent student actually resided in Louisiana during the entire 2004-2005 academic year (high school) and was enrolled for such time in an eligible Louisiana high school and graduated from high school during the 2005-2006, 2006-2007, 2007-2008, or 2008-2009 academic year (high school); or

c.ii. - d.ii. …

e. A displaced student who during the 2005-2006, 2006-2007, 2007-2008, and 2008-2009 academic years (high school) successfully completes at the 12th grade level a home study program approved by the State Board of Elementary and Secondary Education shall not be required to have also completed the 11th grade level of an approved home study course.

2. - 4.b.ii. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3025, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.6.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1904 (October 1998), amended LR 24:2237 (December 1998), LR 25:1795 (October 1999), LR 26:65 and 67 (January 2000), LR 26:1602 (August 2000), LR 26:1997 (September 2000), LR 26:2269 (October 2000), LR 26:2754 (December 2000), LR 27:36 (January 2001), LR 27:1220 (August 2001), repromulgated LR 27:1854 (November 2001), amended LR 28:447 (March 2002), LR 28:773 (April 2002), LR 28:2330 (November 2002), LR 29:554 (April 2003), LR 30:1164 (June 2004), LR 30:2019 (September 2004), LR 31:39 (January 2005), LR 31:3114 (December 2005), LR 33:437 (March 2007), LR 33:2614 (December 2007), LR 35:230 (February 2009).

Chapter 10. TOPS-Tech Early Start Award

§1001. General Provisions

A. Legislative Authority. The TOPS-Tech Early Start Award was created by Act 348 of the 2005 Regular Session of the Louisiana Legislature.

B. Description, History and Purpose. The TOPS-Tech Early Start Award is established as part of the Taylor Opportunity Program for Students (TOPS) to provide grants for Louisiana residents pursuing occupational or vocational training while being dually enrolled in a state public high school at the 11th and 12th grade levels and at a Louisiana public postsecondary institution that offers an occupational or vocational education credential in a top demand occupation. The purpose of TOPS-Tech Early Start is to provide an incentive for qualified Louisiana public high school students to prepare for and pursue an industry-based occupational or vocational education credential in a top demand occupation while still in high school.

C. - E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 31:3109 (December 2005), amended LR 35:231 (February 2009).

Chapter 14. Early Start Program

§1401. General Provisions

A. The Early Start Program is administered by the Louisiana Office of Student Financial Assistance (LOSFA) in accordance with a memorandum of understanding by and between the Louisiana Board of Regents and the Louisiana Student Financial Assistance Commission (LASFAC).

B.1. Description. The Early Start Program is established to provide funding to eligible Louisiana postsecondary institutions that enroll eligible 11th and 12th grade Louisiana public high school students in college degree, developmental, or work skills courses.

2. History. The program was established by the Board of Regents as the Dual Enrollment Program to provide funding to public postsecondary institutions that enroll eligible public high school students. Beginning the 2008-2009 academic year (college), the Board of Regents expanded the program to include members of LAICU that enroll eligible public high school students. Act 460 of the 2008 Regular Session of the Legislature provided for participation in the program by students enrolled in nonpublic high schools and home school programs.

3. Purpose. The purpose of the Early Start Program is to provide an incentive for qualified Louisiana high school students to prepare for a postsecondary education or career.

C. Effective Date. Early Start Program payments shall be made beginning with the 2007-2008 award year to postsecondary institutions for 11th and 12th grade students meeting the eligibility criteria set forth in this Chapter.

D. Eligible Semesters/Terms. The Early Start Program will pay for enrollment in each college course during each semester or term of the academic year. Early Start Program will not pay for summer semesters or sessions.

E. Award Amount. The Early Start Program will pay postsecondary institutions $100 per college credit hour, not to exceed $300 per course, for each course in which a student enrolled in a Louisiana public high school is eligible to enroll. The award amount shall not be paid on behalf of students enrolled in nonpublic high schools or in home school; however, beginning with the 2008-2009 Academic Year (College), the program allows participating eligible Louisiana postsecondary institutions to enroll eligible 11th and 12th grade Louisiana nonpublic high school and home

school students at the same rate as the award amount that funding is provided for public high school students at these institutions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2609 (December 2007), amended LR 34:240 (February 2008), LR 35:231 (February 2009).

§1403. Definitions

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

* * *

Career Area of Concentration—a coherent sequence of courses or field of study approved by BESE that prepares a high school student for a first job and/or further education and training. It includes four sequential related credits in a specific area plus two credits in a related field; one must be a basic computer course.

Census Day—14th class day (or equivalent) of current term enrollment.

College Degree Course—a course in an academic subject at a Louisiana postsecondary institution that generates postsecondary institutional credit and: (1) appears on the current Board of Regents' Statewide General Education Course Articulation Matrix for public postsecondary institutions; or (2) appears on a list of courses approved by the Board of Regents for LAICU postsecondary institutions.

Eligible Postsecondary Institution—Louisiana public colleges or universities and regionally accredited independent colleges or universities which are members of the LAICU.

Enrichment/Developmental Course—an English or mathematics course at an eligible Louisiana postsecondary institution that generates postsecondary institutional credit, but not degree credit, and is designed to prepare the student for college-level instruction.

Home School Students—students enrolled in BESE approved home study programs and students enrolled in nonpublic (private) schools that have not sought approval from but are registered with BESE.

LAICU—Louisiana Association of Independent Colleges and Universities.

On Track to Graduate from High School—a student has earned at least 11 Carnegie units if a junior, or at least 16 Carnegie units if a senior.

Work Skills Course—a course at an eligible Louisiana postsecondary institution in a skill or occupational training area that is designed to lead to an industry-based certificate and, for students required to have a declared Career Area of Concentration, will contribute to the student's Career Area of Concentration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2610 (December 2007), amended LR 34:240 (February 2008), LR 35:232 (February 2009).

§1405. Establishing Eligibility

A. To establish eligibility for the Early Start Program, all student applicants must meet the following criteria:

1. be in the 11th or 12th grade in a Louisiana public high school and beginning with the 2008-2009 Academic Year (College) in a nonpublic high school or in home school;

2. beat least 15 years of age;

3. have taken either the PLAN® or ACT assessment (or SAT) and those scores are on file at the high school or in the student's home school records;

4. have completed and submitted an Early Start Program application to the high school in which the student is enrolled or to the parent of the student in home school;

5. be approved by the high school in which the student is enrolled, or the parent of the student in home school, to participate in the program and to enroll in the course or courses; and

6.a. be enrolled in a course for which both public high school and college credit is attempted and for which an Early Start Program payment is made: or

b. be enrolled in a course for which both nonpublic high school or home school and college credit is attempted and for which an amount equal to the award amount of an Early Start Program payment is made.

B. Enrollment in a College Degree Course. In addition to the eligibility criteria in Paragraphs A.1-6:

1.a. for students graduating from high school or completing the 12th grade level of home school in academic years (high school) 2008-2009 through 2010-2011, the student must be working towards completing the Regents/TOPS core curriculum by high school graduation; or

b. for students graduating from high school or completing the 12th grade level of home school in academic years (high school) 2011-2012 and thereafter, the student must be working towards completing the Louisiana Core 4 curriculum as approved by the Board of Elementary and Secondary Education;

2.a. through the fall semester or fall and winter term of the 2008-2009 academic year (college) have a PLAN® or ACT (or an equivalent SAT) composite score of at least 17 to enroll in a college degree course unless the postsecondary institution requires the student to meet the criteria in §1405.B.2.b. below;

b. for the spring semester or term of the 2008-2009 academic year (college) and thereafter, have a PLAN® composite score of at least 17 or ACT (or an equivalent SAT) composite score of at least 18 to enroll in a college degree course;

3. have a PLAN® or ACT (or an equivalent SAT) English sub-score of at least 18 or meet the postsecondary institution's pre-requisite requirement to enroll in an entry level English college degree course;

4. have a PLAN® or ACT (or an equivalent SAT) mathematics sub-score of at least 18 or meet the postsecondary institution's pre-requisite requirement to enroll in an entry level mathematics college degree course.

C. Enrollment in an Enrichment/Developmental Course. In addition to the eligibility criteria in Paragraphs A.1-6:

1.a. for students graduating from high school or completing the 12th grade level of home school in academic years (high school) 2008-2009 through 2010-2011, the student must be working towards completing the Regents/TOPS core curriculum by high school graduation; or

b. for students graduating from high school or completing the 12th grade level of home school in academic years (high school) 2011-2012 and thereafter, the student must be working towards completing the Louisiana Core 4 curriculum as approved by the Board of Elementary and Secondary Education;

2.a. through the fall semester or fall and winter term of the 2008-2009 academic year (college), have a PLAN® or ACT (or an equivalent SAT) composite score of at least 12 to enroll in an enrichment/developmental course unless the postsecondary institution requires the student to meet the criteria in §1405.C.2.b. below;

b. for the spring semester or term of the 2008-2009 academic year (college) and thereafter, have a PLAN® composite score of at least 14 or ACT (or an equivalent SAT) composite score of at least 15 to enroll in an enrichment/developmental course or meet the postsecondary institution's pre-requisite requirement to enroll in the course;

D. Enrollment in a Work Skills Course. In addition to the eligibility criteria in Paragraphs A.1-6, a student must have:

1.a through the fall semester or fall and winter term of the 2008-2009 academic year (college), a PLAN® or ACT Composite score (or an equivalent SAT score) of at least 12 unless the postsecondary institution requires the student to meet the criteria in §1405.D.1.b. below or a WorkKeys Bronze Certificate;

b. for the spring semester or term of the 2008-2009 academic year (college) and thereafter, PLAN® composite score of 14 or ACT Composite score (or an equivalent SAT score) of at least 15 or a WorkKeys Bronze Certificate;

2.a. for students graduating from high school or completing the 12th grade level of home school in academic years (high school) 2008-2009 through 2010-2011 and thereafter:

i. be working towards completing the Regents/TOPS core curriculum by high school graduation; or

ii. be working towards and on track to graduate from high school and have a declared Career Area of Concentration;

b. for students graduating from high school or completing the 12th grade level of home school in academic year (high school) 2011-2012 and thereafter:

i. be working towards completing the Louisiana Core 4 curriculum as approved by the Board of Elementary and Secondary Education; or

ii. be working towards and on track to graduate from high school and have declared a Career Area of Concentration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2610 (December 2007), amended LR 34:240 (February 2008), LR 35:232 (February 2009).

§1407. Continuing Enrollment

A. To continue enrollment in subsequent semesters/terms in the Early Start Program, the student must:

1. have successfully completed and earned credit in the last course(s) in which a student enrolled through the Early Start Program. If the student resigns, or withdraws from a course or the student's registration in the course is cancelled, the student must receive permission from both the high school and college to continue enrollment in subsequent semesters/terms;

2. be in good standing at the postsecondary institution;

3. continue to meet eligibility requirements in §1405.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2610 (December 2007), amended LR 34:241 (February 2008), LR 35:233 (February 2009).

§1409. Responsibilities of High Schools and School Boards and Parents of Home School Students

A. The student's high school or the parent of a home school student shall:

1. determine whether the student meets the initial eligibility criteria provided in §1405.A;

2. approve or disapprove the student's participation in the program;

3. approve the course or courses in which the student will enroll;

4. provide to the postsecondary institution at which the student will be dually enrolled:

a. the student's approved application; and

b. the student's PLAN and/or ACT test scores, including sub-scores on those tests required to enroll in specific courses as provided in §1405.B-D.

B. By forwarding the student's application to the postsecondary institution, the student's high school or the parent of a home school student certifies that it has determined that the student has met all criteria in §1405.A to participate in the Early Start Program and has approved the student's participation in the program and the course or courses in which the student will be enrolled.

C. Student must be enrolled in a college course for which high school or home school credit is attempted and recorded on the student's secondary permanent academic record, including the high school course, units attempted, units earned, and course grade, unless the student withdraws before the college's census date or the student's enrollment is cancelled.

D. At the end of each semester or term of participation in the program, the student's high school or the parent of a home school student shall determine whether the student has met the criterion in §1407.A.1 for continued enrollment in the Early Start Program. If the student is determined eligible and the high school or the parent of a home school student approves the student's continued participation in the program, it shall so notify the postsecondary institution and provide the course or courses approved for enrollment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance,

LR 33:2610 (December 2007), amended LR 34:241 (February 2008), LR 35:233 (February 2009).

§1413. Responsibilities of Eligible Louisiana Postsecondary Institutions

A. Each eligible Louisiana postsecondary institution that participates in the Early Start Program shall:

1. be responsible for determining that the student meets the PLAN or ACT eligibility criteria provided in §1405.B-D;

2. reserve Early Start Program funds when the student enrolled in a public high school is accepted and enrolled in an appropriate course;

3. submit a payment request to LOSFA for public high school students enrolled at the institution for whom a reservation was made as follows:

a. for each public high school student eligible for the Early Start Program who is enrolled at the end of the 14th class day or later for semester schools, or the 9th class day or later for quarter and term schools;

b. payment request amount. Each semester or term, the postsecondary institution in which a student is enrolled in an Early Start course shall submit a payment request to LOSFA during the period the billing portal is open for each semester/term for which the student is enrolled in the amount of $100 per credit hour in which the student is enrolled, not to exceed $300 for each college course. Payment requests received outside of these timeframes will not be paid unless approved by the Louisiana Board of Regents;

c. the postsecondary institution may not charge the student any mandatory institutional and tuition fees for enrollment in a course paid for by the Early Start Program;

d. the payment request shall include the Social Security number, college code, high school code, term, date, college course type, hours attempted, and amount requested for each student;

4. for each nonpublic high school student and each home school, submit to LOSFA within 30 days of the census date of the semester/term for which the student is accepted in the Early Start Program the student's name, Social Security number, college code, high school code, term, date, college course type, hours attempted;

5. for students who have been previously enrolled in the Early Start Program, determine whether the student is in good standing at that institution;

6. by submitting a payment request to LOSFA, the postsecondary institution certifies that:

a. the student meets the eligibility criteria provided in §1405.B-D for the college course in which the student is dually enrolled;

b. the student was enrolled at the end of the 14th class day or later for semester schools, or the 9th class day or later for quarter and term schools;

c. the student's high school or the parent of a home school student has provided notice that the student is eligible for and has been approved to continue participation in the program; and

d. the student's high school or the parent of a home school student has provided notice of the course or courses approved for enrollment;

e. the student is in good standing at the institution;

7. verify that the student is enrolled in a college course for which college credit is attempted and recorded on the student's postsecondary permanent academic record, including the college course, credit attempted, credit earned, and course grade, unless the student withdraws before the college's census date or the student's enrollment is cancelled;

8. report student level outcome data to the Board of Regents according to specifications defined by the Board of Regents.

B. Records Retention

1. Records pertaining to the Early Start Program are subject to audit as required by LOSFA, LASFAC, the Louisiana Board of Regents, and the Louisiana Legislative Auditor. Postsecondary institutions shall maintain all records for a minimum of three years. All such records shall be made available upon request by LOSFA, LASFAC, the Louisiana Board of Regents and the Louisiana Legislative Auditor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2611 (December 2007), amended LR 34:241 (February 2008), LR 35:234 (February 2009).

§1415. Responsibilities of the Board of Regents

A. The Board of Regents shall provide a student application to participate in the Early Start Program.

B. The Board of Regents shall maintain a Statewide General Education Course Articulation Matrix.

C. The Board of Regents shall list the courses offered by LAICU postsecondary institutions that are approved for use in the Early Start Program. The Board of Regents shall review the list of LAICU courses at least on an annual basis and shall post the list on the Board of Regents web site.

D. In the event that the funds appropriated for the Early Start Program are insufficient to pay for all eligible public high school students, the Board of Regents shall develop, approve and deliver a plan to LOSFA to address the shortfall.

E. The Board of Regents shall provide specifications for submitting student level outcome data as required by §1413.A.8.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 17:3048.5.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2611 (December 2007), amended LR 34:242 (February 2008), LR 35:234 (February 2009).

§1417. Responsibilities of LOSFA

A. Upon receipt of payment requests from institutions submitted in accordance with §1413.A, LOSFA shall pay the institution for each eligible student in accordance with §1413.

B. LOSFA shall conduct audits of the participating eligible Louisiana postsecondary institutions to ensure compliance with program requirements.

C. LOSFA shall provide the information necessary to fully inform Louisiana public high school students and their parents on the requirements of and procedures for applying for and maintaining eligibility for the Early Start Program.

D. LOSFA shall audit high schools and postsecondary institutions to ensure compliance with these rules.

E. LOSFA shall maintain a database of all students who have participated in the Early Start Program, including Social Security number, college code, high school code, term, date, college course type, hours attempted, payment amount, and aggregate amount paid.

F.1. After the receipt of fall semester or term payment requests, but no later than October 15 of each year, LOSFA shall determine whether sufficient funds are available for all anticipated program payments for subsequent semesters and terms of the academic year.

2. In the event projections indicate sufficient funds are not available, LOSFA shall notify the Board of Regents.

3. In the event additional funds are not allocated for all program payments anticipated for subsequent semesters and terms during the academic year, the Board of Regents shall develop, approve and deliver a plan to LOSFA to address the shortfall.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3023 and R.S. 17:3129.7.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2611 (December 2007), amended LR 34:242 (February 2008), LR 35:234 (February 2009).

Chapter 17. Responsibilities of High Schools, School Boards, Special School Governing Boards, the Louisiana Department of Education and LASFAC on Behalf of Eligible Non-Louisiana High Schools

§1705. Notification of Certified Students

A. Through the 2002 academic year (high school), if the certifying authority elects to notify students of their certification, then the following disclaimer shall be included in any communication to the student: "Although you have been certified as academically eligible for a Taylor Opportunity Program for Students (TOPS) Award, you must satisfy all of the following conditions to redeem a scholarship under this program:

1. you must be a Louisiana resident as defined by the Louisiana Student Financial Assistance Commission; and

2. you must be accepted for enrollment by an eligible Louisiana college and be registered as a full-time undergraduate student; and

3. you must annually apply for federal student aid, if eligible for such aid, by the deadline required for consideration for state aid; and

4. you must have met all academic and nonacademic requirements and be officially notified of your award by the Louisiana Student Financial Assistance Commission (LASFAC)."

B. Commencing with the 2003 academic year (high school), if the certifying authority elects to notify students of their potential eligibility for an award, then the following disclaimer shall be included in any communication to the student: "Although it appears that you have satisfied the academic requirements for a Taylor Opportunity Program for Students (TOPS) Award based on this school's review of the core curriculum courses you have completed and calculation of your TOPS cumulative high school grade point average, you must satisfy all of the following conditions to redeem a scholarship under this program:

1. the Louisiana Student Financial Assistance Commission (LASFAC) must determine that you have in fact completed the TOPS core curriculum courses;

2. LASFAC must determine that your TOPS cumulative high school grade point average based on the TOPS core curriculum meets the statutory requirements;

3. you must be a Louisiana resident as defined by LASFAC;

4. you must be accepted for enrollment by an eligible Louisiana postsecondary institution and be registered as a full-time undergraduate student no later than the next semester following the first anniversary of your graduation from high school;

5. you must apply for federal student aid, if eligible for such aid, by the deadline required for consideration for state aid; and

6. you must have met all academic and nonacademic requirements and be officially notified of your award by LASFAC."

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:644 (April 1998), amended LR 24:1913 (October 1998), repromulgated LR 27:1864 (November 2001), amended LR 29:126 (February 2003), LR 29:882 (June 2003), LR 30:1166 (June 2004), LR 35:235 (February 2009).

Chapter 19. Eligibility and Responsibilities of Post-Secondary Institutions

§1901. Eligibility of Post-Secondary Institutions to Participate

A. Undergraduate degree granting schools which are components of Louisiana public university medical centers and two- and four-year public colleges and universities are authorized to participate in the Taylor Opportunity Program for Students (TOPS), TOPS-Tech, TOPS-Tech Early Start, Rockefeller State Wildlife Scholarship, Leveraging Educational Assistance Partnership (LEAP) Program and the GO-Youth ChalleNGe Program.

B. - E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1 and R.S. 17:3050.1-3050.4.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:645 (April 1998), amended LR 24:1914 (October 1998), LR 25:1459 (August 1999), LR 26:1998 (September 2000), repromulgated LR 27:1864 (November 2001), amended LR 28:448 (March 2002), LR 30:784 (April 2004), LR 31:3111 and 3114 (December 2005), LR 35:235 (February 2009).

George Badge Eldredge
General Counsel

0902#040

RULE

Tuition Trust Authority
Office of Student Financial Assistance

START Saving Program (LAC 28:VI.305, 309 and 311)

The Louisiana Tuition Trust Authority has amended its START Saving Program rules (R.S. 17:3091 et seq.). (ST0999R)

Title 28
EDUCATION
Part VI. Student Financial Assistance—Higher Education Savings
Chapter 3. Education Savings Account
§305. Deposits to Education Savings Accounts

A. - D.5. …

6. Requests for the transfer of funds from the variable earnings option in which they are currently deposited to a different option shall be assigned a trade date of one business day after the business day of receipt of the transfer request.

E. - E.4. …

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:715 (June 1997), amended LR 24:1270 (July 1998), LR 26:2263 (October 2000), LR 27:1880 (November 2001), LR 30:788 (April 2004), LR 30:1169 (June 2004), LR 30:2302 (October 2004), LR 32:1433 (August 2006), LR 32:2240 (December 2006), LR 35:236 (February 2009).

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

A. - A.6. …

7. Disbursements from investment options with variable earnings shall be assigned a trade date of one business day after the business day of receipt of the transfer request.

B. - G. …

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:716 (June 1997), amended LR 24:1272 (July 1998), LR 24:2238 (December 1998), LR 26:2265 (October 2000), LR 27:1881 (November 2001), LR 30:789 (April 2004), LR 30:1169 (June 2004), LR 32:1433 (August 2006), LR 33:444 (March 2007), LR 35:236 (February 2009).

§311. Termination and Refund of an Education Savings Account

A. - C.4. …

5. Refunds from investment options with variable earnings shall be assigned a trade date of one business day after the business day of receipt.

D. - H. …

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:717 (June 1997), amended LR 24:1273 (July 1998), repromulgated LR 26:2265 (October 2000), amended LR 27:38 (January 2001), LR 27:1882 (November 2001), LR 28:779 (April 2002), LR 30:790 (April 2004), LR 31:639 (March 2005), LR 32:1434 (August 2006), LR 32:2240 (December 2006), LR 33:444 (March 2007), LR 35:236 (February 2009).

George Badge Eldredge
General Counsel

0902#034

RULE

Office of the Governor
Board of Certified Public Accountants

Peer Review and Practice Monitoring Programs
(LAC 46:XIX.1503)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and of the Louisiana Accountancy Act, R.S. 37:74, the Board of Certified Public Accountants has amended LAC 46:XIX.1503. The objective of this action is to revise the rules in accordance with changes enacted by Act 203 of 2008 with respect to peer review of CPA firms performing attest services and the submission of peer review reports to the Board of Certified Public Accountants. No preamble has been prepared with respect to the revised Rule which appears below.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XIX. Certified Public Accountants
Chapter 15. Firm Permits to Practice; Attest Experience; Peer Review
§1503. Peer Review and Practice Monitoring Programs

A. The board hereby requires participation in an approved peer review program for the inspection, examination and review of the quality of the accounting and auditing practice, the engagements, and related attest documentation developed by licensees in connection with the performance of any or all attest services. The purpose of this requirement is to improve the quality of financial reporting and to assure that the public can rely on the fairness of presentation of financial information on which CPA firms issue reports.

1. Each licensee or CPA firm, which performs attest services in Louisiana, shall at its own expense undergo and complete a peer review that has been accepted by the administering entity at least once each three years, and have its initial peer review in accordance with standards not less stringent than the American Institute of Certified Public Accountants (AICPA) Standards for Performing and Reporting on Peer Reviews.

2. Peer reviews shall be administered by the Society of Louisiana Certified Public Accountants (LCPA) or by another board approved administering entity or sponsoring organization, such as, a state society of CPAs, the National Peer Review Committee, or state board of accountancy program with standards substantially equivalent to the AICPA's standards.

3. Peer review programs must be approved by the board and conducted pursuant to standards not less stringent than standards applied by the AICPA and may be subject to the following:

a. evaluations by the board or its designee that assess the effectiveness of the peer review program under its charge;

b. notifying the board of the participation of firms enrolled in the peer review program and dates of the firm's most recently accepted peer reviews;

c. notifying the board of a firm's failure to cooperate or otherwise fulfilling the requirements of the peer review program, or of a firm's withdrawal, removal, or other termination from enrollment in the program.

4. Peer review procedures shall include a verification that individuals in the firm who are responsible for supervising attest services and signing or authorizing someone to sign the report on behalf of the firm meet the competency requirements set out in the professional standards for such services.

5. Peer review reports shall be made available to the board after a review's acceptance date by the administering entity or its peer review committee. "Acceptance" shall be as described in the AICPA Peer Review Standards and its interpretations. Timely completion of peer reviews and submission of, or making available reports, in the manner and periods required under this Section, are conditions of holding a valid permit.

a. For reviews commencing on or after January 1, 2009 and administered by the Society of Louisiana CPAs, peer review reports shall be made available or submitted to the board by the administering entity by making them available on a secure website or other secure means. Such reports must be made available within 45 days of the acceptance date.

b. For reviews commencing on or after January 1, 2011, and administered by another board approved administering entity or sponsoring organization, such as, a state society of CPAs, National Peer Review Committee, or state board of accountancy program with standards substantially equivalent to the AICPA's standards, peer review reports shall be submitted to the board by the firm directly or made available or submitted to the board by the sponsoring organization or administering entity by making them available on a secure website or other secure means. Such reports must be submitted or made available within 45 days of the acceptance date.

6. The reviewed firm must retain any or all of the documents related to the peer review in accordance with AICPA Peer Review standards. Upon request of the board, the reviewed firm shall timely submit such documentation to the board.

7. The objective of this reporting rule is primarily to reinforce the board's efforts to ensure that only appropriately qualified CPA firms are engaged in the offering and rendering of attest services subject to peer review.

8. For good cause shown, the board may grant or renew permits for a reasonable period of time pending the completion of a peer review or the submission of a report thereon.

B. Practice Monitoring Program

1. A reviewer(s) designated, employed, or engaged by the board will conduct a periodic review of peer review reports that are made available to the board. Such reviewer(s) will determine whether peer reviews are being properly submitted or made available to the board; will assess the significance of any reported or disclosed failures or deficiencies in complying with professional standards; will communicate with the reviewed firms as may be deemed necessary; will consider making referrals to the board of cases requiring further investigation by the board or its designees; and, will perform such other functions as the board may assign to its designees.

2. The reviewer or board designee may disclose, use, introduce, or testify with respect to information or records obtained or reviewed in connection with the practice monitoring program which are relevant in a proceeding before the board pursuant to R.S. 37:79, 80, 81 or 84.

3. Based upon the results of practice monitoring or additional investigations, the board may consider, by administrative hearing or by consent, corrective actions such as probation, suspension, practice limits or restrictions, additional continuing education, pre-issuance reviews, more frequent peer reviews, and other measures, including discipline against the reviewed firm and any individual licensees employed or contracted by the reviewed firm.

C. Confidentiality. Peer review reports and documents submitted to the board pursuant to this Section and comments of reviewers and of the board on such reports or attest documentation relating thereto shall be maintained in confidence, except that they may be communicated by the board, or its designees, to the licensees who issued the reports and as may be allowed under R.S. 37:77(H).

D. No CPA or CPA firm shall be required to become a member of any organization in order to comply with the provisions of §1503.

E. Peer Review Oversight Committee (PROC)

1. The board shall appoint a Peer Review Oversight Committee (PROC) whose function shall be the oversight and monitoring of sponsoring organizations for compliance and implementation of the minimum standards for performing and reporting on peer reviews. The PROC shall consist of up to three members, none of whom are current members of the Board of Certified Public Accountants of Louisiana. These members shall be a licensee holding an active CPA certificate in good standing, and possess accounting and/or attest experience deemed sufficient by the board.

2. Responsibilities. At least one member of the PROC will attend all meetings of the Society of Louisiana Certified Public Accountants Peer Review Committee (PRC), or any successor thereof, and report periodically to the board on whether the PRC is meeting the requirements of these rules.

3. Compensation. Compensation of PROC members shall be set by the board.

4. Duties of the PROC:

a. observe the plenary sessions of the PRC which include the assignment of reviews to committee members and the summary meeting where the conclusions of the review committee members are discussed;

b. may periodically review files of the reviewers; and

c. may observe the deliberations of the PRC and report their observations to the board; and

d. make recommendations relative to the operation of the program; and

e. consider such other matters and perform such other duties regarding the peer review programs as may be necessary from time to time;

f. members of the Peer Review Oversight Committee must sign a confidentiality agreement with the administering entity annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1071 (November 1991), amended LR 23:1125 (September 1997), LR 26:1981 (September 2000), LR 35:236 (February 2009).

Michael A. Henderson
Executive Director

0902#085

RULE

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

Peace Officer Training (LAC 22:III.4723)

In accordance with the provision of R.S. 40:2401 et seq., the Peace Officer Standards and Training Act, and R.S. 40:950 et seq., which is the Administrative Procedure Act, the Peace Officer Standards and Training Council hereby has amended its rules and regulations relative to the training of peace officers.

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
§4723. POST Firearms Qualification Course

A. Stages of Fire

STAGE I—25 yards	6 rounds standing, strong side barricade, strong-hand 6 rounds standing, barricade, strong hand or off hand, *off-side* Time Limit: 60 seconds

STAGE I—TRAINING CONSIDERATIONS:

A) The weapon must never contact the barricade; the hands may brace against the barricade.
B) It is possible for the shooter to align the sights on the target and still shoot the barricade. Be sure the muzzle clears the barricade.
C) Shooters are required to fire from the offside of the barricade using the barricade for cover. *Use of the strong or off-hand is optional.*

Stage I stresses the basics, including the barricade position and the use of cover. It also stresses to seek cover, in that the shooter starts out *from* behind cover and moves to cover. Studies show officers fail to use available cover two-thirds of the time, unless trained to take cover. To keep the course uniform *the distance for cover will not exceed 5 yards*. Also, shooter will move up to cover before drawing. One important element in the use of deadly force is verbal warning, if there is time. To accomplish this, on the first string at (25 yards), after shooter has drawn and is covering the target, the shooter will shout **"Police, Don't Move"**. The shooter is advised to assume that the person has put him (the officer) in immediate danger and fires the string.

STAGE II—*15 yards	3 rounds right side low barricade kneeling position 3 rounds left side low barricade kneeling position (35 seconds for outdoor range) (30 seconds for indoor range with no movement from 25-yard line to 15-yard line)

NOTE: *Movement from 25 yards to 15 yards.

STAGE II—TRAINING CONSIDERATIONS:

A) Movement to the 15-yard line from the 25-yard line. Moving time is included in the 35 seconds for outdoor ranges.
B) Once the officer gets to the 15-yard line, the weapon will be drawn and assume cover or simulated cover if no barricade is used.
C) All rounds will be fired from the kneeling position.
D) Officer may use either strong hand or off hand.

STAGE III—7 yards	Phase I	6 rounds strong hand only from holster (10 seconds)
	Phase II	6 rounds off-hand only from ready gun (10 seconds)
	Phase III	*6 rounds standing 6 rounds kneeling—reload while kneeling (25 seconds)

*NOTE: Mandatory reloading for all weapons during Phase III.

STAGE III—TRAINING CONSIDERATIONS:

A) The muzzle must be forward of the shooter's leg before the knee touches the ground. The shooter will be cautioned not to "crash" to his knees to avoid injury. The muzzle must never cross the shooter's leg.
B) In Phase II the shooter will, on command, draw his weapon and come to normal, two-hand grip in the ready gun position. Then on command, shooter transfers handgun to the off hand and fires.
C) The shooter must ensure a secure grip on the weapon with the off hand before raising the weapon up to target at Stage III.

Phase I requires shooting with the strong hand only. This stage of fire is designed to test basic marksmanship fundamentals using the strong hand only. The most likely application of strong hand shooting is in the event that the off hand is incapacitated or occupied. The shooter starts with a holstered weapon.

Phase II requires shooting with the off hand only. A review of law enforcement situations indicates that few officers fire with the off hand in an actual confrontation. This stage of fire is designed to test basic marksmanship fundamentals using the off hand only. The most likely application of off-hand shooting is in the event that the strong hand is incapacitated or occupied. The shooter starts from ready gun position. On command shooter transfers weapon to off hand and fires using quick sight alignment.

In Phase III there is a mandatory reloading of all weapons. Law enforcement statistics show that officers seldom fire, reload, and continue the confrontations. Most confrontations involve fewer than 6 rounds and less than 4 seconds. However, every situation has the potential to go beyond the typical law enforcement engagement. Shooters must be familiar enough with their weapons and equipment to maintain continuity of fire. To do this the shooter must be able to reload under pressure. Instructors should emphasize that it is not a good tactic to stand up, out from behind cover, shoot, reload and shoot again. The emphasis is on reloading under stress and hitting center mass. All reloading will be done in the kneeling position. The kneeling position can be used as both a supported or unsupported position or to utilize available cover or just to make you a smaller target. The kneeling position is the most versatile, stable position due to its simplicity and the speed with which it can be acquired. Requiring the shooter to draw and assume the kneeling position and to fire under time

constraints, trains and tests manipulation skills as well as quick sight shooting skills.

STAGE IV—4 yards Phase I 3 rounds, one or two hands (3 seconds)
(2 shots to body mass and 1 shot to head)
Instinct shooting technique from holster with one step to the right AFTER rounds are fired.
Ready gun and return to original position.
Repeat once and holster.

Phase II 3 rounds, one or two hands (3 seconds)
(2 shots to body mass and 1 shot to head)
Instinct shooting technique from holster with one step to the left AFTER rounds are fired.
Ready gun and return to original position.
Repeat once and holster.

STAGE IV—TRAINING CONSIDERATIONS:

A) For double action semi-automatics pistols, the weapon should be decocked when the shooter lowers weapon to ready gun position after firing first 3 rounds at Stage IV.
B) Movement to the right/left should be immediately after rounds are fired.

Stage IV reinforces the basic techniques required for officer survival in the event of a failed incapacitation. In addition, it covers use of the weapon from the ready-gun position. The ready-gun position is used during high-risk searching and when challenging a dangerous subject. In the ready-gun position, the weapon will be lowered to approximately waist level, with the barrel pointed toward the target.

STAGE V—2 yard 2 rounds - One or two hands (2 seconds)
Close quarter shooting position from holster with one full step to the rear
Repeat twice

STAGE V—TRAINING CONSIDERATIONS:

A) Upon completion of each string of fire, shooter waits for instructor's command to move back to two-yard line.
B) Shooter must holster weapon after each string of fire.

This stage covers the most basic techniques of handgun training--the ability to respond to a sudden, close-range confrontation under realistic time constraints. The shooter is to take one step to the rear to create distance. Shooter should be stepping and drawing at the same time. The shooter has the option of using the one or two-hand, close-quarter shooting position or the extended hip shooting position. However, it must be mentioned that the off-hand at this distance might be occupied, defending or restraining a subject. Probably, if given a choice, shooter will use two hands.

OFFICIAL POST COURSE

Stage I	*25 yards	**6 rounds standing, strong side barricade, strong hand 6 rounds standing, barricade, strong hand or off-hand, off-side (60 seconds)
*NOTE: Movement to barricade required, maximum distance 5 yards. **NOTE: With verbal commands (POLICE! Don't Move!)		
Stage II	*15 yards	3 rounds right side kneeling position** 3 rounds left side kneeling position** (35 seconds – movement time included) (30 seconds for indoor range)
*NOTE: Movement to kneeling position from 25-yard line to 15-yard line. **NOTE: Shooter will "simulate" the usage of a low barricade if no barricade is available.		
Stage III	7 yards	Phase I 6 rounds strong hand only from the holster (10 seconds)
		Phase II 6 rounds off-hand only from ready gun (10 seconds)
		Phase III 6 rounds standing 6 rounds kneeling—reload while kneeling* (25 seconds)
*NOTE: Mandatory reloading for all weapons during Phase III.		
Stage IV	4 yards	Phase I 3 rounds, one or two hands (3 seconds) (1 round may be a head shot) Instinct shooting technique from holster with one step to the *right AFTER rounds are fired*. Ready gun and return to original position. Repeat once and holster.
		Phase II 3 rounds, one or two hands (3 seconds) (1 round may be a head shot) Instinct shooting technique from holster with one step to *the left AFTER rounds are fired*. Ready gun and return to original position. Repeat once and holster.
Stage V	2 yards	2 rounds, one or two hands (2 seconds) Close quarter shooting position from holster with one full step to the rear. Repeat twice.

Target: LA P-1
Possible Points: 120
Qualification: 96 (80% overall)
Scoring: Inside ring = 2 points
Outside ring = 1 point

POST Course is fired using a "HOT LINE"!

B. Scoring of Target

I. INTRODUCTION
The following guidelines are published to provide a standard target and scoring system for the POST Qualification Course. The POST Qualification Target will be used for the course.

II. SCORING OF THE POST TARGET
A. Each hit in the silhouette, outside of the scoring ring, will be scored as one point.
B. Each hit in the scoring ring will be scored as two points. This includes the head and neck inside the ring.

C. A hit will not be recorded in the next higher scoring ring unless it breaks the line.

III. QUALIFICATION REQUIREMENTS

A. Shooter must shoot 80% of possible 120 = 96 minimum score
5 shot – 50 rounds worth 2 points each = 100 scoring points
80% of possible 100 = 80 minimum score on 5 shot

B. Basic academy qualification shooter will fire course 4 consecutive times and must average 80% minimum.

C. For Annual Re-Qualification, POST Course must be fired once annually with 80% minimum score.

D. For qualification course, basic or annual, certified POST Firearms Instructor must score the target. For basic academy and Annual Re-Qualification, qualification course MUST be fired in order listed.

C. The effective date for implementation of this POST Qualification course is 1/1/09.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and R.S. 15:1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 13:434 (August l987), amended LR 25:665 (April 1999), LR 32:1043 (June 2006), LR 35:238 (February 2009).

Judy Dupuy
Executive Director

0902#023

RULE

Department of Health and Hospitals
Board of Medical Examiners

Podiatrists; Licensure and Certification
(LAC 46:XLV.1303, 1304, 1305, 1307, 1319, 1321, 1323, 1325, 1327, 1357, 1365, 1367, and 1369)

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, particularly R.S. 37:1270, and the Louisiana Podiatry Practice Act, R.S. 37:611-628, particularly, R.S. 37:611 and 37:616 and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., has amended its existing podiatry rules (§§1303 and 1305), and adopted new rules to conform to the statutory law providing for the advanced practice of podiatry based upon an applicant's education and level of training, as provided by Acts 2007, Number 204, R.S. 37:611, 37:616, and made other changes consistent with or necessitated by the statutory modifications. The rules are set forth below.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLV. Medical Professions
Subpart 2. Licensure and Certification
Chapter 13. Podiatrists

Subchapter A. General Provisions

§1303. Definitions

A. As used in this Chapter the following terms shall have the meanings specified.

Ankle—the joint between the leg and foot in which the tibia and fibula articulate with the talus.

* * *

Board Qualified—a certification status of the American Board of Podiatric Surgery (ABPS) which is granted pursuant to satisfaction of established requirements.

Foot—that part of the human anatomy which consists of the tarsal bones, metatarsal bones, phalanges, and all supportive or connective tissue, or both, immediately adjacent thereto not to extend proximal to the proximal dome of the talus.

* * *

Podiatry—that profession of the health sciences which deals with:

a. the prevention, examination, diagnosis, medical, surgical and adjuvant treatment of the human foot; and

b. the treatment of the ankle, muscles, or tendons of the lower leg governing the functions of the foot and ankle by a podiatrist who has completed advanced training determined to be sufficient by the board at a program accredited by a nationally recognized accrediting association acceptable by the board.

* * *

Practice Prerogatives—the authority of a podiatrist to engage in the treatment of the ankle, muscles or tendons of the lower leg governing the functions of the foot and ankle.

* * *

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611, 37:612, 37:613, 37:616 and 37:618.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 29:1088 (July 2003), amended LR 35:240 (February 2009).

Subchapter B. Requirements and Qualifications for Licensure, Scope of Practice

§1304. Necessity for License; Practice Prerogatives

A. No individual may hold himself out as a podiatrist or engage in the practice of podiatry in this state unless he or she has been licensed by or holds a permit duly issued by the board.

B. Each podiatrist licensed by the board may engage in the prevention, examination, diagnosis, medical, surgical, and adjuvant treatment of the human foot as defined herein.

C. A podiatrist shall not engage in the treatment of the ankle unless such practice is:

1. within the podiatrist's education and level of training; and

2. included within the scope of practice prerogatives for advanced practice for which the podiatrist has been approved by the board as reflected by certification issued under this Chapter.

D. No individual licensed under this Chapter shall display or use the title "doctor" or its synonym, without the designation "podiatrist" or "podiatric medicine" nor mislead the public as to the limited professional scope of practice to treat human ailments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:240 (February 2009).

§1305. Qualifications for License

A. To be eligible for a license, an applicant shall:

1. - 3. …

4. possess a doctor of podiatric medicine or equivalent degree duly issued and conferred by a podiatric school or college approved by the board;

5. have taken and passed all three parts of the examination offered by the National Board of Podiatric Medical Examiners, or its successor, or such other national examination as may be approved by the board following consultation with the board's Podiatry Advisory Committee; and

6. with respect to applications for licensure first received by the board on and after January 1, 2005, have completed at least one year of postgraduate podiatric training in an internship or equivalent program accredited by the Council on Podiatric Medical Education of the American Podiatric Medical Association or its successor association, and approved by the board.

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611, 37:612, 37:613 and 37:616.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 29:1089 (July 2003), amended LR 35:240 (February 2009).

§1307. Qualifications for Certification for Advanced Practice; Scope of Practice

A. Certification of an applicant for advanced practice may be issued by the board for either the conservative treatment of the ankle or the surgical treatment of the ankle, or both, depending upon an applicant's education and training.

B. Qualifications for Certification in Conservative Treatment of the Ankle. To be eligible for certification for the conservative treatment of the ankle an applicant who possesses and meets the qualifications and requirements of §1305A.1.-5 of this Chapter shall have completed at least one year of postgraduate podiatric training in an internship or equivalent program accredited by the Council on Podiatric Medical Education of the American Podiatric Medical Association or its successor association, and approved by the board.

C. Scope of Practice for Conservative Treatment of the Ankle. The scope of practice for the conservative treatment of the ankle shall be limited to the following:

1. the prevention, examination, diagnosis, medical, surgical, and adjuvant treatment of the human foot, as defined in §1303.A, which is authorized for a doctor of podiatric medicine without certification in advanced practice;

2. the medical treatment of the ankle to include the muscles or tendons of the lower leg governing the functions of the foot and ankle;

3. surgical treatment of the superficial conditions of the ankle involving the skin and overlying tissues and extending proximally; and

4. assisting an orthopedic surgeon or a doctor of podiatric medicine whose practice prerogatives include surgical treatment of the ankle, as defined in this Section.

D. Qualifications for Certification in Surgical Treatment of the Ankle. To be eligible for certification in the surgical treatment of the ankle, whether for initial licensure or annual renewal, an applicant who possesses and meets the qualifications and requirements of §1305A.1.-5 of this Chapter shall:

1. have completed a surgical residency approved by the Council on Podiatric Medical Education of the American Podiatric Medical Association, consisting of:

a. a two year Podiatric Surgery Residency (PSR 24) Program; or

b. a three year Podiatric Medicine and Surgery (PM&S-36) Program; and

2. hold American Board of Podiatric Surgery (ABPS) status as follows:

a. be board certified in reconstructive rearfoot/ankle surgery (RRA); or

b. be board certified in foot surgery and board qualified in reconstructive rearfoot/ankle surgery (RRA).

E. Scope of Practice for Surgical Treatment of the Ankle. The scope of practice for surgical treatment of the ankle shall be limited to the following:

1. the scope of practice as described in this Section for the conservative treatment of the ankle; and

2. surgical treatment of the ankle and muscles or tendons of the lower leg governing the functions of the foot and ankle, limited to procedures listed by the Council on Podiatric Medical Education (CPME) and the American Board of Podiatric Surgery (ABPS) as found in the CPME 320 and ABPS 220 documents (and their successors) as being required for graduate podiatric medical education and board certification at the time that an applicant's application for initial licensure or annual renewal is filed with the board.

F. Surgical procedures authorized under this Section shall only be performed in the following types of facilities:

1. a licensed and accredited hospital as defined in R.S. 40:2102(A) and R.S. 37:611(3)(a), if the podiatrist is granted privileges to do the procedures;

2. a licensed and accredited trauma center as defined in R.S. 40:2171(3) and R.S. 37:611(3)(a), if the podiatrist is granted privileges to do the procedures; or

3. a licensed and accredited ambulatory surgical center as defined in R.S. 40:2133(A) and R.S. 37:611(3)(a) if the podiatrist is granted privileges to do the same procedure in a hospital as described in §1307F.1 or a trauma center as described in §1307F.2 of this Subsection.

G. The burden of satisfying the board as to the qualifications and eligibility of the applicant for certification of practice prerogatives shall be upon the applicant. An applicant shall not be deemed to possess such qualifications unless the applicant demonstrates and evidences such qualifications in the manner prescribed by and to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:241 (February 2009).

Subchapter D. Licensure by Reciprocity

§1319. Definitions

A. As used in this Chapter the following terms shall have the meanings specified.

Reciprocity—the issuance of a license to practice podiatry in this state on the basis of podiatric licensure issued by another state podiatric licensing authority, pursuant to written examination and other requirements acceptable to the board as specified by §§1305 and 1307 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:241 (February 2009).

§1321. Qualifications for Podiatry Licensure by Reciprocity

A. An applicant who possesses and meets all of the qualifications and requirements specified by §§1305 and/or 1307 of this Chapter, except for the requirement of successfully passing the examination specified by §1305.A.5 within the prior 10 years, shall nonetheless be eligible for licensing if such applicant possesses, as of the time the application is filed and at the time the board passes upon such application, a current, unrestricted license to practice podiatry issued by the podiatry licensing authority of another state and the applicant has, within 10 years prior to the date of application, taken and successfully passed a written certification or recertification examination administered by a specialty board recognized by the Council on Podiatric Medical Education of the American Podiatric Medical Association.

B. An applicant who possesses all of the qualifications for licensure by reciprocity specified by Subsection A of this Section, except for the requirement of having taken or passed a written certification or recertification examination within 10 years of the date of application, shall nonetheless be considered eligible for licensure by reciprocity if such applicant has, within 10 years prior to the date of application, taken and successfully passed the National Boards Part III or the podiatric medical licensure examination administered by the National Board of Podiatric Medical Examiners, or such other examination or competency testing, as may be designated and approved by the board following consultation with the board's Podiatry Advisory Committee.

C. An applicant who possess all of the qualifications for licensure by reciprocity specified by Subsections A and B of this Section who has not continuously practiced podiatry over the two years immediately prior to submission of an application to the board shall, as an additional requirement for eligibility for licensure by reciprocity, demonstrate competency by the successful passage of an examination or by such other testing as may be designated and approved by the board following consultation with the board's Podiatry Advisory Committee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:242 (February 2009).

Subchapter E. Application

§1323. Purpose and Scope

A. The rules of this Subchapter govern the procedures and requirements applicable to application to the board for licensure as a podiatrist in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:242 (February 2009).

§1325. Application for Licensure; Procedure

A. Application for licensure must be made in a format approved by the board and shall include:

1. proof, documented in a form satisfactory to the board that the applicant possesses the qualifications set forth in §§1305 and/or 1307 of this Chapter;

2. certification of the truthfulness and authenticity of all information, representations and documents contained in or submitted with the completed application;

3. payment of the applicable fee as provided in Chapter 1 of these rules; and

4. such other information and documentation as the board may require.

B. Upon submission of or concurrently with submission of a completed application an applicant shall, by appointment, make a personal appearance before the board, a member of the board, or its designee, as a condition to the board's consideration of such application. The recommendation of the board, board member, or designee as to the applicant's fitness for licensure shall be made a part of the applicant's file.

C. The board may reject or refuse to consider any application which is not complete in every detail. The board may in its discretion require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:242 (February 2009).

§1327. Effect of Application

A. The submission of an application for licensure to the board shall constitute and operate as an authorization by the applicant to each educational institution at which the applicant has matriculated, each state or federal agency to which the applicant has applied for any license, permit, certificate, or registration, each person, firm, corporation, clinic, office, or institution by whom or with whom the applicant has been employed in the practice of podiatry, each physician or other health care practitioner whom the applicant has consulted or seen for diagnosis or treatment and each professional organization or specialty board to which the applicant has applied for membership, to disclose and release to the board any and all information and documentation concerning the applicant which the board deems material to consideration of the application. With respect to any such information or documentation, the submission of an application for licensing to the board shall equally constitute and operate as a consent by the applicant to disclosure and release of such information and documentation and as a waiver by the applicant of any privilege or right of confidentiality which the applicant would otherwise possess with respect thereto.

B. By submission of an application for licensure to the board, an applicant shall be deemed to have given his consent to submit to physical or mental examinations if, when, and in the manner so directed by the board and to waive all objections as to the admissibility or disclosure of

findings, reports, or recommendations pertaining thereto on the grounds of privileges provided by law. The expense of any such examination shall be borne by the applicant.

C. The submission of an application for licensure to the board shall constitute and operate as an authorization and consent by the applicant to the board to disclose and release any information or documentation set forth in or submitted with the applicant's application or obtained by the board from other persons, firms, corporations, associations, or governmental entities pursuant to this Section to any person, firm, corporation, association, or governmental entity having a lawful, legitimate, and reasonable need therefore including, without limitation, the podiatric licensing authority of any state; the Federal Drug Enforcement Agency; the Louisiana Board of Pharmacy; the Department of Health and Hospitals; federal, state, county, parish and municipal health and law enforcement agencies; and the Armed Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:242 (February 2009).

Subchapter H. Licensure Issuance, Termination, Renewal, Reinstatement

§1357. Issuance of Licensure

A. If the qualifications, requirements, and procedures prescribed or incorporated by this Chapter are met to the satisfaction of the board, the board shall license the applicant to engage in the practice of podiatry in the state of Louisiana.

B. Licensure issued by the board under this Chapter, as evidenced by a certificate duly issued by the board shall reflect an applicant's practice prerogatives based upon the applicant's education and level of training in accordance with the qualifications specified by this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:243 (February 2009).

Subchapter I. Podiatry Advisory Committee

§1365. Constitution of Committee

A. To assist the board in the review of an applicant's qualifications for licensure and renewal of licensure under this Chapter, the board shall constitute and appoint a Podiatry Advisory Committee (advisory committee) which shall be organized and shall function in accordance with the provisions of this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:243 (February 2009).

§1367. Composition; Appointment

A. The advisory committee shall be comprised of six members five of whom shall be podiatrists and one of whom will be an orthopedic surgeon specializing in treatment of the foot. All members of the advisory committee will be licensed by the board and practice and reside in this state.

B. Insofar as possible or practical, in its appointment of members to the advisory committee the board shall maintain geographic diversity so as to provide representative membership on the advisory committee by podiatrists residing and practicing in north, central, southwestern, and southeastern Louisiana.

C. Of the board's initial appointment of members to the advisory committee following the effective date of these rules, three appointees shall be designated to serve terms expiring on the last day of the year of their appointment and three to serve terms expiring on the last day of the year succeeding the year of their appointment. Thereafter, each member of the advisory committee shall serve a term of two years, subject to removal at any time at the pleasure of the board. Members appointed to the advisory committee by the board to fill a vacancy occurring on the advisory committee, other than by expiration of the designated term, shall serve for the unexpired term. A member of the advisory committee may be appointed by the board for not more than three consecutive terms other than the initial appointments provided herein. Board appointments to the advisory committee shall be effective when made with respect to appointments for unexpired terms and otherwise shall be effective as of the first day of the year following the date of appointment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:243 (February 2009).

§1369. Delegated Duties and Responsibilities

A. The advisory committee is hereby authorized by the board to:

1. advise and assist the board in the ongoing evaluation of the podiatric licensing and other competency examinations required by the board;

2. assist the board in examining the qualifications and credentials of and interviewing applicants for podiatric licensure and making recommendations thereon to the board;

3. provide advice and recommendations to the board respecting the modification, amendment, and supplementation of rules and regulations;

4. serve as a liaison between and among the board, podiatrists and podiatry professional associations;

5. receive reimbursement for attendance at board meetings and for other expenses when specifically authorized by the board; and

6. advise and assist the board in the review and approval of continuing professional education programs and licensee satisfaction of continuing professional education requirements for renewal of licensure, as prescribed by Subchapter J of these rules, including the authority and responsibility to:

a. evaluate organizations and entities providing or offering to provide continuing professional education programs for podiatrists and providing recommendations to the board with respect to the board's recognition and approval of such organizations and entities as sponsors of qualifying continuing professional education programs and activities pursuant to §1375 of this Chapter;

b. review documentation of continuing professional education by podiatrists, verify the accuracy of such documentation, and evaluate and make recommendations to the board with respect to whether programs and activities supplied by applicants for renewal of licensure comply with and satisfy the standards for

such programs and activities prescribed by these rules; and

c. request and obtain from applicants for renewal of licensure such additional information as the advisory committee may deem necessary or appropriate to enable it to make the evaluations and provide the recommendations for which the committee is responsible.

B. In discharging the functions authorized under this Section the advisory committee and the individual members thereof shall, when acting within the scope of such authority, be deemed agents of the board. All information obtained by the advisory committee members pursuant to §§1369.A.2 and 1369.A.6 shall be considered confidential. Advisory committee members are prohibited from communicating, disclosing, or in any way releasing to anyone, other than the board, any information or documents obtained when acting as agents of the board without first obtaining written authorization of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:611-37:628.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 35:243 (February 2009).

Robert L. Marier, M.D.
Executive Director

0902#051

RULE

Department of Health and Hospitals
Board of Veterinary Medicine

Veterinary Practice (LAC 46:LXXXV.700 and 711)

The Louisiana Board of Veterinary Medicine has amended and adopted LAC 46:LXXXV.700 and 711 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953 et seq., and the Louisiana Veterinary Practice Act, R.S. 37:1518(A)(9). The rules are being amended to clarify and implement the regulatory requirements of a veterinary mobile practice vehicle including aftercare and emergency care, currently limited to veterinary care of large animals only, in keeping with its function as defined by the state legislature in the Veterinary Practice Act. The amendments clarify and implement requirements for a veterinarian licensed by the board to also apply to small animal veterinary care during a home call. The amendments will not impact the provision of veterinary care services at veterinary hospitals, clinics or mobile clinics, or wellness or preventative care clinics, or from conducting programs at a location for the administration of rabies vaccination solely for the specific purpose of rabies prevention. The amendments to the rules are set forth below.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXXXV. Veterinarians
Chapter 7. Veterinary Practice
§700. Definitions

* * *

Mobile Practice Vehicle—a vehicle used by a veterinarian in a house call or farm call to provide veterinary care where the patient is not taken into the vehicle. The vehicle may be an extension of a hospital or clinic, and/or may have the capabilities of providing aftercare and/or emergency care services.

* * *

Wellness or Preventative Care Clinic—a service in which a veterinarian licensed by the board administers vaccine, performs examinations, and/or diagnostic procedures to promote good health, excluding treatment for a diagnosed disease, illness or medical condition, at a location other than a veterinary hospital, clinic, mobile clinic, or mobile practice vehicle. A program for the administration of rabies vaccination conducted at a location solely for the specific purpose of rabies prevention shall not be considered a wellness or preventative care clinic.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1328 (October 1993), amended LR 20:666 (June 1994), LR 20:1381 (December 1994), LR24:940 and 941 (May 1998), LR 24:1932 (October 1998), LR 24:2257 (December 1998), LR 27:51 (January 2001), LR 27:543 (April 2001), LR 31:3162 (December 2005), LR 33:2424 (November 2007), LR 35:244 (February 2009).

§711. Definitions and Classification of Practice Facilities

A. - E.12. ...

F. A mobile practice vehicle shall comply with the following requirements.

1. A mobile practice vehicle shall provide veterinary care where the patient is not taken into the vehicle.

2. A mobile practice vehicle may be an extension of an existing hospital and/or clinic defined in §700. The hospital or clinic associated with the mobile practice vehicle shall operate in compliance with Subsections 711.A and B.

3. The veterinarian operating or providing veterinary care in a mobile practice vehicle which does not have the capabilities of providing aftercare and/or emergency care services, and/or which is not an extension of an existing hospital or clinic, shall have a prior written agreement with a local veterinary hospital or clinic, within a 30 mile or 30 minutes travel time, to provide aftercare and/or emergency care services. The written agreement to provide aftercare and/or emergency care services in this Rule shall not be required if the mobile practice vehicle is an extension of an existing hospital or clinic, and/or has the capabilities of providing aftercare and/or emergency care services.

4. A notice of available aftercare and/or emergency care services, including the telephone number and physical address of the local veterinary hospital or clinic, or hospital or existing clinic associated with the mobile practice vehicle if applicable, shall be posted in a conspicuous place in or on the mobile practice vehicle, and a copy of the notice or information shall be given to each client prior to the provision of veterinary care.

5. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall physically remain on site until all patients are discharged to their respective owners, or authorized agents.

6. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall comply with the requirements for record keeping regarding the storage, maintenance and availability to the client of the medical

records for the patients as set forth in the board's rules on record keeping.

7. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall comply with the requirements for maintaining, administering, dispensing, and prescribing any drug, medicine, chemical, and/or biological agent as set forth in the board's rules.

8. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall be responsible for the information and representations provided to the clients by the staff of the mobile practice vehicle.

9. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall have his license or current renewal, in good standing, to practice veterinary medicine in Louisiana on display in a conspicuous place on or in the mobile practice vehicle.

10. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall make all decisions which involve, whether directly or indirectly, the practice of veterinary medicine and will be held accountable for such decisions in accordance with the Veterinary Practice Act, the board's rules, and other applicable laws.

11. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall be responsible for compliance with all standards and requirements set forth in the Veterinary Practice Act, the board's rules, and other applicable laws.

12. The veterinarian operating or providing veterinary care in a mobile practice vehicle shall provide the board, upon written demand, a copy of the written agreement with the local veterinary hospital or clinic required by this rule, if such is not the hospital or clinic associated with the mobile practice vehicle and/or the mobile practice vehicle does not have the capabilities of providing aftercare and/or emergency care services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1330 (October 1993), amended LR 23:969 (August 1997), LR 24:2123 (November 1998), LR 31:3162 (December 2005), LR 33:2424 (November 2007), LR 35:244 (February 2009).

Wendy D. Parrish
Administrative Director

0902#033

RULE

Department of Health and Hospitals
Bureau of Health Services Financing

Hospital Licensing Standards—Emergency Preparedness
Electronic Reporting Requirements (LAC 48:I.9335)

The Department of Health and Hospitals, Bureau of Health Services Financing has amended LAC 48:I.9335 in the Medical Assistance Program as authorized by R.S. 36:254 and 40:2100-2115. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 3. Health Standards
Chapter 93. Hospitals
Subchapter B. Hospital Organization and Services
§9335. Emergency Preparedness

A. - M. …

N. Effective immediately, upon declaration of the secretary and notification to the Louisiana Hospital Association, all hospitals licensed in Louisiana shall file an electronic report with the EMSystem, or a successor operating system during a declared emergency, disaster or public health emergency.

1. The electronic report shall be filed twice daily at 7:30 a.m. and 2:30 p.m. throughout the duration of the disaster or emergency event.

2. The electronic report shall include, but not be limited to the following:

a. status of operation (open, limited or closed);

b. availability of beds by category (medical/surgery, intensive care unit, pediatric, psychiatric, etc.);

c. other resources that may be needed by a hospital in an emergency (blood products, fuel, pharmaceuticals, personnel, etc.);

d. generator status;

e. evacuation status; and

f. shelter in place status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2100-2115.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:177 (February 1995), amended LR 29:2409 (November 2003), LR 35:245 (February 2009).

Alan Levine
Secretary

0902#077

RULE

Department of Health and Hospitals
Bureau of Health Services Financing

Multi-Systemic Therapy (LAC 50:XV.Chapters 251-257)

The Department of Health and Hospitals, Bureau of Health Services Financing has adopted LAC 50:XV.Chapters 251-257 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XV. Services for Special Populations
Subpart 17. Multi-Systemic Therapy
Chapter 251. General Provisions
§25101. Introduction

A. Effective July 1, 2008, the Medicaid Program shall provide for the coverage and reimbursement of Multi-Systemic Therapy (MST) for youth. MST provides an intensive home/family and community-based treatment for

youth who are at risk of out-of-home placement or who are returning home from placement which resulted from serious emotional/behavioral disturbance.

B. The MST model is based on empirical data and evidence-based interventions that target specific behaviors with individualized behavioral interventions.

C. Services are provided through a team approach to individuals and their families. The intent of the team approach is to:

1. promote the family's capacity to monitor and manage the youth's behavior;

2. involve families and other systems, such as schools, probation officers, extended families and community connections;

3. provide access to a variety of interventions 24 hours per day, seven days per week by staff that will maintain contact and intervene as one organizational unit; and

4. include structured face-to-face therapeutic interventions to provide support and guidance in all areas of functional domains (adaptive, communication, psychosocial, problem solving, behavior management, etc.).

D. A psychiatric, psychological or psychosocial evaluation completed by a licensed psychiatrist, psychologist or licensed clinical social worker no more than 12 months prior to the admission to MST services shall be on file to document medical necessity for MST services.

E. All MST services must be provided to, or directed exclusively toward the treatment of the Medicaid eligible youth.

F. Medicaid coverage of MST services is contingent upon appropriation of funding by the Louisiana Legislature.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:245 (February 2009).

§25103. Recipient Qualifications

A. Admission Criteria. In order to receive MST services, the recipient must be a youth from 11 through 17 years of age with serious emotional/behavioral disturbances and meet the following criteria. The youth is:

1. capable of participating in this therapy;

2. involved in, or at serious risk of involvement with the juvenile justice system; and

3. at risk of out-of-home placement as a result of one or more of the following behaviors, or returning from out-of-home placement where one or more of these behaviors was the focus of treatment:

a. anti-social behavior;

b. aggressive/violent behavior; or

c. substance abusing behavior.

B. MST services may not be clinically appropriate for individuals who meet the following conditions:

1. youth who meet criteria for out-of-home placement due to suicidal, homicidal or psychotic behavior;

2. youth living independently, or youth for whom a primary caregiver cannot be identified despite extensive efforts to locate all extended family, adult friends and other potential surrogate caregivers;

3. the referral problem is limited to serious sexual misbehavior; or

4. youth has a primary diagnosis of an autism spectrum disorder.

C. Continuing Treatment Criteria. Individuals must meet all of the following criteria for continuing treatment through MST:

1. treatment does not require a more intensive level of care;

2. the treatment plan has been developed, implemented, and updated based on the youth's clinical condition and response to treatment, as well as the strengths of the family, with realistic goals and objectives clearly stated;

3. progress is clearly evident in objective terms, but goals of treatment have not yet been achieved, or adjustments in the treatment plan to address the lack of progress are evident; and

4. the family is actively involved in treatment, or there are active, persistent efforts being made which are expected to lead to engagement in treatment.

D. Discharge Criteria. Individuals who meet one or more of the following criteria no longer meet medical necessity criteria for MST and shall be discharged from MST treatment:

1. the recipient's treatment plan goals and objectives have been substantially met;

2. the recipient meets criteria for higher or lower level of treatment, care or services;

3. the recipient, family, guardian and/or custodian are not engaging in treatment or not following program rules and regulations despite attempts to address barriers to treatment;

4. consent for treatment has been withdrawn; or

5. the youth and/or family have not benefitted from MST, despite documented efforts to engage, and there is no reasonable expectation of progress at this level of care despite treatment.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:246 (February 2009).

Chapter 253. Services

§25301. Covered Services

A. The components of MST services include:

1. an initial assessment to identify the focus of the MST intervention;

2. therapeutic interventions with the individual and his or her family;

3. peer intervention;

4. specialized therapeutic and rehabilitative interventions to address all areas seen as contributing to an individual’s delinquency including, but not limited to:

a. substance abuse;

b. sexual abuse; or

c. domestic violence; and

5. crisis stabilization.

B. The duration of MST intervention is typically three to six months. Weekly interventions may range from 3 to 20 hours per week and may be less as a case nears closure.

C. Services are primarily provided in the home, but may also be provided at school and in other community settings.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:246 (February 2009).

§25303. Service Exclusions

A. MST services are comprehensive of all other mental health services, with the exception of psychiatric/psychological evaluation or assessment and medication management. These may be provided and billed separately for a recipient receiving MST services.

B. MST shall not be billed in conjunction with the following services:

1. Mental Health Rehabilitation (MHR) services other than medication management and assessment;
2. partial hospitalization;
3. day treatment;
4. residential services, including Therapeutic Foster Care;
5. respite care; or
6. any other outpatient therapies (individual, family and group).

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:247 (February 2009).

Chapter 255. Provider Participation

§25501. Provider Qualifications

A. In order to enroll to participate in the Louisiana Medicaid Program as a Medicaid provider of MST services, agencies must be licensed to provide such services by MST Services, Inc., of Mount Pleasant, South Carolina, or any of its approved subsidiaries.

B. An MST agency must be a behavioral health/substance abuse provider organization which:

1. is a legally recognized entity in the United States and qualified to do business in Louisiana; and
2. meets the standards established by the Bureau of Health Services Financing or its designee.

C. Providers must document team coordination on each case at least once per week. Weekly standardized MST documentation will be required and the provider must allow the bureau to access its MST report data.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:247 (February 2009).

§25503. Staffing Requirements

A. Clinical services and supervision must be provided by licensed behavioral health practitioners in accordance with their respective licensing board regulations. All practitioners must hold an unrestricted Louisiana license.

B. Staffing for MST services shall be comprised of no more than one-third Bachelors level staff and, at a minimum, two-thirds licensed Masters level staff. MST team members must include, at a minimum:

1. a Masters level Clinical Supervisor who is an independently licensed behavioral health professional; and
2. licensed Masters, non-licensed Masters or Bachelors level behavioral health staff able to provide 24 hour coverage, seven days per week:
   a. licensed Masters level behavioral health practitioners may perform all therapeutic interventions and supervision of non-licensed staff;
   b. non-licensed Masters level and Bachelors level behavioral health practitioners may not provide clinical supervision and must be supervised by a licensed Masters level practitioner for all clinical activities:
      i. Bachelors level staff must have a degree in social work, counseling, psychology or a related human services field and must have at least three years of experience working with the target population (youth and their families);
3. all college degrees must be from a nationally accredited institution of higher education as defined in Section 102(b) of the Higher Education Act of 1965, as amended.

C. All clinical staff is required to participate in and complete a prescribed five day MST introductory training and subsequent quarterly trainings.

D. MST direct service staff to family ratio shall not exceed one to six (1:6).

E. Clinical Supervision. Weekly supervision shall be provided by an independent, licensed Masters level behavioral health practitioner who is MST trained. This supervision, following the MST supervisory protocol, shall be provided to team members on topics directly related to the needs of MST individuals and their families on an ongoing basis.

1. A minimum of one hour local group supervision per week and one hour of telephone consultation per week with an MST systems supervisor is required.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:247 (February 2009).

Chapter 257. Reimbursement

§25701. Reimbursement Methodology

A. Reimbursement for MST services shall be a prospective flat rate for each approved unit of service provided to the recipient. One quarter hour (15 minutes) is the standard unit of service, which covers both service provision and administrative costs.

1. Rates are based on an average of direct, general, and administrative costs.
   a. Direct costs includes those items necessary for the provision of the service such as salaries, benefits, taxes, travel costs, phone, training, and professional clinical consultation.
   b. General and administrative costs are 10 percent of the total direct costs and include building costs, equipment, accounting, billing, office supplies, and management personnel.
2. Services provided by a Masters level clinician are reimbursed at 100 percent of the established rate. Services provided by Bachelor's level staff are reimbursed at 80 percent of the established rate.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:247 (February 2009).

Alan Levine
Secretary

0902#078

RULE

Department of Health and Hospitals
Bureau of Health Services Financing

Nursing Facilities Minimum Licensing Standards
Emergency Preparedness Inactivation of License
Due to Emergency or Disaster (LAC 48:I.9729)

The Department of Health and Hospitals, Bureau of Health Services Financing has amended LAC 48:I.9729 in the Medical Assistance Program as authorized by R.S. 36:254 and 40:2009.1-2116.4. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 3. Licensing
Chapter 97. Nursing Homes
Subchapter B. Organization and General Services
§9729. Emergency Preparedness

A. - J.2 …

K. Inactivation of License due to Declared Disaster or Emergency

1. A licensed nursing facility in an area or areas which have been affected by an executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766 may seek to inactivate its license for a period not to exceed two years, provided that the following conditions are met:

a. the licensed nursing facility shall submit written notification to the Health Standards Section within 60 days of the date of the executive order or proclamation of emergency or disaster that:

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

ii. the licensed nursing facility intends to resume operation as a nursing facility in the same service area; and

iii. includes an attestation that the emergency or disaster is the sole causal factor in the interruption of the provision of services;

NOTE: Pursuant to these provisions, an extension of the 60 day deadline may be granted at the discretion of the department.

b. the licensed nursing facility resumes operating as a nursing facility in the same service area within two years of the issuance of an executive order or proclamation of emergency or disaster in accordance with R.S. 29:724 or R.S. 29:766;

c. the licensed nursing facility continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties; and

d. the licensed nursing facility continues to submit required documentation and information to the department, including but not limited to cost reports.

2. Upon receiving a completed written request to inactivate a nursing facility license, the department shall issue a notice of inactivation of license to the nursing facility.

3. Upon completion of repairs, renovations, rebuilding or replacement of the facility, a nursing facility which has received a notice of inactivation of its license from the department shall be allowed to reinstate its license upon the following conditions being met:

a. the nursing facility shall submit a written license reinstatement request to the licensing agency of the department within two years of the executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766;

b. the license reinstatement request shall inform the department of the anticipated date of opening and shall request scheduling of a licensing survey; and

c. the license reinstatement request shall include a completed licensing application with appropriate licensing fees.

4. Upon receiving a completed written request to reinstate a nursing facility license, the department shall conduct a licensing survey. If the nursing facility meets the requirements for licensure and the requirements under this Subsection, the department shall issue a notice of reinstatement of the nursing facility license. The licensed bed capacity of the reinstated license shall not exceed the licensed bed capacity of the nursing facility at the time of the request to inactivate the license.

5. No change of ownership in the nursing facility shall occur until such nursing facility has completed repairs, renovations, rebuilding or replacement construction and has resumed operations as a nursing facility.

6. The provisions of this Subsection shall not apply to a nursing facility which has voluntarily surrendered its license and ceased operation.

7. Failure to comply with any of the provisions of this Subsection shall be deemed a voluntary surrender of the nursing facility license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2009.1-2116.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing LR 24:49 (January 1998), amended LR 32:2261 (December 2006), LR 34:1917 (September 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing LR 35:248 (February 2009).

Alan Levine
Secretary

0902#079

RULE

Department of Health and Hospitals
Office of Public Health

Expedited Partner Therapy-Patient/Partner Notification
(LAC 51:II.117)

The Department of Health and Hospitals, Office of Public Health, has amended LAC 51:II.117 as authorized by Act 449 of the 2008 Regular Session of the Louisiana Legislature. This Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. Act 449 of the 2008 Regular Session of the Louisiana Legislature directs that the Secretary of the Department of Health and Hospitals promulgate a Rule to allow as a legitimate alternative for the provision of medications or prescriptions by any physician licensed to practice medicine in this state, or any advanced practice registered nurse, who is licensed to practice nursing in this state, or any physician assistant, who is licensed to practice in this state, provided such physician or nurse or physician assistant has the authority to write prescriptions in this state, to individuals who may have been exposed to gonorrhea or chlamydia. This legitimate alternative, known as expedited partner therapy, is authorized absent a doctor-patient relationship and absent clinical assessment.

Title 51
PUBLIC HEALTH—SANITARY CODE
Part II. The Control of Disease
Chapter 1. Disease Reporting Requirements
§117. Disease Control Measures Including Isolation/Quarantine [formerly paragraph 2:011]

A. - G. ...

H. If expedited partner therapy is chosen as an alternative by the before mentioned physician, advanced practice registered nurse or physician assistant, the patient with a case of gonorrhea or chlamydia will be given a written document that the patient agrees to give to his or her sexual contact. The document will contain, but will not be limited to the following information.

1. The sexual contact should be examined and treated by a physician, advanced practice registered nurse or physician assistant, if at all possible.

2. The medicine or prescription for medicine given to the sexual contact by the patient should not be taken by the contact if the contact has a history of allergy to the antibiotic or to the pharmaceutical class of antibiotic in which case the sexual contact should be examined and treated by a physician, advanced practice registered nurse or physician assistant and offered another type of antibiotic treatment.

3. The medicine or prescription for medicine given to the sexual contact by the patient should not be taken by the contact if the contact is pregnant, in which case the sexual contact should be examined by a prenatal care health care provider.

4. Additionally, any pharmacist licensed to practice pharmacy in this state may recognize a prescription authorized by this section as valid, notwithstanding any other provision of law or administrative rule to the contrary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A) (2) and R.S. 40:5

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1214 (June 2002), amended LR 35:249 (February 2009).

Alan Levine
Secretary

0902#037

RULE

Department of Natural Resources
Office of Conservation

Ground Water Management
(LAC 43:VI.Chapters 1-7)

The Louisiana Office of Conservation has amended LAC 43:VI.Chapter 1, et seq. and promulgated a new Chapter 9 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to power delegated under the laws of the state of Louisiana and particularly Title 38 of the Louisiana Revised Statutes, Sections 38:3097.1 et seq. The amendment modifies the specific provisions at LAC 43:VI.101, 103, 105, 301, 303, 305, 307, 309, 311, 501, 503, 505, 507, 701, 703, 705, and Chapter 9 which set forth definitions, enforcement provisions, the procedures for registering new water wells, the procedures for seeking and declaring ground water emergencies, and areas of ground water concern.

The amendments to the above existing rules are intended to revise the regulations to correspond with recent amendments to the Ground Water Resources Management Law (R.S. 38:3097.1 et seq.) and to provide greater clarity to the regulated community and the public concerning the Office of Conservation's administration of that law.

Title 43
NATURAL RESOURCES
Part VI. Water Resources Management
Subpart 1. Ground Water Management
Chapter 1. General Provisions
§101. Applicability

A. The rules and regulations of this Subpart shall be applicable to the commissioner's jurisdiction regarding:

1. areas of ground water concern;

A.2. - B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3097.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Groundwater Management Commission, LR 28:1584 (July 2002), amended by the Department of Natural Resources, Office of Conservation, LR 30:1212 (June 2004), LR 35:249 (February 2009).

§103. Definitions

A. ...

* * *

Area of Ground Water Concern—an area in which, under current usage and normal environmental conditions, sustainability of an aquifer is not being maintained due to either movement of a salt water front, water level decline, or subsidence, resulting in unacceptable environmental, economic, social, or health impacts, or causing a serious adverse impact to an aquifer, considering the areal and temporal extent of all such impacts.

* * *

Critical Area of Ground Water Concern—an area of ground water concern, in which the commissioner finds that the sustainability of the aquifer cannot be maintained without withdrawal restrictions.

* * *

Drilling Rig Supply Well—a water well used only for the duration of the oil and gas drilling operation at the drilling location where sited for the immediate needs of drilling rig operations.

* * *

Large Volume Well—a well with an 8 inch or greater diameter screen size or a well that by itself or used in conjunction with another well or group of wells on the same lease or within the same unit and screened in the same aquifer for the purposes of providing ground water for hydraulic fracturing for natural gas production and that alone or in conjunction with the other well or wells is determined by the Office of Conservation to be capable of producing 1,500 gallons per minute.

Owner—the person registered as owner of a water well with the Office of Conservation, and if there is none registered for a specific well or proposed well then the owner shall be one of the following: the legal owner of the property on which the well or hole is located, a person holding a long-term lease on the property on which the well or hole is located, or a person who otherwise has the legal right to drill and operate a water well on the property of another where the well or hole is located.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3097.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Groundwater Management Commission, LR 28:1584 (July 2002), amended by the Department of Natural Resources, Office of Conservation, LR 30:1212 (June 2004), LR 35:249 (February 2009).

§105. Enforceability of Subpart 1—Ground Water Management

A. All provisions of this Subpart are enforced pursuant to Louisiana's Ground Water Management Law, R.S. 38:3097.1, et seq. Violation of any statute, regulation, rule, or order issued or promulgated pursuant to these laws may result in the issuance of an order requiring compliance and the imposition of a civil penalty consistent with R.S. 38:3097.3(E).

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3099 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Groundwater Management Commission, LR 35:250 (February 2009).

Chapter 3. Area of Ground Water Concern Application Procedure

§301. Who May Apply—Applicant

A. Any owner of a well that is significantly and adversely affected as a result of the movement of salt water front, water level decline, or subsidence in or from the aquifer drawn on by such well shall have the right to file an application to request the commissioner to declare that an area underlain by such aquifer(s) is a an area of ground water concern.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3097.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Groundwater Management Commission, LR 28:1584 (July 2002), amended by the Department of Natural Resources, Office of Conservation, LR 30:1212 (June 2004), LR 35:250 (February 2009).

§303. Notice of Intent to File an Application

A. The applicant shall have published a notice of intent to file an application for an area of ground water concern designation in the official parish journal of each parish affected by the proposed application. Such notice shall include:

1. - 3. …

4. a statement that, if the area is designated an area of ground water concern, incentives to reduce groundwater use may be implemented, and if the commissioner designates a critical area of groundwater concern, ground water use may be restricted;

5. a statement indicating where the application can be viewed; and

6.. a statement that all comments should be sent to:

Commissioner of Conservation
Post Office Box 94275
Baton Rouge, LA 70804-9275
ATTN: Director, Environmental Division

B. A Notice of Intent to file an application for the removal or modification of an area of ground water concern designation shall be published in the official parish journal of each parish affected by the proposed application. Such notice shall include:

1. - 3. …

4. a statement that, if the area of ground water concern designation is removed or modified, current restrictions or incentives, if any, shall be rescinded or modified;

5. a statement indicating where the application can be viewed; and

6. a statement that all comments should be sent to:

Commissioner of Conservation
Post Office Box 94275
Baton Rouge, LA 70804-9275
ATTN: Director, Environmental Division

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3097.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Groundwater Management Commission, LR 28:1584 (July 2002), amended by the Department of Natural Resources, Office of Conservation, LR 30:1213 (June 2004), LR 35:250 (February 2009).

§305. Application Content

A. An application for an area of ground water concern designation or for the removal or a modification of an area of ground water concern designation shall be filed with the commissioner of conservation at the above address no sooner than 30 days and no later than 60 days after publication of the notice of intent. Five copies of the application shall be filed, and must include:

1. - 3. …

4. identification of the proposed area of ground water concern or area proposed to be modified or removed from an area of ground water concern designation, including but not limited to:

a. - b.iii. …

5. statement of facts and evidence supporting one of the following claims:

a. that taking no action would likely negatively impact ground water resources in the aquifer, if the application is pursuant to §307.A;

b. …

6. the applicant may also submit a proposal to preserve and manage the ground water resources in the area of ground water concern; and

7. the proof of publication of notice of intent to apply to the commissioner.

B. - B.3. ...

C. Application for Groundwater Emergency Hearing

1. Notwithstanding the provisions of Subsections A and B hereof, the commissioner may initiate action in response to an application of an interested party or upon the commissioner's own motion in response to a ground water emergency other than those emergencies related to drought conditions requiring the temporary use of drought relief wells.

2. Subsequent to adoption of a proposed emergency order that shall include designation of an area of ground water concern and/or adoption of an emergency management plan for an affected aquifer, the commissioner shall promptly schedule a public hearing pursuant to §501.B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3097.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Groundwater Management Commission, LR 28:1585 (July 2002), amended by the Department of Natural Resources, Office of Conservation, LR 30:1213 (June 2004), LR 35:250 (February 2009).

§307. Criteria for an Area of Ground Water Concern Designation

A. Application for designation of an area of ground water concern shall contain a statement of facts and supporting evidence substantiating that under current usage and normal environmental conditions, sustainability of an aquifer is not being maintained resulting in unacceptable environmental, economic, social, or health impacts, or causing a serious adverse impact to an aquifer, considering the areal and temporal extent of all such impacts caused by at least one of the following criteria:

1. - 3. …

B. If the applicant is applying for modification or removal of an area of ground water concern designation, the application must contain a statement of facts and supporting evidence substantiating the alleviation of the original cause of designation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3097.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Groundwater Management Commission, LR 28:1585 (July 2002), amended by the Department of Natural Resources, Office of Conservation, LR 30:1213 (June 2004), LR 35:251 (February 2009).

§309. Review of an Area of Ground Water Concern Application

A. - D.2. …

E. Using available data, an analysis shall be made by the commissioner to determine if the area under consideration meets the criteria to be either:

1. designated an area of ground water concern or a critical area of ground water concern; or

2. modified or removed from an area of ground water concern or a critical area of ground water concern designation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3097.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Groundwater Management Commission, LR 28:1585 (July 2002), amended by the Department of Natural Resources, Office of Conservation, LR 30:1214 (June 2004), LR 35:251 (February 2009).

Chapter 5. Hearings

§501. Notice of Hearings

A. An area of ground water concern preliminary hearing pursuant to §305.A or §305.B.

1. - 4. …

B. An area of ground water concern hearing pursuant to §305.C and §505.B.

1. - 5. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3097.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Groundwater Management Commission, LR 28:1586 (July 2002), amended by the Department of Natural Resources, Office of Conservation, LR 30:1214 (June 2004), LR 35:251 (February 2009).

§505. Decision of the Commissioner

A. …

1. the designation of the area of ground water concern or critical area of ground water concern boundaries; and

2. the recommended plan to preserve and manage the ground water resources of the area of ground water concern or critical area of ground water concern pursuant to R.S. 38:3097.6.(B).

B. The commissioner shall make the draft order and proposed plan to preserve and manage ground water resources of the proposed area of ground water concern or critical area of ground water concern available to the applicant, participants in the original application hearing and any other persons requesting a copy thereof. The commissioner in accordance with §501.B shall initiate hearings on the draft order and proposed management controls in the locality of those affected by the commissioner's draft order.

C. Final Order. The commissioner shall adopt the final order and plan to preserve and manage ground water resources after completion of the procedures found at §501.B. The final order shall be made a part of the permanent records of the commissioner in accordance with §311 and shall be made available to the public upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3097.1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Groundwater Management Commission, LR 28:1586 (July 2002), amended by the Department of Natural Resources, Office of Conservation, LR 30:1215 (June 2004), LR 35:251 (February 2009).

§507. Right of Appeal

A. Orders of the commissioner may be appealed only to the Nineteenth Judicial District Court as provided by law, consistent with the requirements of R.S. 38:3097.4.D(1), and 3097.5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3097.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1215 (June 2004), amended LR 35:251 (February 2009).

Chapter 7. Water Well Notification Requirements

§701. Applicability

A. …

B. All new water wells except those types specifically listed in §701.C and D require a water well notification form be submitted to the commissioner by the owner of the well at least 60 days prior to installation.

C. …

1. domestic well;

2. replacement well:

a. in order to be classified as a replacement well, the well must meet the definition of replacement well provided in §103 of this Subpart;

3. drilling rig supply well:

a. in order to be classified as a drilling rig supply well, the well must meet the definition drilling rig supply well provided in §103 of this Subpart.

4. drought relief well:

a. use of the drought relief well type must be approved by the commissioner, pursuant to R.S. 38:3097.3(C)(9) prior to installation, and

5. - 5.b.iii. ...

D. The commissioner may grant certain wells an exception from the notification requirements of §701.B for just cause. There shall be no just cause exceptions granted for large volume wells.

1. Just cause exceptions must be requested in writing, demonstrate the existence of extenuating circumstances not otherwise contemplated in this subpart, which justify the granting of such an exception and show that such an exception will not have an impermissibly negative impact on the state's ground water resources. Additionally a just cause exception must be approved by the commissioner based upon the considerations listed in Paragraph 2.a below.

2. All just cause exception requests must be submitted prior to drilling, unless this is made impossible by an event that can neither be reasonably anticipated nor reasonably controlled.

a. The commissioner shall base just cause exceptions on, but not be limited to:

i. the completeness of data provided in the notification submitted;

ii. whether the proposed well location is in an area of agency restrictions or other permitting requirements or restrictions;

iii. the proximity of the proposed well location to any documented ground water related issues; and

iv. the potential interference with nearby wells that may be caused by the proposed well.

E. If an expected change in well use or type of either a drought relief well or drilling rig-supply well is to a use or type that would normally have required an initial notification be submitted at least 60 days prior to installation pursuant to Subsection B of this Section, then notice of such a change must be provided to the Office of Conservation 60 days prior to the date of implementing the change in well use or type.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3097.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1215 (June 2004), amended LR 35:252 (February 2009).

§703. Notification Requirements

A. - A.6. …

7. other information reasonably required by the commissioner.

B. The following information is required by the commissioner on the water well notification form:

1. purpose of form, including but not limited to:

a. - b. …

c. information change; or

d. cancellation of notification because well was not drilled.

2. - 5. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3097.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1215 (June 2004), amended LR 35:252 (February 2009).

§705. Notification Review Process

A. - A.2. …

B. For a large volume well or a well within a critical area of ground water concern, the commissioner may, within 30 days after receiving prior notification, pursuant to §701.B, issue to the owner an order fixing:

1. allowable production;

2. spacing; and

3. metering.

C. For all other wells not in a critical area of ground water concern, the commissioner may issue an order to the owner within 30 days of receiving prior notification, pursuant to §701.B, which may only fix spacing of the well.

D. Upon receipt of written confirmation from the Office of Conservation stating that, following its review of a water well notification form submitted pursuant to §701.B, no restrictions will be placed on the well nor more information requested, or in the event that restrictions are placed on the well, the owner does not object to said restrictions; then that owner need not wait the full 60 days mentioned in §701.B, but instead may immediately begin drilling the proposed well in a location and manner consistent with the water well notification form as well as any restrictions placed on the well by the commissioner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:3097.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1216 (June 2004), amended by the Department of Natural Resources, Office of Conservation, LR 35:252 (February 2009).

James H. Welsh
Commissioner

0902#069

RULE

Department of Public Safety and Corrections
Corrections Services

Supervised Release of Sex Offenders upon Expiration of Sentence (LAC 22:I.403)

In accordance with the provisions of Act Nos. 672 and 816 of the 2008 Regular Session, the Department of Public Safety and Corrections, Corrections services, has amended

the contents of §403, Supervised Release of Sex Offenders upon Expiration of Sentence.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 4. Division of Probation and Parole

§403. Supervised Release of Sex Offenders upon Expiration of Sentence

A. Purpose. To establish the secretary's policy regarding the supervised release of sex offenders upon expiration of sentence pursuant to legislative intent.

B. Applicability—Deputy Secretary, Assistant Secretary and the Director of Probation and Parole. The Director of Probation and Parole is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation and to convey its contents to appropriate staff and any and all affected sex offenders under supervision pursuant to this regulation.

C. Policy. It is the secretary's policy that a uniform procedure be established and adhered to relative to the supervised release of certain sex offenders who have been released from the custody of the department upon expiration of sentence.

D. Definition

Probation and Parole Officer—shall include supervised release officers, Department of Public Safety and Corrections officers, and supervising officers as these terms are utilized in R.S. 15.561.1 through 7. Probation and parole officers are employed by the Division of Probation and Parole and have all the powers and duties of probation and parole officers as provided by law.

E. Procedures

1. A person convicted on or after August 15, 2006, of a sex offense as defined in R.S. 15:541(14.1) when the victim is under the age of 13 years, as stated on the bill of information, shall be placed upon supervised release for a period of five years when he is released from the custody of the Department of Public Safety and Corrections upon expiration of his sentence.

2. A person convicted on or after August 15, 2008, of a sex offense as defined in R. S. 15:541(14.1) when the victim is under the age of 13 years, as stated on the bill of information, shall be placed upon supervised release for life when he is released from the custody of the Department of Public Safety and Corrections upon expiration of his sentence.

3. Supervised release shall be administered by the Division of Probation and Parole.

4. When a sex offender is placed on supervised release pursuant to the provisions of this regulation, the probation and parole officer shall:

a. inform the sex offender that he will be placed upon supervised release for a period of five years, or life, which ever is applicable;

b. inform the sex offender of the conditions of supervised release as provided for in R.S. 15:561.5 (See Paragraph E.5 of this regulation);

c. require the sex offender to read and sign a form stating the fact that the sex offender will be placed upon supervised release and that the conditions of the supervised release have been explained to him.

5. A sex offender placed on supervised release pursuant to the provisions of this regulation shall comply with the following conditions:

a. report immediately to the Division of Probation and Parole district office which is listed on the certificate of supervised release;

b. establish a schedule of a minimum of one meeting per month with the probation and parole officer to provide the officer with his current address, e-mail address or addresses, instant message name or names, date of birth, place of employment and verification of compliance with all registration and notification requirements of a sex offender as required by statute;

c. be subject to periodic visits with the probation and parole officer without prior notice;

d. abide by any curfew set by the probation and parole officer;

e. refrain from using or possessing any controlled dangerous substance or alcoholic beverage and submit, at the sex offender's expense, to screening, evaluation, and treatment for controlled dangerous substances or alcohol abuse as directed by the probation and parole officer;

f. refrain from using or possessing any pornographic or sexually explicit materials. "Pornographic or sexually explicit materials" means any paper, magazine, book, newspaper, periodical, pamphlet, composition, publication, photograph, drawing, phonograph record, album, cassette, wire or tape recording, compact disc, digital versatile disc, digital video disc, or any other form of visual technology or other similar tangible work or thing which is devoted to or principally consists of descriptions or depictions of illicit sex or sexual immorality, the graphic depiction of sex, including but not limited to the visual depiction of sexual activity or nudity, ultimate sexual acts, normal or perverted, actual, simulated, or animated, whether between human beings, animals, or an animal and a human being;

g. report to the probation and parole officer when directed to do so;

h. not associate with persons known to be engaged in criminal activities or with persons known to have been convicted of a felony without written permission of the probation and parole officer;

i. in all respects, conduct himself honorably, work diligently at a lawful occupation, and support his dependents, if any, to the best of his ability;

j. promptly and truthfully answer all inquires directed to him by the probation and parole officer;

k. live and remain at liberty and refrain from engaging in any type of criminal conduct;

l. not have in his possession or control any firearms or dangerous weapons;

m. submit himself to available medical, psychiatric or mental health examination and treatment for offenders convicted of sex offenses when deemed appropriate and ordered to do so by the probation and parole officer;

n. defray the cost, or any portion thereof, of the supervised release by making payments to the department in a sum and manner determined by the department, based upon the offender's ability to pay;

o. submit a residence plan for approval by the probation and parole officer;

p. submit himself to continued supervision, either in person or through remote monitoring, of all of the following internet related activities:

i. the sex offender's incoming and outgoing e-mail and other internet-based communications;

ii. the sex offender's history of websites visited and the content accessed; and

iii. the periodic unannounced inspection of the contents of the sex offender's computer or any other computerized device or portable media device and the removal of such information, computer, computer device or portable media device to conduct a more through inspection;

q. comply with such other specific conditions as are appropriate, stated directly and without ambiguity so as to be understandable to a reasonable man.

6. Sex offenders on supervised release pursuant to this regulation shall be subject to the same probation and parole policies and procedures as any other sex offender on probation or parole supervision.

7. Sex offenders on supervised release who fail to abide by the conditions of their release and supervision as provided for in Paragraph E.5 shall be referred to the district attorney for prosecution of the new charge.

8. Upon a first conviction, the sex offender shall be fined not more than $1,000 and imprisoned with hard labor for not less than two years nor more than 10 years without benefit of parole, probation, or suspension of sentence.

9. Upon a second or subsequent conviction, the sex offender shall be fined $3,000 and imprisoned with hard labor for not less than five years or more than 20 years without benefit of parole, probation, or suspension of sentence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:561.6

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 34:1424 (July 2008), amended LR 35:253 (February 2009).

James M. Le Blanc
Secretary

0902#043

RULE

Department of Revenue
Policy Services Division

Designation of Tax Matters Person
(LAC 61:III.501)

Under the authority of R.S. 47:1511, R.S. 47:1671, and, in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has adopted LAC 61:III.501, Designation of Tax Matters Person, to provide procedures for any legal entity to designate a tax matters person to act on behalf of the legal entity making the designation or any other member of the same affiliated group, as that term is defined in Section 1504 of the Internal Revenue Code.

Title 61
REVENUE AND TAXATION
Part III. Administrative and Miscellaneous Provisions
Chapter 5. Authorized Representatives
§501. Designation of Tax Matters Person

A. Definitions. For purposes of this Chapter, the following terms have the meanings ascribed to them.

Affiliated Group—the same as defined in Section 1504 of the Internal Revenue Code.

Designated Tax Matters Person or Tax Matters Person—the person designated under R.S. 47:1671(D) by a legal entity as their authorized representative to sign any return, document or form and act on behalf of the legal entity, or any other member of the same affiliated group, with respect to any tax, fee, license, penalty, interest or other charge assessed, collected, enforced, or administered by the secretary of the Department of Revenue.

Legal Entity—a corporation, partnership, limited liability company, limited liability partnership, trust, estate, or any other legal entity.

Secretary—the Secretary of the Louisiana Department of Revenue or designee of the secretary.

B. Designation of Tax Matters Person; Authority of Person Designated

1. Any legal entity may elect to designate a "tax matters person" as their authorized representative for a specific tax and taxable year or period. For Louisiana tax purposes, a legal entity that elects to designate a tax matters person shall make the designation only as provided in this Rule. Similarly, the designation of a tax matters person for a specific tax and taxable year or period may be terminated only as provided in this rule. If a legal entity elects not to designate a tax matters person, or if a designation is terminated without the legal entity designating another tax matters person, the authorized representative shall be determined under R.S. 47:1671(C)(3).

2. The designated tax matters person may also be authorized to act on behalf of any other member of the same affiliated group.

3. The designated tax matters person shall be a natural person and citizen of the United States.

4. Only one tax matters person shall be designated and authorized to act on behalf of the legal entity or any other member of the same affiliated group.

C. Method of Making Designation

1. A legal entity may designate a tax matters person at any time by filing a written statement, captioned "Designation of Tax Matters Person," with each Department of Revenue designee who requests such statement. The statement shall:

a. identify the legal entity making the designation by name, address, and taxpayer identification number;

b. identify the designated tax matters person by name and title;

c. specify the type of tax and the taxable year(s) or periods to which the designation applies;

d. declare that it is a designation of tax matters person for the type of tax and taxable year(s) or period(s) specified;

e. authorize the tax matters person as an authorized representative to act on behalf of the legal entity, or any other member of the same affiliated group, and identify the type of tax and taxable year(s) or period(s) of authorization; and

f. be signed by the person(s) authorized by the legal entity to make the designation and identified by their title(s).

2. The designation shall be made as provided in this rule. A power of attorney cannot be substituted for the written statement.

D. Prior Designations Superseded. A designation of a tax matters person for a specific type of tax and taxable year or period shall supersede all prior designations of a tax matters person for that tax and year or period.

E. Restriction on Representation and Delegation of Authority. No person shall act in a representative capacity for the designated tax matters person with respect to the Louisiana Department of Revenue.

F. Resignation of Designated Tax Matters Person. A person designated as the tax matters person under this Rule may resign at any time by a written statement to that effect. The statement shall specify the tax and the taxable year(s) or period(s) to which the resignation relates and shall identify the legal entity and the tax matters person by name, address, and taxpayer identification number. The statement shall also be signed by the resigning tax matters person and shall be filed with each Department of Revenue designee with whom a designation of tax matters person statement was filed.

G. Revocation of Designation. The legal entity may revoke the designation of the tax matters person for a specific tax and taxable year or period at any time by filing a statement with the Department of Revenue designee with whom the designation of tax matters person statement was filed. The statement shall:

1. identify by name, address, and taxpayer identification number the legal entity and the person whose designation as tax matters person is being revoked;

2. specify the tax and taxable year(s) or period(s) to which the revocation relates;

3. declare that it is a revocation of a designation of the tax matters person for the tax and taxable year(s) or period(s) specified; and

4. be signed by the person(s) authorized by the legal entity to revoke the designation and identified by their title(s).

H. When Designation, Resignation, or Revocation Becomes Effective

1. Except as provided in Paragraph 2 of this Subsection, a designation, resignation, or revocation provided for in this Rule becomes effective on the day that the statement required by the applicable Paragraph of this Rule is filed.

2. If a notice of beginning of an administrative proceeding or other action is mailed before the date on which a statement of designation, resignation, or revocation provided for in this Rule with respect to that specific tax and taxable year or period is filed, the secretary is not required to give effect to the designation, resignation, or revocation until 30 days after the statement is filed.

I. Binding Actions of Tax Matters Person; Conclusive Presumption Created

1. The designated tax matters person shall bind the legal entity to all actions of the tax matters person with respect to matters between the secretary and the legal entity.

2. The name of the designated tax matters person signed on a return, declaration, statement, or any other document or form filed with the secretary shall create a conclusive presumption that the document or form was signed by such person and shall have the same force and effect as the act of the legal entity.

3. Other actions of the designated tax matters person that are binding on the legal entity include, but are not limited to:

a. consent to an agreement to suspend prescription;

b. signing an offer in compromise, voluntary disclosure agreement, installment agreement or any other offer or settlement agreement with the secretary.

J. Termination of Designation

1. In General. A designation of a tax matters person for a specific tax and taxable year(s) or period(s) under this Rule shall remain in effect until:

a. the death of the designated tax matters person;

b. adjudication by a court of competent jurisdiction that the designated tax matters person, because of mental incapacity or physical infirmity, is permanently incapable of managing their person or administering their estate; or

c. the day on which the resignation of the designated tax matters person, a subsequent designation, or revocation of the designation under this Rule becomes effective.

2. Actions by Designated Tax Matters Person before Termination of Designation. The termination of the designation of a tax matters person under this Subsection does not affect the validity of any action taken by that designated tax matters person before the designation is terminated. For example, if that designated tax matters person had previously signed an agreement to suspend prescription, the suspension remains valid even after termination of the designation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and R.S. 47:1671.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 35:254 (February 2009).

Cynthia Bridges
Secretary

0902#045

RULE

Department of Revenue
Policy Services Division

Income Tax Withholding Tables
(LAC 61:I.1501)

Under the authority of R.S. 47:32, R.S. 47:112, R.S. 47:295, and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, amends LAC 61:I.1501 relative to individual income tax withholding tables based on the income tax rates as provided by Act 396 of the 2008 Regular Session of the Louisiana Legislature.

Act 396 amended R.S. 47:32 to reduce state income tax rates in the two highest income brackets for tax years beginning on or after January 1, 2009. Act 396 provided that the revised withholding tables will not become effective until after July 1, 2009.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue
Chapter 15. Income:Withholding Tax
§1501. Income Tax Withholding Tables

A. Employers required to deduct and withhold taxes pursuant to R.S. 47:112 shall deduct and withhold tax in an amount determined in accordance with the tables provided in Subsection C, the formulas provided in Subsection D, or a formula that produces equivalent amounts.

B. Wage Bracket Tables and Instructions

1. Select the set of tables that corresponds to the payroll period of the employee.

2. With the use of the information obtained from Form R-1300(L-4), *Employee's Withholding Exemption Certificate*, determine which column of the tables to use.

a. If your employee claims neither himself, his spouse, nor any dependency credits, use the first column in the table designated 0 exemptions, 0 dependents.

b. If your employee claims only himself, whether he is married or not, use Column 1. Also, use the appropriate subcolumn for the number of dependency credits he is claiming.

c. If your employee claims himself and his spouse, use Column 2. Also, use the appropriate subcolumn for the number of dependency credits he is claiming.

C. Withholding Tax Tables

1. For the purposes of the withholding tax tables

a. Exemptions are for a husband, wife, or single filer.

b. Dependency credits include children, stepchildren, etc., as described in Section 152 of the Internal Revenue Code.

2. Adjustments to wage bracket tables

a. Each table provides for the appropriate withholding amount for single or married personal exemptions with up to six dependency credits. There is no provision for withholding based on head-of-household status and these taxpayers may claim only a single withholding personal exemption.

b. When an employee has more than six dependents, the amount may be determined by reducing the tax shown in the column for six dependents by the amount shown below for the applicable payroll period multiplied by the number of dependents over six.

Payroll Period	Amount of Reduction
Daily	$.08
Weekly	.40
Biweekly	.80
Semimonthly	.88
Monthly	1.75

c. When the employee claims only credit for dependents and no withholding personal exemption, the amount to be deducted and withheld should be determined by reducing the amounts elected under the column for employees claiming no exemption or credits by the amount in Subparagraph b above multiplied by the number of dependents claimed.

3. Withholding Tables—Effective after July 1, 2009

Daily Louisiana Income Tax Withholding Table																
Exemptions:		0	1							2						
Dependents:																
SalaryRange:																
Min	Max	0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
0.00	10.00	2.1%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
10.01	12.00	0.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
12.01	14.00	0.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
14.01	16.00	0.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
16.01	18.00	0.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
18.01	20.00	0.40	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
20.01	22.00	0.44	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
22.01	24.00	0.48	0.12	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
24.01	26.00	0.53	0.16	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
26.01	28.00	0.57	0.20	0.12	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
28.01	30.00	0.61	0.25	0.17	0.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
30.01	32.00	0.65	0.29	0.21	0.13	0.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
32.01	34.00	0.69	0.33	0.25	0.17	0.09	0.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
34.01	36.00	0.74	0.37	0.29	0.21	0.13	0.05	0.00	0.00	0.01	0.00	0.00	0.00	0.00	0.00	0.00
36.01	38.00	0.78	0.41	0.33	0.25	0.17	0.09	0.01	0.00	0.05	0.00	0.00	0.00	0.00	0.00	0.00
38.01	40.00	0.82	0.46	0.38	0.29	0.21	0.13	0.05	0.00	0.09	0.01	0.00	0.00	0.00	0.00	0.00
40.01	42.00	0.86	0.50	0.42	0.34	0.26	0.17	0.09	0.01	0.13	0.05	0.00	0.00	0.00	0.00	0.00
42.01	44.00	0.90	0.54	0.46	0.38	0.30	0.22	0.14	0.06	0.18	0.10	0.02	0.00	0.00	0.00	0.00
44.01	46.00	0.95	0.58	0.50	0.42	0.34	0.26	0.18	0.10	0.22	0.14	0.06	0.00	0.00	0.00	0.00
46.01	48.00	0.99	0.62	0.54	0.46	0.38	0.30	0.22	0.14	0.26	0.18	0.10	0.02	0.00	0.00	0.00
48.01	50.00	1.04	0.68	0.60	0.52	0.44	0.36	0.28	0.20	0.30	0.22	0.14	0.06	0.00	0.00	0.00
50.01	52.00	1.12	0.75	0.67	0.59	0.51	0.43	0.35	0.27	0.34	0.26	0.18	0.10	0.02	0.00	0.00
52.01	54.00	1.19	0.83	0.75	0.67	0.59	0.50	0.42	0.34	0.39	0.31	0.23	0.14	0.06	0.00	0.00
54.01	56.00	1.27	0.90	0.82	0.74	0.66	0.58	0.50	0.42	0.43	0.35	0.27	0.19	0.11	0.02	0.00
56.01	58.00	1.34	0.98	0.90	0.81	0.73	0.65	0.57	0.49	0.47	0.39	0.31	0.23	0.15	0.07	0.00
58.01	60.00	1.41	1.05	0.97	0.89	0.81	0.73	0.65	0.57	0.51	0.43	0.35	0.27	0.19	0.11	0.03

Daily Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:																
SalaryRange:																
Min	**Max**	**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
60.01	62.00	1.49	1.12	1.04	0.96	0.88	0.80	0.72	0.64	0.55	0.47	0.39	0.31	0.23	0.15	0.07
62.01	64.00	1.56	1.20	1.12	1.04	0.96	0.87	0.79	0.71	0.60	0.52	0.44	0.35	0.27	0.19	0.11
64.01	66.00	1.64	1.27	1.19	1.11	1.03	0.95	0.87	0.79	0.64	0.56	0.48	0.40	0.32	0.23	0.15
66.01	68.00	1.71	1.35	1.27	1.18	1.10	1.02	0.94	0.86	0.68	0.60	0.52	0.44	0.36	0.28	0.20
68.01	70.00	1.78	1.42	1.34	1.26	1.18	1.10	1.02	0.94	0.72	0.64	0.56	0.48	0.40	0.32	0.24
70.01	72.00	1.86	1.49	1.41	1.33	1.25	1.17	1.09	1.01	0.76	0.68	0.60	0.52	0.44	0.36	0.28
72.01	74.00	1.93	1.57	1.49	1.41	1.33	1.24	1.16	1.08	0.81	0.73	0.65	0.56	0.48	0.40	0.32
74.01	76.00	2.01	1.64	1.56	1.48	1.40	1.32	1.24	1.16	0.85	0.77	0.69	0.61	0.53	0.44	0.36
76.01	78.00	2.08	1.72	1.64	1.55	1.47	1.39	1.31	1.23	0.89	0.81	0.73	0.65	0.57	0.49	0.41
78.01	80.00	2.15	1.79	1.71	1.63	1.55	1.47	1.39	1.31	0.93	0.85	0.77	0.69	0.61	0.53	0.45
80.01	82.00	2.23	1.86	1.78	1.70	1.62	1.54	1.46	1.38	0.97	0.89	0.81	0.73	0.65	0.57	0.49
82.01	84.00	2.30	1.94	1.86	1.78	1.70	1.61	1.53	1.45	1.02	0.94	0.86	0.77	0.69	0.61	0.53
84.01	86.00	2.38	2.01	1.93	1.85	1.77	1.69	1.61	1.53	1.06	0.98	0.90	0.82	0.74	0.65	0.57
86.01	88.00	2.45	2.09	2.01	1.92	1.84	1.76	1.68	1.60	1.10	1.02	0.94	0.86	0.78	0.70	0.62
88.01	90.00	2.52	2.16	2.08	2.00	1.92	1.84	1.76	1.68	1.14	1.06	0.98	0.90	0.82	0.74	0.66
90.01	92.00	2.60	2.23	2.15	2.07	1.99	1.91	1.83	1.75	1.18	1.10	1.02	0.94	0.86	0.78	0.70
92.01	94.00	2.67	2.31	2.23	2.15	2.07	1.98	1.90	1.82	1.23	1.15	1.07	0.98	0.90	0.82	0.74
94.01	96.00	2.75	2.38	2.30	2.22	2.14	2.06	1.98	1.90	1.27	1.19	1.11	1.03	0.95	0.86	0.78
96.01	98.00	2.82	2.46	2.38	2.29	2.21	2.13	2.05	1.97	1.32	1.24	1.16	1.08	1.00	0.92	0.84
98.01	100.00	2.89	2.53	2.45	2.37	2.29	2.21	2.13	2.05	1.40	1.32	1.24	1.16	1.08	0.99	0.91
100.01	102.00	2.97	2.60	2.52	2.44	2.36	2.28	2.20	2.12	1.47	1.39	1.31	1.23	1.15	1.07	0.99
102.01	104.00	3.04	2.68	2.60	2.52	2.44	2.35	2.27	2.19	1.55	1.47	1.39	1.31	1.23	1.14	1.06
104.01	106.00	3.12	2.75	2.67	2.59	2.51	2.43	2.35	2.27	1.62	1.54	1.46	1.38	1.30	1.22	1.14
106.01	108.00	3.19	2.83	2.75	2.66	2.58	2.50	2.42	2.34	1.70	1.62	1.54	1.46	1.38	1.29	1.21
108.01	110.00	3.26	2.90	2.82	2.74	2.66	2.58	2.50	2.42	1.77	1.69	1.61	1.53	1.45	1.37	1.29
110.01	112.00	3.34	2.97	2.89	2.81	2.73	2.65	2.57	2.49	1.85	1.77	1.69	1.61	1.53	1.44	1.36
112.01	114.00	3.41	3.05	2.97	2.89	2.81	2.72	2.64	2.56	1.92	1.84	1.76	1.68	1.60	1.52	1.44
114.01	116.00	3.49	3.12	3.04	2.96	2.88	2.80	2.72	2.64	2.00	1.92	1.84	1.76	1.68	1.59	1.51
116.01	118.00	3.56	3.20	3.12	3.03	2.95	2.87	2.79	2.71	2.07	1.99	1.91	1.83	1.75	1.67	1.59
118.01	120.00	3.63	3.27	3.19	3.11	3.03	2.95	2.87	2.79	2.15	2.07	1.99	1.91	1.83	1.74	1.66
120.01	122.00	3.71	3.34	3.26	3.18	3.10	3.02	2.94	2.86	2.22	2.14	2.06	1.98	1.90	1.82	1.74
122.01	124.00	3.78	3.42	3.34	3.26	3.18	3.09	3.01	2.93	2.30	2.22	2.14	2.06	1.98	1.89	1.81
124.01	126.00	3.86	3.49	3.41	3.33	3.25	3.17	3.09	3.01	2.37	2.29	2.21	2.13	2.05	1.97	1.89
126.01	128.00	3.93	3.57	3.49	3.40	3.32	3.24	3.16	3.08	2.45	2.37	2.29	2.21	2.13	2.04	1.96
128.01	130.00	4.00	3.64	3.56	3.48	3.40	3.32	3.24	3.16	2.52	2.44	2.36	2.28	2.20	2.12	2.04
130.01	132.00	4.08	3.71	3.63	3.55	3.47	3.39	3.31	3.23	2.60	2.52	2.44	2.36	2.28	2.19	2.11
132.01	134.00	4.15	3.79	3.71	3.63	3.55	3.46	3.38	3.30	2.67	2.59	2.51	2.43	2.35	2.27	2.19
134.01	136.00	4.23	3.86	3.78	3.70	3.62	3.54	3.46	3.38	2.75	2.67	2.59	2.51	2.43	2.34	2.26
136.01	138.00	4.30	3.94	3.86	3.77	3.69	3.61	3.53	3.45	2.82	2.74	2.66	2.58	2.50	2.42	2.34
138.01	140.00	4.37	4.01	3.93	3.85	3.77	3.69	3.61	3.53	2.90	2.82	2.74	2.66	2.58	2.49	2.41
140.01	142.00	4.45	4.08	4.00	3.92	3.84	3.76	3.68	3.60	2.97	2.89	2.81	2.73	2.65	2.57	2.49
142.01	144.00	4.52	4.16	4.08	4.00	3.92	3.83	3.75	3.67	3.05	2.97	2.89	2.81	2.73	2.64	2.56
144.01	146.00	4.60	4.23	4.15	4.07	3.99	3.91	3.83	3.75	3.12	3.04	2.96	2.88	2.80	2.72	2.64
146.01	148.00	4.67	4.31	4.23	4.14	4.06	3.98	3.90	3.82	3.20	3.12	3.04	2.96	2.88	2.79	2.71
148.01	150.00	4.74	4.38	4.30	4.22	4.14	4.06	3.98	3.90	3.27	3.19	3.11	3.03	2.95	2.87	2.79
150.01	152.00	4.82	4.45	4.37	4.29	4.21	4.13	4.05	3.97	3.35	3.27	3.19	3.11	3.03	2.94	2.86
152.01	154.00	4.89	4.53	4.45	4.37	4.29	4.20	4.12	4.04	3.42	3.34	3.26	3.18	3.10	3.02	2.94
154.01	156.00	4.97	4.60	4.52	4.44	4.36	4.28	4.20	4.12	3.50	3.42	3.34	3.26	3.18	3.09	3.01
156.01	158.00	5.04	4.68	4.60	4.51	4.43	4.35	4.27	4.19	3.57	3.49	3.41	3.33	3.25	3.17	3.09
158.01	160.00	5.11	4.75	4.67	4.59	4.51	4.43	4.35	4.27	3.65	3.57	3.49	3.41	3.33	3.24	3.16
160.01	162.00	5.19	4.82	4.74	4.66	4.58	4.50	4.42	4.34	3.72	3.64	3.56	3.48	3.40	3.32	3.24
162.01	164.00	5.26	4.90	4.82	4.74	4.66	4.57	4.49	4.41	3.80	3.72	3.64	3.56	3.48	3.39	3.31
164.01	166.00	5.34	4.97	4.89	4.81	4.73	4.65	4.57	4.49	3.87	3.79	3.71	3.63	3.55	3.47	3.39
166.01	168.00	5.41	5.05	4.97	4.88	4.80	4.72	4.64	4.56	3.95	3.87	3.79	3.71	3.63	3.54	3.46
168.01	170.00	5.48	5.12	5.04	4.96	4.88	4.80	4.72	4.64	4.02	3.94	3.86	3.78	3.70	3.62	3.54
170.01	172.00	5.56	5.19	5.11	5.03	4.95	4.87	4.79	4.71	4.10	4.02	3.94	3.86	3.78	3.69	3.61
172.01	174.00	5.63	5.27	5.19	5.11	5.03	4.94	4.86	4.78	4.17	4.09	4.01	3.93	3.85	3.77	3.69
174.01	176.00	5.71	5.34	5.26	5.18	5.10	5.02	4.94	4.86	4.25	4.17	4.09	4.01	3.93	3.84	3.76
176.01	178.00	5.78	5.42	5.34	5.25	5.17	5.09	5.01	4.93	4.32	4.24	4.16	4.08	4.00	3.92	3.84
178.01	180.00	5.85	5.49	5.41	5.33	5.25	5.17	5.09	5.01	4.40	4.32	4.24	4.16	4.08	3.99	3.91
180.01	182.00	5.93	5.56	5.48	5.40	5.32	5.24	5.16	5.08	4.47	4.39	4.31	4.23	4.15	4.07	3.99
182.01	184.00	6.00	5.64	5.56	5.48	5.40	5.31	5.23	5.15	4.55	4.47	4.39	4.31	4.23	4.14	4.06
184.01	186.00	6.08	5.71	5.63	5.55	5.47	5.39	5.31	5.23	4.62	4.54	4.46	4.38	4.30	4.22	4.14
186.01	188.00	6.15	5.79	5.71	5.62	5.54	5.46	5.38	5.30	4.70	4.62	4.54	4.46	4.38	4.29	4.21
188.01	190.00	6.22	5.86	5.78	5.70	5.62	5.54	5.46	5.38	4.77	4.69	4.61	4.53	4.45	4.37	4.29
190.01	192.00	6.30	5.93	5.85	5.77	5.69	5.61	5.53	5.45	4.85	4.77	4.69	4.61	4.53	4.44	4.36
192.01	194.00	6.38	6.02	5.94	5.86	5.78	5.69	5.61	5.53	4.92	4.84	4.76	4.68	4.60	4.52	4.44

Daily Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:																
SalaryRange:																
Min	**Max**	**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
194.01	196.00	6.48	6.12	6.04	5.96	5.88	5.80	5.72	5.63	5.00	4.92	4.84	4.76	4.68	4.59	4.51
196.01	198.00	6.58	6.22	6.14	6.06	5.98	5.90	5.82	5.74	5.07	4.99	4.91	4.83	4.75	4.67	4.59
198.01	200.00	6.68	6.32	6.24	6.16	6.08	6.00	5.92	5.84	5.15	5.07	4.99	4.91	4.83	4.74	4.66
200.01	202.00	6.79	6.42	6.34	6.26	6.18	6.10	6.02	5.94	5.22	5.14	5.06	4.98	4.90	4.82	4.74
202.01	204.00	6.89	6.52	6.44	6.36	6.28	6.20	6.12	6.04	5.30	5.22	5.14	5.06	4.98	4.89	4.81
204.01	206.00	6.99	6.62	6.54	6.46	6.38	6.30	6.22	6.14	5.37	5.29	5.21	5.13	5.05	4.97	4.89
206.01	208.00	7.09	6.73	6.64	6.56	6.48	6.40	6.32	6.24	5.45	5.37	5.29	5.21	5.13	5.04	4.96
208.01	210.00	7.19	6.83	6.75	6.66	6.58	6.50	6.42	6.34	5.52	5.44	5.36	5.28	5.20	5.12	5.04
210.01	212.00	7.29	6.93	6.85	6.77	6.68	6.60	6.52	6.44	5.60	5.52	5.44	5.36	5.28	5.19	5.11
212.01	214.00	7.39	7.03	6.95	6.87	6.79	6.70	6.62	6.54	5.67	5.59	5.51	5.43	5.35	5.27	5.19
214.01	216.00	7.49	7.13	7.05	6.97	6.89	6.81	6.73	6.64	5.75	5.67	5.59	5.51	5.43	5.34	5.26
216.01	218.00	7.59	7.23	7.15	7.07	6.99	6.91	6.83	6.75	5.82	5.74	5.66	5.58	5.50	5.42	5.34
218.01	220.00	7.69	7.33	7.25	7.17	7.09	7.01	6.93	6.85	5.90	5.82	5.74	5.66	5.58	5.49	5.41
220.01	222.00	7.80	7.43	7.35	7.27	7.19	7.11	7.03	6.95	5.97	5.89	5.81	5.73	5.65	5.57	5.49
222.01	224.00	7.90	7.53	7.45	7.37	7.29	7.21	7.13	7.05	6.05	5.97	5.89	5.81	5.73	5.64	5.56
224.01	226.00	8.00	7.63	7.55	7.47	7.39	7.31	7.23	7.15	6.12	6.04	5.96	5.88	5.80	5.72	5.64
226.01	228.00	8.10	7.74	7.65	7.57	7.49	7.41	7.33	7.25	6.20	6.12	6.04	5.96	5.88	5.79	5.71
228.01	230.00	8.20	7.84	7.76	7.67	7.59	7.51	7.43	7.35	6.27	6.19	6.11	6.03	5.95	5.87	5.79
230.01	232.00	8.30	7.94	7.86	7.78	7.69	7.61	7.53	7.45	6.35	6.27	6.19	6.11	6.03	5.94	5.86
232.01	234.00	8.40	8.04	7.96	7.88	7.80	7.71	7.63	7.55	6.42	6.34	6.26	6.18	6.10	6.02	5.94
234.01	236.00	8.50	8.14	8.06	7.98	7.90	7.82	7.74	7.65	6.50	6.42	6.34	6.26	6.18	6.09	6.01
236.01	238.00	8.60	8.24	8.16	8.08	8.00	7.92	7.84	7.76	6.57	6.49	6.41	6.33	6.25	6.17	6.09
238.01	240.00	8.70	8.34	8.26	8.18	8.10	8.02	7.94	7.86	6.65	6.57	6.49	6.41	6.33	6.24	6.16
240.01	242.00	8.81	8.44	8.36	8.28	8.20	8.12	8.04	7.96	6.72	6.64	6.56	6.48	6.40	6.32	6.24
242.01	244.00	8.91	8.54	8.46	8.38	8.30	8.22	8.14	8.06	6.80	6.72	6.64	6.56	6.48	6.39	6.31
244.01	246.00	9.01	8.64	8.56	8.48	8.40	8.32	8.24	8.16	6.87	6.79	6.71	6.63	6.55	6.47	6.39
246.01	248.00	9.11	8.75	8.66	8.58	8.50	8.42	8.34	8.26	6.95	6.87	6.79	6.71	6.63	6.54	6.46
248.01	250.00	9.21	8.85	8.77	8.68	8.60	8.52	8.44	8.36	7.02	6.94	6.86	6.78	6.70	6.62	6.54
250.01	252.00	9.31	8.95	8.87	8.79	8.70	8.62	8.54	8.46	7.10	7.02	6.94	6.86	6.78	6.69	6.61
252.01	254.00	9.41	9.05	8.97	8.89	8.81	8.72	8.64	8.56	7.17	7.09	7.01	6.93	6.85	6.77	6.69
254.01	256.00	9.51	9.15	9.07	8.99	8.91	8.83	8.75	8.66	7.25	7.17	7.09	7.01	6.93	6.84	6.76
256.01	258.00	9.61	9.25	9.17	9.09	9.01	8.93	8.85	8.77	7.32	7.24	7.16	7.08	7.00	6.92	6.84
258.01	260.00	9.71	9.35	9.27	9.19	9.11	9.03	8.95	8.87	7.40	7.32	7.24	7.16	7.08	6.99	6.91
260.01	262.00	9.82	9.45	9.37	9.29	9.21	9.13	9.05	8.97	7.47	7.39	7.31	7.23	7.15	7.07	6.99
262.01	264.00	9.92	9.55	9.47	9.39	9.31	9.23	9.15	9.07	7.55	7.47	7.39	7.31	7.23	7.14	7.06
264.01	266.00	10.02	9.65	9.57	9.49	9.41	9.33	9.25	9.17	7.62	7.54	7.46	7.38	7.30	7.22	7.14
266.01	268.00	10.12	9.76	9.67	9.59	9.51	9.43	9.35	9.27	7.70	7.62	7.54	7.46	7.38	7.29	7.21
268.01	270.00	10.22	9.86	9.78	9.69	9.61	9.53	9.45	9.37	7.77	7.69	7.61	7.53	7.45	7.37	7.29
270.01	272.00	10.32	9.96	9.88	9.80	9.71	9.63	9.55	9.47	7.85	7.77	7.69	7.61	7.53	7.44	7.36
272.01	274.00	10.42	10.06	9.98	9.90	9.82	9.73	9.65	9.57	7.92	7.84	7.76	7.68	7.60	7.52	7.44
274.01	276.00	10.52	10.16	10.08	10.00	9.92	9.84	9.76	9.67	8.00	7.92	7.84	7.76	7.68	7.59	7.51
276.01	278.00	10.62	10.26	10.18	10.10	10.02	9.94	9.86	9.78	8.07	7.99	7.91	7.83	7.75	7.67	7.59
278.01	280.00	10.72	10.36	10.28	10.20	10.12	10.04	9.96	9.88	8.15	8.07	7.99	7.91	7.83	7.74	7.66
280.01	282.00	10.83	10.46	10.38	10.30	10.22	10.14	10.06	9.98	8.22	8.14	8.06	7.98	7.90	7.82	7.74
282.01	284.00	10.93	10.56	10.48	10.40	10.32	10.24	10.16	10.08	8.30	8.22	8.14	8.06	7.98	7.89	7.81
284.01	286.00	11.03	10.66	10.58	10.50	10.42	10.34	10.26	10.18	8.37	8.29	8.21	8.13	8.05	7.97	7.89
286.01	288.00	11.13	10.77	10.68	10.60	10.52	10.44	10.36	10.28	8.45	8.37	8.29	8.21	8.13	8.04	7.96
288.01	290.00	11.23	10.87	10.79	10.70	10.62	10.54	10.46	10.38	8.52	8.44	8.36	8.28	8.20	8.12	8.04
290.01	292.00	11.33	10.97	10.89	10.81	10.72	10.64	10.56	10.48	8.60	8.52	8.44	8.36	8.28	8.19	8.11
292.01	294.00	11.43	11.07	10.99	10.91	10.83	10.74	10.66	10.58	8.67	8.59	8.51	8.43	8.35	8.27	8.19
294.01	296.00	11.53	11.17	11.09	11.01	10.93	10.85	10.77	10.68	8.75	8.67	8.59	8.51	8.43	8.34	8.26
296.01	298.00	11.63	11.27	11.19	11.11	11.03	10.95	10.87	10.79	8.82	8.74	8.66	8.58	8.50	8.42	8.34
298.01	300.00	11.73	11.37	11.29	11.21	11.13	11.05	10.97	10.89	8.90	8.82	8.74	8.66	8.58	8.49	8.41
300.01	302.00	11.84	11.47	11.39	11.31	11.23	11.15	11.07	10.99	8.97	8.89	8.81	8.73	8.65	8.57	8.49
302.01	304.00	11.94	11.57	11.49	11.41	11.33	11.25	11.17	11.09	9.05	8.97	8.89	8.81	8.73	8.64	8.56
304.01	306.00	12.04	11.67	11.59	11.51	11.43	11.35	11.27	11.19	9.12	9.04	8.96	8.88	8.80	8.72	8.64
306.01	308.00	12.14	11.78	11.69	11.61	11.53	11.45	11.37	11.29	9.20	9.12	9.04	8.96	8.88	8.79	8.71
308.01	310.00	12.24	11.88	11.80	11.71	11.63	11.55	11.47	11.39	9.27	9.19	9.11	9.03	8.95	8.87	8.79
310.01	312.00	12.34	11.98	11.90	11.82	11.73	11.65	11.57	11.49	9.35	9.27	9.19	9.11	9.03	8.94	8.86
312.01	314.00	12.44	12.08	12.00	11.92	11.84	11.75	11.67	11.59	9.42	9.34	9.26	9.18	9.10	9.02	8.94
314.01	316.00	12.54	12.18	12.10	12.02	11.94	11.86	11.78	11.69	9.50	9.42	9.34	9.26	9.18	9.09	9.01
316.01	318.00	12.64	12.28	12.20	12.12	12.04	11.96	11.88	11.80	9.57	9.49	9.41	9.33	9.25	9.17	9.09
318.01	320.00	12.74	12.38	12.30	12.22	12.14	12.06	11.98	11.90	9.65	9.57	9.49	9.41	9.33	9.24	9.16
320.01	322.00	12.85	12.48	12.40	12.32	12.24	12.16	12.08	12.00	9.72	9.64	9.56	9.48	9.40	9.32	9.24
322.01	324.00	12.95	12.58	12.50	12.42	12.34	12.26	12.18	12.10	9.80	9.72	9.64	9.56	9.48	9.39	9.31
324.01	326.00	13.05	12.68	12.60	12.52	12.44	12.36	12.28	12.20	9.87	9.79	9.71	9.63	9.55	9.47	9.39
326.01	328.00	13.15	12.79	12.70	12.62	12.54	12.46	12.38	12.30	9.95	9.87	9.79	9.71	9.63	9.54	9.46

Daily Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:																
SalaryRange:																
Min	**Max**	**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
328.01	330.00	13.25	12.89	12.81	12.72	12.64	12.56	12.48	12.40	10.02	9.94	9.86	9.78	9.70	9.62	9.54
330.01	332.00	13.35	12.99	12.91	12.83	12.74	12.66	12.58	12.50	10.10	10.02	9.94	9.86	9.78	9.69	9.61
332.01	334.00	13.45	13.09	13.01	12.93	12.85	12.76	12.68	12.60	10.17	10.09	10.01	9.93	9.85	9.77	9.69
334.01	336.00	13.55	13.19	13.11	13.03	12.95	12.87	12.79	12.70	10.25	10.17	10.09	10.01	9.93	9.84	9.76
336.01	338.00	13.65	13.29	13.21	13.13	13.05	12.97	12.89	12.81	10.32	10.24	10.16	10.08	10.00	9.92	9.84
338.01	340.00	13.75	13.39	13.31	13.23	13.15	13.07	12.99	12.91	10.40	10.32	10.24	10.16	10.08	9.99	9.91
340.01	342.00	13.86	13.49	13.41	13.33	13.25	13.17	13.09	13.01	10.47	10.39	10.31	10.23	10.15	10.07	9.99
342.01	344.00	13.96	13.59	13.51	13.43	13.35	13.27	13.19	13.11	10.55	10.47	10.39	10.31	10.23	10.14	10.06
344.01	346.00	14.06	13.69	13.61	13.53	13.45	13.37	13.29	13.21	10.62	10.54	10.46	10.38	10.30	10.22	10.14
346.01	348.00	14.16	13.80	13.71	13.63	13.55	13.47	13.39	13.31	10.70	10.62	10.54	10.46	10.38	10.29	10.21
348.01	350.00	14.26	13.90	13.82	13.73	13.65	13.57	13.49	13.41	10.77	10.69	10.61	10.53	10.45	10.37	10.29
350.01	352.00	14.36	14.00	13.92	13.84	13.75	13.67	13.59	13.51	10.85	10.77	10.69	10.61	10.53	10.44	10.36
352.01	354.00	14.46	14.10	14.02	13.94	13.86	13.77	13.69	13.61	10.92	10.84	10.76	10.68	10.60	10.52	10.44
354.01	356.00	14.56	14.20	14.12	14.04	13.96	13.88	13.80	13.71	11.00	10.92	10.84	10.76	10.68	10.59	10.51
356.01	358.00	14.66	14.30	14.22	14.14	14.06	13.98	13.90	13.82	11.07	10.99	10.91	10.83	10.75	10.67	10.59
358.01	360.00	14.76	14.40	14.32	14.24	14.16	14.08	14.00	13.92	11.15	11.07	10.99	10.91	10.83	10.74	10.66
360.01	362.00	14.87	14.50	14.42	14.34	14.26	14.18	14.10	14.02	11.22	11.14	11.06	10.98	10.90	10.82	10.74
362.01	364.00	14.97	14.60	14.52	14.44	14.36	14.28	14.20	14.12	11.30	11.22	11.14	11.06	10.98	10.89	10.81
364.01	366.00	15.07	14.70	14.62	14.54	14.46	14.38	14.30	14.22	11.37	11.29	11.21	11.13	11.05	10.97	10.89
366.01	368.00	15.17	14.81	14.72	14.64	14.56	14.48	14.40	14.32	11.45	11.37	11.29	11.21	11.13	11.04	10.96
368.01	370.00	15.27	14.91	14.83	14.74	14.66	14.58	14.50	14.42	11.52	11.44	11.36	11.28	11.20	11.12	11.04
370.01	372.00	15.37	15.01	14.93	14.85	14.76	14.68	14.60	14.52	11.60	11.52	11.44	11.36	11.28	11.19	11.11
372.01	374.00	15.47	15.11	15.03	14.95	14.87	14.78	14.70	14.62	11.67	11.59	11.51	11.43	11.35	11.27	11.19
374.01	376.00	15.57	15.21	15.13	15.05	14.97	14.89	14.81	14.72	11.75	11.67	11.59	11.51	11.43	11.34	11.26
376.01	378.00	15.67	15.31	15.23	15.15	15.07	14.99	14.91	14.83	11.82	11.74	11.66	11.58	11.50	11.42	11.34
378.01	380.00	15.77	15.41	15.33	15.25	15.17	15.09	15.01	14.93	11.90	11.82	11.74	11.66	11.58	11.49	11.41
380.01	382.00	15.88	15.51	15.43	15.35	15.27	15.19	15.11	15.03	11.97	11.89	11.81	11.73	11.65	11.57	11.49
382.01	384.00	15.98	15.61	15.53	15.45	15.37	15.29	15.21	15.13	12.05	11.97	11.89	11.81	11.73	11.64	11.56
384.01	386.00	16.08	15.71	15.63	15.55	15.47	15.39	15.31	15.23	12.13	12.05	11.97	11.89	11.81	11.73	11.64
		(Add 5.05% for amounts in excess of $386)								(Add 5.10% for amounts in excess of $386)						

Weekly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:																
SalaryRange:																
Min	**Max**	**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
0.00	50.00	2.1%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
50.01	70.00	1.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
70.01	90.00	1.68	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
90.01	110.00	2.10	0.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
110.01	130.00	2.52	0.70	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
130.01	150.00	2.94	1.12	0.72	0.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
150.01	170.00	3.36	1.54	1.14	0.74	0.33	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
170.01	190.00	3.78	1.96	1.56	1.16	0.75	0.35	0.00	0.00	0.15	0.00	0.00	0.00	0.00	0.00	0.00
190.01	210.00	4.20	2.38	1.98	1.58	1.17	0.77	0.36	0.00	0.57	0.16	0.00	0.00	0.00	0.00	0.00
210.01	230.00	4.62	2.80	2.40	2.00	1.59	1.19	0.78	0.38	0.99	0.58	0.18	0.00	0.00	0.00	0.00
230.01	250.00	5.04	3.22	2.82	2.42	2.01	1.61	1.20	0.80	1.41	1.00	0.60	0.19	0.00	0.00	0.00
250.01	270.00	5.77	3.96	3.55	3.15	2.74	2.34	1.94	1.53	1.83	1.42	1.02	0.61	0.21	0.00	0.00
270.01	290.00	6.51	4.70	4.29	3.89	3.48	3.08	2.68	2.27	2.25	1.84	1.44	1.03	0.63	0.23	0.00
290.01	310.00	7.25	5.44	5.03	4.63	4.22	3.82	3.42	3.01	2.67	2.26	1.86	1.45	1.05	0.65	0.24
310.01	330.00	7.99	6.18	5.77	5.37	4.96	4.56	4.16	3.75	3.09	2.68	2.28	1.87	1.47	1.07	0.66
330.01	350.00	8.73	6.92	6.51	6.11	5.70	5.30	4.90	4.49	3.51	3.10	2.70	2.29	1.89	1.49	1.08
350.01	370.00	9.47	7.66	7.25	6.85	6.44	6.04	5.64	5.23	3.93	3.52	3.12	2.71	2.31	1.91	1.50
370.01	390.00	10.21	8.40	7.99	7.59	7.18	6.78	6.38	5.97	4.35	3.94	3.54	3.13	2.73	2.33	1.92
390.01	410.00	10.95	9.14	8.73	8.33	7.92	7.52	7.12	6.71	4.77	4.36	3.96	3.55	3.15	2.75	2.34
410.01	430.00	11.69	9.88	9.47	9.07	8.66	8.26	7.86	7.45	5.19	4.78	4.38	3.97	3.57	3.17	2.76
430.01	450.00	12.43	10.62	10.21	9.81	9.40	9.00	8.60	8.19	5.61	5.20	4.80	4.39	3.99	3.59	3.18
450.01	470.00	13.17	11.36	10.95	10.55	10.14	9.74	9.34	8.93	6.03	5.62	5.22	4.81	4.41	4.01	3.60
470.01	490.00	13.91	12.10	11.69	11.29	10.88	10.48	10.08	9.67	6.45	6.04	5.64	5.23	4.83	4.43	4.02
490.01	510.00	14.65	12.84	12.43	12.03	11.62	11.22	10.82	10.41	7.18	6.78	6.38	5.97	5.57	5.16	4.76
510.01	530.00	15.39	13.58	13.17	12.77	12.36	11.96	11.56	11.15	7.93	7.53	7.13	6.72	6.32	5.91	5.51
530.01	550.00	16.13	14.32	13.91	13.51	13.10	12.70	12.30	11.89	8.68	8.28	7.88	7.47	7.07	6.66	6.26
550.01	570.00	16.87	15.06	14.65	14.25	13.84	13.44	13.04	12.63	9.43	9.03	8.63	8.22	7.82	7.41	7.01
570.01	590.00	17.61	15.80	15.39	14.99	14.58	14.18	13.78	13.37	10.18	9.78	9.38	8.97	8.57	8.16	7.76
590.01	610.00	18.35	16.54	16.13	15.73	15.32	14.92	14.52	14.11	10.93	10.53	10.13	9.72	9.32	8.91	8.51
610.01	630.00	19.09	17.28	16.87	16.47	16.06	15.66	15.26	14.85	11.68	11.28	10.88	10.47	10.07	9.66	9.26

Weekly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:																
SalaryRange:																
Min	**Max**	**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
630.01	650.00	19.83	18.02	17.61	17.21	16.80	16.40	16.00	15.59	12.43	12.03	11.63	11.22	10.82	10.41	10.01
650.01	670.00	20.57	18.76	18.35	17.95	17.54	17.14	16.74	16.33	13.18	12.78	12.38	11.97	11.57	11.16	10.76
670.01	690.00	21.31	19.50	19.09	18.69	18.28	17.88	17.48	17.07	13.93	13.53	13.13	12.72	12.32	11.91	11.51
690.01	710.00	22.05	20.24	19.83	19.43	19.02	18.62	18.22	17.81	14.68	14.28	13.88	13.47	13.07	12.66	12.26
710.01	730.00	22.79	20.98	20.57	20.17	19.76	19.36	18.96	18.55	15.43	15.03	14.63	14.22	13.82	13.41	13.01
730.01	750.00	23.53	21.72	21.31	20.91	20.50	20.10	19.70	19.29	16.18	15.78	15.38	14.97	14.57	14.16	13.76
750.01	770.00	24.27	22.46	22.05	21.65	21.24	20.84	20.44	20.03	16.93	16.53	16.13	15.72	15.32	14.91	14.51
770.01	790.00	25.01	23.20	22.79	22.39	21.98	21.58	21.18	20.77	17.68	17.28	16.88	16.47	16.07	15.66	15.26
790.01	810.00	25.75	23.94	23.53	23.13	22.72	22.32	21.92	21.51	18.43	18.03	17.63	17.22	16.82	16.41	16.01
810.01	830.00	26.49	24.68	24.27	23.87	23.46	23.06	22.66	22.25	19.18	18.78	18.38	17.97	17.57	17.16	16.76
830.01	850.00	27.23	25.42	25.01	24.61	24.20	23.80	23.40	22.99	19.93	19.53	19.13	18.72	18.32	17.91	17.51
850.01	870.00	27.97	26.16	25.75	25.35	24.94	24.54	24.14	23.73	20.68	20.28	19.88	19.47	19.07	18.66	18.26
870.01	890.00	28.71	26.90	26.49	26.09	25.68	25.28	24.88	24.47	21.43	21.03	20.63	20.22	19.82	19.41	19.01
890.01	910.00	29.45	27.64	27.23	26.83	26.42	26.02	25.62	25.21	22.18	21.78	21.38	20.97	20.57	20.16	19.76
910.01	930.00	30.19	28.38	27.97	27.57	27.16	26.76	26.36	25.95	22.93	22.53	22.13	21.72	21.32	20.91	20.51
930.01	950.00	30.93	29.12	28.71	28.31	27.90	27.50	27.10	26.69	23.68	23.28	22.88	22.47	22.07	21.66	21.26
950.01	970.00	31.67	29.86	29.45	29.05	28.64	28.24	27.84	27.43	24.43	24.03	23.63	23.22	22.82	22.41	22.01
970.01	990.00	32.66	30.85	30.44	30.04	29.63	29.23	28.83	28.42	25.18	24.78	24.38	23.97	23.57	23.16	22.76
990.01	1,010.00	33.67	31.86	31.45	31.05	30.64	30.24	29.84	29.43	25.93	25.53	25.13	24.72	24.32	23.91	23.51
1,010.01	1,030.00	34.68	32.87	32.46	32.06	31.65	31.25	30.85	30.44	26.68	26.28	25.88	25.47	25.07	24.66	24.26
1,030.01	1,050.00	35.69	33.88	33.47	33.07	32.66	32.26	31.86	31.45	27.43	27.03	26.63	26.22	25.82	25.41	25.01
1,050.01	1,070.00	36.70	34.89	34.48	34.08	33.67	33.27	32.87	32.46	28.18	27.78	27.38	26.97	26.57	26.16	25.76
1,070.01	1,090.00	37.71	35.90	35.49	35.09	34.68	34.28	33.88	33.47	28.93	28.53	28.13	27.72	27.32	26.91	26.51
1,090.01	1,110.00	38.72	36.91	36.50	36.10	35.69	35.29	34.89	34.48	29.68	29.28	28.88	28.47	28.07	27.66	27.26
1,110.01	1,130.00	39.73	37.92	37.51	37.11	36.70	36.30	35.90	35.49	30.43	30.03	29.63	29.22	28.82	28.41	28.01
1,130.01	1,150.00	40.74	38.93	38.52	38.12	37.71	37.31	36.91	36.50	31.18	30.78	30.38	29.97	29.57	29.16	28.76
1,150.01	1,170.00	41.75	39.94	39.53	39.13	38.72	38.32	37.92	37.51	31.93	31.53	31.13	30.72	30.32	29.91	29.51
1,170.01	1,190.00	42.76	40.95	40.54	40.14	39.73	39.33	38.93	38.52	32.68	32.28	31.88	31.47	31.07	30.66	30.26
1,190.01	1,210.00	43.77	41.96	41.55	41.15	40.74	40.34	39.94	39.53	33.43	33.03	32.63	32.22	31.82	31.41	31.01
1,210.01	1,230.00	44.78	42.97	42.56	42.16	41.75	41.35	40.95	40.54	34.18	33.78	33.38	32.97	32.57	32.16	31.76
1,230.01	1,250.00	45.79	43.98	43.57	43.17	42.76	42.36	41.96	41.55	34.93	34.53	34.13	33.72	33.32	32.91	32.51
1,250.01	1,270.00	46.80	44.99	44.58	44.18	43.77	43.37	42.97	42.56	35.68	35.28	34.88	34.47	34.07	33.66	33.26
1,270.01	1,290.00	47.81	46.00	45.59	45.19	44.78	44.38	43.98	43.57	36.43	36.03	35.63	35.22	34.82	34.41	34.01
1,290.01	1,310.00	48.82	47.01	46.60	46.20	45.79	45.39	44.99	44.58	37.18	36.78	36.38	35.97	35.57	35.16	34.76
1,310.01	1,330.00	49.83	48.02	47.61	47.21	46.80	46.40	46.00	45.59	37.93	37.53	37.13	36.72	36.32	35.91	35.51
1,330.01	1,350.00	50.84	49.03	48.62	48.22	47.81	47.41	47.01	46.60	38.68	38.28	37.88	37.47	37.07	36.66	36.26
1,350.01	1,370.00	51.85	50.04	49.63	49.23	48.82	48.42	48.02	47.61	39.43	39.03	38.63	38.22	37.82	37.41	37.01
1,370.01	1,390.00	52.86	51.05	50.64	50.24	49.83	49.43	49.03	48.62	40.18	39.78	39.38	38.97	38.57	38.16	37.76
1,390.01	1,410.00	53.87	52.06	51.65	51.25	50.84	50.44	50.04	49.63	40.93	40.53	40.13	39.72	39.32	38.91	38.51
1,410.01	1,430.00	54.88	53.07	52.66	52.26	51.85	51.45	51.05	50.64	41.68	41.28	40.88	40.47	40.07	39.66	39.26
1,430.01	1,450.00	55.89	54.08	53.67	53.27	52.86	52.46	52.06	51.65	42.43	42.03	41.63	41.22	40.82	40.41	40.01
1,450.01	1,470.00	56.90	55.09	54.68	54.28	53.87	53.47	53.07	52.66	43.18	42.78	42.38	41.97	41.57	41.16	40.76
1,470.01	1,490.00	57.91	56.10	55.69	55.29	54.88	54.48	54.08	53.67	43.93	43.53	43.13	42.72	42.32	41.91	41.51
1,490.01	1,510.00	58.92	57.11	56.70	56.30	55.89	55.49	55.09	54.68	44.68	44.28	43.88	43.47	43.07	42.66	42.26
1,510.01	1,530.00	59.93	58.12	57.71	57.31	56.90	56.50	56.10	55.69	45.43	45.03	44.63	44.22	43.82	43.41	43.01
1,530.01	1,550.00	60.94	59.13	58.72	58.32	57.91	57.51	57.11	56.70	46.18	45.78	45.38	44.97	44.57	44.16	43.76
1,550.01	1,570.00	61.95	60.14	59.73	59.33	58.92	58.52	58.12	57.71	46.93	46.53	46.13	45.72	45.32	44.91	44.51
1,570.01	1,590.00	62.96	61.15	60.74	60.34	59.93	59.53	59.13	58.72	47.68	47.28	46.88	46.47	46.07	45.66	45.26
1,590.01	1,610.00	63.97	62.16	61.75	61.35	60.94	60.54	60.14	59.73	48.43	48.03	47.63	47.22	46.82	46.41	46.01
1,610.01	1,630.00	64.98	63.17	62.76	62.36	61.95	61.55	61.15	60.74	49.18	48.78	48.38	47.97	47.57	47.16	46.76
1,630.01	1,650.00	65.99	64.18	63.77	63.37	62.96	62.56	62.16	61.75	49.93	49.53	49.13	48.72	48.32	47.91	47.51
1,650.01	1,670.00	67.00	65.19	64.78	64.38	63.97	63.57	63.17	62.76	50.68	50.28	49.88	49.47	49.07	48.66	48.26
1,670.01	1,690.00	68.01	66.20	65.79	65.39	64.98	64.58	64.18	63.77	51.43	51.03	50.63	50.22	49.82	49.41	49.01
1,690.01	1,710.00	69.02	67.21	66.80	66.40	65.99	65.59	65.19	64.78	52.18	51.78	51.38	50.97	50.57	50.16	49.76
1,710.01	1,730.00	70.03	68.22	67.81	67.41	67.00	66.60	66.20	65.79	52.93	52.53	52.13	51.72	51.32	50.91	50.51
1,730.01	1,750.00	71.04	69.23	68.82	68.42	68.01	67.61	67.21	66.80	53.68	53.28	52.88	52.47	52.07	51.66	51.26
1,750.01	1,770.00	72.05	70.24	69.83	69.43	69.02	68.62	68.22	67.81	54.43	54.03	53.63	53.22	52.82	52.41	52.01
1,770.01	1,790.00	73.06	71.25	70.84	70.44	70.03	69.63	69.23	68.82	55.18	54.78	54.38	53.97	53.57	53.16	52.76
1,790.01	1,810.00	74.07	72.26	71.85	71.45	71.04	70.64	70.24	69.83	55.93	55.53	55.13	54.72	54.32	53.91	53.51
1,810.01	1,830.00	75.08	73.27	72.86	72.46	72.05	71.65	71.25	70.84	56.68	56.28	55.88	55.47	55.07	54.66	54.26
1,830.01	1,850.00	76.09	74.28	73.87	73.47	73.06	72.66	72.26	71.85	57.43	57.03	56.63	56.22	55.82	55.41	55.01
1,850.01	1,870.00	77.10	75.29	74.88	74.48	74.07	73.67	73.27	72.86	58.18	57.78	57.38	56.97	56.57	56.16	55.76
1,870.01	1,890.00	78.11	76.30	75.89	75.49	75.08	74.68	74.28	73.87	58.93	58.53	58.13	57.72	57.32	56.91	56.51
1,890.01	1,910.00	79.12	77.31	76.90	76.50	76.09	75.69	75.29	74.88	59.68	59.28	58.88	58.47	58.07	57.66	57.26
1,910.01	1,930.00	80.13	78.32	77.91	77.51	77.10	76.70	76.30	75.89	60.43	60.03	59.63	59.22	58.82	58.41	58.01
1,930.01	1,950.00	81.14	79.33	78.92	78.52	78.11	77.71	77.31	76.90	61.41	61.01	60.60	60.20	59.80	59.39	58.99
1,850.01	1,870.00	77.10	75.29	74.88	74.48	74.07	73.67	73.27	72.86	58.18	57.78	57.38	56.97	56.57	56.16	55.76

Weekly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:																
SalaryRange:																
Min	**Max**	**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
1,870.01	1,890.00	78.11	76.30	75.89	75.49	75.08	74.68	74.28	73.87	58.93	58.53	58.13	57.72	57.32	56.91	56.51
1,890.01	1,910.00	79.12	77.31	76.90	76.50	76.09	75.69	75.29	74.88	59.68	59.28	58.88	58.47	58.07	57.66	57.26
1,910.01	1,930.00	80.13	78.32	77.91	77.51	77.10	76.70	76.30	75.89	60.43	60.03	59.63	59.22	58.82	58.41	58.01
1,930.01	1,950.00	81.14	79.33	78.92	78.52	78.11	77.71	77.31	76.90	61.41	61.01	60.60	60.20	59.80	59.39	58.99
		(Add 5.05% for amounts in excess of $1,950)								(Add 5.10% for amounts in excess of $1,950)						

Biweekly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:																
SalaryRange:																
Min	**Max**	**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
0.00	100.00	2.1%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
100.01	140.00	2.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
140.01	180.00	3.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
180.01	220.00	4.20	0.57	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
220.01	260.00	5.04	1.41	0.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
260.01	300.00	5.88	2.25	1.44	0.63	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300.01	340.00	6.72	3.09	2.28	1.47	0.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
340.01	380.00	7.56	3.93	3.12	2.31	1.50	0.69	0.00	0.00	0.29	0.00	0.00	0.00	0.00	0.00	0.00
380.01	420.00	8.40	4.77	3.96	3.15	2.34	1.54	0.73	0.00	1.13	0.32	0.00	0.00	0.00	0.00	0.00
420.01	460.00	9.24	5.61	4.80	3.99	3.18	2.38	1.57	0.76	1.97	1.16	0.36	0.00	0.00	0.00	0.00
460.01	500.00	10.08	6.45	5.64	4.83	4.02	3.22	2.41	1.60	2.81	2.00	1.20	0.39	0.00	0.00	0.00
500.01	540.00	11.55	7.91	7.11	6.30	5.49	4.68	3.87	3.07	3.65	2.84	2.04	1.23	0.42	0.00	0.00
540.01	580.00	13.03	9.39	8.59	7.78	6.97	6.16	5.35	4.55	4.49	3.68	2.88	2.07	1.26	0.45	0.00
580.01	620.00	14.51	10.87	10.07	9.26	8.45	7.64	6.83	6.03	5.33	4.52	3.72	2.91	2.10	1.29	0.48
620.01	660.00	15.99	12.35	11.55	10.74	9.93	9.12	8.31	7.51	6.17	5.36	4.56	3.75	2.94	2.13	1.33
660.01	700.00	17.47	13.83	13.03	12.22	11.41	10.60	9.79	8.99	7.01	6.20	5.40	4.59	3.78	2.97	2.17
700.01	740.00	18.95	15.31	14.51	13.70	12.89	12.08	11.27	10.47	7.85	7.04	6.24	5.43	4.62	3.81	3.01
740.01	780.00	20.43	16.79	15.99	15.18	14.37	13.56	12.75	11.95	8.69	7.88	7.08	6.27	5.46	4.65	3.85
780.01	820.00	21.91	18.27	17.47	16.66	15.85	15.04	14.23	13.43	9.53	8.72	7.92	7.11	6.30	5.49	4.69
820.01	860.00	23.39	19.75	18.95	18.14	17.33	16.52	15.71	14.91	10.37	9.56	8.76	7.95	7.14	6.33	5.53
860.01	900.00	24.87	21.23	20.43	19.62	18.81	18.00	17.19	16.39	11.21	10.40	9.60	8.79	7.98	7.17	6.37
900.01	940.00	26.35	22.71	21.91	21.10	20.29	19.48	18.67	17.87	12.05	11.24	10.44	9.63	8.82	8.01	7.21
940.01	980.00	27.83	24.19	23.39	22.58	21.77	20.96	20.15	19.35	12.89	12.08	11.28	10.47	9.66	8.85	8.05
980.01	1,020.00	29.31	25.67	24.87	24.06	23.25	22.44	21.63	20.83	14.37	13.56	12.75	11.94	11.13	10.33	9.52
1,020.01	1,060.00	30.79	27.15	26.35	25.54	24.73	23.92	23.11	22.31	15.87	15.06	14.25	13.44	12.63	11.83	11.02
1,060.01	1,100.00	32.27	28.63	27.83	27.02	26.21	25.40	24.59	23.79	17.37	16.56	15.75	14.94	14.13	13.33	12.52
1,100.01	1,140.00	33.75	30.11	29.31	28.50	27.69	26.88	26.07	25.27	18.87	18.06	17.25	16.44	15.63	14.83	14.02
1,140.01	1,180.00	35.23	31.59	30.79	29.98	29.17	28.36	27.55	26.75	20.37	19.56	18.75	17.94	17.13	16.33	15.52
1,180.01	1,220.00	36.71	33.07	32.27	31.46	30.65	29.84	29.03	28.23	21.87	21.06	20.25	19.44	18.63	17.83	17.02
1,220.01	1,260.00	38.19	34.55	33.75	32.94	32.13	31.32	30.51	29.71	23.37	22.56	21.75	20.94	20.13	19.33	18.52
1,260.01	1,300.00	39.67	36.03	35.23	34.42	33.61	32.80	31.99	31.19	24.87	24.06	23.25	22.44	21.63	20.83	20.02
1,300.01	1,340.00	41.15	37.51	36.71	35.90	35.09	34.28	33.47	32.67	26.37	25.56	24.75	23.94	23.13	22.33	21.52
1,340.01	1,380.00	42.63	38.99	38.19	37.38	36.57	35.76	34.95	34.15	27.87	27.06	26.25	25.44	24.63	23.83	23.02
1,380.01	1,420.00	44.11	40.47	39.67	38.86	38.05	37.24	36.43	35.63	29.37	28.56	27.75	26.94	26.13	25.33	24.52
1,420.01	1,460.00	45.59	41.95	41.15	40.34	39.53	38.72	37.91	37.11	30.87	30.06	29.25	28.44	27.63	26.83	26.02
1,460.01	1,500.00	47.07	43.43	42.63	41.82	41.01	40.20	39.39	38.59	32.37	31.56	30.75	29.94	29.13	28.33	27.52
1,500.01	1,540.00	48.55	44.91	44.11	43.30	42.49	41.68	40.87	40.07	33.87	33.06	32.25	31.44	30.63	29.83	29.02
1,540.01	1,580.00	50.03	46.39	45.59	44.78	43.97	43.16	42.35	41.55	35.37	34.56	33.75	32.94	32.13	31.33	30.52
1,580.01	1,620.00	51.51	47.87	47.07	46.26	45.45	44.64	43.83	43.03	36.87	36.06	35.25	34.44	33.63	32.83	32.02
1,620.01	1,660.00	52.99	49.35	48.55	47.74	46.93	46.12	45.31	44.51	38.37	37.56	36.75	35.94	35.13	34.33	33.52
1,660.01	1,700.00	54.47	50.83	50.03	49.22	48.41	47.60	46.79	45.99	39.87	39.06	38.25	37.44	36.63	35.83	35.02
1,700.01	1,740.00	55.95	52.31	51.51	50.70	49.89	49.08	48.27	47.47	41.37	40.56	39.75	38.94	38.13	37.33	36.52
1,740.01	1,780.00	57.43	53.79	52.99	52.18	51.37	50.56	49.75	48.95	42.87	42.06	41.25	40.44	39.63	38.83	38.02
1,780.01	1,820.00	58.91	55.27	54.47	53.66	52.85	52.04	51.23	50.43	44.37	43.56	42.75	41.94	41.13	40.33	39.52
1,820.01	1,860.00	60.39	56.75	55.95	55.14	54.33	53.52	52.71	51.91	45.87	45.06	44.25	43.44	42.63	41.83	41.02
1,860.01	1,900.00	61.87	58.23	57.43	56.62	55.81	55.00	54.19	53.39	47.37	46.56	45.75	44.94	44.13	43.33	42.52
1,900.01	1,940.00	63.35	59.71	58.91	58.10	57.29	56.48	55.67	54.87	48.87	48.06	47.25	46.44	45.63	44.83	44.02
1,940.01	1,980.00	65.33	61.69	60.88	60.08	59.27	58.46	57.65	56.85	50.37	49.56	48.75	47.94	47.13	46.33	45.52
1,980.01	2,020.00	67.35	63.71	62.90	62.10	61.29	60.48	59.67	58.87	51.87	51.06	50.25	49.44	48.63	47.83	47.02
2,020.01	2,060.00	69.37	65.73	64.92	64.12	63.31	62.50	61.69	60.89	53.37	52.56	51.75	50.94	50.13	49.33	48.52
2,060.01	2,100.00	71.39	67.75	66.94	66.14	65.33	64.52	63.71	62.91	54.87	54.06	53.25	52.44	51.63	50.83	50.02
2,100.01	2,140.00	73.41	69.77	68.96	68.16	67.35	66.54	65.73	64.93	56.37	55.56	54.75	53.94	53.13	52.33	51.52
2,140.01	2,180.00	75.43	71.79	70.98	70.18	69.37	68.56	67.75	66.95	57.87	57.06	56.25	55.44	54.63	53.83	53.02
2,180.01	2,220.00	77.45	73.81	73.00	72.20	71.39	70.58	69.77	68.97	59.37	58.56	57.75	56.94	56.13	55.33	54.52
2,220.01	2,260.00	79.47	75.83	75.02	74.22	73.41	72.60	71.79	70.99	60.87	60.06	59.25	58.44	57.63	56.83	56.02
2,260.01	2,300.00	81.49	77.85	77.04	76.24	75.43	74.62	73.81	73.01	62.37	61.56	60.75	59.94	59.13	58.33	57.52

Biweekly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:																
SalaryRange:																
Min	**Max**	**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
2,300.01	2,340.00	83.51	79.87	79.06	78.26	77.45	76.64	75.83	75.03	63.87	63.06	62.25	61.44	60.63	59.83	59.02
2,340.01	2,380.00	85.53	81.89	81.08	80.28	79.47	78.66	77.85	77.05	65.37	64.56	63.75	62.94	62.13	61.33	60.52
2,380.01	2,420.00	87.55	83.91	83.10	82.30	81.49	80.68	79.87	79.07	66.87	66.06	65.25	64.44	63.63	62.83	62.02
2,420.01	2,460.00	89.57	85.93	85.12	84.32	83.51	82.70	81.89	81.09	68.37	67.56	66.75	65.94	65.13	64.33	63.52
2,460.01	2,500.00	91.59	87.95	87.14	86.34	85.53	84.72	83.91	83.11	69.87	69.06	68.25	67.44	66.63	65.83	65.02
2,500.01	2,540.00	93.61	89.97	89.16	88.36	87.55	86.74	85.93	85.13	71.37	70.56	69.75	68.94	68.13	67.33	66.52
2,540.01	2,580.00	95.63	91.99	91.18	90.38	89.57	88.76	87.95	87.15	72.87	72.06	71.25	70.44	69.63	68.83	68.02
2,580.01	2,620.00	97.65	94.01	93.20	92.40	91.59	90.78	89.97	89.17	74.37	73.56	72.75	71.94	71.13	70.33	69.52
2,620.01	2,660.00	99.67	96.03	95.22	94.42	93.61	92.80	91.99	91.19	75.87	75.06	74.25	73.44	72.63	71.83	71.02
2,660.01	2,700.00	101.69	98.05	97.24	96.44	95.63	94.82	94.01	93.21	77.37	76.56	75.75	74.94	74.13	73.33	72.52
2,700.01	2,740.00	103.71	100.07	99.26	98.46	97.65	96.84	96.03	95.23	78.87	78.06	77.25	76.44	75.63	74.83	74.02
2,740.01	2,780.00	105.73	102.09	101.28	100.48	99.67	98.86	98.05	97.25	80.37	79.56	78.75	77.94	77.13	76.33	75.52
2,780.01	2,820.00	107.75	104.11	103.30	102.50	101.69	100.88	100.07	99.27	81.87	81.06	80.25	79.44	78.63	77.83	77.02
2,820.01	2,860.00	109.77	106.13	105.32	104.52	103.71	102.90	102.09	101.29	83.37	82.56	81.75	80.94	80.13	79.33	78.52
2,860.01	2,900.00	111.79	108.15	107.34	106.54	105.73	104.92	104.11	103.31	84.87	84.06	83.25	82.44	81.63	80.83	80.02
2,900.01	2,940.00	113.81	110.17	109.36	108.56	107.75	106.94	106.13	105.33	86.37	85.56	84.75	83.94	83.13	82.33	81.52
2,940.01	2,980.00	115.83	112.19	111.38	110.58	109.77	108.96	108.15	107.35	87.87	87.06	86.25	85.44	84.63	83.83	83.02
2,980.01	3,020.00	117.85	114.21	113.40	112.60	111.79	110.98	110.17	109.37	89.37	88.56	87.75	86.94	86.13	85.33	84.52
3,020.01	3,060.00	119.87	116.23	115.42	114.62	113.81	113.00	112.19	111.39	90.87	90.06	89.25	88.44	87.63	86.83	86.02
3,060.01	3,100.00	121.89	118.25	117.44	116.64	115.83	115.02	114.21	113.41	92.37	91.56	90.75	89.94	89.13	88.33	87.52
3,100.01	3,140.00	123.91	120.27	119.46	118.66	117.85	117.04	116.23	115.43	93.87	93.06	92.25	91.44	90.63	89.83	89.02
3,140.01	3,180.00	125.93	122.29	121.48	120.68	119.87	119.06	118.25	117.45	95.37	94.56	93.75	92.94	92.13	91.33	90.52
3,180.01	3,220.00	127.95	124.31	123.50	122.70	121.89	121.08	120.27	119.47	96.87	96.06	95.25	94.44	93.63	92.83	92.02
3,220.01	3,260.00	129.97	126.33	125.52	124.72	123.91	123.10	122.29	121.49	98.37	97.56	96.75	95.94	95.13	94.33	93.52
3,260.01	3,300.00	131.99	128.35	127.54	126.74	125.93	125.12	124.31	123.51	99.87	99.06	98.25	97.44	96.63	95.83	95.02
3,300.01	3,340.00	134.01	130.37	129.56	128.76	127.95	127.14	126.33	125.53	101.37	100.56	99.75	98.94	98.13	97.33	96.52
3,340.01	3,380.00	136.03	132.39	131.58	130.78	129.97	129.16	128.35	127.55	102.87	102.06	101.25	100.44	99.63	98.83	98.02
3,380.01	3,420.00	138.05	134.41	133.60	132.80	131.99	131.18	130.37	129.57	104.37	103.56	102.75	101.94	101.13	100.33	99.52
3,420.01	3,460.00	140.07	136.43	135.62	134.82	134.01	133.20	132.39	131.59	105.87	105.06	104.25	103.44	102.63	101.83	101.02
3,460.01	3,500.00	142.09	138.45	137.64	136.84	136.03	135.22	134.41	133.61	107.37	106.56	105.75	104.94	104.13	103.33	102.52
3,500.01	3,540.00	144.11	140.47	139.66	138.86	138.05	137.24	136.43	135.63	108.87	108.06	107.25	106.44	105.63	104.83	104.02
3,540.01	3,580.00	146.13	142.49	141.68	140.88	140.07	139.26	138.45	137.65	110.37	109.56	108.75	107.94	107.13	106.33	105.52
3,580.01	3,620.00	148.15	144.51	143.70	142.90	142.09	141.28	140.47	139.67	111.87	111.06	110.25	109.44	108.63	107.83	107.02
3,620.01	3,660.00	150.17	146.53	145.72	144.92	144.11	143.30	142.49	141.69	113.37	112.56	111.75	110.94	110.13	109.33	108.52
3,660.01	3,700.00	152.19	148.55	147.74	146.94	146.13	145.32	144.51	143.71	114.87	114.06	113.25	112.44	111.63	110.83	110.02
3,700.01	3,740.00	154.21	150.57	149.76	148.96	148.15	147.34	146.53	145.73	116.37	115.56	114.75	113.94	113.13	112.33	111.52
3,740.01	3,780.00	156.23	152.59	151.78	150.98	150.17	149.36	148.55	147.75	117.87	117.06	116.25	115.44	114.63	113.83	113.02
3,780.01	3,820.00	158.25	154.61	153.80	153.00	152.19	151.38	150.57	149.77	119.37	118.56	117.75	116.94	116.13	115.33	114.52
3,820.01	3,860.00	160.27	156.63	155.82	155.02	154.21	153.40	152.59	151.79	120.87	120.06	119.25	118.44	117.63	116.83	116.02
3,860.01	3,900.00	162.29	158.65	157.84	157.04	156.23	155.42	154.61	153.81	122.82	122.01	121.21	120.40	119.59	118.78	117.98
		Add 5.05% for amounts in excess of $3,900								Add 5.10% for amounts in excess of $3,900						

Semimonthly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:																
SalaryRange:																
Min	**Max**	**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
-	100.00	2.1%														
100.01	140.00	2.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
140.01	180.00	3.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
180.01	220.00	4.20	0.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
220.01	260.00	5.04	1.10	0.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
260.01	300.00	5.88	1.94	1.07	0.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
300.01	340.00	6.72	2.78	1.91	1.03	0.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
340.01	380.00	7.56	3.62	2.75	1.87	1.00	0.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
380.01	420.00	8.40	4.46	3.59	2.71	1.84	0.96	0.09	0.00	0.53	0.00	0.00	0.00	0.00	0.00	0.00
420.01	460.00	9.24	5.30	4.43	3.55	2.68	1.80	0.93	0.05	1.37	0.49	0.00	0.00	0.00	0.00	0.00
460.01	500.00	10.08	6.14	5.27	4.39	3.52	2.64	1.77	0.89	2.21	1.33	0.46	0.00	0.00	0.00	0.00
500.01	540.00	10.92	6.98	6.11	5.23	4.36	3.48	2.61	1.73	3.05	2.17	1.30	0.42	0.00	0.00	0.00
540.01	580.00	12.39	8.45	7.57	6.70	5.82	4.95	4.07	3.20	3.89	3.01	2.14	1.26	0.39	0.00	0.00
580.01	620.00	13.87	9.93	9.05	8.18	7.30	6.43	5.55	4.68	4.73	3.85	2.98	2.10	1.23	0.35	0.00
620.01	660.00	15.35	11.41	10.53	9.66	8.78	7.91	7.03	6.16	5.57	4.69	3.82	2.94	2.07	1.19	0.32
660.01	700.00	16.83	12.89	12.01	11.14	10.26	9.39	8.51	7.64	6.41	5.53	4.66	3.78	2.91	2.03	1.16
700.01	740.00	18.31	14.37	13.49	12.62	11.74	10.87	9.99	9.12	7.25	6.37	5.50	4.62	3.75	2.87	2.00
740.01	780.00	19.79	15.85	14.97	14.10	13.22	12.35	11.47	10.60	8.09	7.21	6.34	5.46	4.59	3.71	2.84
780.01	820.00	21.27	17.33	16.45	15.58	14.70	13.83	12.95	12.08	8.93	8.05	7.18	6.30	5.43	4.55	3.68

Semimonthly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:																
SalaryRange:																
Min	**Max**	**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
820.01	860.00	22.75	18.81	17.93	17.06	16.18	15.31	14.43	13.56	9.77	8.89	8.02	7.14	6.27	5.39	4.52
860.01	900.00	24.23	20.29	19.41	18.54	17.66	16.79	15.91	15.04	10.61	9.73	8.86	7.98	7.11	6.23	5.36
900.01	940.00	25.71	21.77	20.89	20.02	19.14	18.27	17.39	16.52	11.45	10.57	9.70	8.82	7.95	7.07	6.20
940.01	980.00	27.19	23.25	22.37	21.50	20.62	19.75	18.87	18.00	12.29	11.41	10.54	9.66	8.79	7.91	7.04
980.01	1,020.00	28.67	24.73	23.85	22.98	22.10	21.23	20.35	19.48	13.13	12.25	11.38	10.50	9.63	8.75	7.88
1,020.01	1,060.00	30.15	26.21	25.33	24.46	23.58	22.71	21.83	20.96	13.97	13.09	12.22	11.34	10.47	9.59	8.72
1,060.01	1,100.00	31.63	27.69	26.81	25.94	25.06	24.19	23.31	22.44	15.44	14.56	13.69	12.81	11.94	11.06	10.19
1,100.01	1,140.00	33.11	29.17	28.29	27.42	26.54	25.67	24.79	23.92	16.94	16.06	15.19	14.31	13.44	12.56	11.69
1,140.01	1,180.00	34.59	30.65	29.77	28.90	28.02	27.15	26.27	25.40	18.44	17.56	16.69	15.81	14.94	14.06	13.19
1,180.01	1,220.00	36.07	32.13	31.25	30.38	29.50	28.63	27.75	26.88	19.94	19.06	18.19	17.31	16.44	15.56	14.69
1,220.01	1,260.00	37.55	33.61	32.73	31.86	30.98	30.11	29.23	28.36	21.44	20.56	19.69	18.81	17.94	17.06	16.19
1,260.01	1,300.00	39.03	35.09	34.21	33.34	32.46	31.59	30.71	29.84	22.94	22.06	21.19	20.31	19.44	18.56	17.69
1,300.01	1,340.00	40.51	36.57	35.69	34.82	33.94	33.07	32.19	31.32	24.44	23.56	22.69	21.81	20.94	20.06	19.19
1,340.01	1,380.00	41.99	38.05	37.17	36.30	35.42	34.55	33.67	32.80	25.94	25.06	24.19	23.31	22.44	21.56	20.69
1,380.01	1,420.00	43.47	39.53	38.65	37.78	36.90	36.03	35.15	34.28	27.44	26.56	25.69	24.81	23.94	23.06	22.19
1,420.01	1,460.00	44.95	41.01	40.13	39.26	38.38	37.51	36.63	35.76	28.94	28.06	27.19	26.31	25.44	24.56	23.69
1,460.01	1,500.00	46.43	42.49	41.61	40.74	39.86	38.99	38.11	37.24	30.44	29.56	28.69	27.81	26.94	26.06	25.19
1,500.01	1,540.00	47.91	43.97	43.09	42.22	41.34	40.47	39.59	38.72	31.94	31.06	30.19	29.31	28.44	27.56	26.69
1,540.01	1,580.00	49.39	45.45	44.57	43.70	42.82	41.95	41.07	40.20	33.44	32.56	31.69	30.81	29.94	29.06	28.19
1,580.01	1,620.00	50.87	46.93	46.05	45.18	44.30	43.43	42.55	41.68	34.94	34.06	33.19	32.31	31.44	30.56	29.69
1,620.01	1,660.00	52.35	48.41	47.53	46.66	45.78	44.91	44.03	43.16	36.44	35.56	34.69	33.81	32.94	32.06	31.19
1,660.01	1,700.00	53.83	49.89	49.01	48.14	47.26	46.39	45.51	44.64	37.94	37.06	36.19	35.31	34.44	33.56	32.69
1,700.01	1,740.00	55.31	51.37	50.49	49.62	48.74	47.87	46.99	46.12	39.44	38.56	37.69	36.81	35.94	35.06	34.19
1,740.01	1,780.00	56.79	52.85	51.97	51.10	50.22	49.35	48.47	47.60	40.94	40.06	39.19	38.31	37.44	36.56	35.69
1,780.01	1,820.00	58.27	54.33	53.45	52.58	51.70	50.83	49.95	49.08	42.44	41.56	40.69	39.81	38.94	38.06	37.19
1,820.01	1,860.00	59.75	55.81	54.93	54.06	53.18	52.31	51.43	50.56	43.94	43.06	42.19	41.31	40.44	39.56	38.69
1,860.01	1,900.00	61.23	57.29	56.41	55.54	54.66	53.79	52.91	52.04	45.44	44.56	43.69	42.81	41.94	41.06	40.19
1,900.01	1,940.00	62.71	58.77	57.89	57.02	56.14	55.27	54.39	53.52	46.94	46.06	45.19	44.31	43.44	42.56	41.69
1,940.01	1,980.00	64.19	60.25	59.37	58.50	57.62	56.75	55.87	55.00	48.44	47.56	46.69	45.81	44.94	44.06	43.19
1,980.01	2,020.00	65.67	61.73	60.85	59.98	59.10	58.23	57.35	56.48	49.94	49.06	48.19	47.31	46.44	45.56	44.69
2,020.01	2,060.00	67.15	63.21	62.33	61.46	60.58	59.71	58.83	57.96	51.44	50.56	49.69	48.81	47.94	47.06	46.19
2,060.01	2,100.00	68.63	64.69	63.81	62.94	62.06	61.19	60.31	59.44	52.94	52.06	51.19	50.31	49.44	48.56	47.69
2,100.01	2,140.00	70.60	66.66	65.79	64.91	64.04	63.16	62.29	61.41	54.44	53.56	52.69	51.81	50.94	50.06	49.19
2,140.01	2,180.00	72.62	68.68	67.81	66.93	66.06	65.18	64.31	63.43	55.94	55.06	54.19	53.31	52.44	51.56	50.69
2,180.01	2,220.00	74.64	70.70	69.83	68.95	68.08	67.20	66.33	65.45	57.44	56.56	55.69	54.81	53.94	53.06	52.19
2,220.01	2,260.00	76.66	72.72	71.85	70.97	70.10	69.22	68.35	67.47	58.94	58.06	57.19	56.31	55.44	54.56	53.69
2,260.01	2,300.00	78.68	74.74	73.87	72.99	72.12	71.24	70.37	69.49	60.44	59.56	58.69	57.81	56.94	56.06	55.19
2,300.01	2,340.00	80.70	76.76	75.89	75.01	74.14	73.26	72.39	71.51	61.94	61.06	60.19	59.31	58.44	57.56	56.69
2,340.01	2,380.00	82.72	78.78	77.91	77.03	76.16	75.28	74.41	73.53	63.44	62.56	61.69	60.81	59.94	59.06	58.19
2,380.01	2,420.00	84.74	80.80	79.93	79.05	78.18	77.30	76.43	75.55	64.94	64.06	63.19	62.31	61.44	60.56	59.69
2,420.01	2,460.00	86.76	82.82	81.95	81.07	80.20	79.32	78.45	77.57	66.44	65.56	64.69	63.81	62.94	62.06	61.19
2,460.01	2,500.00	88.78	84.84	83.97	83.09	82.22	81.34	80.47	79.59	67.94	67.06	66.19	65.31	64.44	63.56	62.69
2,500.01	2,540.00	90.80	86.86	85.99	85.11	84.24	83.36	82.49	81.61	69.44	68.56	67.69	66.81	65.94	65.06	64.19
2,540.01	2,580.00	92.82	88.88	88.01	87.13	86.26	85.38	84.51	83.63	70.94	70.06	69.19	68.31	67.44	66.56	65.69
2,580.01	2,620.00	94.84	90.90	90.03	89.15	88.28	87.40	86.53	85.65	72.44	71.56	70.69	69.81	68.94	68.06	67.19
2,620.01	2,660.00	96.86	92.92	92.05	91.17	90.30	89.42	88.55	87.67	73.94	73.06	72.19	71.31	70.44	69.56	68.69
2,660.01	2,700.00	98.88	94.94	94.07	93.19	92.32	91.44	90.57	89.69	75.44	74.56	73.69	72.81	71.94	71.06	70.19
2,700.01	2,740.00	100.90	96.96	96.09	95.21	94.34	93.46	92.59	91.71	76.94	76.06	75.19	74.31	73.44	72.56	71.69
2,740.01	2,780.00	102.92	98.98	98.11	97.23	96.36	95.48	94.61	93.73	78.44	77.56	76.69	75.81	74.94	74.06	73.19
2,780.01	2,820.00	104.94	101.00	100.13	99.25	98.38	97.50	96.63	95.75	79.94	79.06	78.19	77.31	76.44	75.56	74.69
2,820.01	2,860.00	106.96	103.02	102.15	101.27	100.40	99.52	98.65	97.77	81.44	80.56	79.69	78.81	77.94	77.06	76.19
2,860.01	2,900.00	108.98	105.04	104.17	103.29	102.42	101.54	100.67	99.79	82.94	82.06	81.19	80.31	79.44	78.56	77.69
2,900.01	2,940.00	111.00	107.06	106.19	105.31	104.44	103.56	102.69	101.81	84.44	83.56	82.69	81.81	80.94	80.06	79.19
2,940.01	2,980.00	113.02	109.08	108.21	107.33	106.46	105.58	104.71	103.83	85.94	85.06	84.19	83.31	82.44	81.56	80.69
2,980.01	3,020.00	115.04	111.10	110.23	109.35	108.48	107.60	106.73	105.85	87.44	86.56	85.69	84.81	83.94	83.06	82.19
3,020.01	3,060.00	117.06	113.12	112.25	111.37	110.50	109.62	108.75	107.87	88.94	88.06	87.19	86.31	85.44	84.56	83.69
3,060.01	3,100.00	119.08	115.14	114.27	113.39	112.52	111.64	110.77	109.89	90.44	89.56	88.69	87.81	86.94	86.06	85.19
3,100.01	3,140.00	121.10	117.16	116.29	115.41	114.54	113.66	112.79	111.91	91.94	91.06	90.19	89.31	88.44	87.56	86.69
3,140.01	3,180.00	123.12	119.18	118.31	117.43	116.56	115.68	114.81	113.93	93.44	92.56	91.69	90.81	89.94	89.06	88.19
3,180.01	3,220.00	125.14	121.20	120.33	119.45	118.58	117.70	116.83	115.95	94.94	94.06	93.19	92.31	91.44	90.56	89.69
3,220.01	3,260.00	127.16	123.22	122.35	121.47	120.60	119.72	118.85	117.97	96.44	95.56	94.69	93.81	92.94	92.06	91.19
3,260.01	3,300.00	129.18	125.24	124.37	123.49	122.62	121.74	120.87	119.99	97.94	97.06	96.19	95.31	94.44	93.56	92.69
3,300.01	3,340.00	131.20	127.26	126.39	125.51	124.64	123.76	122.89	122.01	99.44	98.56	97.69	96.81	95.94	95.06	94.19
3,340.01	3,380.00	133.22	129.28	128.41	127.53	126.66	125.78	124.91	124.03	100.94	100.06	99.19	98.31	97.44	96.56	95.69
3,380.01	3,420.00	135.24	131.30	130.43	129.55	128.68	127.80	126.93	126.05	102.44	101.56	100.69	99.81	98.94	98.06	97.19
3,420.01	3,460.00	137.26	133.32	132.45	131.57	130.70	129.82	128.95	128.07	103.94	103.06	102.19	101.31	100.44	99.56	98.69
3,460.01	3,500.00	139.28	135.34	134.47	133.59	132.72	131.84	130.97	130.09	105.44	104.56	103.69	102.81	101.94	101.06	100.19

Semimonthly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:																
SalaryRange:																
Min	**Max**	**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
3,500.01	3,540.00	141.30	137.36	136.49	135.61	134.74	133.86	132.99	132.11	106.94	106.06	105.19	104.31	103.44	102.56	101.69
3,540.01	3,580.00	143.32	139.38	138.51	137.63	136.76	135.88	135.01	134.13	108.44	107.56	106.69	105.81	104.94	104.06	103.19
3,580.01	3,620.00	145.34	141.40	140.53	139.65	138.78	137.90	137.03	136.15	109.94	109.06	108.19	107.31	106.44	105.56	104.69
3,620.01	3,660.00	147.36	143.42	142.55	141.67	140.80	139.92	139.05	138.17	111.44	110.56	109.69	108.81	107.94	107.06	106.19
3,660.01	3,700.00	149.38	145.44	144.57	143.69	142.82	141.94	141.07	140.19	112.94	112.06	111.19	110.31	109.44	108.56	107.69
3,700.01	3,740.00	151.40	147.46	146.59	145.71	144.84	143.96	143.09	142.21	114.44	113.56	112.69	111.81	110.94	110.06	109.19
3,740.01	3,780.00	153.42	149.48	148.61	147.73	146.86	145.98	145.11	144.23	115.94	115.06	114.19	113.31	112.44	111.56	110.69
3,780.01	3,820.00	155.44	151.50	150.63	149.75	148.88	148.00	147.13	146.25	117.44	116.56	115.69	114.81	113.94	113.06	112.19
3,820.01	3,860.00	157.46	153.52	152.65	151.77	150.90	150.02	149.15	148.27	118.94	118.06	117.19	116.31	115.44	114.56	113.69
3,860.01	3,900.00	159.48	155.54	154.67	153.79	152.92	152.04	151.17	150.29	120.44	119.56	118.69	117.81	116.94	116.06	115.19
3,900.01	3,940.00	161.50	157.56	156.69	155.81	154.94	154.06	153.19	152.31	121.94	121.06	120.19	119.31	118.44	117.56	116.69
3,940.01	3,980.00	163.52	159.58	158.71	157.83	156.96	156.08	155.21	154.33	123.44	122.56	121.69	120.81	119.94	119.06	118.19
3,980.01	4,020.00	165.54	161.60	160.73	159.85	158.98	158.10	157.23	156.35	124.94	124.06	123.19	122.31	121.44	120.56	119.69
4,020.01	4,060.00	167.56	163.62	162.75	161.87	161.00	160.12	159.25	158.37	126.44	125.56	124.69	123.81	122.94	122.06	121.19
4,060.01	4,100.00	169.58	165.64	164.77	163.89	163.02	162.14	161.27	160.39	127.94	127.06	126.19	125.31	124.44	123.56	122.69
4,100.01	4,140.00	171.60	167.66	166.79	165.91	165.04	164.16	163.29	162.41	129.44	128.56	127.69	126.81	125.94	125.06	124.19
4,140.01	4,180.00	173.62	169.68	168.81	167.93	167.06	166.18	165.31	164.43	130.94	130.06	129.19	128.31	127.44	126.56	125.69
4,180.01	4,220.00	175.64	171.70	170.83	169.95	169.08	168.20	167.33	166.45	132.89	132.01	131.14	130.26	129.39	128.51	127.64
		(Add 5.05% for amounts in excess of $4,220)								(Add 5.10% for amounts in excess of $4,220)						

Monthly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:																
SalaryRange:																
Min	**Max**	**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
-	200.00	2.1%														
200.01	280.00	5.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
280.01	360.00	6.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
360.01	440.00	8.40	0.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
440.01	520.00	10.08	2.21	0.46	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
520.01	600.00	11.76	3.89	2.14	0.39	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
600.01	680.00	13.44	5.57	3.82	2.07	0.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
680.01	760.00	15.12	7.25	5.50	3.75	2.00	0.24	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
760.01	840.00	16.80	8.93	7.18	5.43	3.68	1.93	0.18	0.00	1.05	0.00	0.00	0.00	0.00	0.00	0.00
840.01	920.00	18.48	10.61	8.86	7.11	5.36	3.61	1.86	0.11	2.73	0.98	0.00	0.00	0.00	0.00	0.00
920.01	1,000.00	20.16	12.29	10.54	8.79	7.04	5.29	3.54	1.79	4.41	2.66	0.91	0.00	0.00	0.00	0.00
1,000.01	1,080.00	21.84	13.97	12.22	10.47	8.72	6.97	5.22	3.47	6.09	4.34	2.59	0.84	0.00	0.00	0.00
1,080.01	1,160.00	24.77	16.90	15.15	13.40	11.65	9.90	8.15	6.40	7.77	6.02	4.27	2.52	0.77	0.00	0.00
1,160.01	1,240.00	27.73	19.86	18.11	16.36	14.61	12.86	11.11	9.36	9.45	7.70	5.95	4.20	2.45	0.70	0.00
1,240.01	1,320.00	30.69	22.82	21.07	19.32	17.57	15.82	14.07	12.32	11.13	9.38	7.63	5.88	4.13	2.38	0.63
1,320.01	1,400.00	33.65	25.78	24.03	22.28	20.53	18.78	17.03	15.28	12.81	11.06	9.31	7.56	5.81	4.06	2.31
1,400.01	1,480.00	36.61	28.74	26.99	25.24	23.49	21.74	19.99	18.24	14.49	12.74	10.99	9.24	7.49	5.74	3.99
1,480.01	1,560.00	39.57	31.70	29.95	28.20	26.45	24.70	22.95	21.20	16.17	14.42	12.67	10.92	9.17	7.42	5.67
1,560.01	1,640.00	42.53	34.66	32.91	31.16	29.41	27.66	25.91	24.16	17.85	16.10	14.35	12.60	10.85	9.10	7.35
1,640.01	1,720.00	45.49	37.62	35.87	34.12	32.37	30.62	28.87	27.12	19.53	17.78	16.03	14.28	12.53	10.78	9.03
1,720.01	1,800.00	48.45	40.58	38.83	37.08	35.33	33.58	31.83	30.08	21.21	19.46	17.71	15.96	14.21	12.46	10.71
1,800.01	1,880.00	51.41	43.54	41.79	40.04	38.29	36.54	34.79	33.04	22.89	21.14	19.39	17.64	15.89	14.14	12.39
1,880.01	1,960.00	54.37	46.50	44.75	43.00	41.25	39.50	37.75	36.00	24.57	22.82	21.07	19.32	17.57	15.82	14.07
1,960.01	2,040.00	57.33	49.46	47.71	45.96	44.21	42.46	40.71	38.96	26.25	24.50	22.75	21.00	19.25	17.50	15.75
2,040.01	2,120.00	60.29	52.42	50.67	48.92	47.17	45.42	43.67	41.92	27.93	26.18	24.43	22.68	20.93	19.18	17.43
2,120.01	2,200.00	63.25	55.38	53.63	51.88	50.13	48.38	46.63	44.88	30.88	29.13	27.38	25.63	23.88	22.13	20.38
2,200.01	2,280.00	66.21	58.34	56.59	54.84	53.09	51.34	49.59	47.84	33.88	32.13	30.38	28.63	26.88	25.13	23.38
2,280.01	2,360.00	69.17	61.30	59.55	57.80	56.05	54.30	52.55	50.80	36.88	35.13	33.38	31.63	29.88	28.13	26.38
2,360.01	2,440.00	72.13	64.26	62.51	60.76	59.01	57.26	55.51	53.76	39.88	38.13	36.38	34.63	32.88	31.13	29.38
2,440.01	2,520.00	75.09	67.22	65.47	63.72	61.97	60.22	58.47	56.72	42.88	41.13	39.38	37.63	35.88	34.13	32.38
2,520.01	2,600.00	78.05	70.18	68.43	66.68	64.93	63.18	61.43	59.68	45.88	44.13	42.38	40.63	38.88	37.13	35.38
2,600.01	2,680.00	81.01	73.14	71.39	69.64	67.89	66.14	64.39	62.64	48.88	47.13	45.38	43.63	41.88	40.13	38.38
2,680.01	2,760.00	83.97	76.10	74.35	72.60	70.85	69.10	67.35	65.60	51.88	50.13	48.38	46.63	44.88	43.13	41.38
2,760.01	2,840.00	86.93	79.06	77.31	75.56	73.81	72.06	70.31	68.56	54.88	53.13	51.38	49.63	47.88	46.13	44.38
2,840.01	2,920.00	89.89	82.02	80.27	78.52	76.77	75.02	73.27	71.52	57.88	56.13	54.38	52.63	50.88	49.13	47.38
2,920.01	3,000.00	92.85	84.98	83.23	81.48	79.73	77.98	76.23	74.48	60.88	59.13	57.38	55.63	53.88	52.13	50.38
3,000.01	3,080.00	95.81	87.94	86.19	84.44	82.69	80.94	79.19	77.44	63.88	62.13	60.38	58.63	56.88	55.13	53.38
3,080.01	3,160.00	98.77	90.90	89.15	87.40	85.65	83.90	82.15	80.40	66.88	65.13	63.38	61.63	59.88	58.13	56.38
3,160.01	3,240.00	101.73	93.86	92.11	90.36	88.61	86.86	85.11	83.36	69.88	68.13	66.38	64.63	62.88	61.13	59.38
3,240.01	3,320.00	104.69	96.82	95.07	93.32	91.57	89.82	88.07	86.32	72.88	71.13	69.38	67.63	65.88	64.13	62.38
3,320.01	3,400.00	107.65	99.78	98.03	96.28	94.53	92.78	91.03	89.28	75.88	74.13	72.38	70.63	68.88	67.13	65.38

Monthly Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:																
SalaryRange:																
Min	**Max**	**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
3,400.01	3,480.00	110.61	102.74	100.99	99.24	97.49	95.74	93.99	92.24	78.88	77.13	75.38	73.63	71.88	70.13	68.38
3,480.01	3,560.00	113.57	105.70	103.95	102.20	100.45	98.70	96.95	95.20	81.88	80.13	78.38	76.63	74.88	73.13	71.38
3,560.01	3,640.00	116.53	108.66	106.91	105.16	103.41	101.66	99.91	98.16	84.88	83.13	81.38	79.63	77.88	76.13	74.38
3,640.01	3,720.00	119.49	111.62	109.87	108.12	106.37	104.62	102.87	101.12	87.88	86.13	84.38	82.63	80.88	79.13	77.38
3,720.01	3,800.00	122.45	114.58	112.83	111.08	109.33	107.58	105.83	104.08	90.88	89.13	87.38	85.63	83.88	82.13	80.38
3,800.01	3,880.00	125.41	117.54	115.79	114.04	112.29	110.54	108.79	107.04	93.88	92.13	90.38	88.63	86.88	85.13	83.38
3,880.01	3,960.00	128.37	120.50	118.75	117.00	115.25	113.50	111.75	110.00	96.88	95.13	93.38	91.63	89.88	88.13	86.38
3,960.01	4,040.00	131.33	123.46	121.71	119.96	118.21	116.46	114.71	112.96	99.88	98.13	96.38	94.63	92.88	91.13	89.38
4,040.01	4,120.00	134.29	126.42	124.67	122.92	121.17	119.42	117.67	115.92	102.88	101.13	99.38	97.63	95.88	94.13	92.38
4,120.01	4,200.00	137.25	129.38	127.63	125.88	124.13	122.38	120.63	118.88	105.88	104.13	102.38	100.63	98.88	97.13	95.38
4,200.01	4,280.00	141.20	133.33	131.58	129.83	128.08	126.33	124.58	122.83	108.88	107.13	105.38	103.63	101.88	100.13	98.38
4,280.01	4,360.00	145.24	137.37	135.62	133.87	132.12	130.37	128.62	126.87	111.88	110.13	108.38	106.63	104.88	103.13	101.38
4,360.01	4,440.00	149.28	141.41	139.66	137.91	136.16	134.41	132.66	130.91	114.88	113.13	111.38	109.63	107.88	106.13	104.38
4,440.01	4,520.00	153.32	145.45	143.70	141.95	140.20	138.45	136.70	134.95	117.88	116.13	114.38	112.63	110.88	109.13	107.38
4,520.01	4,600.00	157.36	149.49	147.74	145.99	144.24	142.49	140.74	138.99	120.88	119.13	117.38	115.63	113.88	112.13	110.38
4,600.01	4,680.00	161.40	153.53	151.78	150.03	148.28	146.53	144.78	143.03	123.88	122.13	120.38	118.63	116.88	115.13	113.38
4,680.01	4,760.00	165.44	157.57	155.82	154.07	152.32	150.57	148.82	147.07	126.88	125.13	123.38	121.63	119.88	118.13	116.38
4,760.01	4,840.00	169.48	161.61	159.86	158.11	156.36	154.61	152.86	151.11	129.88	128.13	126.38	124.63	122.88	121.13	119.38
4,840.01	4,920.00	173.52	165.65	163.90	162.15	160.40	158.65	156.90	155.15	132.88	131.13	129.38	127.63	125.88	124.13	122.38
4,920.01	5,000.00	177.56	169.69	167.94	166.19	164.44	162.69	160.94	159.19	135.88	134.13	132.38	130.63	128.88	127.13	125.38
5,000.01	5,080.00	181.60	173.73	171.98	170.23	168.48	166.73	164.98	163.23	138.88	137.13	135.38	133.63	131.88	130.13	128.38
5,080.01	5,160.00	185.64	177.77	176.02	174.27	172.52	170.77	169.02	167.27	141.88	140.13	138.38	136.63	134.88	133.13	131.38
5,160.01	5,240.00	189.68	181.81	180.06	178.31	176.56	174.81	173.06	171.31	144.88	143.13	141.38	139.63	137.88	136.13	134.38
5,240.01	5,320.00	193.72	185.85	184.10	182.35	180.60	178.85	177.10	175.35	147.88	146.13	144.38	142.63	140.88	139.13	137.38
5,320.01	5,400.00	197.76	189.89	188.14	186.39	184.64	182.89	181.14	179.39	150.88	149.13	147.38	145.63	143.88	142.13	140.38
5,400.01	5,480.00	201.80	193.93	192.18	190.43	188.68	186.93	185.18	183.43	153.88	152.13	150.38	148.63	146.88	145.13	143.38
5,480.01	5,560.00	205.84	197.97	196.22	194.47	192.72	190.97	189.22	187.47	156.88	155.13	153.38	151.63	149.88	148.13	146.38
5,560.01	5,640.00	209.88	202.01	200.26	198.51	196.76	195.01	193.26	191.51	159.88	158.13	156.38	154.63	152.88	151.13	149.38
5,640.01	5,720.00	213.92	206.05	204.30	202.55	200.80	199.05	197.30	195.55	162.88	161.13	159.38	157.63	155.88	154.13	152.38
5,720.01	5,800.00	217.96	210.09	208.34	206.59	204.84	203.09	201.34	199.59	165.88	164.13	162.38	160.63	158.88	157.13	155.38
5,800.01	5,880.00	222.00	214.13	212.38	210.63	208.88	207.13	205.38	203.63	168.88	167.13	165.38	163.63	161.88	160.13	158.38
5,880.01	5,960.00	226.04	218.17	216.42	214.67	212.92	211.17	209.42	207.67	171.88	170.13	168.38	166.63	164.88	163.13	161.38
5,960.01	6,040.00	230.08	222.21	220.46	218.71	216.96	215.21	213.46	211.71	174.88	173.13	171.38	169.63	167.88	166.13	164.38
6,040.01	6,120.00	234.12	226.25	224.50	222.75	221.00	219.25	217.50	215.75	177.88	176.13	174.38	172.63	170.88	169.13	167.38
6,120.01	6,200.00	238.16	230.29	228.54	226.79	225.04	223.29	221.54	219.79	180.88	179.13	177.38	175.63	173.88	172.13	170.38
6,200.01	6,280.00	242.20	234.33	232.58	230.83	229.08	227.33	225.58	223.83	183.88	182.13	180.38	178.63	176.88	175.13	173.38
6,280.01	6,360.00	246.24	238.37	236.62	234.87	233.12	231.37	229.62	227.87	186.88	185.13	183.38	181.63	179.88	178.13	176.38
6,360.01	6,440.00	250.28	242.41	240.66	238.91	237.16	235.41	233.66	231.91	189.88	188.13	186.38	184.63	182.88	181.13	179.38
6,440.01	6,520.00	254.32	246.45	244.70	242.95	241.20	239.45	237.70	235.95	192.88	191.13	189.38	187.63	185.88	184.13	182.38
6,520.01	6,600.00	258.36	250.49	248.74	246.99	245.24	243.49	241.74	239.99	195.88	194.13	192.38	190.63	188.88	187.13	185.38
6,600.01	6,680.00	262.40	254.53	252.78	251.03	249.28	247.53	245.78	244.03	198.88	197.13	195.38	193.63	191.88	190.13	188.38
6,680.01	6,760.00	266.44	258.57	256.82	255.07	253.32	251.57	249.82	248.07	201.88	200.13	198.38	196.63	194.88	193.13	191.38
6,760.01	6,840.00	270.48	262.61	260.86	259.11	257.36	255.61	253.86	252.11	204.88	203.13	201.38	199.63	197.88	196.13	194.38
6,840.01	6,920.00	274.52	266.65	264.90	263.15	261.40	259.65	257.90	256.15	207.88	206.13	204.38	202.63	200.88	199.13	197.38
6,920.01	7,000.00	278.56	270.69	268.94	267.19	265.44	263.69	261.94	260.19	210.88	209.13	207.38	205.63	203.88	202.13	200.38
7,000.01	7,080.00	282.60	274.73	272.98	271.23	269.48	267.73	265.98	264.23	213.88	212.13	210.38	208.63	206.88	205.13	203.38
7,080.01	7,160.00	286.64	278.77	277.02	275.27	273.52	271.77	270.02	268.27	216.88	215.13	213.38	211.63	209.88	208.13	206.38
7,160.01	7,240.00	290.68	282.81	281.06	279.31	277.56	275.81	274.06	272.31	219.88	218.13	216.38	214.63	212.88	211.13	209.38
7,240.01	7,320.00	294.72	286.85	285.10	283.35	281.60	279.85	278.10	276.35	222.88	221.13	219.38	217.63	215.88	214.13	212.38
7,320.01	7,400.00	298.76	290.89	289.14	287.39	285.64	283.89	282.14	280.39	225.88	224.13	222.38	220.63	218.88	217.13	215.38
7,400.01	7,480.00	302.80	294.93	293.18	291.43	289.68	287.93	286.18	284.43	228.88	227.13	225.38	223.63	221.88	220.13	218.38
7,480.01	7,560.00	306.84	298.97	297.22	295.47	293.72	291.97	290.22	288.47	231.88	230.13	228.38	226.63	224.88	223.13	221.38
7,560.01	7,640.00	310.88	303.01	301.26	299.51	297.76	296.01	294.26	292.51	234.88	233.13	231.38	229.63	227.88	226.13	224.38
7,640.01	7,720.00	314.92	307.05	305.30	303.55	301.80	300.05	298.30	296.55	237.88	236.13	234.38	232.63	230.88	229.13	227.38
7,720.01	7,800.00	318.96	311.09	309.34	307.59	305.84	304.09	302.34	300.59	240.88	239.13	237.38	235.63	233.88	232.13	230.38
7,800.01	7,880.00	323.00	315.13	313.38	311.63	309.88	308.13	306.38	304.63	243.88	242.13	240.38	238.63	236.88	235.13	233.38
7,880.01	7,960.00	327.04	319.17	317.42	315.67	313.92	312.17	310.42	308.67	246.88	245.13	243.38	241.63	239.88	238.13	236.38
7,960.01	8,040.00	331.08	323.21	321.46	319.71	317.96	316.21	314.46	312.71	249.88	248.13	246.38	244.63	242.88	241.13	239.38
8,040.01	8,120.00	335.12	327.25	325.50	323.75	322.00	320.25	318.50	316.75	252.88	251.13	249.38	247.63	245.88	244.13	242.38
8,120.01	8,200.00	339.16	331.29	329.54	327.79	326.04	324.29	322.54	320.79	255.88	254.13	252.38	250.63	248.88	247.13	245.38
8,200.01	8,280.00	343.20	335.33	333.58	331.83	330.08	328.33	326.58	324.83	258.88	257.13	255.38	253.63	251.88	250.13	248.38
8,280.01	8,360.00	347.24	339.37	337.62	335.87	334.12	332.37	330.62	328.87	261.88	260.13	258.38	256.63	254.88	253.13	251.38
8,360.01	8,440.00	351.28	343.41	341.66	339.91	338.16	336.41	334.66	332.91	265.78	264.03	262.28	260.53	258.78	257.03	255.28
		(Add 5.05% for amounts in excess of $8,360)								(Add 5.10% for amounts in excess of $8,360)						

Annual Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:																
SalaryRange:																
Min	**Max**	**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
0.00	2,500.00	2.1%	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2,501.00	2,900.00	56.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2,901.00	3,300.00	65.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3,301.00	3,700.00	73.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
3,701.00	4,100.00	81.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4,101.00	4,500.00	90.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4,501.00	4,900.00	98.70	4.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
4,901.00	5,300.00	107.10	12.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5,301.00	5,700.00	115.50	21.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
5,701.00	6,100.00	123.90	29.40	8.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6,101.00	6,500.00	132.30	37.80	16.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6,501.00	6,900.00	140.70	46.20	25.20	4.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
6,901.00	7,300.00	149.10	54.60	33.60	12.60	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7,301.00	7,700.00	157.50	63.00	42.00	21.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
7,701.00	8,100.00	165.90	71.40	50.40	29.40	8.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8,101.00	8,500.00	174.30	79.80	58.80	37.80	16.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8,501.00	8,900.00	182.70	88.20	67.20	46.20	25.20	4.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
8,901.00	9,300.00	191.10	96.60	75.60	54.60	33.60	12.60	0.00	0.00	2.10	0.00	0.00	0.00	0.00	0.00	0.00
9,301.00	9,700.00	199.50	105.00	84.00	63.00	42.00	21.00	0.00	0.00	10.50	0.00	0.00	0.00	0.00	0.00	0.00
9,701.00	10,100.00	207.90	113.40	92.40	71.40	50.40	29.40	8.40	0.00	18.90	0.00	0.00	0.00	0.00	0.00	0.00
10,101.00	10,500.00	216.30	121.80	100.80	79.80	58.80	37.80	16.80	0.00	27.30	6.30	0.00	0.00	0.00	0.00	0.00
10,501.00	10,900.00	224.70	130.20	109.20	88.20	67.20	46.20	25.20	4.20	35.70	14.70	0.00	0.00	0.00	0.00	0.00
10,901.00	11,300.00	233.10	138.60	117.60	96.60	75.60	54.60	33.60	12.60	44.10	23.10	2.10	0.00	0.00	0.00	0.00
11,301.00	11,700.00	241.50	147.00	126.00	105.00	84.00	63.00	42.00	21.00	52.50	31.50	10.50	0.00	0.00	0.00	0.00
11,701.00	12,100.00	249.90	155.40	134.40	113.40	92.40	71.40	50.40	29.40	60.90	39.90	18.90	0.00	0.00	0.00	0.00
12,101.00	12,500.00	258.30	163.80	142.80	121.80	100.80	79.80	58.80	37.80	69.30	48.30	27.30	6.30	0.00	0.00	0.00
12,501.00	12,900.00	269.90	175.40	154.40	133.40	112.40	91.40	70.40	49.40	77.70	56.70	35.70	14.70	0.00	0.00	0.00
12,901.00	13,300.00	284.70	190.20	169.20	148.20	127.20	106.20	85.20	64.20	86.10	65.10	44.10	23.10	2.10	0.00	0.00
13,301.00	13,700.00	299.50	205.00	184.00	163.00	142.00	121.00	100.00	79.00	94.50	73.50	52.50	31.50	10.50	0.00	0.00
13,701.00	14,100.00	314.30	219.80	198.80	177.80	156.80	135.80	114.80	93.80	102.90	81.90	60.90	39.90	18.90	0.00	0.00
14,101.00	14,500.00	329.10	234.60	213.60	192.60	171.60	150.60	129.60	108.60	111.30	90.30	69.30	48.30	27.30	6.30	0.00
14,501.00	14,900.00	343.90	249.40	228.40	207.40	186.40	165.40	144.40	123.40	119.70	98.70	77.70	56.70	35.70	14.70	0.00
14,901.00	15,300.00	358.70	264.20	243.20	222.20	201.20	180.20	159.20	138.20	128.10	107.10	86.10	65.10	44.10	23.10	2.10
15,301.00	15,700.00	373.50	279.00	258.00	237.00	216.00	195.00	174.00	153.00	136.50	115.50	94.50	73.50	52.50	31.50	10.50
15,701.00	16,100.00	388.30	293.80	272.80	251.80	230.80	209.80	188.80	167.80	144.90	123.90	102.90	81.90	60.90	39.90	18.90
16,101.00	16,500.00	403.10	308.60	287.60	266.60	245.60	224.60	203.60	182.60	153.30	132.30	111.30	90.30	69.30	48.30	27.30
16,501.00	16,900.00	417.90	323.40	302.40	281.40	260.40	239.40	218.40	197.40	161.70	140.70	119.70	98.70	77.70	56.70	35.70
16,901.00	17,300.00	432.70	338.20	317.20	296.20	275.20	254.20	233.20	212.20	170.10	149.10	128.10	107.10	86.10	65.10	44.10
17,301.00	17,700.00	447.50	353.00	332.00	311.00	290.00	269.00	248.00	227.00	178.50	157.50	136.50	115.50	94.50	73.50	52.50
17,701.00	18,100.00	462.30	367.80	346.80	325.80	304.80	283.80	262.80	241.80	186.90	165.90	144.90	123.90	102.90	81.90	60.90
18,101.00	18,500.00	477.10	382.60	361.60	340.60	319.60	298.60	277.60	256.60	195.30	174.30	153.30	132.30	111.30	90.30	69.30
18,501.00	18,900.00	491.90	397.40	376.40	355.40	334.40	313.40	292.40	271.40	203.70	182.70	161.70	140.70	119.70	98.70	77.70
18,901.00	19,300.00	506.70	412.20	391.20	370.20	349.20	328.20	307.20	286.20	212.10	191.10	170.10	149.10	128.10	107.10	86.10
19,301.00	19,700.00	521.50	427.00	406.00	385.00	364.00	343.00	322.00	301.00	220.50	199.50	178.50	157.50	136.50	115.50	94.50
19,701.00	20,100.00	536.30	441.80	420.80	399.80	378.80	357.80	336.80	315.80	228.90	207.90	186.90	165.90	144.90	123.90	102.90
20,101.00	20,500.00	551.10	456.60	435.60	414.60	393.60	372.60	351.60	330.60	237.30	216.30	195.30	174.30	153.30	132.30	111.30
20,501.00	20,900.00	565.90	471.40	450.40	429.40	408.40	387.40	366.40	345.40	245.70	224.70	203.70	182.70	161.70	140.70	119.70
20,901.00	21,300.00	580.70	486.20	465.20	444.20	423.20	402.20	381.20	360.20	254.10	233.10	212.10	191.10	170.10	149.10	128.10
21,301.00	21,700.00	595.50	501.00	480.00	459.00	438.00	417.00	396.00	375.00	262.50	241.50	220.50	199.50	178.50	157.50	136.50
21,701.00	22,100.00	610.30	515.80	494.80	473.80	452.80	431.80	410.80	389.80	270.90	249.90	228.90	207.90	186.90	165.90	144.90
22,101.00	22,500.00	625.10	530.60	509.60	488.60	467.60	446.60	425.60	404.60	279.30	258.30	237.30	216.30	195.30	174.30	153.30
22,501.00	22,900.00	639.90	545.40	524.40	503.40	482.40	461.40	440.40	419.40	287.70	266.70	245.70	224.70	203.70	182.70	161.70
22,901.00	23,300.00	654.70	560.20	539.20	518.20	497.20	476.20	455.20	434.20	296.10	275.10	254.10	233.10	212.10	191.10	170.10
23,301.00	23,700.00	669.50	575.00	554.00	533.00	512.00	491.00	470.00	449.00	304.50	283.50	262.50	241.50	220.50	199.50	178.50
23,701.00	24,100.00	684.30	589.80	568.80	547.80	526.80	505.80	484.80	463.80	312.90	291.90	270.90	249.90	228.90	207.90	186.90
24,101.00	24,500.00	699.10	604.60	583.60	562.60	541.60	520.60	499.60	478.60	321.30	300.30	279.30	258.30	237.30	216.30	195.30
24,501.00	24,900.00	713.90	619.40	598.40	577.40	556.40	535.40	514.40	493.40	329.70	308.70	287.70	266.70	245.70	224.70	203.70
24,901.00	25,300.00	728.70	634.20	613.20	592.20	571.20	550.20	529.20	508.20	339.75	318.75	297.75	276.75	255.75	234.75	213.75
25,301.00	25,700.00	743.50	649.00	628.00	607.00	586.00	565.00	544.00	523.00	354.75	333.75	312.75	291.75	270.75	249.75	228.75
25,701.00	26,100.00	758.30	663.80	642.80	621.80	600.80	579.80	558.80	537.80	369.75	348.75	327.75	306.75	285.75	264.75	243.75
26,101.00	26,500.00	773.10	678.60	657.60	636.60	615.60	594.60	573.60	552.60	384.75	363.75	342.75	321.75	300.75	279.75	258.75
26,501.00	26,900.00	787.90	693.40	672.40	651.40	630.40	609.40	588.40	567.40	399.75	378.75	357.75	336.75	315.75	294.75	273.75
26,901.00	27,300.00	802.70	708.20	687.20	666.20	645.20	624.20	603.20	582.20	414.75	393.75	372.75	351.75	330.75	309.75	288.75
27,301.00	27,700.00	817.50	723.00	702.00	681.00	660.00	639.00	618.00	597.00	429.75	408.75	387.75	366.75	345.75	324.75	303.75
27,701.00	28,100.00	832.30	737.80	716.80	695.80	674.80	653.80	632.80	611.80	444.75	423.75	402.75	381.75	360.75	339.75	318.75
28,101.00	28,500.00	847.10	752.60	731.60	710.60	689.60	668.60	647.60	626.60	459.75	438.75	417.75	396.75	375.75	354.75	333.75
28,501.00	28,900.00	861.90	767.40	746.40	725.40	704.40	683.40	662.40	641.40	474.75	453.75	432.75	411.75	390.75	369.75	348.75

Annual Louisiana Income Tax Withholding Table																
Exemptions:		0	1							2						
Dependents:																
SalaryRange:																
Min	Max	0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
28,901.00	29,300.00	876.70	782.20	761.20	740.20	719.20	698.20	677.20	656.20	489.75	468.75	447.75	426.75	405.75	384.75	363.75
29,301.00	29,700.00	891.50	797.00	776.00	755.00	734.00	713.00	692.00	671.00	504.75	483.75	462.75	441.75	420.75	399.75	378.75
29,701.00	30,100.00	906.30	811.80	790.80	769.80	748.80	727.80	706.80	685.80	519.75	498.75	477.75	456.75	435.75	414.75	393.75
30,101.00	30,500.00	921.10	826.60	805.60	784.60	763.60	742.60	721.60	700.60	534.75	513.75	492.75	471.75	450.75	429.75	408.75
30,501.00	30,900.00	935.90	841.40	820.40	799.40	778.40	757.40	736.40	715.40	549.75	528.75	507.75	486.75	465.75	444.75	423.75
30,901.00	31,300.00	950.70	856.20	835.20	814.20	793.20	772.20	751.20	730.20	564.75	543.75	522.75	501.75	480.75	459.75	438.75
31,301.00	31,700.00	965.50	871.00	850.00	829.00	808.00	787.00	766.00	745.00	579.75	558.75	537.75	516.75	495.75	474.75	453.75
31,701.00	32,100.00	980.30	885.80	864.80	843.80	822.80	801.80	780.80	759.80	594.75	573.75	552.75	531.75	510.75	489.75	468.75
32,101.00	32,500.00	995.10	900.60	879.60	858.60	837.60	816.60	795.60	774.60	609.75	588.75	567.75	546.75	525.75	504.75	483.75
32,501.00	32,900.00	1,009.90	915.40	894.40	873.40	852.40	831.40	810.40	789.40	624.75	603.75	582.75	561.75	540.75	519.75	498.75
32,901.00	33,300.00	1,024.70	930.20	909.20	888.20	867.20	846.20	825.20	804.20	639.75	618.75	597.75	576.75	555.75	534.75	513.75
33,301.00	33,700.00	1,039.50	945.00	924.00	903.00	882.00	861.00	840.00	819.00	654.75	633.75	612.75	591.75	570.75	549.75	528.75
33,701.00	34,100.00	1,054.30	959.80	938.80	917.80	896.80	875.80	854.80	833.80	669.75	648.75	627.75	606.75	585.75	564.75	543.75
34,101.00	34,500.00	1,069.10	974.60	953.60	932.60	911.60	890.60	869.60	848.60	684.75	663.75	642.75	621.75	600.75	579.75	558.75
34,501.00	34,900.00	1,083.90	989.40	968.40	947.40	926.40	905.40	884.40	863.40	699.75	678.75	657.75	636.75	615.75	594.75	573.75
34,901.00	35,300.00	1,098.70	1,004.20	983.20	962.20	941.20	920.20	899.20	878.20	714.75	693.75	672.75	651.75	630.75	609.75	588.75
35,301.00	35,700.00	1,113.50	1,019.00	998.00	977.00	956.00	935.00	914.00	893.00	729.75	708.75	687.75	666.75	645.75	624.75	603.75
35,701.00	36,100.00	1,128.30	1,033.80	1,012.80	991.80	970.80	949.80	928.80	907.80	744.75	723.75	702.75	681.75	660.75	639.75	618.75
36,101.00	36,500.00	1,143.10	1,048.60	1,027.60	1,006.60	985.60	964.60	943.60	922.60	759.75	738.75	717.75	696.75	675.75	654.75	633.75
36,501.00	36,900.00	1,157.90	1,063.40	1,042.40	1,021.40	1,000.40	979.40	958.40	937.40	774.75	753.75	732.75	711.75	690.75	669.75	648.75
36,901.00	37,300.00	1,172.70	1,078.20	1,057.20	1,036.20	1,015.20	994.20	973.20	952.20	789.75	768.75	747.75	726.75	705.75	684.75	663.75
37,301.00	37,700.00	1,187.50	1,093.00	1,072.00	1,051.00	1,030.00	1,009.00	988.00	967.00	804.75	783.75	762.75	741.75	720.75	699.75	678.75
37,701.00	38,100.00	1,202.30	1,107.80	1,086.80	1,065.80	1,044.80	1,023.80	1,002.80	981.80	819.75	798.75	777.75	756.75	735.75	714.75	693.75
38,101.00	38,500.00	1,217.10	1,122.60	1,101.60	1,080.60	1,059.60	1,038.60	1,017.60	996.60	834.75	813.75	792.75	771.75	750.75	729.75	708.75
38,501.00	38,900.00	1,231.90	1,137.40	1,116.40	1,095.40	1,074.40	1,053.40	1,032.40	1,011.40	849.75	828.75	807.75	786.75	765.75	744.75	723.75
38,901.00	39,300.00	1,246.70	1,152.20	1,131.20	1,110.20	1,089.20	1,068.20	1,047.20	1,026.20	864.75	843.75	822.75	801.75	780.75	759.75	738.75
39,301.00	39,700.00	1,261.50	1,167.00	1,146.00	1,125.00	1,104.00	1,083.00	1,062.00	1,041.00	879.75	858.75	837.75	816.75	795.75	774.75	753.75
39,701.00	40,100.00	1,276.30	1,181.80	1,160.80	1,139.80	1,118.80	1,097.80	1,076.80	1,055.80	894.75	873.75	852.75	831.75	810.75	789.75	768.75
40,101.00	40,500.00	1,291.10	1,196.60	1,175.60	1,154.60	1,133.60	1,112.60	1,091.60	1,070.60	909.75	888.75	867.75	846.75	825.75	804.75	783.75
40,501.00	40,900.00	1,305.90	1,211.40	1,190.40	1,169.40	1,148.40	1,127.40	1,106.40	1,085.40	924.75	903.75	882.75	861.75	840.75	819.75	798.75
40,901.00	41,300.00	1,320.70	1,226.20	1,205.20	1,184.20	1,163.20	1,142.20	1,121.20	1,100.20	939.75	918.75	897.75	876.75	855.75	834.75	813.75
41,301.00	41,700.00	1,335.50	1,241.00	1,220.00	1,199.00	1,178.00	1,157.00	1,136.00	1,115.00	954.75	933.75	912.75	891.75	870.75	849.75	828.75
41,701.00	42,100.00	1,350.30	1,255.80	1,234.80	1,213.80	1,192.80	1,171.80	1,150.80	1,129.80	969.75	948.75	927.75	906.75	885.75	864.75	843.75
42,101.00	42,500.00	1,365.10	1,270.60	1,249.60	1,228.60	1,207.60	1,186.60	1,165.60	1,144.60	984.75	963.75	942.75	921.75	900.75	879.75	858.75
42,501.00	42,900.00	1,379.90	1,285.40	1,264.40	1,243.40	1,222.40	1,201.40	1,180.40	1,159.40	999.75	978.75	957.75	936.75	915.75	894.75	873.75
42,901.00	43,300.00	1,394.70	1,300.20	1,279.20	1,258.20	1,237.20	1,216.20	1,195.20	1,174.20	1,014.75	993.75	972.75	951.75	930.75	909.75	888.75
43,301.00	43,700.00	1,409.50	1,315.00	1,294.00	1,273.00	1,252.00	1,231.00	1,210.00	1,189.00	1,029.75	1,008.75	987.75	966.75	945.75	924.75	903.75
43,701.00	44,100.00	1,424.30	1,329.80	1,308.80	1,287.80	1,266.80	1,245.80	1,224.80	1,203.80	1,044.75	1,023.75	1,002.75	981.75	960.75	939.75	918.75
44,101.00	44,500.00	1,439.10	1,344.60	1,323.60	1,302.60	1,281.60	1,260.60	1,239.60	1,218.60	1,059.75	1,038.75	1,017.75	996.75	975.75	954.75	933.75
44,501.00	44,900.00	1,453.90	1,359.40	1,338.40	1,317.40	1,296.40	1,275.40	1,254.40	1,233.40	1,074.75	1,053.75	1,032.75	1,011.75	990.75	969.75	948.75
44,901.00	45,300.00	1,468.70	1,374.20	1,353.20	1,332.20	1,311.20	1,290.20	1,269.20	1,248.20	1,089.75	1,068.75	1,047.75	1,026.75	1,005.75	984.75	963.75
45,301.00	45,700.00	1,483.50	1,389.00	1,368.00	1,347.00	1,326.00	1,305.00	1,284.00	1,263.00	1,104.75	1,083.75	1,062.75	1,041.75	1,020.75	999.75	978.75
45,701.00	46,100.00	1,498.30	1,403.80	1,382.80	1,361.80	1,340.80	1,319.80	1,298.80	1,277.80	1,119.75	1,098.75	1,077.75	1,056.75	1,035.75	1,014.75	993.75
46,101.00	46,500.00	1,513.10	1,418.60	1,397.60	1,376.60	1,355.60	1,334.60	1,313.60	1,292.60	1,134.75	1,113.75	1,092.75	1,071.75	1,050.75	1,029.75	1,008.75
46,501.00	46,900.00	1,527.90	1,433.40	1,412.40	1,391.40	1,370.40	1,349.40	1,328.40	1,307.40	1,149.75	1,128.75	1,107.75	1,086.75	1,065.75	1,044.75	1,023.75
46,901.00	47,300.00	1,542.70	1,448.20	1,427.20	1,406.20	1,385.20	1,364.20	1,343.20	1,322.20	1,164.75	1,143.75	1,122.75	1,101.75	1,080.75	1,059.75	1,038.75
47,301.00	47,700.00	1,557.50	1,463.00	1,442.00	1,421.00	1,400.00	1,379.00	1,358.00	1,337.00	1,179.75	1,158.75	1,137.75	1,116.75	1,095.75	1,074.75	1,053.75
47,701.00	48,100.00	1,572.30	1,477.80	1,456.80	1,435.80	1,414.80	1,393.80	1,372.80	1,351.80	1,194.75	1,173.75	1,152.75	1,131.75	1,110.75	1,089.75	1,068.75
48,101.00	48,500.00	1,587.10	1,492.60	1,471.60	1,450.60	1,429.60	1,408.60	1,387.60	1,366.60	1,209.75	1,188.75	1,167.75	1,146.75	1,125.75	1,104.75	1,083.75
48,501.00	48,900.00	1,601.90	1,507.40	1,486.40	1,465.40	1,444.40	1,423.40	1,402.40	1,381.40	1,224.75	1,203.75	1,182.75	1,161.75	1,140.75	1,119.75	1,098.75
48,901.00	49,300.00	1,616.70	1,522.20	1,501.20	1,480.20	1,459.20	1,438.20	1,417.20	1,396.20	1,239.75	1,218.75	1,197.75	1,176.75	1,155.75	1,134.75	1,113.75
49,301.00	49,700.00	1,631.50	1,537.00	1,516.00	1,495.00	1,474.00	1,453.00	1,432.00	1,411.00	1,254.75	1,233.75	1,212.75	1,191.75	1,170.75	1,149.75	1,128.75
49,701.00	50,100.00	1,646.30	1,551.80	1,530.80	1,509.80	1,488.80	1,467.80	1,446.80	1,425.80	1,269.75	1,248.75	1,227.75	1,206.75	1,185.75	1,164.75	1,143.75
50,101.00	50,500.00	1,665.15	1,570.65	1,549.65	1,528.65	1,507.65	1,486.65	1,465.65	1,444.65	1,284.75	1,263.75	1,242.75	1,221.75	1,200.75	1,179.75	1,158.75
50,501.00	50,900.00	1,685.35	1,590.85	1,569.85	1,548.85	1,527.85	1,506.85	1,485.85	1,464.85	1,299.75	1,278.75	1,257.75	1,236.75	1,215.75	1,194.75	1,173.75
50,901.00	51,300.00	1,705.55	1,611.05	1,590.05	1,569.05	1,548.05	1,527.05	1,506.05	1,485.05	1,314.75	1,293.75	1,272.75	1,251.75	1,230.75	1,209.75	1,188.75
51,301.00	51,700.00	1,725.75	1,631.25	1,610.25	1,589.25	1,568.25	1,547.25	1,526.25	1,505.25	1,329.75	1,308.75	1,287.75	1,266.75	1,245.75	1,224.75	1,203.75
51,701.00	52,100.00	1,745.95	1,651.45	1,630.45	1,609.45	1,588.45	1,567.45	1,546.45	1,525.45	1,344.75	1,323.75	1,302.75	1,281.75	1,260.75	1,239.75	1,218.75
52,101.00	52,500.00	1,766.15	1,671.65	1,650.65	1,629.65	1,608.65	1,587.65	1,566.65	1,545.65	1,359.75	1,338.75	1,317.75	1,296.75	1,275.75	1,254.75	1,233.75
52,501.00	52,900.00	1,786.35	1,691.85	1,670.85	1,649.85	1,628.85	1,607.85	1,586.85	1,565.85	1,374.75	1,353.75	1,332.75	1,311.75	1,290.75	1,269.75	1,248.75
52,901.00	53,300.00	1,806.55	1,712.05	1,691.05	1,670.05	1,649.05	1,628.05	1,607.05	1,586.05	1,389.75	1,368.75	1,347.75	1,326.75	1,305.75	1,284.75	1,263.75
53,301.00	53,700.00	1,826.75	1,732.25	1,711.25	1,690.25	1,669.25	1,648.25	1,627.25	1,606.25	1,404.75	1,383.75	1,362.75	1,341.75	1,320.75	1,299.75	1,278.75
53,701.00	54,100.00	1,846.95	1,752.45	1,731.45	1,710.45	1,689.45	1,668.45	1,647.45	1,626.45	1,419.75	1,398.75	1,377.75	1,356.75	1,335.75	1,314.75	1,293.75
54,101.00	54,500.00	1,867.15	1,772.65	1,751.65	1,730.65	1,709.65	1,688.65	1,667.65	1,646.65	1,434.75	1,413.75	1,392.75	1,371.75	1,350.75	1,329.75	1,308.75
54,501.00	54,900.00	1,887.35	1,792.85	1,771.85	1,750.85	1,729.85	1,708.85	1,687.85	1,666.85	1,449.75	1,428.75	1,407.75	1,386.75	1,365.75	1,344.75	1,323.75
54,901.00	55,300.00	1,907.55	1,813.05	1,792.05	1,771.05	1,750.05	1,729.05	1,708.05	1,687.05	1,464.75	1,443.75	1,422.75	1,401.75	1,380.75	1,359.75	1,338.75
55,301.00	55,700.00	1,927.75	1,833.25	1,812.25	1,791.25	1,770.25	1,749.25	1,728.25	1,707.25	1,479.75	1,458.75	1,437.75	1,416.75	1,395.75	1,374.75	1,353.75

Annual Louisiana Income Tax Withholding Table																
Exemptions:		0	1							2						
Dependents:																
SalaryRange:																
Min	Max	0	0	1	2	3	4	5	6	0	1	2	3	4	5	6
55,701.00	56,100.00	1,947.95	1,853.45	1,832.45	1,811.45	1,790.45	1,769.45	1,748.45	1,727.45	1,494.75	1,473.75	1,452.75	1,431.75	1,410.75	1,389.75	1,368.75
56,101.00	56,500.00	1,968.15	1,873.65	1,852.65	1,831.65	1,810.65	1,789.65	1,768.65	1,747.65	1,509.75	1,488.75	1,467.75	1,446.75	1,425.75	1,404.75	1,383.75
56,501.00	56,900.00	1,988.35	1,893.85	1,872.85	1,851.85	1,830.85	1,809.85	1,788.85	1,767.85	1,524.75	1,503.75	1,482.75	1,461.75	1,440.75	1,419.75	1,398.75
56,901.00	57,300.00	2,008.55	1,914.05	1,893.05	1,872.05	1,851.05	1,830.05	1,809.05	1,788.05	1,539.75	1,518.75	1,497.75	1,476.75	1,455.75	1,434.75	1,413.75
57,301.00	57,700.00	2,028.75	1,934.25	1,913.25	1,892.25	1,871.25	1,850.25	1,829.25	1,808.25	1,554.75	1,533.75	1,512.75	1,491.75	1,470.75	1,449.75	1,428.75
57,701.00	58,100.00	2,048.95	1,954.45	1,933.45	1,912.45	1,891.45	1,870.45	1,849.45	1,828.45	1,569.75	1,548.75	1,527.75	1,506.75	1,485.75	1,464.75	1,443.75
58,101.00	58,500.00	2,069.15	1,974.65	1,953.65	1,932.65	1,911.65	1,890.65	1,869.65	1,848.65	1,584.75	1,563.75	1,542.75	1,521.75	1,500.75	1,479.75	1,458.75
58,501.00	58,900.00	2,089.35	1,994.85	1,973.85	1,952.85	1,931.85	1,910.85	1,889.85	1,868.85	1,599.75	1,578.75	1,557.75	1,536.75	1,515.75	1,494.75	1,473.75
58,901.00	59,300.00	2,109.55	2,015.05	1,994.05	1,973.05	1,952.05	1,931.05	1,910.05	1,889.05	1,614.75	1,593.75	1,572.75	1,551.75	1,530.75	1,509.75	1,488.75
59,301.00	59,700.00	2,129.75	2,035.25	2,014.25	1,993.25	1,972.25	1,951.25	1,930.25	1,909.25	1,629.75	1,608.75	1,587.75	1,566.75	1,545.75	1,524.75	1,503.75
59,701.00	60,100.00	2,149.95	2,055.45	2,034.45	2,013.45	1,992.45	1,971.45	1,950.45	1,929.45	1,644.75	1,623.75	1,602.75	1,581.75	1,560.75	1,539.75	1,518.75
60,101.00	60,500.00	2,170.15	2,075.65	2,054.65	2,033.65	2,012.65	1,991.65	1,970.65	1,949.65	1,659.75	1,638.75	1,617.75	1,596.75	1,575.75	1,554.75	1,533.75
60,501.00	60,900.00	2,190.35	2,095.85	2,074.85	2,053.85	2,032.85	2,011.85	1,990.85	1,969.85	1,674.75	1,653.75	1,632.75	1,611.75	1,590.75	1,569.75	1,548.75
60,901.00	61,300.00	2,210.55	2,116.05	2,095.05	2,074.05	2,053.05	2,032.05	2,011.05	1,990.05	1,689.75	1,668.75	1,647.75	1,626.75	1,605.75	1,584.75	1,563.75
61,301.00	61,700.00	2,230.75	2,136.25	2,115.25	2,094.25	2,073.25	2,052.25	2,031.25	2,010.25	1,704.75	1,683.75	1,662.75	1,641.75	1,620.75	1,599.75	1,578.75
61,701.00	62,100.00	2,250.95	2,156.45	2,135.45	2,114.45	2,093.45	2,072.45	2,051.45	2,030.45	1,719.75	1,698.75	1,677.75	1,656.75	1,635.75	1,614.75	1,593.75
62,101.00	62,500.00	2,271.15	2,176.65	2,155.65	2,134.65	2,113.65	2,092.65	2,071.65	2,050.65	1,734.75	1,713.75	1,692.75	1,671.75	1,650.75	1,629.75	1,608.75
62,501.00	62,900.00	2,291.35	2,196.85	2,175.85	2,154.85	2,133.85	2,112.85	2,091.85	2,070.85	1,749.75	1,728.75	1,707.75	1,686.75	1,665.75	1,644.75	1,623.75
62,901.00	63,300.00	2,311.55	2,217.05	2,196.05	2,175.05	2,154.05	2,133.05	2,112.05	2,091.05	1,764.75	1,743.75	1,722.75	1,701.75	1,680.75	1,659.75	1,638.75
63,301.00	63,700.00	2,331.75	2,237.25	2,216.25	2,195.25	2,174.25	2,153.25	2,132.25	2,111.25	1,779.75	1,758.75	1,737.75	1,716.75	1,695.75	1,674.75	1,653.75
63,701.00	64,100.00	2,351.95	2,257.45	2,236.45	2,215.45	2,194.45	2,173.45	2,152.45	2,131.45	1,794.75	1,773.75	1,752.75	1,731.75	1,710.75	1,689.75	1,668.75
64,101.00	64,500.00	2,372.15	2,277.65	2,256.65	2,235.65	2,214.65	2,193.65	2,172.65	2,151.65	1,809.75	1,788.75	1,767.75	1,746.75	1,725.75	1,704.75	1,683.75
64,501.00	64,900.00	2,392.35	2,297.85	2,276.85	2,255.85	2,234.85	2,213.85	2,192.85	2,171.85	1,824.75	1,803.75	1,782.75	1,761.75	1,740.75	1,719.75	1,698.75
64,901.00	65,300.00	2,412.55	2,318.05	2,297.05	2,276.05	2,255.05	2,234.05	2,213.05	2,192.05	1,839.75	1,818.75	1,797.75	1,776.75	1,755.75	1,734.75	1,713.75
65,301.00	65,700.00	2,432.75	2,338.25	2,317.25	2,296.25	2,275.25	2,254.25	2,233.25	2,212.25	1,854.75	1,833.75	1,812.75	1,791.75	1,770.75	1,749.75	1,728.75
65,701.00	66,100.00	2,452.95	2,358.45	2,337.45	2,316.45	2,295.45	2,274.45	2,253.45	2,232.45	1,869.75	1,848.75	1,827.75	1,806.75	1,785.75	1,764.75	1,743.75
66,101.00	66,500.00	2,473.15	2,378.65	2,357.65	2,336.65	2,315.65	2,294.65	2,273.65	2,252.65	1,884.75	1,863.75	1,842.75	1,821.75	1,800.75	1,779.75	1,758.75
66,501.00	66,900.00	2,493.35	2,398.85	2,377.85	2,356.85	2,335.85	2,314.85	2,293.85	2,272.85	1,899.75	1,878.75	1,857.75	1,836.75	1,815.75	1,794.75	1,773.75
66,901.00	67,300.00	2,513.55	2,419.05	2,398.05	2,377.05	2,356.05	2,335.05	2,314.05	2,293.05	1,914.75	1,893.75	1,872.75	1,851.75	1,830.75	1,809.75	1,788.75
67,301.00	67,700.00	2,533.75	2,439.25	2,418.25	2,397.25	2,376.25	2,355.25	2,334.25	2,313.25	1,929.75	1,908.75	1,887.75	1,866.75	1,845.75	1,824.75	1,803.75
67,701.00	68,100.00	2,553.95	2,459.45	2,438.45	2,417.45	2,396.45	2,375.45	2,354.45	2,333.45	1,944.75	1,923.75	1,902.75	1,881.75	1,860.75	1,839.75	1,818.75
68,101.00	68,500.00	2,574.15	2,479.65	2,458.65	2,437.65	2,416.65	2,395.65	2,374.65	2,353.65	1,959.75	1,938.75	1,917.75	1,896.75	1,875.75	1,854.75	1,833.75
68,501.00	68,900.00	2,594.35	2,499.85	2,478.85	2,457.85	2,436.85	2,415.85	2,394.85	2,373.85	1,974.75	1,953.75	1,932.75	1,911.75	1,890.75	1,869.75	1,848.75
68,901.00	69,300.00	2,614.55	2,520.05	2,499.05	2,478.05	2,457.05	2,436.05	2,415.05	2,394.05	1,989.75	1,968.75	1,947.75	1,926.75	1,905.75	1,884.75	1,863.75
69,301.00	69,700.00	2,634.75	2,540.25	2,519.25	2,498.25	2,477.25	2,456.25	2,435.25	2,414.25	2,004.75	1,983.75	1,962.75	1,941.75	1,920.75	1,899.75	1,878.75
69,701.00	70,100.00	2,654.95	2,560.45	2,539.45	2,518.45	2,497.45	2,476.45	2,455.45	2,434.45	2,019.75	1,998.75	1,977.75	1,956.75	1,935.75	1,914.75	1,893.75
70,101.00	70,500.00	2,675.15	2,580.65	2,559.65	2,538.65	2,517.65	2,496.65	2,475.65	2,454.65	2,034.75	2,013.75	1,992.75	1,971.75	1,950.75	1,929.75	1,908.75
70,501.00	70,900.00	2,695.35	2,600.85	2,579.85	2,558.85	2,537.85	2,516.85	2,495.85	2,474.85	2,049.75	2,028.75	2,007.75	1,986.75	1,965.75	1,944.75	1,923.75
70,901.00	71,300.00	2,715.55	2,621.05	2,600.05	2,579.05	2,558.05	2,537.05	2,516.05	2,495.05	2,064.75	2,043.75	2,022.75	2,001.75	1,980.75	1,959.75	1,938.75
71,301.00	71,700.00	2,735.75	2,641.25	2,620.25	2,599.25	2,578.25	2,557.25	2,536.25	2,515.25	2,079.75	2,058.75	2,037.75	2,016.75	1,995.75	1,974.75	1,953.75
71,701.00	72,100.00	2,755.95	2,661.45	2,640.45	2,619.45	2,598.45	2,577.45	2,556.45	2,535.45	2,094.75	2,073.75	2,052.75	2,031.75	2,010.75	1,989.75	1,968.75
72,101.00	72,500.00	2,776.15	2,681.65	2,660.65	2,639.65	2,618.65	2,597.65	2,576.65	2,555.65	2,109.75	2,088.75	2,067.75	2,046.75	2,025.75	2,004.75	1,983.75
72,501.00	72,900.00	2,796.35	2,701.85	2,680.85	2,659.85	2,638.85	2,617.85	2,596.85	2,575.85	2,124.75	2,103.75	2,082.75	2,061.75	2,040.75	2,019.75	1,998.75
72,901.00	73,300.00	2,816.55	2,722.05	2,701.05	2,680.05	2,659.05	2,638.05	2,617.05	2,596.05	2,139.75	2,118.75	2,097.75	2,076.75	2,055.75	2,034.75	2,013.75
73,301.00	73,700.00	2,836.75	2,742.25	2,721.25	2,700.25	2,679.25	2,658.25	2,637.25	2,616.25	2,154.75	2,133.75	2,112.75	2,091.75	2,070.75	2,049.75	2,028.75
73,701.00	74,100.00	2,856.95	2,762.45	2,741.45	2,720.45	2,699.45	2,678.45	2,657.45	2,636.45	2,169.75	2,148.75	2,127.75	2,106.75	2,085.75	2,064.75	2,043.75
74,101.00	74,500.00	2,877.15	2,782.65	2,761.65	2,740.65	2,719.65	2,698.65	2,677.65	2,656.65	2,184.75	2,163.75	2,142.75	2,121.75	2,100.75	2,079.75	2,058.75
74,501.00	74,900.00	2,897.35	2,802.85	2,781.85	2,760.85	2,739.85	2,718.85	2,697.85	2,676.85	2,199.75	2,178.75	2,157.75	2,136.75	2,115.75	2,094.75	2,073.75
74,901.00	75,300.00	2,917.55	2,823.05	2,802.05	2,781.05	2,760.05	2,739.05	2,718.05	2,697.05	2,214.75	2,193.75	2,172.75	2,151.75	2,130.75	2,109.75	2,088.75
75,301.00	75,700.00	2,937.75	2,843.25	2,822.25	2,801.25	2,780.25	2,759.25	2,738.25	2,717.25	2,229.75	2,208.75	2,187.75	2,166.75	2,145.75	2,124.75	2,103.75
75,701.00	76,100.00	2,957.95	2,863.45	2,842.45	2,821.45	2,800.45	2,779.45	2,758.45	2,737.45	2,244.75	2,223.75	2,202.75	2,181.75	2,160.75	2,139.75	2,118.75
76,101.00	76,500.00	2,978.15	2,883.65	2,862.65	2,841.65	2,820.65	2,799.65	2,778.65	2,757.65	2,259.75	2,238.75	2,217.75	2,196.75	2,175.75	2,154.75	2,133.75
76,501.00	76,900.00	2,998.35	2,903.85	2,882.85	2,861.85	2,840.85	2,819.85	2,798.85	2,777.85	2,274.75	2,253.75	2,232.75	2,211.75	2,190.75	2,169.75	2,148.75
76,901.00	77,300.00	3,018.55	2,924.05	2,903.05	2,882.05	2,861.05	2,840.05	2,819.05	2,798.05	2,289.75	2,268.75	2,247.75	2,226.75	2,205.75	2,184.75	2,163.75
77,301.00	77,700.00	3,038.75	2,944.25	2,923.25	2,902.25	2,881.25	2,860.25	2,839.25	2,818.25	2,304.75	2,283.75	2,262.75	2,241.75	2,220.75	2,199.75	2,178.75
77,701.00	78,100.00	3,058.95	2,964.45	2,943.45	2,922.45	2,901.45	2,880.45	2,859.45	2,838.45	2,319.75	2,298.75	2,277.75	2,256.75	2,235.75	2,214.75	2,193.75
78,101.00	78,500.00	3,079.15	2,984.65	2,963.65	2,942.65	2,921.65	2,900.65	2,879.65	2,858.65	2,334.75	2,313.75	2,292.75	2,271.75	2,250.75	2,229.75	2,208.75
78,501.00	78,900.00	3,099.35	3,004.85	2,983.85	2,962.85	2,941.85	2,920.85	2,899.85	2,878.85	2,349.75	2,328.75	2,307.75	2,286.75	2,265.75	2,244.75	2,223.75
78,901.00	79,300.00	3,119.55	3,025.05	3,004.05	2,983.05	2,962.05	2,941.05	2,920.05	2,899.05	2,364.75	2,343.75	2,322.75	2,301.75	2,280.75	2,259.75	2,238.75
79,301.00	79,700.00	3,139.75	3,045.25	3,024.25	3,003.25	2,982.25	2,961.25	2,940.25	2,919.25	2,379.75	2,358.75	2,337.75	2,316.75	2,295.75	2,274.75	2,253.75
79,701.00	80,100.00	3,159.95	3,065.45	3,044.45	3,023.45	3,002.45	2,981.45	2,960.45	2,939.45	2,394.75	2,373.75	2,352.75	2,331.75	2,310.75	2,289.75	2,268.75
80,101.00	80,500.00	3,180.15	3,085.65	3,064.65	3,043.65	3,022.65	3,001.65	2,980.65	2,959.65	2,409.75	2,388.75	2,367.75	2,346.75	2,325.75	2,304.75	2,283.75
80,501.00	80,900.00	3,200.35	3,105.85	3,084.85	3,063.85	3,042.85	3,021.85	3,000.85	2,979.85	2,424.75	2,403.75	2,382.75	2,361.75	2,340.75	2,319.75	2,298.75
80,901.00	81,300.00	3,220.55	3,126.05	3,105.05	3,084.05	3,063.05	3,042.05	3,021.05	3,000.05	2,439.75	2,418.75	2,397.75	2,376.75	2,355.75	2,334.75	2,313.75
81,301.00	81,700.00	3,240.75	3,146.25	3,125.25	3,104.25	3,083.25	3,062.25	3,041.25	3,020.25	2,454.75	2,433.75	2,412.75	2,391.75	2,370.75	2,349.75	2,328.75
81,701.00	82,100.00	3,260.95	3,166.45	3,145.45	3,124.45	3,103.45	3,082.45	3,061.45	3,040.45	2,469.75	2,448.75	2,427.75	2,406.75	2,385.75	2,364.75	2,343.75
82,101.00	82,500.00	3,281.15	3,186.65	3,165.65	3,144.65	3,123.65	3,102.65	3,081.65	3,060.65	2,484.75	2,463.75	2,442.75	2,421.75	2,400.75	2,379.75	2,358.75

Annual Louisiana Income Tax Withholding Table																
Exemptions:		**0**	**1**							**2**						
Dependents:																
SalaryRange:																
Min	**Max**	**0**	**0**	**1**	**2**	**3**	**4**	**5**	**6**	**0**	**1**	**2**	**3**	**4**	**5**	**6**
82,501.00	82,900.00	3,301.35	3,206.85	3,185.85	3,164.85	3,143.85	3,122.85	3,101.85	3,080.85	2,499.75	2,478.75	2,457.75	2,436.75	2,415.75	2,394.75	2,373.75
82,901.00	83,300.00	3,321.55	3,227.05	3,206.05	3,185.05	3,164.05	3,143.05	3,122.05	3,101.05	2,514.75	2,493.75	2,472.75	2,451.75	2,430.75	2,409.75	2,388.75
83,301.00	83,700.00	3,341.75	3,247.25	3,226.25	3,205.25	3,184.25	3,163.25	3,142.25	3,121.25	2,529.75	2,508.75	2,487.75	2,466.75	2,445.75	2,424.75	2,403.75
83,701.00	84,100.00	3,361.95	3,267.45	3,246.45	3,225.45	3,204.45	3,183.45	3,162.45	3,141.45	2,544.75	2,523.75	2,502.75	2,481.75	2,460.75	2,439.75	2,418.75
84,101.00	84,500.00	3,382.15	3,287.65	3,266.65	3,245.65	3,224.65	3,203.65	3,182.65	3,161.65	2,559.75	2,538.75	2,517.75	2,496.75	2,475.75	2,454.75	2,433.75
84,501.00	84,900.00	3,402.35	3,307.85	3,286.85	3,265.85	3,244.85	3,223.85	3,202.85	3,181.85	2,574.75	2,553.75	2,532.75	2,511.75	2,490.75	2,469.75	2,448.75
84,901.00	85,300.00	3,422.55	3,328.05	3,307.05	3,286.05	3,265.05	3,244.05	3,223.05	3,202.05	2,589.75	2,568.75	2,547.75	2,526.75	2,505.75	2,484.75	2,463.75
85,301.00	85,700.00	3,442.75	3,348.25	3,327.25	3,306.25	3,285.25	3,264.25	3,243.25	3,222.25	2,604.75	2,583.75	2,562.75	2,541.75	2,520.75	2,499.75	2,478.75
85,701.00	86,100.00	3,462.95	3,368.45	3,347.45	3,326.45	3,305.45	3,284.45	3,263.45	3,242.45	2,619.75	2,598.75	2,577.75	2,556.75	2,535.75	2,514.75	2,493.75
86,101.00	86,500.00	3,483.15	3,388.65	3,367.65	3,346.65	3,325.65	3,304.65	3,283.65	3,262.65	2,634.75	2,613.75	2,592.75	2,571.75	2,550.75	2,529.75	2,508.75
86,501.00	86,900.00	3,503.35	3,408.85	3,387.85	3,366.85	3,345.85	3,324.85	3,303.85	3,282.85	2,649.75	2,628.75	2,607.75	2,586.75	2,565.75	2,544.75	2,523.75
86,901.00	87,300.00	3,523.55	3,429.05	3,408.05	3,387.05	3,366.05	3,345.05	3,324.05	3,303.05	2,664.75	2,643.75	2,622.75	2,601.75	2,580.75	2,559.75	2,538.75
87,301.00	87,700.00	3,543.75	3,449.25	3,428.25	3,407.25	3,386.25	3,365.25	3,344.25	3,323.25	2,679.75	2,658.75	2,637.75	2,616.75	2,595.75	2,574.75	2,553.75
87,701.00	88,100.00	3,563.95	3,469.45	3,448.45	3,427.45	3,406.45	3,385.45	3,364.45	3,343.45	2,694.75	2,673.75	2,652.75	2,631.75	2,610.75	2,589.75	2,568.75
88,101.00	88,500.00	3,584.15	3,489.65	3,468.65	3,447.65	3,426.65	3,405.65	3,384.65	3,363.65	2,709.75	2,688.75	2,667.75	2,646.75	2,625.75	2,604.75	2,583.75
88,501.00	88,900.00	3,604.35	3,509.85	3,488.85	3,467.85	3,446.85	3,425.85	3,404.85	3,383.85	2,724.75	2,703.75	2,682.75	2,661.75	2,640.75	2,619.75	2,598.75
88,901.00	89,300.00	3,624.55	3,530.05	3,509.05	3,488.05	3,467.05	3,446.05	3,425.05	3,404.05	2,739.75	2,718.75	2,697.75	2,676.75	2,655.75	2,634.75	2,613.75
89,301.00	89,700.00	3,644.75	3,550.25	3,529.25	3,508.25	3,487.25	3,466.25	3,445.25	3,424.25	2,754.75	2,733.75	2,712.75	2,691.75	2,670.75	2,649.75	2,628.75
89,701.00	90,100.00	3,664.95	3,570.45	3,549.45	3,528.45	3,507.45	3,486.45	3,465.45	3,444.45	2,769.75	2,748.75	2,727.75	2,706.75	2,685.75	2,664.75	2,643.75
90,101.00	90,500.00	3,685.15	3,590.65	3,569.65	3,548.65	3,527.65	3,506.65	3,485.65	3,464.65	2,784.75	2,763.75	2,742.75	2,721.75	2,700.75	2,679.75	2,658.75
90,501.00	90,900.00	3,705.35	3,610.85	3,589.85	3,568.85	3,547.85	3,526.85	3,505.85	3,484.85	2,799.75	2,778.75	2,757.75	2,736.75	2,715.75	2,694.75	2,673.75
90,901.00	91,300.00	3,725.55	3,631.05	3,610.05	3,589.05	3,568.05	3,547.05	3,526.05	3,505.05	2,814.75	2,793.75	2,772.75	2,751.75	2,730.75	2,709.75	2,688.75
91,301.00	91,700.00	3,745.75	3,651.25	3,630.25	3,609.25	3,588.25	3,567.25	3,546.25	3,525.25	2,829.75	2,808.75	2,787.75	2,766.75	2,745.75	2,724.75	2,703.75
91,701.00	92,100.00	3,765.95	3,671.45	3,650.45	3,629.45	3,608.45	3,587.45	3,566.45	3,545.45	2,844.75	2,823.75	2,802.75	2,781.75	2,760.75	2,739.75	2,718.75
92,101.00	92,500.00	3,786.15	3,691.65	3,670.65	3,649.65	3,628.65	3,607.65	3,586.65	3,565.65	2,859.75	2,838.75	2,817.75	2,796.75	2,775.75	2,754.75	2,733.75
92,501.00	92,900.00	3,806.35	3,711.85	3,690.85	3,669.85	3,648.85	3,627.85	3,606.85	3,585.85	2,874.75	2,853.75	2,832.75	2,811.75	2,790.75	2,769.75	2,748.75
92,901.00	93,300.00	3,826.55	3,732.05	3,711.05	3,690.05	3,669.05	3,648.05	3,627.05	3,606.05	2,889.75	2,868.75	2,847.75	2,826.75	2,805.75	2,784.75	2,763.75
93,301.00	93,700.00	3,846.75	3,752.25	3,731.25	3,710.25	3,689.25	3,668.25	3,647.25	3,626.25	2,904.75	2,883.75	2,862.75	2,841.75	2,820.75	2,799.75	2,778.75
93,701.00	94,100.00	3,866.95	3,772.45	3,751.45	3,730.45	3,709.45	3,688.45	3,667.45	3,646.45	2,919.75	2,898.75	2,877.75	2,856.75	2,835.75	2,814.75	2,793.75
94,101.00	94,500.00	3,887.15	3,792.65	3,771.65	3,750.65	3,729.65	3,708.65	3,687.65	3,666.65	2,934.75	2,913.75	2,892.75	2,871.75	2,850.75	2,829.75	2,808.75
94,501.00	94,900.00	3,907.35	3,812.85	3,791.85	3,770.85	3,749.85	3,728.85	3,707.85	3,686.85	2,949.75	2,928.75	2,907.75	2,886.75	2,865.75	2,844.75	2,823.75
94,901.00	95,300.00	3,927.55	3,833.05	3,812.05	3,791.05	3,770.05	3,749.05	3,728.05	3,707.05	2,964.75	2,943.75	2,922.75	2,901.75	2,880.75	2,859.75	2,838.75
95,301.00	95,700.00	3,947.75	3,853.25	3,832.25	3,811.25	3,790.25	3,769.25	3,748.25	3,727.25	2,979.75	2,958.75	2,937.75	2,916.75	2,895.75	2,874.75	2,853.75
95,701.00	96,100.00	3,967.95	3,873.45	3,852.45	3,831.45	3,810.45	3,789.45	3,768.45	3,747.45	2,994.75	2,973.75	2,952.75	2,931.75	2,910.75	2,889.75	2,868.75
96,101.00	96,500.00	3,988.15	3,893.65	3,872.65	3,851.65	3,830.65	3,809.65	3,788.65	3,767.65	3,009.75	2,988.75	2,967.75	2,946.75	2,925.75	2,904.75	2,883.75
96,501.00	96,900.00	4,008.35	3,913.85	3,892.85	3,871.85	3,850.85	3,829.85	3,808.85	3,787.85	3,024.75	3,003.75	2,982.75	2,961.75	2,940.75	2,919.75	2,898.75
96,901.00	97,300.00	4,028.55	3,934.05	3,913.05	3,892.05	3,871.05	3,850.05	3,829.05	3,808.05	3,039.75	3,018.75	2,997.75	2,976.75	2,955.75	2,934.75	2,913.75
97,301.00	97,700.00	4,048.75	3,954.25	3,933.25	3,912.25	3,891.25	3,870.25	3,849.25	3,828.25	3,054.75	3,033.75	3,012.75	2,991.75	2,970.75	2,949.75	2,928.75
97,701.00	98,100.00	4,068.95	3,974.45	3,953.45	3,932.45	3,911.45	3,890.45	3,869.45	3,848.45	3,069.75	3,048.75	3,027.75	3,006.75	2,985.75	2,964.75	2,943.75
98,101.00	98,500.00	4,089.15	3,994.65	3,973.65	3,952.65	3,931.65	3,910.65	3,889.65	3,868.65	3,084.75	3,063.75	3,042.75	3,021.75	3,000.75	2,979.75	2,958.75
98,501.00	98,900.00	4,109.35	4,014.85	3,993.85	3,972.85	3,951.85	3,930.85	3,909.85	3,888.85	3,099.75	3,078.75	3,057.75	3,036.75	3,015.75	2,994.75	2,973.75
98,901.00	99,300.00	4,129.55	4,035.05	4,014.05	3,993.05	3,972.05	3,951.05	3,930.05	3,909.05	3,114.75	3,093.75	3,072.75	3,051.75	3,030.75	3,009.75	2,988.75
99,301.00	99,700.00	4,149.75	4,055.25	4,034.25	4,013.25	3,992.25	3,971.25	3,950.25	3,929.25	3,129.75	3,108.75	3,087.75	3,066.75	3,045.75	3,024.75	3,003.75
99,701.00	100,100.00	4,169.95	4,075.45	4,054.45	4,033.45	4,012.45	3,991.45	3,970.45	3,949.45	3,144.75	3,123.75	3,102.75	3,081.75	3,060.75	3,039.75	3,018.75
100,101.00	100,500.00	4,190.15	4,095.65	4,074.65	4,053.65	4,032.65	4,011.65	3,990.65	3,969.65	3,163.80	3,142.80	3,121.80	3,100.80	3,079.80	3,058.80	3,037.80
		(Add 5.05% for amounts in excess of $100,500)							(Add 5.10% for amounts in excess of $100,500)							

4. In place of the withholding tables in Subsection C.3, employers may use the Subsection D.

D. Income Tax Withholding Formulas. The overall structure of the formulas used to compute the withholding tax is to calculate the tax on the total wage amount and then subtract the amount of tax calculated on the personal exemptions and dependency credits the taxpayer claims for withholding purposes. The correct withholding formula depends upon the number of personal exemptions claimed and annual wages. Any taxpayer may use the single taxpayer withholding formulas; however, only married taxpayers who will file a joint income tax return may use the married taxpayer formulas.

1. Single Taxpayer Withholding Formulas

W is the withholding tax per pay period.

S is employee's salary per pay period for each bracket.

X is the number of personal exemptions; X must be 0 or 1.

Y is the number of dependency credits; Y must be a whole number that is 0 or greater.

N is the number of pay periods.

A is the effect of the personal exemptions and dependency credits equal to or less than $12,500;

A=.021(((X * 4500) + (Y * 1000)) ÷ N).

B is the effect of the personal exemptions and dependency credits in excess of $12,500;

B=.016(((X * 4500) + (Y * 1000)) - 25,000) ÷ N).

If annual wages are less than or equal to $12,500, then

W=.021(S) - (A + B).

If annual wages are greater $12,500 but less than or equal to $50,000, then

W=.021(S) + .0160(S - (12,500 ÷ N)) - (A + B).

If annual wages are greater than $50,000, then

W=.021(S) + .0160(S - (12,500 ÷ N)) + .0135(S - (50,000 ÷ N)) - (A + B).

2. Married Taxpayer Withholding Formulas

W is the withholding tax per pay period.

S is the employee's salary per pay period for each bracket.

X is the number of personal exemptions. X must be 0, 1, or 2.

Y is the number of dependency credits. Y must be 0 or greater.

N is the number of pay periods.

A is the effect of the personal exemptions and dependency credits equal to or less than $25,000;

A=.021(((X * 4500) + (Y * 1000)) ÷ N)

B is the effect of the personal exemptions and dependency credits in excess of $25,000;

B=.0165(((X * 4500) + (Y * 1000)) - 25,000) ÷ N)

If annual wages are less than or equal to $25,000, then

W=.021(S) - (A + B).

If annual wages are greater $25,000 but less than or equal to $100,000, then

W=.021(S) + .0165(S - (25,000 ÷ N)) - (A + B).

If annual wages are greater than $100,000, then

W=.021(S) + .0165(S - (25,000 ÷ N)) + .0135(S - (100,000 ÷ N)) - (A + B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:32, R.S. 47:112, R.S. 47:295 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Revenue, Policy Services Division, LR 28:2557 (December 2002), amended LR 35:256 (February 2009).

Cynthia Bridges
Secretary

0902#014

RULE

Department of Social Services
Office of Family Support

State Plan and Passport Denial
(LAC 67:III.2303 and 2547)

In accordance with the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Social Services, Office of Family Support, has amended §2303 and §2547 of the Louisiana Administrative Code (LAC), Title 67, Part III, Subpart 4, Support Enforcement Services (SES), which provide for the State Plan and passport denial.

Amendment to §2303 is necessary to correct a typographical error.

Amendment to §2547 became necessary when the Deficit Reduction Act of 2005 amended the provisions of the Social Security Act at Section 452(k)(1). Beginning October 1, 2006, any person certified by the Secretary of the United States Department Health and Human Services (DHHS) to the Secretary of the United States Department of State as owing past due child support in an amount exceeding $2,500 is ineligible to receive a United States passport.

These amendments are necessary to ensure Louisiana's continued compliance with federal regulations as well as Louisiana law and to avoid federal penalties and sanctions that could be imposed by the Administration for Children and Families, Office of Child Support Enforcement, the governing authority of the Support Enforcement Services program in Louisiana.

Title 67
SOCIAL SERVICES
Part III. Office of Family Support
Subpart 4. Support Enforcement Services
Chapter 23. Single State Agency Organization
Subchapter A. Designation, Authority, Organization and Staffing

§2303. State Plan

A. ...

B. The State Plan is available for review at the:

Office of Family Support Planning Section
627 North Fourth Street, Room 5-233-19
Baton Rouge, LA 70804.

AUTHORITY NOTE: Promulgated in accordance with Title IV-D of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Louisiana Health and Human Resources Administration, Division of Youth Services, LR 11:495 (November 1975), amended by the Department of Social Services, Office of Family Support, LR 26:2830 (December 2000), LR 33:508 (March 2007), LR 35:270 (February 2009).

Chapter 25. Support Enforcement
Subchapter L. Enforcement of Support Obligations

§2547. Passport Denial

A. SES shall administratively collect past due child support in accordance with the Passport Denial Program. Individuals owing past due child support amounts in excess of $2,500 will be certified by referral to the Secretary of the United States Department of Health and Human Services (DHHS) to the Secretary of the United States Department of State for passport denial unless the state agency certifying their past due support amount excludes them from this remedy.

B. SES will send an advance notice to each non-custodial parent owing past due child support whose name will be submitted for the Passport Denial Program. This notice will advise the non-custodial parent of the right to request an administrative review solely for the purpose of contesting the amount of the past due support with the state(s) that has certified them for the debt. This request shall be in accordance with 45 CFR 303.35.

AUTHORITY NOTE: Promulgated in accordance with 42 USC 652(k)(1), 42 USC 654(31), 45 CFR 303.35 and DCL-06-14.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support LR 33:675 (April 2007), amended LR 35:270 (February 2009).

Kristy H. Nichols
Secretary

0902#084

RULE

Office of Transportation and Development

Control of Specific Services (LOGO) Signing
(LAC 70:III.115)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Transportation and Development hereby amends Subchapter A of Chapter 1 of Part III of Title 70 entitled "Regulations for Control of Outdoor Advertising", in accordance with R.S. 48:274.1(B)(2).

Title 70
TRANSPORTATION
Part III. Outdoor Advertising
Chapter 1. Outdoor Advertising
Subchapter A. Outdoor Advertising Signs
§115. "RV Friendly" Program

A. - C.1.c. ...

d. A minimum turning radius of 35 feet shall be used on all connections and turns.

2. - 2.a. ...

b. A turning radius of 35 feet is required at both ends to enter and exit the spaces.

2.c. - 4.a. ...

b. Fueling stations must have a turning radius of 35 feet at both ends to enter and exit the fuel islands.

C.4.c. - E.2.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:274.1(B)(2).

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, LR 31:2266 (September 2005), amended LR 35:271 (February 2009).

William D. Ankner, Ph.D.
Secretary

0902#017

RULE

Department of Treasury
State Employees' Retirement System

Active Member Vacancies
(LAC 58.I:305)

The Department of the Treasury, Board of Trustees of the Louisiana State Employees' Retirement System ("LASERS") has amended LAC 58.I:305, which provides for the filling of active member trustee vacancies. This Rule complies with and is enabled by R.S. 11:511, R.S. 11:512 and R.S. 11:515.

Title 58
RETIREMENT
Part I. State Employees' Retirement
Chapter 3. Election of Active Member Trustees
§305. Vacancies; Special Elections

A. The board shall appoint a member to fill any active member vacancy created on the board. The appointee shall possess the necessary qualifications under R.S. 11:511 for the active member position. The board may give due consideration to the runners-up in the previous election, if those members are willing to serve and the appointment does not violate law or these regulations.

B. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:511, R.S. 11:512 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 23:997 (August 1997), LR 35:271 (February 2009).

Cindy Rougeou
Executive Director

0902#032

Notices of Intent

NOTICE OF INTENT

Department of Economic Development
Office of the Secretary
Office of Business Development
and
Louisiana Economic Development Corporation

Economic Development Award Program (EDAP) and
Economic Development Loan Program (EDLOP)
(LAC 13:III.Chapter 1)

The Louisiana Department of Economic Development, the Office of the Secretary, the Office of Business Development, and the Louisiana Economic Development Corporation, pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and as authorized by R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341, hereby give notice of their intent to amend, supplement, expand and re-adopt LAC 13:III.Chapter 1, the rules of the Economic Development Award Program (EDAP) and the Economic Development Loan Program (EDLOP).

The Department of Economic Development, the Office of the Secretary, the Office of Business Development, and the Louisiana Economic Development Corporation, have found a need to amend, supplement and expand certain provisions of the rules and to re-adopt the rules for the regulation of the Economic Development Award Program (EDAP) and the Economic Development Loan Program (EDLOP). The amendments to these rules supplement, expand and update some of the definitions and other provisions provided in the rules of these programs which promote economic development in this state by helping to successfully secure the creation and/or retention of jobs by business entities newly locating in Louisiana or which may already exist in Louisiana and are relocating and/or expanding their operations, but require state assistance for such development as an incentive to influence the company's decision to locate in Louisiana, maintain or expand its Louisiana operations, and/or increase its capital investment in Louisiana, all of which will further promote economic development in Louisiana. Without the revisions and re-adoption of these rules the state may suffer the loss of business investment and economic development projects creating and/or retaining jobs that would improve the standard of living and enrich the quality of life for citizens of this state.

Title 13
ECONOMIC DEVELOPMENT
Part III. Financial Assistance Programs
Chapter 1. Economic Development Award Program (EDAP) and Economic Development Loan Program (EDLOP)
Subchapter A. Economic Development Award Program (EDAP)

§101. Economic Development Award Program (EDAP); Preamble and Purpose

A. The Economic Development Award Program (EDAP) is vital to support the state's commitment to Targeted Industry Based Economic Development, and the state's long term goals as set forth in *Louisiana: Vision 2020*, which is the Master Plan for Economic Development for the state of Louisiana.

B. The purpose of this EDAP program is to finance publicly-owned infrastructure for industrial or business development projects that promote targeted industry economic development and that require state assistance for basic infrastructure development. Additionally, the Louisiana Department of Economic Development, with the approval of the Board of Directors of Louisiana Economic Development Corporation, may take necessary steps to successfully secure projects in highly competitive bidding circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:36 (January 1997); amended by the Department of Economic Development, Office of the Secretary, LR 23:1638 (December 1997), LR 25:237 (February 1999), LR 26:236 (February 2000); amended by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:860 (June 2003), LR 31:902 (April 2005), LR 35:

§103. Definitions

Applicants—the company or business enterprise and the public entity, collectively, requesting financial assistance from LED under this program.

Award—funding of financial assistance, appropriations, performance-based grants or loans approved under this program for eligible applicants.

Award Agreement—that agreement or contract hereinafter referred to between the company, the public entity, LED and LEDC through which, by cooperative endeavor agreement or otherwise, the parties set forth the amount of the award, the terms, conditions and performance objectives of the award provided pursuant to these rules.

Awardee—an applicant receiving an award under this program.

Basic Infrastructure Project—refers to those infrastructure projects funding for which is to be provided under this program.

Company—the business enterprise, being a legal entity duly authorized to do and doing business in the state of Louisiana, for which the project is being undertaken.

Default—the failure to perform a task, to fulfill an obligation, or to do what is required; the failure to create new jobs or the number of new jobs as agreed, to employ or to retain the employment of the number of employees as agreed, or to maintain the compensation or payroll levels as agreed; the failure to pay or to repay the loan or interest due thereon as agreed; or the failure to meet a financial obligation.

EDAP—the Economic Development Award Program.

Employee—a Louisiana resident hired by a company for permanent full-time employment.

Infrastructure—considered to be basic hard assets, permanent type assets, such as land, buildings, structures, substantial, installed or permanently attached machinery and/or equipment, streets, roads, highways, rights-of-way or servitudes, including paving or other hard surfacing, piping, drainage and/or sewage facilities, utility lines, poles and facilities, railroad spurs, tracks, cross ties, and all things similar or appurtenant thereto, and including costs related to the purchase, design, location, construction, and/or installation of such hard assets.

Infrastructure Project—refers to the undertaking for which an award is granted hereunder for the purchase, or new construction, improvement or expansion of land, roadways, parking facilities, equipment, bridges, railroad spurs, utilities, water works, drainage, sewage, buildings, ports and waterways.

Jobs Credits—refers to credits applied to repay the unpaid balance on a loan award in an amount determined by the LEDC Board or by the LED or LEDC staff for each of the new permanent full-time jobs that are created and filled with a permanent full-time employee hired by the company within the agreed employment term.

LED—the Louisiana Department of Economic Development.

LEDC—the Louisiana Economic Development Corporation.

LEDC Board—the Board of Directors of the Louisiana Economic Development Corporation.

Loan or *Loan Award*—funding of financial assistance approved under this program for eligible applicants, which is to be repaid over a period of time by the awardee/borrower. Such financial assistance loans may be repaid either with or without interest, and may be repaid by applying "Jobs Credits" to the unpaid balance, and in the event "Jobs Credits" are utilized and earned, any interest due may also be waived, all to be determined by the LEDC Board or by the LED or LEDC staff.

Permanent Full-Time Jobs—refers to direct jobs which are not contract jobs, that are permanent and not temporary in nature, requiring employees to work an average of 30 or more hours per week. This term also includes the term "Permanent Full-Time Equivalent Jobs".

Program—the Economic Development Award Program, including Basic Infrastructure Projects that are undertaken by LED, LEDC, the public entity and the company pursuant to these rules and the bylaws of LEDC.

Project—an expansion, improvement and/or provision of infrastructure for a public entity that promotes economic development, for which LED and LEDC assistance is requested under this program as an incentive to influence a company''s decision to locate in Louisiana, maintain or expand its Louisiana operations, or increase its capital investment in Louisiana.

Public Entity or *Sponsoring Entity*—the public or quasi-public entity responsible for engaging in the award agreement and pursuant thereto is responsible for the performance and oversight of the project and for supervising with LED the company's compliance with the terms, conditions and performance objectives of the award agreement.

Secretary—the Secretary of the Department of Economic Development, who is also the President of LEDC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:36 (January 1997); amended by the Department of Economic Development, Office of the Secretary, LR 23:1638 (December 1997), LR 25:237 (February 1999), LR 26:236 (February 2000); amended by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:861 (June 2003), LR 31:902 (April 2005), LR 35:

§105. General Principles

A. The following general principles will direct the administration of the Economic Development Award Program.

1. Awards are not to be construed as an entitlement for companies locating or located in Louisiana, and are subject to the discretion of the LEDC Board, after considering the recommendation of the secretary and/or the staff of LED or LEDC.

2. An award must reasonably be expected to be a significant factor in a company's location, investment and/or expansion decisions.

3. Awards must reasonably be demonstrated to result in the improvement of or enhancement to the economic development and well-being of the state and local community or communities wherein the project is or is to be located.

4. The retention and strengthening of existing businesses will be evaluated using the same procedures and with the same priority as the recruitment of new businesses to the state.

5. The anticipated economic benefits to the state and to the local community or communities wherein the project is or is to be located will be considered in making the award.

6. The favorable recommendation of the local governing authority wherein the project is or shall be located is expected and will be a factor in the consideration of the award.

7. Appropriate cost matching or funds matching by the applicants, private investors, the local community and/or local governing authority, as well as among project

beneficiaries will be a factor in the consideration of the award.

8. At the discretion of the LEDC Board, a two year moratorium from the date of an LEDC Board approval or award of a grant may be required on additional EDAP awards to the same company at the same location; and a company shall not be eligible for or receive a another EDAP award so long as the same company is currently still obligated under an existing EDAP award involving the same location, or an existing EDLOP loan award involving the same location. (This provision shall not prohibit a combination EDAP award and EDLOP loan award made at the same time in connection with one project.)

9. Award funds shall be utilized for the approved project only.

10. Whether or not an award will be made is entirely in the discretion of the LEDC Board, after considering the recommendation of the secretary and/or the staff of the LED or the LEDC; and shall depend on the facts and circumstances of each case, the funds available, funds already allocated, and other such factors as the LEDC Board may, in its discretion, deem to be pertinent.

11. The approval or rejection of any application for an award shall not establish any precedent and shall not bind the LEDC Board, the LED Secretary or the staff of LED or LEDC to any course of action with regard to any application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 23:37 (January 1997); amended by the Department of Economic Development, Office of the Secretary, LR 23:1638 (December 1997), LR 25:238 (February 1999), LR 26:237 (February 2000); amended by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:861 (June 2003), LR 31:903 (April 2005), LR 35:

§107. Eligibility

A. An eligible application for the award must meet the general principles set forth above and the criteria set forth below, and the infrastructure project must be or will be owned by, and the ownership benefits or rights resulting from the infrastructure project must inure to the benefit of one of the following:

1. a public or quasi-public entity; or
2. a political subdivision of the state.

B. A company shall be considered ineligible for this program if it has pending or outstanding claims or liabilities relative to failure or inability to pay its obligations, including state or federal taxes, a bankruptcy proceeding, or if it has pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit, or if the company has another contract with LED or LEDC in which the company is in default and/or is not in compliance. Should a company, after receiving an award, fail to maintain its eligibility during the term of the award agreement, the LEDC Board, in its discretion, may terminate the agreement and the award, and may seek a refund of any or all funds previously disbursed under the agreement.

C.1. Businesses not eligible for awards under this program are:

a. retail businesses, enterprises and/or operations;

b. real estate businesses, enterprises, operations and/or developments;

c. lodging or hospitality businesses, enterprises and/or operations;

d. assisted living businesses, enterprises or operations, retirement communities, or nursing homes; or

e. gaming or gambling businesses, enterprises and/or operations.

2. This ineligibility provision shall not apply to wholesale, storage warehouse or distribution centers; catalog sales or mail-order centers; home-office headquarters or administrative office buildings; even though such facilities are related to ineligible business enterprises, provided that retail sales, hospitality services, assisted living or nursing services, and gaming activities are not provided directly and personally to individuals in any such facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 23:37 (January 1997); amended by the Department of Economic Development, Office of the Secretary, LR 23:1639 (December 1997), LR 25:238 (February 1999), LR 26:237 (February 2000); amended by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:861 (June 2003), LR 31:903 (April 2005), LR 35:

§109. Criteria for Basic Infrastructure Projects

A. In addition to the general principles set forth in §105 and the eligibility requirements in §107 above, basic infrastructure projects must meet the criteria hereinafter set forth for an award under the program.

1. Job Creation and/or Retention and Capital Investment

a. Basic infrastructure projects must create or retain at least 10 permanent full-time jobs in Louisiana, at the project location.

b. Consideration will be given for projects having a significant new private capital investment.

c. The number of jobs to be retained and/or created and the compensation or payroll levels to be maintained as stated in the application for basic infrastructure projects will be strictly adhered to, and will be made an integral part of the award agreement.

2. Preference will be given to projects for industries identified by LED or LEDC as targeted industries, and to projects located in areas of the state with high unemployment levels.

3. Preference will be given to projects intended to expand, improve or provide basic infrastructure supporting mixed use by the company and the surrounding community.

4. Companies must be in full compliance with all state and federal laws.

5. No assistance may be provided for Louisiana companies relocating their operations to another labor market area (as defined by the U.S. Census Bureau) within

Louisiana, except when the company gives sufficient evidence that it is otherwise likely to relocate outside of Louisiana, or the company is significantly expanding and increasing its number of employees and its capital investment.

6. The minimum award request size shall be $50,000.

7. Extra consideration will be given for companies paying wages substantially above the prevailing regional wage.

8. If a company does not start the project or begin construction of the project, or make substantial progress toward preparation of architectural and engineering plans and specifications and/or permit applications, within six months after its application approval, the LEDC Board of Directors, at its discretion, may cancel funding for the project, or require reapplication. LED or LEDC may require written, signed documentation demonstrating that the contemplated project has begun or has been started.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:37 (January 1997); amended by the Department of Economic Development, Office of the Secretary, LR 23:1639 (December 1997), LR 25:238 (February 1999), LR 26:237 (February 2000); amended by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:862 (June 2003), LR 31:904 (April 2005), LR 35:

§111. Application Procedure for Basic Infrastructure Projects

A. The applicants must submit an application to LED or LEDC on a form provided by LED or LEDC which shall contain, but not be limited to, the following:

1. a business plan that contains an overview of the company, its history, and the business climate in which it operates, including business projections and, at the discretion of LED or LEDC, either audited financial statements, or an independent CPA certification of the company's net worth sufficient to demonstrate to LED or LEDC the financial ability of the company considering the circumstances relating to the award, as well as financial statements of any guarantors which may also be required by LED or LEDC at its discretion;

2. a detailed description of the project to be undertaken, along with the factors creating the need, including the purchase, construction, renovation or rebuilding, operation and maintenance plans, a timetable for the project's completion, and the economic scope of the investment involved in the project;

3. evidence of the number, types and compensation or payroll levels of jobs to be created or retained by the company in connection with the project, and the amount of capital investment for the project;

4. evidence of the support of the local community and the favorable recommendation of the local governing authority for the applicant's project described in the award application; and

5. any additional information that LED or LEDC may require.

B. The applicants and their applications must meet the general principles of §105, the eligibility requirements under §107, and meet the criteria set forth in §109 above, in order to qualify for an award under this program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:38 (January 1997); amended by the Department of Economic Development, Office of the Secretary, LR 23:1639 (December 1997), LR 25:238 (February 1999), LR 26:237 (February 2000); amended by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:863 (June 2003), LR 31:904 (April 2005), LR 35:

§113. Submission and Review Procedure for Basic Infrastructure Projects

A. Applicants must submit their completed application to LED or to LEDC. Submitted applications will be reviewed and evaluated by LED or LEDC staff. Input may be required from the applicant, other divisions of the Department of Economic Development, LEDC, and other state agencies as needed in order to:

1. evaluate the strategic importance of the project to the economic well-being of the state and local communities;

2. validate the information presented; and/or

3. determine the overall feasibility of the company's plan.

B. An economic cost-benefit analysis of the project, including an analysis of the direct and indirect net economic impact and fiscal benefits to the state and local communities, will be prepared and utilized by LED or LEDC.

C. Upon determination that an application meets the general principles of §105, the eligibility requirements under §107, and meets the criteria set forth for this program under §109, the Secretary of LED and/or the LED or LEDC staff will then make a recommendation to the LEDC Board of Directors. The application will then be reviewed and approved or rejected by the LEDC Board in its discretion, after considering the recommendation of the Secretary of LED and/or the staff of LED or LEDC. The LED director or the targeted industry specialist in whose industrial area the applicant company participates may also make a recommendation to the LEDC Board as to the approval or disapproval of the award.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:38 (January 1997); amended by the Department of Economic Development, Office of the Secretary, LR 23:1639 (December 1997), LR 25:238 (February 1999), LR 26:237 (February 2000); amended by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:863 (June 2003), LR 31:904 (April 2005), LR 35:

§115. General Award Provisions

A. Except where indicated, these provisions shall be applicable to Basic Infrastructure Awards. All agreements, including those resulting from any expedited procedures, shall demonstrate the intent of the company, the public entity, LED, and LEDC to enter into the following.

1. Award Agreement. A written contract, agreement or cooperative endeavor agreement will be executed between LEDC, acting through the LED, the public entity and the

company(ies). The agreement will specify the amount of the award, the terms and conditions of any loan award, the performance objectives and requirements the company(ies) and the public entity will be required to meet, and the compliance requirements to be enforced in exchange for state assistance, including, but not limited to, time lines for investment, for performance, job retention and/or creation, and the compensation or payroll levels of such jobs. Under the agreement, the public entity will oversee the progress of the project. LED or LEDC will disburse funds to the public entity in a manner determined by LED or LEDC.

2. Funding

a. Eligible project costs may include costs related to the design, location, construction and/or installation of basic infrastructure hard assets, including, but not limited to, the following:

i. engineering and architectural expenses related to the project;

ii. site (land) and/or building acquisition;

iii. site preparation;

iv. construction, renovation and/or rebuilding expenses; and/or

v. building materials.

b. Project costs ineligible for award funds include, but are not limited to:

i. recurrent expenses associated with the project (e.g., operation and maintenance costs);

ii. company moving expenses;

iii. expenses already approved for funding through the General Appropriations Bill, or for cash approved through the Capital Outlay Bill, or approved for funding through the state's capital outlay process for which the Division of Administration and the Bond Commission have already approved a line of credit and the sale of bonds;

iv. improvements to privately-owned property, unless provisions are included in the project for the transfer of ownership to a public or quasi-public entity;

v. refinancing of existing debt, public or private;

vi. furniture, fixtures, computers, consumables, transportation equipment, rolling stock or movable equipment.

B. Amount of Award. Following the appropriation of funds for each fiscal year, the Board of Directors of LEDC shall allocate the amount of such funds available for Basic Infrastructure Awards.

1. For Basic Infrastructure Awards, matching funds shall be a consideration, and:

a. The portion of the total project costs financed by the award may not exceed:

i. 90 percent for projects located in parishes with per capita personal income below the median for all parishes; or

ii. 75 percent for projects in parishes with unemployment rates above the statewide average; or

iii. 50 percent for all other projects.

b. Other state funds cannot be used as the match for EDAP funds.

c. All monitoring will be done by LED or LEDC. Expenditures for monitoring or fiscal agents may be deducted from awards.

d. The award amount shall not exceed 25 percent of the total funds allocated to the Basic Infrastructure Awards Program during a fiscal year, unless the project creates in excess of 200 jobs, or creates an annual payroll in excess of $3.1 million.

e. The LEDC Board of Directors, in its discretion, considering the recommendations of the secretary and/or the staff of LED or LEDC, may limit the amount of awards to effect the best allocation of resources based upon the number of projects requiring funding and the availability of program funds.

C. Loan Award. In the event the award of financial assistance is to be in the form of a loan, which in the discretion of the LEDC Board, after considering the recommendation of the secretary and/or the staff of the LED or the LEDC, either may or may not require the payment of interest at a rate to be determined by the LEDC Board (after considering the recommendation of the secretary and/or the staff of the LED or the LEDC), or by the staff of the LED or the LEDC in the absence of a determination by the LEDC Board; and/or the loan may also be repaid by allowing *jobs credits* to be applied to the unpaid balance of the loan in an amount determined by the LEDC Board or by the LED or LEDC staff for each of the new permanent full-time jobs that are created and filled with a permanent full-time employee hired by the company within the agreed employment term, and in the event *jobs credits* are utilized and earned, any interest due may also be waived.

D. Conditions for Disbursement of Funds

1. Award funds will be available to the public entity on a reimbursement basis in accordance with the award agreement following submission of required documentation to LED or LEDC from the public entity.

2. Program Funding Source

a. If the program is funded through the state's general appropriations bill, only funds spent on the project after the approval of the LEDC Board of Directors will be considered eligible for reimbursement.

b. If the program is funded through a capital outlay bill, eligible expenses cannot be incurred until a cooperative endeavor agreement (contract) has been agreed upon, signed and executed.

3. Award funds will not be available for disbursement until:

a. LED or LEDC receives signed commitments by the project's other financing sources (public and private);

b. LED or LEDC receives signed confirmation that all technical studies or other analyses (e.g., environmental or engineering studies), and licenses or permits needed prior to the start of the project have been completed or obtained;

c. all other closing conditions specified in the award agreement have been satisfied.

4. Awardees will be eligible for the advancement of award funds on an as needed reimbursement basis, with requests for such funds supplemented with invoices or appropriate documentation showing the use of the funds, after all or substantially all of the conditions required by the award agreement have been met, performed or completed. After the awardee has met all such conditions, or performed or completed or substantially performed or substantially completed the conditions required by the award agreement, the award amount may be disbursed to the borrower as provided in the paragraphs below after the staff of LED or LEDC or its designee has determined, or, if deemed to be

appropriate by the staff, inspects the project, circumstances or documentation to assure that all or substantially all of the conditions required by the award agreement have been met, performed or completed. Such conditions shall be considered substantially met, substantially performed or substantially completed when LED or LEDC has determined, in its discretion, that the benefits to the state or results anticipated or expected as a result of the conditions to be performed have been achieved, even though 100 percent of all stated conditions of the award agreement may not have been fully met or achieved.

5. After the conditions required by the award agreement have been met or satisfactorily performed or completed as provided above, and in the event the award is intended to fund one or more purchases, all award funds (100 percent) needed to fund the purchase shall be available for disbursement or reimbursement following the completion of each of the respective purchases and appropriate inspections of the project by LED staff, or following the receipt and LED staff approval of appropriate invoices or sales describing the items or improvements purchased.

6. After the conditions required by the loan award agreement have been met or satisfactorily performed or completed as provided above, awardees will be eligible for disbursement or reimbursement of other award funds for the performance of tasks, work or construction projects at 90 percent of the amount requested until all or substantially all of the tasks or work required by the award agreement have been performed or completed. After the awardee has performed or completed or substantially performed or substantially completed the tasks or work required by the award agreement, the final 10 percent of the award amount will be paid after LED or LEDC staff or its designee inspects the project to assure that all or substantially all of the tasks or work required by the award agreement have been performed or completed. Such tasks or work shall be considered substantially performed or substantially completed when LED or LEDC has determined that the benefits to the state anticipated or expected as a result of the project, tasks or work performed have been achieved, even though 100 percent of all stated objectives of the award agreement may not have been fully achieved.

E. Compliance Requirements

1. Companies and public entities shall be required to submit progress reports, describing the progress towards the performance objectives specified in the award agreement. Progress reports by public entity shall include a review and certification of company's hiring records and the extent of company's compliance with contract employment commitments, including number of jobs created and/or retained, and the compensation or payroll levels achieved and maintained. Copies of the company's Louisiana Department of Labor (LDOL) ES-4 Forms ("Quarterly Report of Wages Paid") filed by the company may be required to be submitted with periodic progress reports or as otherwise requested by LED or LEDC to support the company's reported progress toward the achievement of performance objectives, employment and compensation or payroll level requirements. Further, public entity shall oversee the timely submission of reporting requirements of the company to LED.

2. Award Agreements will contain "clawback" or refund provisions to protect the state in the event of a default. In the event a company or public entity fails to timely start or to proceed with and/or complete its project, or fails to timely meet its performance objectives and/or any employment requirements, including but not limited to the retention or creation of the number of jobs or the reaching or maintaining of compensation or payroll levels within the time and for the term agreed, as specified in its agreement with LED and LEDC, any such acts, omissions or failures shall constitute a default under the award agreement, and LED and LEDC shall retain all rights to withhold award funds, modify the terms and conditions of the award, and to reclaim disbursed funds from the company and/or public entity in an amount commensurate with the scope of the unmet performance objectives and the foregone benefits to the state. Reclamation shall not begin unless LED or LEDC has determined, after an analysis of the benefits of the project to the state and the unmet performance objectives, that the state has not satisfactorily or adequately recouped its costs through the benefits provided by the project.

3. In the event a company or public entity knowingly files a false statement in its application or in a progress report or other filing, the company or public entity and/or their representatives may be guilty of the offense of filing false public records, and may be subject to the penalty provided for in R.S. 14:133. In the event an applicant, company, public entity, or party to an award agreement is reasonably believed to have filed a false statement in its application, a progress report or any other filing, LED and/or LEDC is authorized to notify the District Attorney of East Baton Rouge Parish, Louisiana, and may also notify any other appropriate law enforcement personnel, so that an appropriate investigation may be undertaken with respect to the false statement and the application of state funds to the project.

4. LED and LEDC shall retain the right to require and/or conduct financial and performance audits of a project, including all relevant records and documents of the company and the public entity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:38 (January 1997); amended by the Department of Economic Development, Office of the Secretary, LR 23:1640 (December 1997), LR 25:239 (February 1999), LR 26:238 (February 2000); amended by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:864 (June 2003), LR 31:905 (April 2005), LR 35:

§117. Conflicts of Interest

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 29:864 (June 2003), amended LR 31:906 (April 2005), repealed LR 35:

§119. Reserved.
§121. Reserved.
§123. Reserved.
§125. Reserved.
§127. Reserved.
§129. Reserved.

Subchapter B. Economic Development Loan Program (EDLOP)

§131. Economic Development Loan Program (EDLOP); Preamble and Purpose

A. The Economic Development Loan Program (EDLOP) is vital to support, promote and enhance the state's commitment to economic development, and the state's long term goals as set forth in *Louisiana: Vision 2020*, which is the long-term Master Plan for Economic Development for the state of Louisiana. This program is a supplement to and an expansion or extension of the already existing Economic Development Award Program (EDAP).

B. The purpose of this program is to assist in the financing or loan funding of privately-owned property and improvements, including the purchase or leasing of a building site, the purchase or construction, renovation, rebuilding and improvement of buildings, their surrounding property, for machinery and equipment purchases and rebuilding, and for additional costs related to and incurred in connection with the location or relocation of the business enterprise, including appropriate professional and/or real estate fees and commissions, all for business enterprises newly locating in Louisiana or for businesses already existing in this state which are expanding their operations and that require state assistance for such development, location and/or relocation, rebuilding or other such improvement, and for which LED and LEDC assistance is requested under this program, all of which will promote economic development and provide an incentive to influence a company's decision to locate or relocate in Louisiana, maintain or expand its Louisiana operations, or increase its capital investment in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 31:906 (April 2005), amended LR 35:

§133. Definitions

Applicant—the company or business enterprise requesting or seeking financial assistance, specifically a loan, from LED and LEDC under this program. The applicant may be, but is not required to be, joined in the application by any other person, public or private entity, as a co-applicant or as a guarantor.

Award—funding of financial assistance, specifically a performance-based loan, approved under this program for eligible applicants, which is to be repaid over a period of time by the awardee/borrower.

Award Agreement—that agreement or contract hereinafter referred to between the company, LED and LEDC through which, by cooperative endeavor agreement or otherwise, the parties set forth the terms, conditions and performance objectives of the award provided pursuant to these rules.

Awardee—an applicant, company or business enterprise receiving a loan award under this program.

Borrower—the company or business enterprise receiving and accepting a loan award under this program.

Company—the business enterprise, being a legal entity duly authorized to do and doing business in the state of Louisiana, in need of loan funding for a project pursuant to these rules, which is undertaking the project or for which the project is being undertaken, and which is seeking or receiving a loan award under this program.

Default—the failure to perform a task, to fulfill an obligation, or to do what is required; the failure to create new jobs or the number of new jobs as agreed, to employ or to retain the employment of the number of employees as agreed, or to maintain the compensation or payroll levels as agreed; the failure to pay or to repay the loan or interest due thereon as agreed; or the failure to meet a financial obligation.

EDLOP—the Economic Development Loan Program.

Employee—a Louisiana resident hired by a company for permanent full-time employment.

Financed Lease—a lease entered into that satisfies the criteria of a lease intended as a security device for the payment or repayment of a debt, a loan or an obligation; in which case the creditor or lender shall be the lessor, the debtor or borrower shall be the lessee, and the installment payments of the loan shall be the lease or rental payments.

Guaranty—an agreement, promise or undertaking by a second party to make the payment of a debt or loan or to perform an obligation in the event the party liable in the first instance fails to make payment or to perform an obligation.

Jobs Credits—refers to credits applied to repay the unpaid balance on a loan award in an amount determined by the LEDC Board or by the LED or LEDC staff for each of the new permanent full-time jobs that are created and filled with a permanent full-time employee hired by the company within the agreed employment term.

LED—the Louisiana Department of Economic Development.

LEDC—the Louisiana Economic Development Corporation.

LEDC Board—the Board of Directors of the Louisiana Economic Development Corporation.

Loan or *Loan Award*—funding of financial assistance approved under this program for eligible applicants, which is to be repaid over a period of time by the awardee/borrower. Such financial assistance loans may be repaid either with or without interest, and may be repaid by applying *jobs credits* to the unpaid balance, and in the event *jobs credits* are utilized and earned, any interest due may also be waived, all to be determined by the LEDC Board or by the LED or LEDC staff.

Loan Agreement, *Award Agreement* or *Loan Award Agreement*—that agreement or contract hereinafter referred to between the company, LED and LEDC through which, by cooperative endeavor agreement or otherwise, the parties set forth the terms and conditions of the loan to be provided pursuant to these rules, and the performance objectives and requirements of the company as consideration for the award of the loan provided pursuant to the company's application and these rules.

Loan Participation—the sharing by one lender of a part or portion of a loan with another lender or other lenders, whereby the participant or participants may provide a

portion of the loan funds, or may purchase a portion of the loan, and which participant or participants would be entitled to share in the proceeds of the loan repayments and interest income.

Permanent Full-Time Jobs—refers to direct jobs which are not contract jobs, that are permanent and not temporary in nature, requiring employees to work an average of 30 or more hours per week. This term also includes the term *permanent full-time equivalent jobs*.

Program—the Economic Development Loan Program (EDLOP), involving such projects that are undertaken by LED, LEDC and the company pursuant to these rules and the bylaws of LEDC.

Project or *Infrastructure Project*—refers to the undertaking for which a loan award is sought and/or is granted hereunder for the purchase or lease of a to be privately-owned or leased building site, or for the purchase, construction, improvement, expansion, renovation, rebuilding or expansion of privately-owned or leased buildings and their surrounding property, including parking facilities, private roads, railroad spurs and utility needs, including electrical, gas, telephone, water and sewerage lines, as well as certain qualified machinery and equipment, and for additional costs related to and incurred in connection with the location or relocation of the business enterprise, including appropriate professional and/or real estate fees and commissions, for a private entity which will promote economic development, for which LED and LEDC assistance is requested under this EDLOP program as an incentive to influence the company's decision to locate or relocate in Louisiana, maintain or expand its Louisiana operations, and/or increase its capital investment in Louisiana.

Promissory Note—a written promise to pay or repay a specified amount of money, either with or without interest, on a stated date, or within a stated time, in installments, or on demand.

Secretary—the Secretary of the Department of Economic Development, who is also the President of LEDC.

Security Interest—a lien, incumbrance or mortgage affecting movable or immovable property given by a debtor or borrower in favor of a creditor or lender to assure the debtor's or borrower's payment or repayment of a debt or promise to pay an amount of money, or for the fulfillment or performance of an obligation. A security interest may also be reserved in favor of the creditor or lender in the form of a lease, commonly called a *financed lease*; in which case the creditor or lender shall be the lessor, the debtor or borrower shall be the lessee, and the lease or rental payments shall be the installment payments of the loan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 31:907 (April 2005), amended LR 35:

§135. General Principles

A. The following general principles will direct the administration of the Economic Development Loan Program.

1. Loan awards are not to be construed as an entitlement for companies locating or located in Louisiana, and are subject to the discretion of the LEDC Board, after considering the recommendation of the secretary and/or the staff of LED or LEDC.

2. A loan award must reasonably be expected to be a significant factor in a company's location, investment and/or expansion decisions.

3. Loan awards must reasonably be demonstrated to result in an improvement of or enhancement to economic development of the state and the local community wherein the business is or is to be located.

4. The retention and strengthening of existing businesses will be evaluated using the same procedures and criteria, and with the same priority as the recruitment of new businesses to the state.

5. The anticipated economic benefits to the state and the local community will be considered in approving the loan award.

6. The favorable recommendation of the local governing authority wherein the project is or shall be located is expected and will be a factor in the consideration of the loan award.

7. Appropriate cost matching or funds matching by the loan beneficiary, as well as private investors, the local community, local public entities, and/or local governing authority, will be a factor in the consideration of the loan award.

8. Loan funds shall be utilized for the approved project only.

9. A company shall not be eligible for more than one EDLOP loan award within a two year period; and a company shall not be eligible for or receive a another loan award of EDLOP funds so long as the same company is currently paying or is still obligated under an existing EDLOP loan award involving the same location, or an existing EDAP award involving the same location. (This provision shall not prohibit a combination EDAP award and EDLOP loan award made at the same time in connection with one project.)

10. Whether or not a loan award will be made is entirely in the discretion of the LEDC Board, after considering the recommendation of the secretary and/or the staff of the LED or the LEDC; and shall depend on the facts and circumstances of each case, the funds available, funds already allocated, and other such factors as the LEDC Board may, in its discretion, deem to be pertinent.

11. The approval or rejection of any application for a loan award shall not establish any precedent and shall not bind the LEDC Board, the LED Secretary or the staff of LED or LEDC to any course of action with regard to any application.

12. A loan award may also take the form of a loan participation, wherein LED or LEDC may act as the originator of the loan, and may share or participate a portion of the loan with another lender or other lenders; or LED or LEDC may act as a participant in a loan, and accept a portion or a share of a loan originated by another lender or other lenders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 31:907 (April 2005), amended LR 35:

§137. Eligibility

A. An eligible application for the loan award must be consistent with the general principles set forth in §135 above and the criteria set forth in §139 below, must demonstrate a need for the funding of the project consistent with these rules, and the project must be or will be owned by, and the ownership benefits or rights resulting from the project must inure to the benefit of the applicant company or business enterprise, which will also be the borrower.

B. A company shall be considered ineligible for this program if it has pending or outstanding claims or liabilities relative to failure or inability to pay its obligations, including state or federal taxes, a bankruptcy proceeding, or if it has pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit, or if the company has another contract with LED or LEDC in which the company is in default and/or is not in compliance. Should a company, after receiving a loan award, fail to maintain its eligibility during the term of the award agreement, the LEDC Board, in its discretion, may terminate the agreement and the award, and may seek a refund of any or all funds previously disbursed under the agreement.

C.1. Businesses not eligible for loans under this program shall include:

a. retail businesses, enterprises and/or operations;

b. real estate businesses, enterprises, operations and/or developments;

c. lodging or hospitality businesses, enterprises and/or operations;

d. assisted living businesses, enterprises or operations, retirement communities, or nursing homes; or

e. gaming or gambling businesses, enterprises and/or operations.

2. This ineligibility provision shall not apply to wholesale, storage warehouse or distribution centers; catalog sales or mail-order centers; home-office headquarters or administrative office buildings; even though such facilities are related to ineligible business enterprises, provided that retail sales, hospitality services, assisted living or nursing services, and gaming activities are not provided directly and personally to individuals in any such facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 31:908 (April 2005), amended LR 35:

§139. Criteria for Projects

A. In addition to the general principles set forth in §135 and the eligibility requirements in §137 above, projects must meet the criteria hereinafter set forth for a loan award under this program.

1. Job Creation and/or Retention and Capital Investment

a. Projects must create or retain at least 10 jobs considered to be permanent full-time jobs in Louisiana, at the project location.

b. Consideration will be given for projects having a significant new private capital investment.

c. The number of jobs to be retained and/or created and the compensation or payroll levels to be maintained as stated in the application for projects will be strictly adhered to, and will be made an integral part of the loan award agreement.

2. Preference will be given to projects for industries identified by LED or LEDC as targeted industries, and to projects located in areas of the state with high unemployment levels.

3. Preference will be given to projects intended to provide, expand or improve basic structural infrastructure and its use by the company, and secondary consideration will be given to projects involving machinery and equipment purchases or rebuilding.

4. Companies must be in full compliance with all state and federal laws.

5. No assistance may be provided for Louisiana companies relocating their operations to another labor market area (as defined by the U.S. Census Bureau) within Louisiana, except when the company gives sufficient evidence that it is otherwise likely to relocate outside of Louisiana, or the company is significantly expanding and increasing its number of employees and its capital investment.

6. The minimum loan award request size shall be $50,000.

7. Extra consideration will be given for companies paying wages substantially above the prevailing regional wage.

8. If a company does not start the project or begin the purchase or the construction of the project, or make substantial progress toward preparation of architectural and engineering plans and specifications and/or permit applications, or execute purchase orders for machinery and equipment or orders for the rebuilding of machinery and equipment within 120 days after its application approval, the LEDC Board of Directors, at its discretion, may cancel funding for the project, or require reapplication. Copies of written, signed documentation may be required by LED or LEDC demonstrating that the contemplated project has begun or has been started.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 31:908 (April 2005), amended LR 35:

§141. Application Procedure for Projects

A. The applicant must submit an application to LED or LEDC by letter or on a form provided by LED or LEDC which shall contain, but not be limited to, the following:

1. a business plan that contains an overview of the company, its history, and the business climate in which it operates, including business projections and audited financial statements showing the financial ability of the company, as well as financial statements of any guarantors which may also be required by LED or LEDC at its discretion;

2. a detailed description of the project to be undertaken, along with the factors creating the need, including the purchase, construction, renovation or rebuilding, operation and maintenance plans, a timetable for the project's completion, and the economic scope of the investment involved in the project;

3. a cash flow analysis of the project, providing detailed support for the use of the funding to be provided, and a proposed repayment schedule for the loan which is consistent with the revenues to be generated by the project;

4. evidence of the number, types and compensation or payroll levels of jobs to be created or retained by the company in connection with the project, the period of time for which the company will commit to maintain the new and/or retained jobs, and the amount of capital investment for the project;

5. a statement or disclosure as to whether or not the company has sought or applied for any other type of financing (public or private) for this project, and the results or disposition of that search and/or application, including documentation from any commercial banks specifying the reasons why the banks would not extend a loan to the applicant;

6. evidence of the support of the local community and the favorable recommendation of the local governing authority for the applicant's project to be financed by the requested loan award; and

7. any additional information that LED or LEDC may require.

B. The applicant and its application must meet the general principles of §135, the eligibility requirements in §137, and meet the criteria set forth in §139 above, in order to qualify for a loan award under this program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 31:909 (April 2005), amended LR 35:

§143. Submission and Review Procedure for Projects

A. An applicant must submit its completed application to LED or to LEDC. Submitted applications will be reviewed and evaluated by the staff of LED or LEDC. Input may be required from the applicant, other divisions of the Department of Economic Development, LEDC, and other state agencies as needed in order to:

1. evaluate the strategic importance of the project to the economic well-being of the state and local communities;

2. validate the information presented; and/or

3. determine the overall feasibility of the company's plan.

B. An economic cost-benefit analysis of the project, including an analysis of the direct and indirect net economic impact and fiscal benefits to the state and local communities, will be prepared and utilized by LED or LEDC.

C. Upon determination that an application meets the general principles of §135, the eligibility requirements under §137, and meets the criteria set forth for this program under §139, the Secretary of LED and/or the staff of LED or LEDC staff will then make a recommendation to the LEDC Board of Directors. The application will then be reviewed and approved or rejected by the LEDC Board in its discretion, after considering the recommendation of the Secretary of LED and/or the staff of LED or LEDC. The LED director or targeted industry specialist in whose industrial area the applicant company participates may also make a recommendation to the LEDC Board as to the approval or disapproval of the loan award.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 31:909 (April 2005), amended LR 35:

§145. General Loan Award Provisions

A. These provisions shall be applicable to loan awards. Loan award agreements resulting from the procedures for loan awards shall demonstrate the intent of the company, the LED, and LEDC to enter into the following.

1. Loan Agreement, Award Agreement or Loan Award Agreement. After a loan award has been approved, a written contract, agreement or cooperative endeavor agreement will be executed between LEDC, acting through the LED, and the company or business enterprise receiving the loan award. The agreement will specify the amount, the terms and conditions of the loan; the performance objectives and requirements the company will be required to meet; and the compliance requirements to be enforced in exchange for state assistance, including, but not limited to, time lines for investment, for performance, job retention and/or creation, as well as the compensation or payroll levels of such jobs. Under the agreement, the staff of the LED or LEDC or their area representatives will oversee or monitor the progress of the project. LED or LEDC will disburse funds to the company, the borrower, in a manner determined by LED or LEDC.

2. Loan Term. The loan repayment term shall not exceed seven years. If necessary and appropriate, a repayment term may be structured with a balloon payment at the end of the last year of the loan. Refinancing of the balloon payment will not be permitted.

3. Promissory Note. When appropriate, the borrower shall execute an appropriate promissory note containing a promise to pay or repay the loan funds which in the discretion of the LEDC Board, after considering the recommendation of the secretary and/or the staff of the LED or the LEDC, either may or may not require the payment of interest at a rate to be determined by the LEDC Board (after considering the recommendation of the secretary and/or the staff of the LED or the LEDC), or by the staff of the LED or the LEDC in the absence of a determination by the LEDC Board; and/or the loan may also be repaid by allowing jobs credits to be applied to the unpaid balance of the loan in an amount determined by the LEDC Board or by the LED or LEDC staff for each of the new permanent full-time jobs that are created and filled with a permanent full-time employee hired by the company within the agreed employment term, and in the event jobs credits are utilized and earned, any interest due may also be waived. The rate of interest shall not be less than the then current U.S. Government Treasury Security Rate that coincides with the term or time period of the loan at the time of the loan award approval, nor more than 2.5 percent above such Treasury Security Rate; and such promissory note may provide for the repayment of such funds on a stated date, or within a stated time, in installments or on demand, as determined by the LEDC Board in its discretion, considering the recommendation of the secretary and/or the staff of LED or LEDC as to such repayment terms, or by the staff of the LED or the LEDC in the absence of a determination by the LEDC Board.

4. Collateral. For the purposes of establishing an acceptable Loan to Value (LtV) ratio for loan collateral, the applicant must present to LED or LEDC staff a current appraisal of the item being funded, or its documented purchase price. Once the total loan request has been determined and the value of the item to be funded has been substantiated, LED or LEDC staff will determine the eligible LtV based on the criteria established by LED or LEDC staff and these rules. LED or LEDC staff shall have the discretion and ability to reduce the LtV based on the applicant's financial ability to repay the loan. If LED or LEDC staff determines the applicant is financially unable to meet a predetermined debt service coverage ratio of 1.25 to 1 (1.25:1), the loan amount shall be reduced in order that the LtV may be reduced accordingly to meet the require debt service coverge ratio.

5. Security Interest. When appropriate, and if required by the LEDC Board in its discretion, considering the recommendation of the secretary and/or the staff of LED or LEDC as to such security interest, or by the staff of the LED or the LEDC in the absence of a determination by the LEDC Board, the borrower shall execute an appropriate security instrument or document providing the LEDC and/or LED a security interest in such movable and/or immovable property or any other assets of the borrower as the LEDC Board shall deem appropriate in the circumstances considering the project and the specific interests and properties relating thereto; such security instrument or document to contain all appropriate, usual, customary, and generally accepted Louisiana security provisions.

6. Financed Lease. When appropriate, and if required by the LEDC Board in its discretion, considering the recommendation of the secretary and/or the staff of LED or EDC as to such security interest, the borrower shall execute an appropriate lease for the purpose of financing and providing security for the loan as the LEDC Board shall deem appropriate in the circumstances considering the project and the specific interests and properties relating thereto; such financed lease to contain all appropriate, usual, customary, and generally accepted Louisiana lease and security provisions.

7. Examination/Audit of Books, Records and Accounts. LEDC, LED and the state shall retain and shall have the right to examine/audit all books, records and accounts of the borrower and its project at any time and from time to time, as well as all books, records and assets of any and all guarantors.

8. Guaranties. Should the circumstances warrant, and if required by the LEDC Board in its discretion, considering the recommendation of the secretary and/or the staff of LED or LEDC as to the need for any such guaranty, a guaranty or guaranties of the borrower's obligation to pay or repay the loan proceeds or any part thereof, or a guaranty or guaranties of the company's obligations to perform any or all of its performance requirements or obligations under the loan award agreement, shall be required from any person or persons, company, companies, business enterprise, or any public entity or governmental authority.

9. Execution of Documents. If a borrower does not execute the appropriate documentation which has been prepared by the staff of LED or LEDC for the loan award transaction within 60 days after the completed documentation has been forwarded to the borrower, the borrower shall be required to appear before the LEDC Board to explain the delay, and the LEDC Board shall have the right to reconsider the loan award, and may either withdraw the loan award or grant an extension of time to the borrower. In the event the borrower does not execute the documentation within the additional time extended to it, the LEDC Board, in its discretion, may withdraw the loan award.

10. Funding

a. Eligible project costs may include, but not be limited to, the following:

i. site (land) and/or building acquisition;

ii. real estate fees and/or commissions paid in connection with the acquisition or leasing of land, buildings and/or office space for the location of the business operation;

iii. engineering and architectural expenses related to the project;

iv. site preparation;

v. construction, renovation and/or rebuilding expenses;

vi. building materials;

vii. purchases or rebuilding of capital machinery and/or equipment having an Internal Revenue Service (IRS) depreciable life of at least seven years. If any such eligible machinery and/or equipment to be financed by the loan award is not to be located on property owned by the borrower, the owners, lessors and lessees of such private or public property shall each execute an appropriate written lien waiver or release allowing representatives of LED or LEDC to enter upon such private or public property and remove therefrom any or all of such machinery and/or equipment at any time either the LED or the LEDC shall determine such to be in its security interest to do so.

b. Project costs ineligible for award funds include, but are not limited to:

i. recurrent expenses associated with the project (e.g., operation and maintenance costs);

ii. company moving expenses;

iii. expenses already approved for funding through the general appropriations bill, or for cash approved through the capital outlay bill, or approved for funding through the state's capital outlay process for which the Division of Administration and the Bond Commission have already approved a line of credit and the sale of bonds;

iv. refinancing of existing debt; and/or

v. costs related to furniture, fixtures, computers, consumables, transportation equipment, rolling stock, or any machinery and/or equipment having an IRS depreciable life of less than seven years.

11. Loan Participation. If and when appropriate, LED or LEDC, as the originator, may share a part or portion of a loan, with another lender or other lenders, whereby the participant or participants may provide a portion of the loan funds or may purchase a portion of the loan; or LED or LEDC, as a participant, may share in a part or portion of a loan originated by another lender or other lenders, by providing a portion of the loan funds or by purchasing a portion of the loan; in either of which cases the participant or participants shall share in the proceeds of the loan repayments and interest income, and an appropriate loan participation agreement shall be executed between the

lenders designating the shares of the parties, outlining the various rights and responsibilities of the parties, providing for the servicing/collecting of the indebtedness, providing for the payment of any fees and reimbursement of any expenses of the servicing party, and containing the usual and customary provisions of such agreements.

B. Allocation of Amount for Loan Awards. Following the appropriation of funds for each fiscal year, the Board of Directors of LEDC shall allocate, and may revise from time to time, the amount of such funds available for Economic Development Loan Awards.

1. Regarding the amount of such loan awards, matching funds shall be a consideration, and:

a. the portion of the total project costs financed by the loan award may not exceed:

i. 90 percent for projects located in parishes with per capita personal income below the median for all parishes; or

ii. 75 percent for projects in parishes with unemployment rates above the statewide average; or

iii. 50 percent for all other projects.

b. Other state funds cannot be used as the match for EDLOP funds.

c. All monitoring will be done by the staff of LED or LEDC and/or their regional representatives. Expenditures for monitoring or fiscal agents may be deducted from such loan awards, at the discretion of the LEDC Board, considering the recommendation of the secretary and/or the staff of the LED or the LEDC as to such deductions.

d. The loan award amount shall not exceed 25 percent of the total funds allocated to the loan awards program during a fiscal year, unless the project creates in excess of 200 jobs, or creates an annual payroll in excess of $3.1 million.

e. The LEDC Board of Directors, in its discretion, considering the recommendation of the secretary and/or the staff of the LED or the LEDC as to the limitation of the amount of such loan awards, may limit the amount of loan awards to effect the best allocation of resources based upon the number of projects requiring funding and the availability of program funds.

2. Resources shall be allocated by the Board of Directors of LEDC, in its discretion, considering the recommendations of the secretary and/or the staff of LED or LEDC, in order to effect the best allocation of resources, based upon the number of projects anticipated to require similar funding and the availability of program funds.

C. Conditions for Disbursement of Funds

1. Loan award funds will be available and funded to the borrower pursuant to the loan award agreement following submission of all signed required documentation to LED or LEDC from the company or business enterprise.

2. Program Funding Source

a. If the program is funded through the state's general appropriations bill, only funds spent on the project after the approval of the LEDC Board of Directors will be considered eligible for such loan awards.

b. If the program is funded through a capital outlay bill, eligible expenses cannot be incurred until a cooperative endeavor agreement or loan award agreement (contract) has been agreed upon, signed and executed.

3. Loan award funds will not be available for disbursement until:

a. LED or LEDC receives signed commitments by the project's other financing sources (public and private);

b. LED or LEDC receives signed confirmation that all required technical studies or other analyses (e.g., environmental or engineering studies), and licenses or permits needed prior to the start of the project have been completed, issued and/or obtained, in the event that such are required in connection with the project; and

c. all other closing conditions specified in the loan award agreement have been satisfied.

4. Awardees will be eligible for the advancement of loan funds on an as needed basis, with requests for such funds supplemented with invoices or appropriate documentation showing the use of the funds, after all or substantially all of the conditions required by the loan award agreement have been met, performed or completed. After the awardee has met all such conditions, or performed or completed or substantially performed or substantially completed the conditions required by the loan award agreement, the loan amount may be disbursed to the borrower as provided in the paragraphs below after the staff of LED or LEDC or its designee has determined, or, if deemed to be appropriate by the staff, inspects the project, circumstances or documentation to assure that all or substantially all of the conditions required by the loan award agreement have been met, performed or completed. Such conditions shall be considered substantially met, substantially performed or substantially completed when LED or LEDC has determined, in its discretion, that the benefits to the state or results anticipated or expected as a result of the conditions to be performed have been achieved, even though 100 percent of all stated conditions of the loan award agreement may not have been fully met or achieved.

5. After the conditions required by the loan award agreement have been met or satisfactorily performed or completed as provided above, and in the event the award is intended to fund one or more purchases, all award funds (100 percent) needed to fund the purchase shall be available for disbursement or reimbursement following the completion of each of the respective purchases and appropriate inspections of the project by LED staff, or following the receipt and LED staff approval of appropriate invoices or sales describing the items or improvements purchased.

6. After the conditions required by the loan award agreement have been met or satisfactorily performed or completed as provided above, awardees will be eligible for disbursement or reimbursement of other award funds for the performance of tasks, work or construction projects at 90 percent of the amount requested until all or substantially all of the tasks or work required by the award agreement have been performed or completed. After the awardee has performed or completed or substantially performed or substantially completed the tasks or work required by the award agreement, the final 10 percent of the award amount will be paid after LED or LEDC staff or its designee inspects the project to assure that all or substantially all of the tasks or work required by the award agreement have been performed or completed. Such tasks or work shall be

considered substantially performed or substantially completed when LED or LEDC has determined that the benefits to the state anticipated or expected as a result of the project, tasks or work performed have been achieved, even though 100 percent of all stated objectives of the award agreement may not have been fully achieved.

D. Withdrawal of Loan Award Funds. The borrower must make the first draw of funds on the loan award within six months from the effective date of the loan award agreement (the effective date being the date the loan award was approved by the LEDC Board); otherwise the borrower shall be required to appear before the LEDC Board to explain the delay in the project; and should no funds be drawn within an additional three months from the effective date of the loan award agreement, the borrower shall again be required to appear before the LEDC Board to explain the delay in the project, and the LEDC Board shall have the option and right to reconsider this loan award, and may either withdraw the loan award or grant an extension of time to the borrower. In the event the borrower does not draw any of the loan award funds within the additional time extended to it, the LEDC Board, in its discretion, may withdraw the loan award.

E. Compliance Requirements

1. Companies shall be required to submit to LED or to LEDC periodic progress reports, describing the progress toward the achievement of performance objectives and requirements specified in the loan award agreement. Progress reports shall include a review and certification by the company of its timely promissory note payments, and a review and certification of the company's hiring records and the extent of the company's compliance with contract employment commitments, including number of jobs created and/or retained, and the compensation or payroll levels achieved and maintained. Copies of the company's Louisiana Department of Labor (LDOL) ES-4 Forms ("Quarterly Report of Wages Paid") filed by the company may be required to be submitted with periodic progress reports or as otherwise requested by LED or LEDC to support the company's reported progress toward the achievement of performance objectives, employment and compensation or payroll level requirements. Further, LED or LEDC staff shall oversee the timely submission of reporting requirements by the company.

2. Loan Award Agreements will contain "clawback" or refund provisions to protect the state in the event of a default. In the event a company fails to timely start or to proceed with and/or complete its project, or fails to timely meet its note or installment payment obligations, its performance objectives and/or any employment requirements, including but not limited to the retention or creation of the number of jobs or the reaching or maintaining of compensation or payroll levels within the time and for the term agreed, as specified in its agreement with LED and LEDC, any such acts, omissions or failures shall constitute a default under the award agreement, promissory note, security instrument or agreement, lease or other document or agreement entered into in connection with the loan award, and LED and LEDC shall retain all rights to withhold loan award funds, modify the terms and conditions of the loan award, to reclaim the unpaid balance of all disbursed loan funds from the company and/or foreclose on its security interest, or in its discretion to reclaim only a portion of the disbursed loan funds in an amount commensurate with the scope of the unmet performance objectives and/or requirements and the foregone benefits to the state. In the last instance, reclamation shall not begin unless LED or LEDC has determined, after an analysis of the benefits of the project to the state and the unmet performance objectives and/or requirements, that the state has not satisfactorily or adequately recouped its costs through the benefits provided by the project.

3. In the event an applicant or company knowingly files a false statement in its application or in a progress report or other filing, the company and/or its representatives may be guilty of the offense of filing false public records, and may be subject to the penalty provided for in R.S. 14:133. In the event an applicant, company or party to an award agreement is reasonably believed to have filed a false statement in its application, a progress report or any other filing, LED and/or LEDC shall notify the District Attorney of East Baton Rouge Parish, Louisiana, and may also notify any other appropriate law enforcement personnel, so that an appropriate investigation may be undertaken with respect to the false statement and the application of state funds to the project.

4. LED and LEDC shall retain the right to require and/or conduct, at any time and from time to time, full financial and performance audits of a company and its project, including all relevant accounts, records and documents of the company and/or the guarantor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 31:909 (April 2005), amended LR 35:

§147. Conflicts of Interest

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2302, 51:2312, and 51:2341.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Louisiana Economic Development Corporation, LR 31:912 (April 2005), repealed LR 35:

Family Impact Statement

This proposed Rule 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. There should be no known or foreseeable effect on: the stability of the family; the authority and rights of parents regarding the education and supervision of their children; the functioning of the family; on family earnings and family budget; the behavior and responsibility of children; or the ability of the family or a local government to perform the function as contained in the proposed Rule.

Interested persons may submit written comments to: Robert L. Cangelosi, Deputy General Counsel, Legal Division, Louisiana Department of Economic Development, P.O. Box 94185, Baton Rouge, LA 70804-9185; or physically delivered to Capitol Annex Building, Second Floor, Room 229, 1051 North Third Street, Baton Rouge,

LA, 70802. All comments must be submitted (mailed and received) not later than 5 p.m., on Tuesday, February 24, 2009.

Stephen M. Moret
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Economic Development Award Program (EDAP) and Economic Development Loan Program (EDLOP)

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no implementation costs or savings to state or local governments from these proposed rule changes. The proposed rule includes added, revised and updated definitions and other provisions, and includes some technical changes to make the rules consistent with current statutes and practices, and for clarification of the meaning and intent of the provisions.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no expected impact or effect on revenue collections of state or local governmental units from the proposed rule changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated additional costs to directly affected persons or non-governmental groups from the proposed rule changes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated costs effects on competition or employment from the proposed rule changes.

Robert L. Cangelosi	Robert E. Hosse
Deputy General Counsel	Staff Director
0902#082	Legislative Fiscal Office

NOTICE OF INTENT

Department of Economic Development
Office of the Secretary

Governor's Economic Development Rapid Response Program (LAC 13:V.Chapter 2)

The Louisiana Department of Economic Development, Office of the Secretary, pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and as authorized by R.S. 36:104 and 36:108, hereby gives notice of its intent to amend, supplement and re-adopt LAC 13:V.Chapter 2, the rules of the Governor's Economic Development Rapid Response Program.

The Department of Economic Development, Office of the Secretary, has found a need to amend, supplement and re-adopt the rules regulating of the governor's Economic Development Rapid Response Program to revise and update some of the definitions and other provisions of this program which promotes economic development in this state by helping to provide opportunities for immediate funding of all or a portion of economic development projects in order to successfully secure the creation or retention of jobs by a business entity in Louisiana under such circumstances as may be determined appropriate by the Secretary of Economic Development and the governor of Louisiana. Without the revisions and re-adoption of these rules the state may suffer the loss of business investment and economic development projects creating and/or retaining jobs that would improve the standard of living and enrich the quality of life for citizens of this state.

Title 13
ECONOMIC DEVELOPMENT
Part V. Office of the Secretary
Chapter 2. Governor's Economic Development Rapid Response Program

§201. Purpose

A. The Secretary of the Department of Economic Development and the governor of this state, on their own initiative, may offer an award of financial assistance to a business entity under circumstances they, in their discretion, determine to be appropriate; and they may in their discretion require the business entity to submit some or all of the information required of applicants under these rules, or they may invite a business entity to become an applicant to request an award of financial assistance subject to the rules of this program.

B. The purpose of this program is to provide an application, review and approval process for applicants to seek state financial assistance for immediate funding of all or a portion of economic development projects in order to successfully secure the creation and/or retention of jobs by a business entity in Louisiana under such circumstances as may be determined appropriate by the Secretary of Economic Development and the governor of Louisiana, in their discretion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 36:108.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 31:420 (February 2005), amended LR 35:

§203. Definitions

A. The following definitions shall be applicable to this program.

Applicant—the company or business entity, that pursuant to applicable Louisiana law, is duly authorized to do business in Louisiana and is in good standing as certified by the office of the Louisiana Secretary of State and/or any public entity requesting financial assistance from the state under this program that represents the set of circumstances through which funding may be applicable under these rules.

Award—funding of financial assistance, which may include a performance-based grant, loan, and/or loan guaranty, for eligible applicants under this program.

Award Agreement—the agreement or contract hereinafter referred to between the company and/or the public entity, and LED through which, by cooperative endeavor agreement, loan guaranty agreement, or otherwise, the parties set forth the amount of the grant, loan or loan guaranty award, the terms, conditions and performance objectives of the award provided pursuant to these rules.

Company—a company or other business entity, duly authorized to do business in Louisiana and in good standing as certified by the Louisiana Secretary of State, that pursuant to these rules may be eligible to seek the funding of a project under this program.

Default—the failure to perform a task, to fulfill an obligation, or to do what is required; the failure to create new jobs or the number of new jobs as agreed, to employ or to retain the employment of the number of employees as agreed, or to maintain the compensation or payroll levels as agreed; the failure to pay or to repay the loan or interest due thereon as agreed; or the failure to meet a financial obligation.

Department—the Louisiana Department of Economic Development.

Economic Development Project—the undertaking for which an award is granted, under the circumstances presented, that provides the opportunity for immediate funding of a project or portion of a project that will serve to finalize the commitment of a business entity for the creation and/or retention of jobs in Louisiana.

Jobs—refers to permanent full-time jobs, being direct jobs which are not contract jobs, that are permanent and not temporary in nature, requiring employees to work an average of 30 or more hours per week. Also includes the term *permanent full-time equivalent jobs*.

LED—the Louisiana Department of Economic Development.

Program—the Governor's Economic Development Rapid Response Program that is undertaken and administered, overseen or supervised by LED, pursuant to these rules and an award agreement with the applicant after becoming an award recipient that serves the purposes of obtaining or retaining an Economic Development Project.

Project—economic activity that, in whole or in part, as determined appropriate by the Secretary of Economic Development and the governor of Louisiana, will result in the creation and/or retention of jobs and for which assistance is requested under this program as a decisive influence in the decision of an entity to locate in Louisiana, maintain or expand its Louisiana operations, or increase its capital investment in Louisiana in such a manner that will create and/or retain jobs.

Public Entity—the public or quasi-public entity that:

a. pursuant to these rules, may be eligible to seek funding, through a grant, a loan or a loan guaranty, for a project; or

b. that may, with a company, apply for funding through a grant, a loan or a loan guaranty pursuant to these rules; or

c. that, pursuant to the request of LED, may be responsible for engaging in the award agreement and thereby responsible for the performance and oversight of the project and for supervising with LED the company's compliance with the terms, conditions and performance objectives of the award agreement.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 36:108.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 31:420 (February 2005), amended LR 35:

§205. General Principles

A. The following general principles will direct the administration of the Governor's Economic Development Rapid Response Program.

1. Awards are not to be construed as an entitlement for companies locating or located in Louisiana, and the secretary and governor have the sole discretion to determine whether or not each particular business entity or application meets the criteria for the award as provided herein, and in all such circumstances, the exercise of that discretion shall be deemed to be a final determination of a company's award status.

2. The economic benefit of the award to the state must equal or exceed the value of the award to the recipient.

3. The immediate nature of the award, and the competitive circumstances, as well as the need for and the immediate use of the funds through a grant, loan or loan guaranty pursuant to the award must reasonably be expected to be a significant factor in a company's location, investment, retention and/or expansion decisions.

4. The award agreements entered into pursuant to this program shall reflect a commitment by the recipient of the award for the creation and/or retention of jobs, their compensation or payroll levels, and other economic consequences as represented in the application for the award, and shall include such provisions as will protect the state's investment in the award in the event that the recipient of the award fails to meet its representations.

5. The state anticipates negotiating with each company seeking an award based on the individual merits of each project, with the goal of seeking the best return on investment for the state's citizens over the longest possible period of time.

6. Awards shall be administered or overseen by or under the supervision of the LED.

7. Contracts for awards will contain "clawback" (or refund) provisions to protect the state in the event of a default. In the event a company or public entity fails to timely start or to proceed with and/or complete its project, or fails to timely meet its performance objectives and/or any employment requirements, including but not limited to the retention or creation of the number of jobs or the reaching or maintaining of compensation or payroll levels within the time and for the term agreed, as specified in its award agreement with LED, any such acts, omissions or failures shall constitute a *default* under the award agreement, and LED shall retain all rights to withhold award funds, modify the terms and conditions of the award, and to reclaim disbursed funds from the company and/or public entity in an amount commensurate with the scope of the unmet performance objectives and the foregone benefits to the state. Reclamation shall not begin unless LED has determined, after an analysis of the benefits of the project to the state and the unmet performance objectives, that the state has not satisfactorily or adequately recouped its costs through the benefits provided by the project.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 36:108.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 31:421 (February 2005), amended LR 35:

§207. Eligibility

A. An eligible application for the award must meet the eligibility requirements set forth in this section, the general principles set forth in §205 above and the criteria set forth in §209 below.

B. A company shall be considered ineligible for this program if it has pending or outstanding claims or liabilities relative to failure or inability to pay its obligations, including state or federal taxes, a bankruptcy proceeding, or if it has pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit, or if the company has or has had another contract with LED in which the company is in default and/or is not in compliance.

C.1. Businesses not eligible for awards under this program are:

a. retail businesses, enterprises and/or operations;

b. real estate businesses, enterprises, operations and/or developments;

c. lodging or hospitality businesses, enterprises and/or operations;

d. assisted living businesses, enterprises or operations, retirement communities, or nursing homes; or

e. gaming or gambling businesses, enterprises and/or operations.

2. This provision shall not apply, however, to wholesale, storage warehouse or distribution centers; catalog sales or mail-order centers; home-office headquarters or administrative office buildings; even though such facilities are related to the above business enterprises, provided that retail sales, hospitality services, assisted living, retirement or nursing home services, and gaming activities are not provided directly and personally to individuals in any such facilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 36:108.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 31:421 (February 2005), amended LR 35:

§209. Criteria

A. These rules seek to maximize both the economic development from a particular award pursuant to this program and to more efficiently utilize taxpayer money in pursuing the goals of economic development.

B. Among the factors that may be taken into account in the review of award requests are the following:

1. actual local governmental commitment to the project (including the sharing of responsibility for the company's compliance with the terms and conditions of the award);

2. availability of other federal, state, local or private funding programs for the project;

3. jobs created, jobs retained, compensation or payroll levels, company investment prior to the request for the project, and company commitment to match funds that will equal or exceed the amount of the award grant, loan or loan guaranty;

4. company membership in and utilization of cooperative organizations for industry best practices and improvement;

5. evaluation of overall industry performance in the context of the goals of *Louisiana: Vision 2020*;

6. compelling evidence that the award, if approved, will retain and/or create jobs; that the award, when committed and implemented, needs immediate funding; and the immediate funding is the final necessary commitment to secure the project;

7. the period of time that the company will commit to maintain its new and/or retained jobs and their compensation or payroll levels; and

8. the terms of the "clawback" (or refund) provisions, in the event of a default.

C. Representation as to the applicant's need for the funds, as well as the ability to put the funds to use after the award is granted will also be an important consideration in the grading of a particular application. Entry into a contractual agreement and the use of the funds within a specified period after the award is granted will be a factor in the secretary's or the department's recommendations to the governor as to the terms and conditions for the award.

D. The department will pursue a policy of negotiation of the award with the award applicant in order to assure that only necessary funds that are supported by evidence of need, availability and use, as well as commitment to, and likely success of the project, will arise from the final approval of the project in accordance with secretary and/or departmental recommendations upon which the award is conditioned and administered by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 36:108.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 31:421 (February 2005), amended LR 35:

§211. Application Procedure

A. The applicant(s) must submit to LED an application, which may be in letter form or in a more formal application format, which shall contain, but not be limited to, the following:

1. an overview of the company, its history, and the business climate in which it operates, including audited or certified financial statements and business projections;

2. preliminary or final construction, operation or other plans and a timetable for the project, including the time period for which the rapid response funding is necessary;

3. evidence as to the need for immediate funding;

4. a detailed description of the anticipated or proposed use or expenditure of the funds sought for the project;

5. evidence of the number, types and compensation or payroll levels of the jobs to be created and/or retained which will be filled with employees by the company in connection with the project, and the amount of capital investment to be made for the project;

6 details of the health insurance coverage that is or will be offered to employees at all levels of the company;

7. the period of time for which the company will commit to maintain the newly created and/or retained jobs and their compensation or payroll levels;

8 the application must demonstrate adherence to and overall consistency with the general principles and criteria set forth above; and

9. the application is to set forth facts and representations that in addition to those required by Paragraphs A.1.-A.8. above, fulfill the general principles of §205, the eligibility requirements under §207, and meet the criteria set forth in §209 above, in order to qualify for an award under this program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 36:108.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 31:422 (February 2005), amended LR 35:

§213. Submission and Review Procedure

A. Applicants must submit their completed application to LED for review and evaluation. Submitted applications will be reviewed and evaluated by LED staff. Input may be required from the applicant, targeted industry directors, other staff of the Department of Economic Development and other state agencies as needed in order to evaluate the project in the context of these rules and with respect to the overall economic well-being of the state and local communities. LED may determine that advice of a third party may be appropriate to its analysis of the application and may undertake such a review as part of this procedure.

B. An economic cost-benefit analysis of the project, including an analysis of the direct and indirect net economic impact and fiscal benefits to the state and local communities will be prepared by LED and must establish that the award hereunder is in accordance with the requirements of Article VII, Section 14 of the Louisiana Constitution.

C. Upon determination that an application meets the general principles of §205, the eligibility requirements under §207, and meets the criteria set forth for this program under §209, LED staff will then make a recommendation to the secretary, who may accept or reject the staff's recommendation. The secretary may or may not, in his discretion, then make his own recommendation to the governor, which may or may not follow the recommendation of the staff. The application will then be reviewed and approved or rejected by the governor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 36:108.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 31:422 (February 2005), amended LR 35:

§215. General Award Provisions

A. In the event the secretary and the governor determine, in their discretion, that the award would be appropriate, an award agreement resulting from the expedited procedures for the award shall demonstrate the intent and commitments of the company, the public entity, and LED to enter into an award agreement consistent with the Constitution and laws of the state of Louisiana and with these rules.

1. An award agreement will be executed between LED and the award recipient, and may include as a party the public entity through which the funding is to be administered. The award agreement will specify the amount of the grant or loan award or loan guaranty, the terms and conditions of the award, the performance objectives expected of the company and/or the public entity, and the compliance requirements to be enforced in exchange for state financial assistance, including, but not limited to, the company's commitments and time lines as to the number of jobs to be created and/or retained and their compensation and payroll levels, and commitments and time lines for investment. Under the agreement, the public entity or LED will oversee the progress of the project. LED will disburse funds to the public entity and/or company in a manner determined by LED, and there shall be appropriate securitization of the award in a manner consistent with normal commercial practices.

2. Eligible project costs may include an advance of funds to provide the necessary commitment that will, in the opinion of the secretary, or LED and the governor, provide for the project and may include matters that in whole or in part provide for engineering and architectural expenses; costs associated with site, building and/or office space acquisition and/or leasing; site preparation costs; construction expenses; building materials; office expenses including furniture, fixtures, computers, consumables, transportation equipment, rolling stock or equipment; relocation or moving expenses; real estate fees, commissions, compensation or associated costs; training expenses, including pre-employment training, assessments, classroom training, on-the-job training, and other justifiable training expenses; and any other justifiable costs. Commitment to funding of these costs may be made, provided that the entity receiving these funds shall comply with the public bid laws to the extent that such laws are applicable.

3. Project costs ineligible for award funds include, but are not limited to, matters such as the refinancing of existing debt, public or private, and expenses already approved for funding through the General Appropriations Bill, or for cash approved through the Capital Outlay Bill, or approved for funding through the state's capital outlay process for which the Division of Administration and the Bond Commission have already approved a line of credit and the sale of bonds.

4. The secretary, or LED and/or the governor, may limit the amount of awards under this program to effect the best allocation of resources based upon the number of projects requiring funding and the availability of program funds.

5. Award funds will be available to the public entity and/or company on an as-needed reimbursement basis following submission to LED of required documentation (cost reports, and any supporting documentation, if requested by LED) as set forth in the award agreement between the parties.

6. Award funds will not be available for disbursement until:

a. the LED and the award recipient(s) have entered into an award agreement that is in fulfillment of these rules and is in accordance with the representations made by the applicant(s) for the award; and

b. confirmation is received that all closing conditions specified in the award agreement and any other necessary preconditions to the funding of the award or the implementation of the project have been satisfied.

7. The award recipient shall be required to submit progress reports, describing the progress toward the performance objectives specified in the award agreement. Progress reports shall include a review and certification of the company's hiring records and the extent of the company's compliance with contract employment commitments, including number of jobs created and/or retained, and the compensation or payroll levels achieved and maintained. Copies of the company's Louisiana Department of Labor

(LDOL) ES-4 Forms ("Quarterly Report of Wages Paid") filed by the company may be required to be submitted with periodic progress reports, cost reports, or as otherwise requested by LED to support the company's reported progress toward the achievement of performance objectives, employment and compensation or payroll level requirements. Further, either LED or the public entity (if a party to the award agreement) shall oversee the timely submission of reporting requirements of the company to LED.

8. In the event a party to the award agreement fails to meet its performance objectives as specified in its award agreement with LED, LED shall retain the rights to withhold award funds, modify the terms and conditions of the award, and to reclaim disbursed funds from the company and/or public entity in an amount commensurate with the scope of the unmet performance objectives and the foregone benefits to the state or as may be otherwise provided by the award agreement between the parties.

9. In the event an applicant or other person is reasonably believed to have filed a false statement in its application or in a progress report or other filing, the LED shall immediately notify the District Attorney of the Parish of East Baton Rouge and may also notify any other appropriate law enforcement personnel so that an investigation may be undertaken with respect to the application of state funds to the project.

10. LED shall retain the right to require and/or conduct financial and performance audits of a company, the public entity and/or project, including all relevant records, accounts and documents of the company and the public entity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104 and 36:108.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of the Secretary, LR 31:422 (February 2005), amended LR 35:

Family Impact Statement

This proposed Rule 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. There should be no known or foreseeable effect on: the stability of the family; the authority and rights of parents regarding the education and supervision of their children; the functioning of the family; on family earnings and family budget; the behavior and responsibility of children; or the ability of the family or a local government to perform the function as contained in the proposed Rule.

Interested persons may submit written comments to: Robert L. Cangelosi, Deputy General Counsel, Legal Division, Louisiana Department of Economic Development, P.O. Box 94185, Baton Rouge, LA 70804-9185; or physically delivered to Capitol Annex Building, Second Floor, Room 229, 1051 North Third Street, Baton Rouge, LA, 70802. All comments must be submitted (mailed and received) not later than 5 pm, on Tuesday, February 24, 2009.

Stephen M. Moret
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Governor's Economic Development Rapid Response Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no implementation costs or savings to state or local governments from these proposed rule changes. The proposed rule includes added, revised and updated definitions and other provisions, and includes some technical changes to make the rules consistent with current statutes and practices, and for clarification of the meaning and intent of the provisions.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no expected impact or effect on revenue collections of state or local governmental units from the proposed rule changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated additional costs to directly affected persons or non-governmental groups from the proposed rule changes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated costs effects on competition or employment from the proposed rule changes.

Robert L.Cangelosi
Deputy General Counsel
0901#080

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Economic Development
Office of the Secretary
Office of Business Development
and
Louisiana Economic Development Corporation

Workforce Development and Training Program
(LAC 13:III.Chapter 3)

The Department of Economic Development, the Office of the Secretary, the Office of Business Development, and the Louisiana Economic Development Corporation, pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and as authorized by R.S. 51:2331 et seq., 36:104, 36:108 and 51:2312, hereby give notice of their intent to amend, supplement and re-adopt LAC 13:III.Chapter 3, being the rules of the Workforce Development and Training Program.

The Department of Economic Development, the Office of the Secretary, the Office of Business Development, and the Louisiana Economic Development Corporation, have found a need to amend, supplement and re-adopt the rules for the regulation of the Workforce Development and Training Program in order to add, revise and update some definitions and other provisions of the rules for this program which promotes economic development in this state by helping to

provide funding for training for new and existing employees and thereby secure the creation and/or retention of jobs by businesses located in this state. Without the revisions and re-adoption of these rules the state may suffer the loss of business investment and economic development projects which would create and/or retain jobs that would improve the standard of living and enrich the quality of life for citizens of this state.

Title 13
ECONOMIC DEVELOPMENT
Part III. Financial Assistance Programs
Chapter 3. Workforce Development and Training Program

§301. Preamble and Purpose

A. Workforce Development and Training is vital to support the state's commitment to Targeted Industry Based Economic Development, and the state's long-term goals as set forth in Louisiana: Vision 2020, which is the Master Plan for Economic Development for the state of Louisiana.

B. The purpose of the program is to provide a source of funding in order to enable the development of and provide customized workforce training programs for existing and prospective employees of existing and prospective Louisiana businesses as a means of improving the competitiveness and productivity of Louisiana's workforce and business community; and to assist Louisiana businesses in promoting employment stability.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2312, and 51:2331 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:43 (January 1997), amended by the Department of Economic Development, Office of the Secretary, LR 23:1641 (December 1997), LR 25:243 (February 1999), LR 25:405, LR 25:1664 (September 1999), LR 26:241 (February 2000), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1064 (July 2003), LR 35:

§303. Definitions

Applicant—the business entity or company authorized to do business in Louisiana requesting a training award from LED and LEDC under this program.

Award—funding of financial assistance, including performance-based grants, approved under this program for eligible training activities.

Award Agreement—that agreement or contract hereinafter referred to between the company, LED and LEDC through which, by cooperative endeavor agreement or otherwise, the parties set forth the amount of the award, the terms, conditions and performance objectives of the award provided pursuant to these rules.

Company—the business enterprise undertaking the workforce training project, and the successful applicant receiving or granted an award under this program.

Contract—a legally enforceable Award Agreement between LED, LEDC and the successful applicant or company governing the terms and the conditions of the training award.

Employee—a Louisiana resident hired by a company for permanent full-time employment.

Jobs—refers to *permanent full-time jobs*, direct jobs which are not contract jobs, that are permanent and not temporary in nature, requiring employees to work an average of 30 or more hours per week. This term also includes the term *permanent full-time equivalent jobs*.

LED—the Louisiana Department of Economic Development.

LEDC—the Louisiana Economic Development Corporation.

LEDC Board—the Board of Directors of the Louisiana Economic Development Corporation.

Net Benefit Return to the State—the determination of whether or not the value to the state is equal to or exceeds the amount of the award to the company.

Percentage of Achieved Performance Objectives as Provided in the Contract—an average of that portion achieved by the company of the permanent full-time jobs created or upgraded, and that portion achieved by the company of the annual salary levels to be reached, as provided in the contract. The two portions are to be added together, and the total figure is then divided by two, in order to yield the average percentage.

Permanent Full-Time Jobs—refers to direct jobs which are not contract jobs, that are permanent and not temporary in nature, requiring employees to work an average of 30 or more hours per week. This term also includes the term *permanent full-time equivalent jobs*.

Preference—the discretionary granting of an advantage or priority to one applicant or application over others; allows extra consideration to be given to one applicant or application over others, with regard to the availability of funding.

Program—the Workforce Development and Training Program.

Project—the workforce training endeavor that will enhance the qualifications and productivity of a company's workforce, its employees and prospective employees, for which LED and LEDC assistance is requested under this program as an incentive to influence a company's decision to locate, maintain or expand its operations in Louisiana, to increase its capital investment in Louisiana, to locate a facility in this atate, and/or to employ residents of this state.

Secretary—the Secretary of the Louisiana Department of Economic Development, who is, by law, also the President of the Louisiana Economic Development Corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2312, and 51:2331 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:43 (January, 1997), amended by the Department of Economic Development, Office of the Secretary, LR 23:1641 (December 1997), LR 25:243 (February 1999), LR 25:405, LR 25:1664 (September 1999), LR 26:241 (February 2000), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1065 (July 2003), amended by the Department of Economic Development, Office of Business Development, and Louisiana Economic Development Corporation, LR 33:44 (January 2007), LR 35:

§305. General Principles

A. The following general principles will direct the administration of the Workforce Development and Training Program:

1. LEDC shall serve as the single review board for this Workforce Development and Training Program which is to be administered by LED;

2. training awards are not to be construed as an entitlement for companies located or locating in Louisiana; and such awards shall be subject to the discretion of the LEDC Board;

3. awards must reasonably be expected to be a significant factor in a company's location, investment, expansion and/or training decisions;

4. awards must reasonably be demonstrated to result in the enhanced economic well-being of the state and local communities;

5. the anticipated economic benefits to the state will be considered as a requirement in making the award;

6. awards will be coordinated with the existing plans and programs of other government agencies whenever appropriate;

7. a train-the-trainer approach will be adopted whenever appropriate in order to strengthen the institutional capacity of public and private sector training providers; and

8. award funds shall be utilized for the approved training project only.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2312, and 51:2331 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:44 (January 1997), amended by the Department of Economic Development, Office of the Secretary, LR 23:1641 (December 1997), LR 25:242 (February 1999), LR 25:1665 (September 1999), LR 26:242 (February 2000), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1065 (July 2003), LR 35:

§307. Program Descriptions

A. This program provides two types of training assistance for companies seeking prospective employees who possess sufficient skills to perform the jobs to be created by the companies. The training to be funded can include:

1. pre-employment training for which prospective employees are identified and recruited for training with the knowledge that the company will hire a portion of the trainees;

2. on-the-job (and/or upgrade) training for employees that is needed to bring the employees up to a minimum skill and/or productivity level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2312, and 51:2331 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:44 (January 1997), amended by the Department of Economic Development, Office of the Secretary, LR 23:1642 (December 1997), LR 25:242 (February 1999), LR 25:1665 (September 1999), LR 26:242 (February 2000), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1065 (July 2003), LR 35:

§309. Eligibility

A. An eligible applicant is a company authorized to do business in Louisiana and an employer that seeks customized training services to provide training in a particular industry.

B. The following types of businesses are not eligible for the award of workforce development funds: retail businesses, enterprises and/or operations; real estate businesses, enterprises, operations and/or developments; trucking companies, businesses or enterprises; lodging or hospitality businesses or enterprises; assisted living businesses or enterprises, retirement communities, or nursing homes; and gaming or gambling businesses or enterprises.

C. Employees to be trained must be residents of Louisiana and employed in Louisiana, except for projects locating at Stennis Space Center in Mississippi. Employees to be trained under this program for projects at Stennis Space Center must be Louisiana residents.

D. A company shall be considered ineligible for this program if it has pending or outstanding claims or liabilities relative to its failure or inability to pay its obligations; including state or federal taxes, or bankruptcy proceedings, or if it has pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit, or if the company has a previous contract with the Department of Economic Development or LEDC in which the company is in default and/or is not in compliance.

E. A company must be in full compliance with all state and federal laws.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2312, and 51:2331 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:44 (January 1997), amended by the Department of Economic Development, Office of the Secretary, LR 23:1642 (December 1997), LR 25:243 (February 1999), LR 25:1665 (September 1999), LR 26:242 (February 2000), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1066 (July 2003), LR 35:

§311. Criteria

A. General (These apply to all training programs administered under these rules.)

1. Preference may be given to applicants in industries identified by the state as targeted industries or as industries located in targeted areas, and to applicants locating in areas of the state with high unemployment levels.

2. Employer(s) must be in full compliance with Louisiana unemployment insurance laws.

3. If a company does not begin the project within 180 days after application approval, the LEDC, upon the recommendation of LED staff or the Secretary of LED, may cancel funding of the training project, or may require reapplication.

4. The number of jobs to be retained and/or created as stated in the application will be adhered to and will be made an integral part of the award agreement.

B. Pre-Employment, Upgrade and On-the-Job Training

1. Applicants must initially create in this state at least 10 net new permanent full-time jobs, unless upgrade training is involved. Upgrade training must be provided to a minimum of 10 existing permanent full-time employees.

2. Participation in pre-employment training does not guarantee students a job upon completion of their training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2312, and 51:2331 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:45 (January 1997), amended by the Department of Economic Development, Office of the Secretary, LR 23:1642 (December 1997), LR 25:243 (February 1999), LR 25:1666 (September 1999), LR 26:242 (February 2000), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1066 (July 2003), amended by the Department of Economic Development, Office of the Secretary,

Office of Business Development, and Louisiana Economic Development Corporation, LR 33:44 (January 2007), LR 35:

§313. Application Procedure

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

1. an overview of the company, its history, and the business climate in which it operates;

2. the company's overall training plan, including a summary of the types and amounts of training to be provided and a description of how the company determined its need for training;

3. the specific training programs for which LED and LEDC assistance is requested, including descriptions of the methods, providers and costs of the proposed training;

4. a fully developed business plan, with financial statements and projections; and

5. any additional information either LED or LEDC may require.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2312, and 51:2331 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:45 (January 1997), amended by the Department of Economic Development, Office of the Secretary, LR 23:1642 (December 1997), LR 25:243 (February 1999), LR 25:1666 (September 1999), LR 26:242 (February 2000), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1066 (July 2003), LR 35:

§315. Submission and Review Procedure

A. Applicants must submit their completed application to LED for review and evaluation. Submitted applications will be reviewed and evaluated by LED staff. Input may be required from the applicant, other divisions of the Department of Economic Development, LEDC, and/or other state agencies as needed, in order to:

1. evaluate the importance of the proposed training to the economic well-being of the state and local communities;

2. identify the availability of existing training programs which could be adapted to meet the employer's needs;

3. verify that the business will continue to operate during the period of the contract; and/or

4. determine if the employer's training plan is cost effective.

B. An economic cost-benefit analysis tailored to the applicant's request shall be conducted by LED to determine the net benefit to the state and/or local community of the proposed training award. The accomplishment of the net benefit return to the state shall not exceed two years.

C. Upon determination that an application meets the general principles, eligibility requirements, and criteria for this program, LED staff will then make a recommendation to the LEDC Board; and the LEDC Board will then review and either approve or reject the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2312, and 51:2331 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:45 (January 1997), amended by the Department of Economic Development, Office of the Secretary, LR 23:1643 (December 1997), LR 25:243 (February 1999), LR 25:1666 (September 1999), LR 26:243 (February 2000), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1066 (July 2003), LR 35:

§317. General Award Provisions

A. Award Agreement

1. A written award agreement, contract or cooperative endeavor agreement will be executed between LEDC, acting through the LED, and the successful applicant or company. The award agreement will specify the amount of the award, the terms and conditions of the award, the performance objectives expected of the company and the compliance requirements to be enforced in exchange for state assistance, including, but not limited to, the time required for job training, job creation and/or retention, and the achievement of employee salary levels to be reached by the company.

2. LED will oversee the progress of the company's training and will disburse funds to the company on an as needed reimbursement basis as provided by the award agreement, based on cost reports certifying the amount expended by the company for the training of employees for which reimbursement is sought, submitted by the company on a form provided by LED. LED may request the company at any time and from time to time to submit additional or supporting information.

3. Funds may be used for training programs extending up to and not exceeding a term of two years in duration.

4. Contracts issued under previous rules may be amended to reflect current regulations as of the date of the most recent change, upon the request of the company, the recommendation of LED, and the approval of LEDC.

B. Funding

1. The Louisiana Workforce Development and Training Program offers financial assistance in the form of a performance-based grant for reimbursement of eligible training costs specified in the award agreement.

2. Eligible training costs may include the following:

a. instruction costs—wages for company trainers and training coordinators, Louisiana public and/or private school tuition, contracts for vendor trainers, training seminars;

b. materials and supplies costs—training texts and manuals, audio/visual materials, raw materials for manufacturer's training purposes only and Computer Based Training (CBT) software; and

c. other justifiable costs—when necessary for training, such as facility and/or equipment rental.

3. Training costs ineligible for reimbursement include:

a. trainee wages and fringe benefits;

b. travel costs, including but not limited to travel for trainers, training coordinators and trainees;

c. non-consumable tangible property (e.g., equipment, calculators, furniture, classroom fixtures, non-Computer Based Training (CBT) software), unless owned by a public training provider;

d. out-of-state publicly supported schools;

e. employee handbooks;

f. scrap produced during training for resale;

g. food, refreshments; and

h. awards.

4. Training activities eligible for funding consist of:

a. industry-specific or company-specific skills—skills which are unique to a particular industry or to

a company's workplace, equipment and/or capital investment;

b. quality standards skills—skills which are intended to increase the quality of a company's products and/or services and ensure compliance with accepted international and industrial quality standards (e.g., ISO standards); and

c. other skills—skills pertaining to instructional methods and techniques used by trainers (e.g., train-the-trainer activities).

C. Conditions for Disbursement of Funds

1. Funds will be available on an as-needed reimbursement basis following submission to LED by the company of required documentation (Cost Reports, and any supporting documentation if requested by LED). Only funds spent on the project after LEDC's approval will be considered eligible for reimbursement. However, funds will not be available for reimbursement to the company until an award agreement, training agreement or contract between the company and LEDC has been finalized and executed.

2. A company will be eligible for reimbursement on a percentage of achieved performance objectives as provided in the award agreement or contract, until all or substantially all of its contracted performance objectives have been met. After the company has achieved all or substantially all of its contracted performance objectives, any remaining unpaid portion of the grant award will be made available for reimbursement. Performance objectives shall be considered substantially achieved when LED and LEDC have determined that the benefits to the state anticipated or expected as a result of the training project have been achieved, even though 100 percent of all stated objectives of the award agreement (or contract) may not have been fully achieved.

D. Compliance Requirements

1. In order to be paid or reimbursed as provided by the contract, the company shall be required to complete and submit to LED Cost Reports certifying the amount expended by the company for the training of employees for which reimbursement is sought, along with progress reports describing the company's progress toward the performance objectives specified in its contract with LEDC. Such progress reports shall include a review and certification of the company's hiring records (with copies of the company's quarterly LA. Dept. of Labor ES-4 Form filings to be attached), and the extent of the company's compliance with contract employment commitments. Further, LED shall oversee the timely submission of reporting requirements by the company.

2. The termination during the contract period of employees who have received program-funded training shall be for documented cause only, which shall include voluntary termination.

3. In the event a company fails to meet its performance objectives as specified in its contract, LEDC shall retain the right to withhold award funds, modify the terms and conditions of the award, and/or to reclaim disbursed funds from the company in an amount commensurate with the scope of the unmet performance objectives and the foregone benefits to the state, as determined by LED and on the recommendation of the secretary. Reclamation shall not begin unless LED has determined, with the concurrence of LEDC, after an analysis of the benefits to the state of the training project and the unmet performance objectives, that the state has not satisfactorily or adequately been compensated for its costs through the benefits provided by the training project.

4. In the event a company knowingly files a false statement in its application or in a progress report, the company may be guilty of the offense of filing false public records, and may be subject to the penalty provided for in R.S. 14:133.

A. LEDC shall retain the right, for itself, for the legislative auditor, for the Office of the Governor, Division of Administration, and for LED, to require and/or conduct financial and performance audits of a project, including all relevant records and documents of the company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2312, and 51:2331 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:46 (January 1997), amended by the Department of Economic Development, Office of the Secretary, LR 23:1643 (December 1997), LR 25:243 (February 1999), LR 25:1666 (September 1999), LR 26:243 (February 2000), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1067 (July 2003), LR 35:

§319. Contract Monitoring

A. All monitoring will be done by LED or by an independent contractor under contract with LED or LEDC. A portion of the fiscal year's appropriation, up to 5 percent or a maximum of $200,000, may be used by LED to fund administration or monitoring costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:104, 36:108, 51:2312, and 51:2331 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 23:46 (January 1997), amended by the Department of Economic Development, Office of the Secretary, LR 23:1643 (December 1997), LR 25:244 (February 1999), LR 25:1665 (September 1999), LR 26:244 (February 2000), amended by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1068 (July 2003), LR 35:

§321. Conflicts of Interest

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 and 2331 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Business Resources Division, LR 29:1068 (July 2003), repealed LR 35:

Family Impact Statement

This proposed Rule 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. There should be no known or foreseeable effect on: the stability of the family; the authority and rights of parents regarding the education and supervision of their children; the functioning of the family; on family earnings and family budget; the behavior and responsibility of children; or the ability of the family or a local government to perform the function as contained in the proposed Rule.

Interested persons may submit written comments to: Robert L. Cangelosi, Deputy General Counsel, Legal Division, Louisiana Department of Economic Development, P.O. Box 94185, Baton Rouge, LA 70804-9185; or physically delivered to: Capitol Annex Building, Second

Floor, Room 229, 1051 North Third Street, Baton Rouge, LA, 70802. All comments must be submitted (mailed and received) not later than 5 p.m., on Tuesday, February 24, 2009.

Stephen M. Moret
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Workforce Development and Training Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no implementation costs or savings to state or local governments from these proposed rule changes. The proposed rule includes added, revised and updated definitions and other provisions, and includes some technical changes to make the rules consistent with current statutes and practices, and for clarification of the meaning and intent of the provisions.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no expected impact or effect on revenue collections of state or local governmental units from the proposed rule changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated additional costs to directly affected persons or non-governmental groups from the proposed rule changes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated costs effects on competition or employment from the proposed rule changes.

Robert L. Cangelosi
Deputy General Counsel
0902#081

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 124—Supplemental Educational Services—SES Provider Responsibilities (LAC 28:CXXXV.115)

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 revisions to *Bulletin 124—Supplemental Educational Services*: §115, SES Provider Responsibilities. The proposed amendment incorporates ethics practices surrounding the employing of school district personnel and the provisions in which rewards/incentives can be given to students enrolled in Supplemental Education Services programs. In the past two years, many LEA's have been concerned with SES state-approved providers enticing students and parents to sign-up with their programs based upon a reward or incentive. A focus group of SES district coordinators and state-approved providers were convened to discuss this issue on May 22, 2008. At that time the focus group agreed upon language that would better address the ethical responsibility associated with providing incentives.

Title 28
EDUCATION
Part CXXXV. Bulletin 124—Supplemental Educational Services
Chapter 1. Supplemental Educational Services
§115. SES Provider Responsibilities

A. - A.3. …

4. Providers shall not employ or compensate district employees who currently serve the districts in the capacity of principal, assistant principal, or district SES coordinator in exchange for access to facilities or to obtain student lists. School personnel may be hired for instructional and/or coordination purposes only.

5. - 8. …

9. Providers shall offer enrolled students performance rewards with a maximum value of 5 percent of the school district's per pupil allocation (PPA) and 0.5 percent of the providers' total collected PPA to be used for a culminating activity during the contract year. The performance reward should be directly linked to documented meaningful attendance benchmarks and/or the completion of assessment and program objectives. These incentives shall not be advertised in advance of actual enrollment.

10. Providers shall adhere to and submit assurances for supplemental educational services annually.

B. - E. …

AUTHORITY NOTE: Promulgated in accordance with R.S.17.6(A)(10).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2047 (October 2007), amended LR 35:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Interested persons may submit written comments until 4:30 p.m., April 11, 2009, to Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Amy B. Westbrook, Ph.D.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 124—Supplemental Educational Services—SES Provider Responsibilities

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is no estimated cost (savings) to the state or local governmental units.

This is an amendment to Bulletin 124 which has incorporated ethics practices surrounding the employing of school district personnel and the provisions in which rewards/incentives can be given to students enrolled in Supplemental Educational Services programs. There will be no costs to the State Department of Education due to the fact that the Bulletin will be on the website and can be downloaded.

The estimated cost for printing this policy change and the fiscal and economic impact statement in the *Louisiana Register* is approximately $136.00. Funds are currently budgeted for this purpose.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no estimated effect on revenue collection of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no 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.

Beth Scioneaux	H. Gordon Monk
Deputy Superintendent	Legislative Fiscal Officer
0902#058	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Compulsory Attendance
(LAC 28:CXV.1103)

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 revisions to *Bulletin 741—Louisiana Handbook for School Administrators*: §1103. Compulsory Attendance. This revision allows excused absences for students for visitation with a parent who is a member of the United States Armed Forces or the National Guard of a state and such parent has been called to duty for or is on leave from overseas deployment to a combat zone or combat support posting. Excused absences in this situation shall not exceed five school days per school year. The revision to Section 1103 is required by Act 142 of the 2008 Louisiana Legislature.

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 11. Student Services
§1103. Compulsory Attendance

A. - H. …

I. The only exception to the attendance regulation shall be the enumerated extenuating circumstances that are verified by the Supervisor of Child Welfare and Attendance. Students shall be temporarily excused from the attendance regulation for the following reasons:

1. - 5. …

6. visitation with a parent who is a member of the United States Armed Forces or the National Guard of a state and such parent has been called to duty for or is on leave from overseas deployment to a combat zone or combat support posting. Excused absences in this situation shall not exceed five school days per school year.

J. - M. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:221; R.S. 17:226; R.S. 17:233.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1273 (June 2005), amended LR 32:546 (April 2006), LR 32:1030 (June 2006), LR 33:2351 (November 2007), LR 35:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Interested persons may submit written comments until 4:30 p.m., April 11, 2009, to Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Amy B. Westbrook, Ph.D.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—Compulsory Attendance

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. The revision to Section 1103 in Bulletin 741: Louisiana Handbook for School Administrators allows excused absences for students for visitation with a parent who is a member of the United States Armed Forces or the National Guard of a state and such parent has been called to duty for or is on leave from overseas deployment to a combat zone or combat support posting.

Excused absences in this situation shall not exceed five school days per school year.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be 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 will be no costs or economic benefits to schools or school districts.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Beth Scioneaux	H. Gordon Monk
Deputy Superintendent	Legislative Fiscal Officer
0902#055	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Guidelines for Expulsions
(LAC 28:CXV.1309)

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 revisions to *Bulletin 741—Louisiana Handbook for School Administrators*: §1309, Guidelines for Expulsions. This revision specifies the offenses for which expelled students and their parents or guardians shall have enrolled in and participate in an appropriate rehabilitation or counseling program. The offenses include possession of a firearm or dangerous weapon, or possession with intent to distribute or distributing or selling any controlled substance on school property or a school bus. The revision to Section 1309 is required by Act 145 of the 2008 Louisiana Legislature.

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 13. Discipline
§1309. Guidelines for Expulsions

A. No student who has been expelled from any public or nonpublic school outside the state of Louisiana or any nonpublic school within Louisiana for committing any offenses enumerated in R.S. 17:416 shall be admitted to any public school in the state except upon the review and approval by the governing body of the admitting school.

B. Any student who has been expelled from any public or nonpublic school within or outside the state of Louisiana for one of the reasons listed below shall produce documentation that he or she and his/her parent or legal guardian have enrolled in and participated in an appropriate rehabilitation or counseling program related to the reason(s) for the expulsion prior to being admitted or readmitted on a probationary basis to any public school in the state, unless such requirement is waived by the LEA:

1. possessing on school property or on a school bus a firearm, knife, or other dangerous weapon, or instrumentality customarily used or intended for probable use as a dangerous weapon; or

2. possessing with intent to distribute, or distributing, selling, giving, or loaning while on school property or on a school bus any controlled dangerous substance governed by the Uniform Controlled Dangerous Substances Law.

C. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S.17:416.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1284 (June 2005), amended LR 34:608 (April 2008), LR 35:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Interested persons may submit written comments until 4:30 p.m., April 11, 2009, to Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Amy B. Westbrook, Ph.D.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—Guidelines for Expulsions

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. The revision to Section 1309 in Bulletin 741: Louisiana Handbook for School Administrators specifies the offenses for which expelled students and their parents or guardians shall have enrolled in and participate in an appropriate rehabilitation or counseling program. The offenses include possession of a firearm or dangerous weapon, or possession with intent to distribute or distributing or selling any controlled substance on school property or a school bus.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be 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 will be no costs or economic benefits to schools or school districts.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Beth Scioneaux	H. Gordon Monk
Deputy Superintendent	Legislative Fiscal Officer
0902#057	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Other Reports (LAC 28:CXV.723)

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 revisions to *Bulletin 741—Louisiana Handbook for School Administrators*: §723, Other Reports. The revision to Section 723 adds the statement that no school employee shall be required by the local educational agency, the Board of Elementary and Secondary Education, or the Louisiana Department of Education to complete paperwork if the information provided for in such paperwork is reasonably and readily available from another source. The revision to Section 723 is required by Act 361 of the 2008 Louisiana Legislature.

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 7. Records and Reports
§723. Other Reports

A. Any other records and reports applicable to the LEA and to schools as required by BESE or the DOE shall be submitted.

B. No school employee shall be required by the LEA, BESE, or the DOE to complete paperwork if the information provided for in such paperwork is reasonably and readily available from another source.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1271 (June 2005), amended LR 35:

Family Impact Statement

In accordance with Sections 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Interested persons may submit written comments until 4:30 p.m., April 11, 2009, to Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Amy B. Westbrook, Ph.D.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Louisiana Handbook for School Administrators—Other Reports

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. The revision to Section 723 in Bulletin 741: Louisiana Handbook for School Administrators adds the statement that no school employee shall be required by the local educational agency the Board of Elementary and Secondary Education or the Louisiana Department of Education to complete paperwork if the information provided for in such paperwork is reasonably and readily available from another source.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be 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 will be no costs or economic benefits to schools or school districts.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Beth Scioneaux	H. Gordon Monk
Deputy Superintendent	Legislative Fiscal Officer
0902#059	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Placement of Students (LAC 28:CXV.1110)

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 revisions to *Bulletin 741—Louisiana Handbook for School Administrators*: §1110. Placement of Students. The addition of Section 1110 specifies that the parent of more than one child born at the same birth event may request that such children initially be placed in the same

classroom or in separate classrooms if the children are enrolled in the same grade level at the same public elementary school. The request by the parent shall be granted subject to certain stipulations and the initial placement shall be reviewed by the local superintendent after the first grading period. The revision to Section 1110 is required by Act 507 of the 2008 Louisiana Legislature.

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 11. Student Services
§1110. Placement of Students

A. A parent of more than one child born at the same birth event may request that such children initially be placed in the same classroom or in separate classrooms if the children are enrolled in the same grade level at the same public elementary school. The request by the parent shall be granted subject to the stipulations listed below.

1. The students must be enrolling in a public elementary school in pre-kindergarten through the second grade.

2. Appropriate school or school system employees may provide advice and information to the parent relative to such request and make recommendations to the parent regarding such placement.

3. The request for such placement shall be made to the superintendent of the LEA or his designee no later than 14 days after the first day of the school year or no later than 14 days after the first day of attendance if the child enrolls during a school year.

B. The initial placement shall be reviewed by the superintendent or his/her designee after the first grading period in consultation with the principal, teachers, and parents. If it is determined that the initial placement is disruptive to the school or not in the best interest of the child, the child shall be placed in accordance with LEA policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:221.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Interested persons may submit written comments until 4:30 p.m., April 11, 2009, to Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Amy B. Westbrook, Ph.D.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—Placement of Students

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. The addition of Section 1110 to Bulletin 741: Louisiana Handbook for School Administrators specifies that the parent of more than one child born at the same birth event may request that such children initially be placed in the same classroom or in separate classrooms if the children are enrolled in the same grade level at the same public elementary school. The request by the parent shall be granted subject to certain stipulations and the initial placement shall be reviewed by the local superintendent after the first grading period.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be 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 will be no costs or economic benefits to schools or school districts.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Beth Scioneaux	H. Gordon Monk
Deputy Superintendent	Legislative Fiscal Officer
0902#056	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Staff Misconduct (LAC 28:CXV.502)

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 revisions to *Bulletin 741—Louisiana Handbook for School Administrators*: §502. Staff Misconduct. This revision states that interaction between a student and a school employee in any classroom, office, meeting room, or other similarly enclosed area on school property is prohibited unless, during the full time of such interaction, another school employee, the student's parent, or other authorized adult is present, or the student and the employee are clearly viewable by persons outside the area through an open door or entrance or window or other means that provides an unobstructed view. Exceptions to this requirement include interaction between a student and a guidance counselor, between a student and a social worker,

between a psychologist or other duly certified/licensed mental health or counseling professional; interaction between a student and a school employee when the school employee is appraising, evaluating, or testing the student in accordance with the provisions of BESE Bulletin 1508; interaction between a student and a school employee when the employee is providing services as required by the student's IEP; interaction between a student and a school employee engaged in the performance of a noncomplex health procedure as defined in R.S. 17:436(A); interaction between a student and a school nurse or other duly certified/licensed health care professional; and interaction between a student and a teacher or administrator concerning a matter of confidentiality and/or safety. The revisions to Section 502 are required by Act 359 of the 2008 Louisiana Legislature.

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 5. Personnel

§502. Staff Misconduct

A. - B. reserved.

C. Interaction between a student and a school employee in any classroom, office, meeting room, or other similarly enclosed area on school property is prohibited unless, during the full time of such interaction, another school employee, the student's parent, or other authorized adult is present, or the student and the employee are clearly viewable by persons outside the area through an open door or entrance or window or other means that provide provides an unobstructed view. The following exceptions apply:

1. interaction between a student and a guidance counselor as defined in R.S. 17:3002, or between a student and a social worker, a psychologist or other duly certified/licensed mental health or counseling professional;

2. interaction between a student and a school employee when the school employee is appraising, evaluating, or testing the student in accordance with the provisions of BESE Bulletin 1508;

3. interaction between a student and a school employee when the employee is providing services as required by the student's IEP;

4. interaction between a student and a school employee engaged in the performance of a noncomplex health procedure as defined in R.S. 17:436(A);

5. interaction between a student and a school nurse or other duly certified/licensed health care professional; and

6. interaction between a student and a teacher or administrator concerning a matter of confidentiality and/or safety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:15; R.S. 17:587.1; R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Interested persons may submit written comments until 4:30 p.m., April 11, 2009, to Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Amy B. Westbrook, Ph.D.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—Staff Misconduct

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. The revision to Section 502 in Bulletin 741: Louisiana Handbook for School Administrators states that interaction between a student and a school employee in any classroom, office, meeting room, or other similarly enclosed area on school property is prohibited unless, during the full time of such interaction, another school employee, the student's parent, or other authorized adult is present, or the student and the employee are clearly viewable by persons outside the area through an open door or entrance or window or other means that provides an unobstructed view. Exceptions to this requirement include interaction between a student and a guidance counselor, between a student and a social worker, between a psychologist or other duly certified/licensed mental health or counseling professional; interaction between a student and a school employee when the school employee is appraising, evaluating, or testing the student in accordance with the provisions of BESE Bulletin 1508; interaction between a student and a school employee when the employee is providing services as required by the student's IEP; interaction between a student and a school employee engaged in the performance of a noncomplex health procedure as defined in R.S. 17:436(A); interaction between a student and a school nurse or other duly certified/licensed health care professional; and interaction between a student and a teacher or administrator concerning a matter of confidentiality and/or safety.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be 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 will be no costs or economic benefits to schools or school districts.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Beth Scioneaux	H. Gordon Monk
Deputy Superintendent	Legislative Fiscal Officer
0902#053	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Teacher Bill of Rights (LAC 28:CXV.519)

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 revisions to *Bulletin 741—Louisiana Handbook for School Administrators*: §519, Teacher Bill of Rights. The revision renames the list of the rights of teachers; provides for the immunity and legal defense of teachers; provides for the rights of beginning teachers; provides for the distribution of the list of rights to schools, parents, and legal guardians; and provides for the posting of the list of rights. The revision to Section 519 is required by Act 155 of the 2008 Louisiana Legislature.

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 5. Personnel
§519. Teacher Bill of Rights

A. Respecting the authority of teachers is essential to creating an environment conducive to learning, effective instruction in the classroom, and proper administration of city, parish, and other local public schools. To maintain and protect that authority, it is important that teachers, administrators, parents, and students are fully informed of the various rights conferred upon teachers pursuant to this policy, which are:

1. a teacher has the right to teach free from the fear of frivolous lawsuits, including the right to qualified immunity and to legal defense, and to indemnification by the employing school board, pursuant to R.S. 17:416.1(C), 416.4, 416.5, and 416.11, for actions taken in the performance of duties of the teacher's employment;

2. a teacher has the right to appropriately discipline students in accordance with R.S. 17:223 and 416 through 416.16 and any city, parish, or other local public school board regulation;

3. a teacher has the right to remove any persistently disruptive student from his classroom when the student's behavior prevents the orderly instruction of other students or when the student displays impudent or defiant behavior and to place the student in the custody of the principal or his designee pursuant to R.S. 17:416(A)(1)(c);

4. a teacher has the right to have his or her professional judgment and discretion respected by school and district administrators in any disciplinary action taken by the teacher in accordance with school and district policy and with R.S.17:416(A)(1)(c);

5. a teacher has the right to teach in a safe, secure, and orderly environment that is conducive to learning and free from recognized dangers or hazards that are causing or likely to cause serious injury in accordance with R.S. 17:416.9 and 416.16;

6. a teacher has the right to be treated with civility and respect as provided in R.S. 17:416.12;

7. a teacher has the right to communicate with and to request the participation of parents in appropriate student disciplinary decisions pursuant to R.S. 17:235.1 and 416(A);

8. a teacher has the right to be free from excessively burdensome disciplinary paperwork;

9. a beginning teacher has the right to receive leadership and support in accordance with R.S. 17:3881, including the assignment of a qualified, experienced mentor who commits to helping him become a competent, confident professional in the classroom and offers support and assistance as needed to meet performance standards and professional expectation.

B. No LEA shall establish policies that prevent teachers from exercising the rights listed above or in any other provisions included in R.S. 17:416 through 416.16.

C. The provisions of this policy shall not be construed to supersede any other state law, BESE policy, or LEA policy enacted or adopted relative to the discipline of students.

D. Each LEA shall provide a copy of this policy to all teachers at the beginning of each school year. Each such LEA also shall post a copy of the rights provided in this policy in a prominent place in every school and administrative building it operates and provide such a copy to parents or legal guardians of all children attending such schools in a form and manner approved by the school board. Each LEA and every school under its jurisdiction that maintains an Internet website shall post on such website a copy of the Teacher Bill of Rights required by this policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:416.18.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1268 (June 2005), amended LR 35:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Interested persons may submit written comments until 4:30 p.m., April 11, 2009, to Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Amy B. Westbrook, Ph.D.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—Teacher Bill of Rights

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. The revision to Section 519 in Bulletin 741: Louisiana Handbook for School Administrators renames the list of the rights of teachers, provides for the immunity and legal defense of teachers, provides for the rights of beginning teachers, provides for the distribution of the list of rights to schools, parents, and legal guardians, and provides for the posting of the list of rights.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be 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 will be no costs or economic benefits to schools or school districts.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Beth Scioneaux	H. Gordon Monk
Deputy Superintendent	Legislative Fiscal Officer
0902#054	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Written Policies and Procedures
(LAC 28:CXV.337)

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 revisions to *Bulletin 741—Louisiana Handbook for School Administrators*: §337. Written Policies and Procedures. This revision requires LEAs to have policies and procedures regarding the notification of parents and guardians of the process to follow in making a complaint, and regarding the implementation of the Louisiana Science Education Act. The revisions to Section 337 are required by Acts 907 and 473 of the 2008 Louisiana Legislature.

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 3. Operation and Administration
§337. Written Policies and Procedures

A. - B. …

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

1. - 16. …

17. the notification of the parent or legal guardian of every student, in writing, of the proper process and procedures to follow in order to make a complaint or request information from the school or the school's governing authority:

a. such information shall include, at a minimum, the name, address, phone number, and email address of the appropriate person to contact at each step of the prescribed process or procedure, and shall be updated, at least, on an annual basis;

b. such information shall be incorporated into any existing policy or policies, code of conduct, or student handbook of the LEA or of each school under its jurisdiction;

18. the implementation of §2304 Science Education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:81; R.S. 17:172; R.S.17:240; R.S. 17:285.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1261 (June 2005), amended LR 33:429 (March 2007), LR 35:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the state board office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Interested persons may submit written comments until 4:30 p.m., April 11, 2009, to Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Amy B. Westbrook, Ph.D.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—Written Policies and Procedures

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. The revision to Section 337 in Bulletin 741: Louisiana Handbook for School Administrators requires LEAs to have policies and procedures regarding the notification of parents and guardians of the process to follow in making a complaint, and regarding the implementation of the Louisiana Science Education Act.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be 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 will be no costs or economic benefits to schools or school districts.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Beth Scioneaus	H. Gordon Monk
Deputy Supertendent	Legislative Fiscal Officer
0902#052	Legislative Fiscal Officer

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Concentrated Animal Feeding Operations
(LAC 33:IX.2501, 2505, 2515, 2703, 2903, 2905, and 4903) (WQ077ft)

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 Water Quality regulations, LAC 33:IX.2501, 2505, 2515, 2703, 2903, 2905, and 4903 (Log #WQ077ft).

This proposed rule is identical to federal regulations found in 73 FR 70418-70486, November 20, 2008, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3471 or Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the proposed rule. This rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

The rule is necessary to implement the Environmental Protection Agency (EPA) rule published in the *Federal Register* on November 20, 2008, to make changes to requirements for Concentrated Animal Feeding Operations (CAFOs). The changes require submittal of a nutrient management plan (NMP) for manure as part of a CAFO's permit application; require review of the NMP by the permitting authority and incorporation of its terms as enforceable terms of the permit; and require that the proposed NMP and permit be available for public review and comment before becoming final. The rule specifies that an owner or operator of a CAFO that actually discharges, or plans to discharge, to streams, lakes, or other waters apply for a permit. CAFO operators who do not discharge or proposed to discharge may obtain certification as zero dischargers. Technical clarifications regarding water quality-based effluent limitations and use of best management practices to meet zero discharge requirements, as well as affirmation of the 2003 rule requirement for reducing fecal coliform, are included. These federal regulation changes were promulgated by EPA in response to a February 2005 federal court ruling that directed further action or clarification on some portions of the current regulations governing discharges from CAFOs. The department became the NPDES permit issuing authority for the State of Louisiana on August 27, 1996. This rule is necessary in order to comply with federal regulations that require the Louisiana Pollutant Discharge Elimination System (LPDES) program to be consistent with the EPA NPDES program. The basis and rationale for this rule are to mirror the federal regulations. This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality
Subpart 2. The Louisiana Pollutant Discharge Elimination System (LPDES) Program
Chapter 25. Permit Application and Special LPDES Program Requirements

§2501. Application for a Permit

A. - I.1.i. …

j. a nutrient management plan that at a minimum satisfies the requirements specified in LAC 33:IX.2703.E, including, for all CAFOs subject to 40 CFR Part 412, Subpart C or Subpart D, the requirements of 40 CFR 412.4(c), as applicable.

I.2. - R.5.b. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:723 (June 1997), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2552 (November 2000), LR 26:2756 (December 2000), LR 27:45 (January 2001), LR 28:465 (March 2002), LR 28:1766 (August 2002), LR 29:1462 (August 2003), repromulgated LR 30:229 (February 2004), amended by the Office of Environmental Assessment, LR 30:2028 (September 2004), LR 31:425 (February 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2509 (October 2005), LR 32:819 (May 2006), LR 33:2069, 2165 (October 2007), LR 33:2360 (November 2007), LR 35:

§2505. Concentrated Animal Feeding Operations

A. Permit Requirement for CAFOs. *Concentrated animal feeding operations*, as defined in Subsection B of this Section or designated in accordance with Subsection C of this Section, are point sources, subject to LPDES permitting requirements as provided in this Chapter. Once an animal feeding operation is defined as a CAFO for at least one type of animal, the LPDES requirements for CAFOs apply with

respect to all animals in confinement at the operation and all manure, litter, and process wastewater generated by those animals or the production of those animals, regardless of the type of animal.

B. - C.3.b. …

D. Who must seek coverage under an LPDES permit?

1. The owner or operator of a CAFO must seek coverage under an LPDES permit if the CAFO discharges or proposes to discharge a regulated wastewater. A CAFO proposes to discharge if it is designed, constructed, operated, or maintained such that a discharge of regulated wastewater will occur. Specifically, the CAFO owner or operator must either apply for an individual LPDES permit or submit a notice of intent for coverage under an LPDES general permit. If the state administrative authority has not made a general permit available to the CAFO, the CAFO owner or operator must submit an application for an individual permit to the state administrative authority.

2. Information to Submit with Permit Application or Notice of Intent. An application for an individual permit must include the information specified in LAC 33:IX.2501. A notice of intent for a general permit must include the information specified in LAC 33:IX.2501 and 2515.

E. Land application discharges from a CAFO are subject to LPDES requirements. The discharge of manure, litter, or process wastewater to waters of the state from a CAFO as a result of the application of that manure, litter, or process wastewater by the CAFO to land areas under its control is a discharge from that CAFO subject to LPDES permit requirements, except where it is an agricultural storm water discharge as provided in 33 U.S.C. 1362(14). For purposes of this Subsection, where the manure, litter, or process wastewater has been applied in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater, as specified under LAC 33:IX.2703.E.1.f-i, a precipitation-related discharge of manure, litter, or process wastewater from land areas under the control of a CAFO is an agricultural storm water discharge.

1. For unpermitted Large CAFOs, a precipitation-related discharge of manure, litter, or process wastewater from land areas under the control of a CAFO shall be considered an agricultural storm water discharge only where the manure, litter, or process wastewater has been land applied in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater, as specified in LAC 33:IX.2703.E.1.f-i.

2. Unpermitted Large CAFOs must maintain documentation specified in LAC 33:IX.2703.E.1.i either on site or at a nearby office, or otherwise make such documentation readily available to the state administrative authority upon request.

F. When must the owner or operator of a CAFO seek coverage under an LPDES permit? Any CAFO that is required to seek permit coverage under Paragraph D.1 of this Section must seek coverage when the CAFO proposes to discharge, unless a later deadline is specified as follows.

1. Operations Defined as CAFOs Prior to April 14, 2003. For operations defined as CAFOs under regulations that were in effect prior to April 14, 2003, the owner or operator must have or seek to obtain coverage under an LPDES permit as of April 14, 2003, and comply with all applicable LPDES requirements, including the duty to maintain permit coverage in accordance with Subsection G of this Section.

2. Operations Defined as CAFOs as of April 14, 2003, That Were Not Defined as CAFOs Prior to That Date. For all operations defined as CAFOs as of April 14, 2003, that were not defined as CAFOS prior to that date, the owner or operator of the CAFO must seek to obtain coverage under an LPDES permit by February 27, 2009.

3. Operations That Become Defined as CAFOs After April 14, 2003, but Which Are Not New Sources. For a newly-constructed CAFO or AFO that makes changes to its operations that result in its becoming defined as a CAFO for the first time after April 14, 2003, but that is not a new source, the owner or operator must seek to obtain coverage under an LPDES permit, as follows:

a. for newly-constructed operations not subject to effluent limitations guidelines, within 180 days prior to the time the CAFO commences operation;

b. for other operations (e.g., resulting from an increase in the number of animals), as soon as possible, but no later than 90 days after becoming defined as a CAFO; or

c. if an operational change that makes the operation a CAFO would not have made it a CAFO prior to April 14, 2003, the operation has until February 27, 2009, or 90 days after becoming defined as a CAFO, whichever is later, to seek coverage under an LPDES permit.

4. New Sources. The owner or operator of a new source must seek to obtain coverage under an LPDES permit at least 180 days prior to the time that the CAFO commences operation.

5. Operations That Are Designated as CAFOs. For operations designated as a CAFO in accordance with Subsection C of this Section, the owner or operator must seek to obtain coverage under an LPDES permit no later than 90 days after receiving notice of the designation.

G. Duty to Maintain Permit Coverage. No later than 180 days before the expiration of the permit, or as provided by the state administrative authority, any permitted CAFO must submit an application to renew its permit, in accordance with LAC 33:IX.2501.D, unless the CAFO will not discharge or propose to discharge upon expiration of the permit.

H. Procedures for CAFOs Seeking Coverage Under a General Permit

1. CAFO owners or operators must submit a notice of intent when seeking authorization to discharge under a general permit in accordance with LAC 33:IX.2515.B. The state administrative authority must review notices of intent submitted by CAFO owners or operators to ensure that the notice of intent includes the information required by LAC 33:IX.2501.I.1, including a nutrient management plan that meets the requirements of LAC 33:IX.2703.E and applicable effluent limitations and standards, including those specified in 40 CFR Part 412. When additional information is necessary to complete the notice of intent or clarify, modify, or supplement previously submitted material, the state administrative authority may request such information from the owner or operator. If the state administrative authority makes a preliminary determination that the notice of intent meets the requirements of LAC 33:IX.2501.I.1 and 2703.E,

the state administrative authority must notify the public of the state administrative authority's proposal to grant coverage under the permit to the CAFO and make available for public review and comment the notice of intent submitted by the CAFO, including the CAFO's nutrient management plan, and the draft terms of the nutrient management plan that will be incorporated into the permit. The process for submitting public comments and hearing requests, and the hearing process if a request for a hearing is granted, must follow the procedures applicable to draft permits set forth in LAC 33:IX.3115, 3117, and 3119. The state administrative authority may establish, either by regulation or in the general permit, an appropriate period of time for the public to comment and/or request a hearing that differs from the time period specified in LAC 33:IX.3113. The state administrative authority must respond to significant comments received during the comment period, as provided in LAC 33:IX.3125, and, if necessary, require the CAFO owner or operator to revise the nutrient management plan in order to be granted permit coverage. When the state administrative authority authorizes coverage for the CAFO owner or operator under the general permit, the terms of the nutrient management plan shall become incorporated as terms and conditions of the permit for the CAFO. The state administrative authority shall notify the CAFO owner or operator and inform the public that coverage has been authorized and of the terms of the nutrient management plan incorporated as terms and conditions of the permit applicable to the CAFO.

2. Nothing in this Subsection shall affect the authority of the state administrative authority to require an individual permit under LAC 33:IX.2515.B.3.

I. No Discharge Certification Option

1. The owner or operator of a CAFO that meets the eligibility criteria in Paragraph I.2 of this Section may certify to the state administrative authority that the CAFO does not discharge or propose to discharge. A CAFO owner or operator who certifies that the CAFO does not discharge, or propose to discharge, manure, litter, or process wastewater is not required to seek coverage under an LPDES permit pursuant to Paragraph D.1 of this Section, provided that the CAFO is designed, constructed, operated, and maintained in accordance with the requirements of Paragraphs I.2 and 3 of this Section, and subject to the limitations in Paragraph I.4 of this Section.

2. Eligibility Criteria. In order to certify that a CAFO does not discharge or propose to discharge, the owner or operator of a CAFO must document, based on an objective assessment of the conditions at the CAFO, that the CAFO is designed, constructed, operated, and maintained in a manner such that the CAFO will not discharge, as follows:

a. the CAFO's production area is designed, constructed, operated, and maintained so as not to discharge. The CAFO must maintain documentation that demonstrates that:

i. any open manure storage structures are designed, constructed, operated, and maintained to achieve no discharge based on a technical evaluation in accordance with the elements of the technical evaluation set forth in 40 CFR 412.46(a)(1)(i) - (viii);

ii. any part of the CAFO's production area that is not addressed by Clause I.2.a.i of this Section is designed, constructed, operated, and maintained such that there will be no discharge of manure, litter, or process wastewater; and

iii. the CAFO implements the additional measures set forth in 40 CFR 412.37(a) and (b);

b. the CAFO has developed and is implementing an up-to-date nutrient management plan to ensure no discharge from the CAFO, including from all land application areas under the control of the CAFO, that addresses, at a minimum, the following:

i. the elements of LAC 33:IX.2703.E.1.a - i and 40 CFR 412.37(c); and

ii. all site-specific operation and maintenance practices necessary to ensure no discharge, including any practices or conditions established by a technical evaluation pursuant to Clause I.2.a.i of this Section; and

c. the CAFO will maintain documentation required by this Paragraph either on site or at a nearby office, or otherwise make such documentation readily available to the state administrative authority upon request.

3. Submission to the State Administrative Authority. In order to certify that a CAFO does not discharge or propose to discharge, the CAFO owner or operator must complete and submit to the state administrative authority, by certified mail or an equivalent method of documentation, a certification that includes, at a minimum, the following information:

a. the legal name, address, and phone number of the CAFO owner or operator (see LAC 33:IX.2501.B);

b. the CAFO name and address, the county name, and the latitude and longitude where the CAFO is located;

c. a statement that describes the basis for the CAFO's certification that it satisfies the eligibility requirements identified in Paragraph I.2 of this Section; and

d. the following certification statement, signed in accordance with the signatory requirements of LAC 33:IX.2503:

> "I certify under penalty of law that I am the owner or operator of a concentrated animal feeding operation (CAFO), identified as [Name of CAFO], and that said CAFO meets the requirements of LAC 33:IX.2505.I. I have read and understand the eligibility requirements of LAC 33:IX.2505.I.2 for certifying that a CAFO does not discharge or propose to discharge and further certify that this CAFO satisfies the eligibility requirements. As part of this certification, I am including the information required by LAC 33:IX.2505.I.3. I also understand the conditions set forth in LAC 33:IX.2505.I.4, 5, and 6 regarding loss and withdrawal of certification. I certify under penalty of law that this document and all other documents required for this certification were prepared under my direction or supervision and that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons directly involved in gathering and evaluating the information, the information submitted is to the best of my knowledge and belief true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

4. Term of Certification. A certification that meets the requirements of Paragraphs I.2 and 3 of this Section shall become effective on the date it is submitted, unless the state administrative authority establishes an effective date of up to 30 days after the date of submission. Certification will remain in effect for five years or until the certification is no longer valid or is withdrawn, whichever occurs first. A certification is no longer valid when a discharge has

occurred or when the CAFO ceases to meet the eligibility criteria in Paragraph I.2 of this Section.

5. Withdrawal of Certification

a. At any time, a CAFO may withdraw its certification by notifying the state administrative authority by certified mail or an equivalent method of documentation. A certification is withdrawn on the date the notification is submitted to the state administrative authority. The CAFO does not need to specify any reason for the withdrawal in its notification to the state administrative authority.

b. If a certification becomes invalid in accordance with Paragraph I.4 of this Section, the CAFO must withdraw its certification within three days of the date on which the CAFO becomes aware that the certification is invalid. Once a CAFO's certification is no longer valid, the CAFO is subject to the requirement in Paragraph D.1 of this Section to seek permit coverage if it discharges or proposes to discharge.

6. Recertification

a. A previously-certified CAFO that does not discharge or propose to discharge may recertify in accordance with this Subsection, except that where the CAFO has discharged, the CAFO may only recertify if the following additional conditions are met:

i. the CAFO had a valid certification at the time of the discharge;

ii. the owner or operator satisfies the eligibility criteria of Paragraph I.2 of the Section, including any necessary modifications to the CAFO's design, construction, operation, and/or maintenance to permanently address the cause of the discharge and ensure that no discharge from this cause occurs in the future;

iii. the CAFO has not previously recertified after a discharge from the same cause; and

iv. the owner or operator submits to the state administrative authority for review a description of the discharge, including the date, time, cause, duration, and approximate volume of the discharge, and a detailed explanation of the steps taken by the CAFO to permanently address the cause of the discharge, in addition to submitting a certification in accordance with Paragraph I.3 of this Section.

b. Notwithstanding Paragraph I.4 of this Section, a recertification that meets the requirements of Clauses I.6.a.iii and iv of this Section shall only become effective 30 days from the date of submission of the recertification documentation.

J. Effect of Certification

1. An unpermitted CAFO certified in accordance with Subsection I of this Section is presumed not to propose to discharge. If such a CAFO does discharge, it is not in violation of the requirement that CAFOs that propose to discharge seek permit coverage pursuant to Paragraph D.1 and Subsection F of this Section, with respect to that discharge. In all instances, the discharge of a pollutant without a permit is a violation of the Clean Water Act Section 301(a) prohibition against unauthorized discharges from point sources.

2. In any enforcement proceeding for failure to seek permit coverage under Paragraph D.1 or Subsection F of this Section that is related to a discharge from an unpermitted CAFO, the burden is on the CAFO to establish that it did not propose to discharge prior to the discharge when the CAFO either did not submit certification documentation as provided in Paragraph I.3 or Clause I.6.a.iv of this Section within at least five years prior to the discharge, or withdrew its certification in accordance with Paragraph I.5 of this Section. Design, construction, operation, and maintenance in accordance with the criteria of Paragraph I.2 of this Section satisfies this burden.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:467 (March 2002), LR 29:1463 (August 2003), repromulgated LR 30:230 (February 2004), amended by the Office of Environmental Assessment, LR 31:1577 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:819 (May 2006), LR 33:2360 (November 2007), LR 35:

§2515. General Permits

A. - B.2.f. …

g. A CAFO owner or operator may be authorized to discharge under a general permit only in accordance with the process described in LAC 33:IX.2505.H.

B.3. - C.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2276 (October 2000), LR 26:2553 (November 2000), LR 28:468 (March 2002), LR 29:1466 (August 2003), repromulgated LR 30:230 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2511 (October 2005), LR 33:2167 (October 2007), LR 35:

Chapter 27. LPDES Permit Conditions

§2703. Additional Conditions Applicable to Specified Categories of LPDES Permits

The following conditions, in addition to those set forth in LAC 33:IX.2701, apply to all LPDES permits within the categories specified below.

A. – D. …

E. Concentrated Animal Feeding Operations (CAFOs). Any permit issued to a CAFO must include the requirements in Paragraphs E.1-6 of this Section.

1. Requirement to Implement a Nutrient Management Plan. Any permit issued to a CAFO must include a requirement to implement a nutrient management plan that, at a minimum, contains best management practices necessary to meet the requirements of this Paragraph and applicable effluent limitations and standards, including those specified in 40 CFR Part 412. The nutrient management plan must, to the extent applicable:

1.a. - 4.f. …

g. a statement indicating whether the current version of the CAFO's nutrient management plan was developed or approved by a Natural Resource Conservation Service (NRCS) certified nutrient management planner; and

h. the actual crop(s) planted and actual yield(s) for each field; the actual nitrogen and phosphorus content of the manure, litter, and process wastewater; the results of calculations conducted in accordance with Clauses E.5.a.ii and 5.b.iv of this Section; and the amount of manure, litter,

and process wastewater applied to each field during the previous 12 months, and, for any CAFO that implements a nutrient management plan that addresses rates of application in accordance with Subparagraph E.5.b of this Section, the results of any soil testing for nitrogen and phosphorus taken during the preceding 12 months, the data used in calculations conducted in accordance with Clause E.5.b.iv of this Section, and the amount of any supplemental fertilizer applied during the previous 12 months.

5. Terms of the Nutrient Management Plan. Any permit issued to a CAFO must require compliance with the terms of the CAFO's site-specific nutrient management plan. The terms of the nutrient management plan are the information, protocols, best management practices, and other conditions in the nutrient management plan determined by the state administrative authority to be necessary to meet the requirements of Paragraph E.1 of this Section. The terms of the nutrient management plan, with respect to protocols for land application of manure, litter, or process wastewater required by Subparagraph E.1.h of this Section and, as applicable, 40 CFR 412.4(c), must include the fields available for land application; field-specific rates of application properly developed, as specified in Subparagraphs E.5.a and b of this Section, to ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater; and any timing limitations identified in the nutrient management plan concerning land application on the fields available for land application. The terms must address rates of application using one of the following two approaches, unless the state administrative authority specifies a particular one of the approaches that shall be used.

a. Linear Approach. A linear approach is an approach that expresses rates of application as pounds of nitrogen and phosphorus, according to the following specifications.

i. The terms must include maximum application rates from manure, litter, and process wastewater for each year of permit coverage, for each crop identified in the nutrient management plan, in chemical forms determined to be acceptable to the state administrative authority, in pounds per acre, per year, for each field to be used for land application, and certain factors necessary to determine such rates. At a minimum, the factors used in the terms must include: the outcome of the field-specific assessment of the potential for nitrogen and phosphorus transport from each field; the crops to be planted in each field or any other uses of a field, such as a pasture or fallow field; the realistic yield goal for each crop or use identified for each field; the nitrogen and phosphorus recommendations from sources specified by the state administrative authority for each crop or use identified for each field; credits for all nitrogen in the field that will be plant-available; consideration of multi-year phosphorus application; and accounting for all other additions of plant-available nitrogen and phosphorus to the field. In addition, the terms must include the form and source of manure, litter, and process wastewater to be land-applied; the timing and method of land application; and the methodology by which the nutrient management plan accounts for the amount of nitrogen and phosphorus in the manure, litter, and process wastewater to be applied.

ii. Large CAFOs that use this approach must calculate the maximum amount of manure, litter, and process wastewater to be land applied at least once each year using the results of the most recent representative manure, litter, and process wastewater tests for nitrogen and phosphorus taken within 12 months of the date of land application.

b. Narrative Rate Approach. A narrative rate approach is an approach that expresses rates of application as a narrative rate of application that results in the amount, in tons or gallons, of manure, litter, and process wastewater to be land applied, according to the following specifications.

i. The terms must include maximum amounts of nitrogen and phosphorus derived from all sources of nutrients, for each crop identified in the nutrient management plan, in chemical forms determined to be acceptable to the state administrative authority, in pounds per acre, for each field, and certain factors necessary to determine such amounts. At a minimum, the factors used in the terms must include: the outcome of the field-specific assessment of the potential for nitrogen and phosphorus transport from each field; the crops to be planted in each field or any other uses, such as pasture or fallow fields (including alternative crops identified in accordance with Clause E.5.b.ii of this Section); the realistic yield goal for each crop or use identified for each field; and the nitrogen and phosphorus recommendations from sources specified by the state administrative authority for each crop or use identified for each field. In addition, the terms must include the methodology by which the nutrient management plan accounts for the following factors when calculating the amounts of manure, litter, and process wastewater to be land applied: results of soil tests conducted in accordance with protocols identified in the nutrient management plan, as required by Subparagraph E.1.g of this Section; credits for all nitrogen in the field that will be plant-available; the amount of nitrogen and phosphorus in the manure, litter, and process wastewater to be applied; consideration of multi-year phosphorus application; accounting for all other additions of plant-available nitrogen and phosphorus to the field; the form and source of manure, litter, and process wastewater; the timing and method of land application; and volatilization of nitrogen and mineralization of organic nitrogen.

ii. The terms of the nutrient management plan may include alternative crops identified in the CAFO's nutrient management plan that are not in the planned crop rotation. Where a CAFO includes alternative crops in its nutrient management plan, the crops must be listed by field, in addition to the crops identified in the planned crop rotation for that field, and the nutrient management plan must include realistic crop yield goals and the nitrogen and phosphorus recommendations from sources specified by the state administrative authority for each crop. Maximum amounts of nitrogen and phosphorus from all sources of nutrients and the amounts of manure, litter, and process wastewater to be applied must be determined in accordance with the methodology described in Clause E.5.b.i of this Section.

iii. For CAFOs using this approach, the following projections must be included in the nutrient management plan submitted to the state administrative authority, but are

not terms of the nutrient management plan: the CAFO's planned crop rotations for each field for the period of permit coverage; the projected amount of manure, litter, or process wastewater to be applied; projected credits for all nitrogen in the field that will be plant-available; consideration of multi-year phosphorus application; accounting for all other additions of plant-available nitrogen and phosphorus to the field; and the predicted form, source, and method of application of manure, litter, and process wastewater for each crop. Timing of application for each field, insofar as it concerns the calculation of rates of application, is not a term of the nutrient management plan.

iv. CAFOs that use this approach must calculate maximum amounts of manure, litter, and process wastewater to be land applied at least once each year using the methodology required in Clause E.5.b.i of this Section before land applying manure, litter, and process wastewater, and must rely on the following data:

(a). a field-specific determination of soil levels of nitrogen and phosphorus, including, for nitrogen, a concurrent determination of nitrogen that will be plant available consistent with the methodology required by Clause E.5.b.i of this Section, and for phosphorus, the results of the most recent soil test conducted in accordance with soil testing requirements approved by the state administrative authority; and

(b). the results of most recent representative manure, litter, and process wastewater tests for nitrogen and phosphorus taken within 12 months of the date of land application, in order to determine the amount of nitrogen and phosphorus in the manure, litter, and process wastewater to be applied.

6. Changes to a Nutrient Management Plan. Any permit issued to a CAFO must require the following procedures to apply when a CAFO owner or operator makes changes to the CAFO's nutrient management plan that was previously submitted to the state administrative authority.

a. The CAFO owner or operator must provide the state administrative authority with the most current version of the CAFO's nutrient management plan and identify changes from the previous version, except that the results of calculations made in accordance with the requirements of Clauses E.5.a.ii and 5.b.iv of this Section are not subject to the requirements of this Paragraph.

b. The state administrative authority must review the revised nutrient management plan to ensure that it meets the requirements of this Section and applicable effluent limitations and standards, including those specified in 40 CFR Part 412, and must determine whether the changes to the nutrient management plan necessitate revision to the terms of the nutrient management plan incorporated into the permit issued to the CAFO. If revision to the terms of the nutrient management plan is not necessary, the state administrative authority must notify the CAFO owner or operator, and, upon such notification, the CAFO may implement the revised nutrient management plan. If revision to the terms of the nutrient management plan is necessary, the state administrative authority must determine whether such changes are substantial changes as described in Subparagraph E.6.c of this Section.

i. If the state administrative authority determines that the changes to the terms of the nutrient management plan are not substantial, the state administrative authority must make the revised nutrient management plan publicly available and include it in the permit record, revise the terms of the nutrient management plan incorporated into the permit, and notify the owner or operator and inform the public of any changes to the terms of the nutrient management plan that are incorporated into the permit.

ii. If the state administrative authority determines that the changes to the terms of the nutrient management plan are substantial, the state administrative authority must notify the public and make the proposed changes and the information submitted by the CAFO owner or operator available for public review and comment. The process for public comments and hearing requests, and the hearing process, if a hearing is held, must follow the procedures applicable to draft permits set forth in LAC 33:IX.3115, 3117, and 3119. The state administrative authority may establish, either by regulation or in the CAFO's permit, an appropriate period of time for the public to comment and request a hearing on the proposed changes that differs from the time period specified in LAC 33:IX.3113. The state administrative authority must respond to all significant comments received during the comment period as provided in LAC 33:IX.3125, and require the CAFO owner or operator to further revise the nutrient management plan, if necessary, in order to approve the revision to the terms of the nutrient management plan incorporated into the CAFO's permit. Once the state administrative authority incorporates the revised terms of the nutrient management plan into the permit, the state administrative authority must notify the owner or operator and inform the public of the final decision concerning revisions to the terms and conditions of the permit.

c. Substantial changes to the terms of a nutrient management plan incorporated as terms and conditions of a permit include, but are not limited to:

i. addition of new land application areas not previously included in the CAFO's nutrient management plan, except that if the land application area that is being added to the nutrient management plan is covered by terms of a nutrient management plan incorporated into an existing LPDES permit in accordance with the requirements of Paragraph E.5 of this Section, and the CAFO owner or operator applies manure, litter, or process wastewater on the newly added land application area in accordance with the existing field-specific permit terms applicable to the newly added land application area, such addition of new land would be a change to the CAFO owner or operator's nutrient management plan, but not a substantial change for purposes of this Section;

ii. any changes to the field-specific maximum annual rates for land application, as set forth in Subparagraph E.5.a of this Section, and to the maximum amounts of nitrogen and phosphorus derived from all sources for each crop, as set forth in Subparagraph E.5.b of this Section;

iii. addition of any crop or other uses not included in the terms of the CAFO's nutrient management plan and corresponding field-specific rates of application expressed in accordance with Paragraph E.5 of this Section; and

iv. changes to site-specific components of the CAFO's nutrient management plan, where such changes are

likely to increase the risk of nitrogen and phosphorus transport to waters of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2554 (November 2000), LR 29:1466 (August 2003), repromulgated LR 30:230 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2512 (October 2005), LR 32:819 (May 2006), LR 33:2168 (October 2007), LR 33:2360 (November 2007), LR 35:

Chapter 29. Transfer, Modification, Revocation and Reissuance, and Termination of LPDES Permits

§2903. Modification or Revocation and Reissuance of Permits

A. - A.1.p. …

q. Nutrient Management Plans. The incorporation of the terms of a CAFO's nutrient management plan into the terms and conditions of a general permit when a CAFO obtains coverage under a general permit in accordance with LAC 33:IX.2505.H and 2515 is not a cause for modification pursuant to the requirements of this Section.

1.r. – 3.…

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:724 (June 1997), LR 23:1524 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2283 (October 2000), LR 27:45 (January 2001), LR 28:470 (March 2002), repromulgated LR 30:231 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2431 (October 2005), LR 32:1033 (June 2006), LR 35:

§2905. Minor Modifications of Permits

A. - A.6. …

7. incorporate conditions of a POTW pretreatment program that has been approved in accordance with the procedures in LAC 33:IX.6121 (or a modification thereto that has been approved in accordance with the procedures in LAC 33:IX.6135) as enforceable conditions of the POTW's permit; and

8. incorporate changes to the terms of a CAFO's nutrient management plan that have been revised in accordance with the requirements of LAC 33:IX.2703.E.6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:46 (January 2001), repromulgated LR 30:231 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2431 (October 2005), LR 35:

Chapter 49. Incorporation by Reference

§4903. 40 CFR, Chapter I, Subchapter N

A. 40 CFR Chapter I, Subchapter N, Effluent Guidelines and Standards, Parts 401 and 405-471, July 1, 2007, are hereby incorporated by reference.

B. Amendments as promulgated on July 24, 2007, in the *Federal Register*, 72 FR 40245-40250, to 40 CFR Part 412, Concentrated Animal Feeding Operations (CAFO) Point Source Category, and to 40 CFR 412.37 and 412.46 in 73 FR 70485-70486, November 20, 2008, are hereby incorporated by reference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:958 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1467 (August 1999), LR 26:1609 (August 2000), LR 27:2232 (December 2001), LR 28:996 (May 2002), LR 29:700 (May 2003), LR 29:1467 (August 2003), repromulgated LR 30:232 (February 2004), amended LR 30:752 (April 2004), amended by the Office of Environmental Assessment, LR 31:920 (April 2005), amended by the Office of the Secretary, Legal Affairs Division LR 32:604 (April 2006), LR 32:819 (May 2006), LR 33:641 (April 2007), LR 34:867 (May 2008), LR 35:

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

A public hearing will be held on March 31, 2009, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. 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 Christopher A. Ratcliff at the address given below or at (225) 219-3471. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by WQ077ft. Such comments must be received no later than March 31, 2009, at 4:30 p.m., and should be sent to Christopher A. Ratcliff, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-3398 or by e-mail to chris.ratcliff@la.gov. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of WQ077ft. This regulation is available on the Internet at: www.deq.louisiana.gov /portal/tabid/1669/default.aspx.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM
Executive Counsel

0902#072

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Solid Waste Buffer Zones
(LAC 33:VII.508, 709, 717, and 719)(SW049)

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 Solid Waste regulations, LAC 33:VII.508, 709, 717, and 719 (Log #SW049).

The regulations covering buffer zone requirements for solid waste non-processing transfer stations and solid waste processing and disposal facilities are being amended to clarify who must provide permission for a waiver of buffer zone requirements. In April 2008, Rule SW046 was promulgated in an attempt to clarify the applicability of a condition requiring adjoining landowners to sign an affidavit waiving the subject buffer zone requirements for various solid waste management facilities. However, the wording could be improperly interpreted to suggest that all landowners were required to sign for the reduction in buffer zone, including owners of land at which the regulatory buffer zone was met. This rule clarifies this language. The basis and rationale for this rule are to protect the rights of all landowners having an ownership interest in property where a proposed facility will not comply with regulatory buffer standards. This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 1. Solid Waste Regulations

Chapter 5. Solid Waste Management System
Subchapter A. General Standards for Nonpermitted Facilities
§508. Standards Governing Non-Processing Transfer Stations for Solid Waste

A. - A.4. …

B. New facilities in which construction has commenced after June 20, 2007, shall comply with a buffer zone requirement of not less than 200 feet between the facility and the property line. Facilities transferring only nonputrescible waste shall comply with a buffer zone requirement of not less than 50 feet between the facility and the property line. A reduction in the buffer zone requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 200 feet (or 50 feet, if applicable) from the facility. The facility's owner or operator shall enter a copy of the notarized affidavit(s) in the mortgage and conveyance records of the parish or parishes in which the landowners' properties are located. The affidavit(s) shall be maintained with the records of the facility. No storage of solid waste shall occur within a facility's buffer zone.

C. - M. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:1034 (June 2007), amended LR 33:2142 (October 2007), LR 34:613 (April 2008), LR 35:

Chapter 7. Solid Waste Standards
Subchapter A. Landfills, Surface Impoundments, Landfarms
§709. Standards Governing Type I and II Solid Waste Disposal Facilities

A. – B.2.d.…

3. Buffer Zones

a. Buffer zones of not less than 200 feet shall be provided between the facility and the property line. A reduction in this requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 200 feet from the facility. The facility's owner or operator shall enter a copy of the notarized affidavit(s) in the mortgage and conveyance records of the parish or parishes in which the landowners' properties are located. Buffer zone requirements may be waived or modified by the administrative authority for areas of landfills that have been closed in accordance with these regulations and for existing facilities.

B.3.b. - E. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), repromulgated LR 19:1315 (October 1993), amended by the Office of the Secretary, LR 24:2250 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2521 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2490 (October 2005), LR 33:1045 (June 2007), LR 34:613 (April 2008), LR 35:

Subchapter B. Solid Waste Processors
§717. Standards Governing All Type I-A and II-A Solid Waste Processors

A. - B.2.d. …

3. Buffer Zones

a. Buffer zones of not less than 200 feet shall be provided between the facility and the property line. A reduction in this requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 200 feet from the facility. The facility's owner or operator shall enter a copy of the notarized affidavit(s) in the mortgage and conveyance records of the parish or parishes in which the landowners' properties are located. Buffer zone requirements may be waived or modified by the administrative authority for areas of processing facilities that have been closed in accordance with these regulations and for existing facilities.

B.3.b. - I.3. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning

Division, LR 26:2526, 2610 (November 2000), repromulgated LR 27:704 (May 2001), amended by the Office of Environmental Assessment, LR 30:2025 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2494 (October 2005), LR 33:1061 (June 2007), LR 33:2148 (October 2007), LR 34:613 (April 2008), LR 35:

Subchapter C. Minor Processing and Disposal Facilities

§719. Standards Governing All Type III Processing and Disposal Facilities

A. - B.2.d. …

3. Buffer Zones

a. Buffer zones of not less than 50 feet shall be provided between the facility and the property line. A reduction in this requirement shall be allowed only with permission, in the form of a notarized affidavit, from all landowners having an ownership interest in property located less than 50 feet from the facility. The facility's owner or operator shall enter a copy of the notarized affidavit(s) in the mortgage and conveyance records of the parish or parishes in which the landowners' properties are located. Buffer zone requirements may be waived or modified by the administrative authority for areas of woodwaste/construction/demolition-debris landfills that have been closed in accordance with these regulations and for existing facilities. Notwithstanding this Paragraph, Type III air curtain destructors and composting facilities that receive putrescible, residential, or commercial waste shall meet the buffer zone requirements in LAC 33:VII.717.B.3. In addition, air curtain destructors shall maintain at least a 1,000-foot buffer from any dwelling other than a dwelling or structure located on the property on which the burning is conducted (unless the appropriate notarized affidavit waivers are obtained).

B.3.b. – E.2. …

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2527 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2495 (October 2005), LR 33:1065 (June 2007), LR 33:2149 (October 2007), LR 34:613 (April 2008), LR 35:

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

A public hearing will be held on March 31, 2009, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. 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 Christopher A. Ratcliff at the address given below or at (225) 219-3471. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by SW049. Such comments must be received no later than April 7, 2009, at 4:30 p.m., and should be sent to Christopher A. Ratcliff, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-3398 or by e-mail to chris.ratcliff@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of SW049. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM
Executive Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Solid Waste Buffer Zones

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no costs or savings to the state or local governmental units as a result of the proposed rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no increase or decrease in revenues of state or local governmental units as a result of this proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no impact on receipts or income resulting from this proposed rule. There will be no cost and/or economic benefit realized by affected persons or nongovernmental groups. Buffer zones are currently required and have been historically required by the regulations. This amendment clarifies language in the rule promulgated in April 2008, Rule Log #SW046, which might be misinterpreted to suggest that all landowners were required to sign an affidavit to waive a reduction in buffer zone requirements, including those landowners where the regulatory buffer zone was met. The basis for this rule is to protect the rights of all landowners having an ownership interest in property where a proposed facility will not comply with regulatory buffer standards.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment as a result of this proposed rule.

Herman Robinson, CPM
Executive Counsel
0902#074

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Standards for the Use or Disposal of
Sewage Sludge and Biosolids
(LAC 33:IX.7301, 7303, 7305, 7307,
7309, 7313, and 7395)(WQ076)

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 Water Quality regulations, LAC 33:IX. 7301, 7303, 7305, 7307, 7309, 7313, and 7395 (Log #WQ076).

This rule implements Act 56 of the 2008 Regular Session of the Louisiana Legislature, which transferred the registration program for haulers of domestic septage from the Department of Health and Hospitals to the Department of Environmental Quality. The transportation requirements contain standards for vehicles that are utilized for the transportation of sewage sludge. Once promulgated, the vehicle standards will become part of the Sewage Sludge and Biosolids Use or Disposal Permits. This rule includes transportation requirements to allow for the proper regulation of sewage sludge haulers and registration of domestic septage haulers, removes the Exceptional Quality option for closure of sanitary wastewater treatment facilities in order not to be in conflict with EPA treatment requirements for Exceptional Quality (EPA Class A) pathogen standards, removes unnecessary post-closure requirements for sewage sludge treatment facilities, changes or modifies nutrient sampling/reporting and labeling requirements carried over from the Solid Waste regulations allowing language to parallel EPA requirements, adds requirements to post certain signs at all Class B land application sites as part of the site restrictions, and makes a major revision to the financial assurance requirements. Additionally, wording is rearranged and typographical errors corrected to provide for better readability and clarification of the regulations. The removal of the Exceptional Quality certification option for closure of facilities that treat sanitary wastewater or sewage sludge, as well as the other changes in this rule, will not take effect until the date of final promulgation of the rule. The basis and rationale for this rule are to provide for the proper regulation of sewage sludge and biosolids activities for better protection of human health and the environment. This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality
Subpart 3. Louisiana Sewage Sludge and Biosolids Program
Chapter 73. Standards for the Use or Disposal of Sewage Sludge and Biosolids
Subchapter A. Program Requirements
§7301. General Provisions

A. - A.1.b. …

i. general requirements and other requirements for bulk biosolids, general management practices and other management practices for bulk biosolids, pollutant limits, pathogen and vector attraction reduction requirements, and operational standards;

ii. sampling and monitoring requirements, recordkeeping and reporting requirements, specific exclusions, and prohibitions and restrictions regarding the use and disposal of sewage sludge and biosolids;

iii. the siting, operation, and financial assurance requirements for commercial preparers of sewage sludge or land appliers of biosolids; and

iv. requirements and standards for transporters and vehicles utilized for the transporting of sewage sludge.

1.c. - 2.b.iii. …

B. General Definitions. The following terms used in this Chapter shall have the meanings listed below, unless the context clearly indicates otherwise, or the term is specifically redefined in a particular Section.

* * *

Commercial Preparer of Sewage Sludge—any person who prepares sewage sludge for monetary profit or other financial consideration and either the person is not the generator of the sewage sludge or the sewage sludge was obtained from a facility or facilities not owned by or associated with the person.

* * *

Owner or Operator—the owner or operator of any facility or activity subject to these regulations.

* * *

Person—any individual, municipality, public or private corporation, partnership, firm, the United States Government and any agent or subdivision thereof, or any other juridical person, which shall include, but not be limited to, trusts, joint stock companies, associations, the state of Louisiana, political subdivisions of the state, commissions, and interstate bodies.

* * *

Transporter of Sewage Sludge—a person who pumps or moves sewage sludge off-site by means of land-based vehicles, barges, ships, rails, pipelines, or other modes of transportation. For oxidation ponds/lagoons/surface impoundments, this includes the removal of the sewage sludge from the oxidation ponds/lagoons/surface impoundments to the levees surrounding the oxidation ponds/lagoons/surface impoundments.

* * *

C. Compliance Period

1. - 3.b.iii. …

D. Permits and Permitting Requirements

1. Except as exempted in Paragraph D.2 of this Section, no person shall prepare sewage sludge or biosolids, dispose of sewage sludge in a permitted landfill, apply biosolids to the land, or own or operate a sewage sludge incinerator without first obtaining a permit in accordance with the deadlines set forth in Subparagraphs D.1.a-c of this Section. The permit shall identify and regulate the specific use or disposal practice, the storage, the treatment, and the appropriate transportation requirements of sewage sludge described in the permit application.

a. – b.v. …

c. At least 180 days prior to the expiration of a permit issued under these regulations, the owner/operator of the facility or the land applier shall submit an application for permit issuance under this Chapter if the owner/operator or land applier intends to continue operations after that date.

1.d. - 3.b. …

4. Closure requirements for sanitary wastewater treatment facilities that were utilized for the preparation of sewage sludge or for sewage sludge disposal ponds/lagoons/surface impoundments that must comply with the requirements of Subparagraph C.3.b of this Section, are as follows.

a. The liquid portion must be removed in a manner that meets the requirements of LAC 33:IX.Chapters 23-71.

b. After removal of the liquid, the sewage sludge shall be used or disposed through one of the options in Clause D.4.b.i or ii of this Section as follows:

i. the submittal of a closure plan to the Office of Environmental Services for the total removal of the sewage sludge and subsequent disposal of the sewage sludge in a permitted landfill. Approval or disapproval of the closure plan shall be rendered by the Office of Environmental Services after receipt and review of the plan. The closure plan shall include the following:

(a). the name, mailing address, physical address, and contact person of the facility that is proposed for closure;

(b). an aerial photograph showing the location of the facility that is proposed for closure;

(c). the approximate amount of sewage sludge that will be removed and disposed at a permitted landfill;

(d). sampling and analysis for the following parameters:

(i). toxicity characteristics leaching procedure (TCLP);

(ii). liquid paint filter test; and

(iii). any other parameter required by the chosen permitted landfill;

(e). either a schematic drawing or an aerial photograph that indicates where the samples for the parameters in Subclause D.4.b.i.(d) of this Section will be taken in the facility;

(f). the laboratory methods to be utilized for the sampling and analysis of the parameters in Subclause D.4.b.i.(d) of this Section;

(g). the name of the laboratory where the samples for the parameters in Subclause D.4.b.i.(d) of this Section will be analyzed;

(h). the name, location, and contact person of the site where the sewage sludge will be disposed; and

(i). any other information the department may require; or

ii. obtaining approval for a permit for the land application of the sewage sludge as a Class B biosolid by submittal of a Sewage Sludge and Biosolids Use or Disposal Permit application to the Office of Environmental Services utilizing the application form that can be accessed on the department's website or by contacting the Office of Environmental Services.

c. Upon completion of the use or disposal option selected in either Clause D.4.b.i or ii of this Section, if the facility is a pond/lagoon/surface impoundment, the levees shall be broken and leveled and the pond/lagoon/surface impoundment shall be filled with soil that includes a minimum of at least 6 inches of topsoil to support vegetative growth.

D.5. - E.2. …

3. The person who prepares sewage sludge that is disposed in a landfill shall provide the following to the Office of Environmental Services on an annual basis on or before February 19 of each year, or at a frequency designated in the permit:

a. - b. …

F. Registration Requirements and Standards for Transporters of Sewage Sludge Who Are Not Required to Obtain a Permit Under LAC 33:IX.7301.D.1 and Standards for Vehicles Used in the Transport of Sewage Sludge

1. Registration Requirements

a. A transporter of sewage sludge and/or grease mixed with sewage sludge who is not required to obtain a permit under Paragraph D.1 of this Section shall not transport any sewage sludge and/or grease mixed with sewage sludge without first registering such activity with the Office of Environmental Services in writing and paying all associated fees.

b. Registration shall be through a form obtained from the Office of Environmental Services or through the department's website. All the information required by the form shall be provided. The method of payment of fees shall be in accordance with LAC 33:IX.1309.

c. The registration period shall be for one state fiscal year period of July 1 to June 30. All registrations shall expire on June 30 of each year. If a person wishes to continue the operation of transporting sewage sludge, he or she shall apply for re-registration to the Office of Environmental Services at least 60 days prior to June 30 of each year.

d. The fee for registration shall be an annual fee of $100.

e. The Office of Environmental Services shall be notified prior to any modification to the information submitted for registration, including, but not limited to, the following:

i. the removal and/or addition of information about the facility to which the sewage sludge is being transported; and

ii. the removal and/or addition of a vehicle that will be utilized for the transporting of sewage sludge.

2. Standards for All Transporters of Sewage Sludge

a. All transporters of sewage sludge and/or grease mixed with sewage sludge shall transport the sewage sludge and/or grease mixed with sewage sludge only to a facility permitted to receive sewage sludge or mixtures thereof, and shall maintain a daily log or record of activities containing the following information regarding the sewage sludge and/or grease mixed with sewage sludge:

i. the date the transported material was obtained, pumped, or removed;

ii. the origin or source of the material;

iii. the volume of material generated at each site;

iv. the transfer and/or disposal site; and

v. the total amount of material that was transported or disposed.

b. Standards Applicable to Vehicles Used to Transport Sewage Sludge

i. The bodies of vehicles transporting sewage sludge must be covered at all times, except during loading and unloading, in a manner that prevents rain from reaching the sewage sludge, inhibits access by disease vectors, prevents the sewage sludge from falling or blowing from the vehicle, minimizes escape of odors, and does not create a nuisance.

ii. The bodies of vehicles that are utilized to transport liquefied sewage sludge or a sewage sludge that is capable of producing a leachate shall be constructed and/or enclosed with an appropriate material that will completely prevent the leakage or spillage of the liquid.

iii. The exterior and interior of the body of a vehicle that is transporting sewage sludge shall be washed down, at a designated washdown area, as often as needed to ensure against accumulation of sewage sludge or biosolids, and for the prevention of odors and disease vector attraction.

iv. The vehicle washdown area shall be designed, constructed, and operated to prevent groundwater contamination and stormwater run-on and runoff.

v. All water and leachate generated at the designated washdown area shall be contained and discharged in accordance with all applicable state and federal regulations.

c. Standards for Sewage Sludge Pipelines and Containment Areas

i. Transfer points, pumping stations, and other facilities with a potential for spillage shall be located above grade, or in watertight compartments, and shall be in containment areas constructed to hold the maximum potential spill.

ii. Containment areas shall consist of a base and dikes constructed of concrete, compacted clay, or other impervious materials. All joints must be sealed.

d. Other Standards. The administrative authority may provide appropriate standards for transporters of sewage sludge that utilize modes of transportation not covered by Subparagraphs F.2.b and c of this Section.

e. These regulations do not relieve the transporter from the responsibility of complying with other applicable regulations and licensing requirements, including, but not limited to, those of the Louisiana Department of Transportation and Development, and with applicable ordinances governing types, sizes, and weights of vehicles used to transport sewage sludge on roads and streets that must be traveled during the transporting of the sewage sludge and with any other applicable requirements.

G. – I.2.k. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:781 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2516 (October 2005), LR 33:2366 (November 2007), repromulgated LR 34:1028 (June 2008), amended LR 35:

§7303. Land Application

A. - D.5.b. …

i. the information required in Clauses L.1.f.i-ix of this Section, and if the biosolids are compost, the information in Clauses L.1.g.i-vi of this Section; and

D.5.b.ii. - I.2. …

J. Recordkeeping

1. All *Class I sludge management facilities*, as defined in LAC 33:IX.7301.B, that prepare sewage sludge shall keep a record of the following for a period of five years:

a. annual production of sewage sludge (i.e., dry tons or dry metric tons);

b. the sewage sludge management practice used;

c. sampling results for hazardous characteristics; and

d. sampling results for PCBs.

2. - 2.e.ii.(b).certification. …

K. Reporting

1. All *Class I sludge management facilities*, as defined in LAC 33:IX.7301.B, that prepare sewage sludge shall submit the information in Paragraph J.1 of this Section to the administrative authority on or before February 19 of each year.

K.2. - L.1.a. …

b. the laboratory analysis for percent dry solids, percent ammonia nitrogen, percent nitrate, percent nitrite, percent nitrogen, percent phosphorus, percent potassium, and percent organic matter and, if the sewage sludge or biosolids underwent or were subjected to any type of alkaline stabilization and/or alkaline treatment, the pH of the sewage sludge or biosolids;

c. - d. …

e. the vector attraction reduction requirement in LAC 33:IX.7309.D.2.a-e that will be utilized;

f. - f.ii. ...

iii. percent nitrogen;

iv. percent ammonia nitrogen;

v. percent phosphorus;

vi. percent potassium;

vii. pH;

viii. the concentration of PCBs in mg/kg of total solids (dry wt.); and

ix. application instructions and a statement that application of the biosolids to the land is prohibited except in accordance with the instructions on the label or information sheet; and

g. in addition to the label requirements in Clauses L.1.f.i-ix of this Section, an example of the label that must accompany all compost sold or given away either in bulk or

in a bag or other container, having the following information:

i. soluble salt content;
ii. water holding capacity;
iii. bulk density (lbs/yd^3);
iv. particle size;
v. moisture content; and
vi. percent organic matter content.

2. - 4. …

5. For the term of the permit, the preparer of the biosolids shall conduct continued sampling at a frequency of monitoring indicated in Table 1 of LAC 33:IX.7303.L. The samples shall be analyzed for the parameters specified in Subparagraphs L.1.a-c of this Section, and for the pathogen and vector attraction reduction requirements in Subparagraphs L.1.d and e of this Section, as required by LAC 33:IX.7309.

Table 1 of LAC 33:IX.7303.L	
Frequency of Monitoring—Exceptional Quality Biosolids	
Amount of Biosolids[1] (metric tons per 365-day period)	**Frequency**
Greater than zero but less than 15,000	Once per quarter (four times per year)
Equal to or greater than 15,000	Once per month (12 times per year)
[1]The amount of biosolids sold or given away either in bulk or in a bag or other container.	

6. - 9.b.certification. …

10. The person who prepares Exceptional Quality biosolids shall forward the information required in Paragraph L.9 of this Section to the administrative authority as follows.

a. For facilities having a frequency of monitoring in Table 1 of LAC 33:IX.7303.L of once per quarter (four times per year), the reporting periods and the report due dates shall be as specified in Table 2 of LAC 33:IX.7303.L.

Table 2 of LAC 33:IX.7303.L	
Reporting—Exceptional Quality Biosolids	
Monitoring Period[1] (Once per Quarter)	**Report Due Date**
January, February, March	August 28
April, May, June	
July, August, September	February 28
October, November, December	
[1]Separate reports must be submitted for each monitoring period.	

b. For facilities having a frequency of monitoring in Table 1 of LAC 33:IX.7303.L of once per month (12 times per year), the reporting periods and the report due dates shall be as specified in Table 3 of LAC 33:IX.7303.L.

Table 3 of LAC 33:IX.7303.L	
Reporting—Exceptional Quality Biosolids	
Monitoring Period[1] (Once per Month)	**Report Due Date**
January	May 28
February	
March	
April	August 28
May	
June	
July	November 28
August	
September	February 28
October	
November	
December	
[1]Separate reports must be submitted for each monitoring period.	

M. - N.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:785 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2374 (November 2007), LR 35:

§7305. Siting and Operation Requirements for Commercial Preparers of Sewage Sludge

A. – B.2.a.iv. …

b. Fire Protection and Medical Care. All facilities shall have access to required fire protection and medical care with access gates that are wide enough to allow easy access for emergency vehicles, or such services shall be provided internally.

3. Facility Surface Hydrology

3.a. - 5.…

6. Notification of Completion. Within 10 days of completion of the facility or completion of a facility modification, the owner of the facility shall submit to the administrative authority:

a. notification of completion; and
b. a site inspection request.

C. - C.1.a.i. …

ii. The facility operations and maintenance manual shall describe, in specific detail, how the sewage sludge and the other feedstock or supplements to be blended, composted, or mixed with the sewage sludge (if applicable) will be managed during all phases of the preparation process and, if applicable, the land application process. At a minimum, the manual shall address the following:

(a). preparation facility site and project description;

(b). regulatory interfaces;

(c). preparation process management plan;

(d). odor management plan;

(e). methods utilized for managing the biological conditions during the composting procedure (i.e., carbon/nitrogen ratio, moisture, O_2 levels, free air space), when composting is utilized as a preparation process;

(f). - (j). …

(k). monitoring, sampling, recordkeeping, and reporting procedures;

(l). - (m). …

(n). pollutant reduction plan (for land application of biosolids);

(o). pathogen treatment plan (for land application of biosolids);

(p). vector attraction reduction plan (for land application of biosolids);

(q). site application records (for land application of biosolids);

(r). description of how the land application management practices are met (for land application of biosolids);

(s). description of how the land application site and soil restrictions are met (for land application of biosolids);

(t). operator certification; and

(u). administration of the operations and maintenance manual.

a.iii. - b.vii.(b). …

viii. Receiving and Monitoring Sewage Sludge, Other Materials, Feedstock, or Supplements Used

(a). Any facility used to prepare sewage sludge shall be equipped with a device or method to determine quantity (by wet-weight tonnage), sources (whether the sewage sludge, other materials, feedstock, or supplements to be mixed with the sewage were generated in-state or out-of-state), and types of other materials, feedstock, or supplements. The facility shall also be equipped with a device or method to control entry of sewage sludge, other materials, feedstock, or supplements coming on-site and prevent entry of unrecorded or unauthorized deliverables (i.e., hazardous, industrial, unauthorized, or unpermitted solid waste).

(b). Other feedstock and supplements that are blended, composted, or mixed with sewage sludge shall be treated for the effective removal of sharps including, but not limited to, sewing needles, straight pins, hypodermic needles, telephone wires, and metal bracelets.

(c). Any facility used to prepare sewage sludge shall be equipped with a central control and recordkeeping system for tabulating the information required in Subclause C.1.b.viii.(a) of this Section.

ix. Personnel. All facilities shall have the personnel necessary to achieve the operational requirements of the facility.

2. Additional Operational Requirements for Composters

a. The composting procedure shall begin within 24 hours of receipt of the material to be prepared as a compost.

b. Adequate covers shall be provided for windrows during the curing stage to protect the compost from rainwater.

c. Covered areas shall be provided where feedstock is prepared.

d. Any compost made from sewage sludge that cannot be used according to these regulations shall be reprocessed or disposed of in an approved facility.

e. Composted sewage sludge shall be used, sold, or disposed of at a permitted disposal facility within 36 months of completion of the composting process.

f. The final composted product shall be stable and mature. In addition to meeting the applicable time and temperature for pathogen and vector attraction reduction requirements, proof of the stability and maturity of the final composted product shall be provided by utilizing the applicable methods in the source referenced in LAC 33:IX.7301.I.2.j.

3. Facility Closure Requirements

a. - c.i. ...

ii. If contamination exists, in order to satisfy the closure requirements of this Section the permit holder must utilize the Risk Evaluation/Corrective Action Program (RECAP) standards in accordance with LAC 33:I.Chapter 13 to the fullest extent possible. Any residual contamination must meet the RECAP standards approved by the administrative authority, including any residual contamination in the underlying and surrounding soils and/or groundwater. Otherwise, the permit holder shall enter into a cooperative agreement with the administrative authority to perform corrective action (i.e., additional closure activities including site investigation, remedial investigation, a corrective action study, and/or remedial action).

d. Closure Inspection. After the closure requirements have been met, the permit holder shall file a request for a closure inspection with the Office of Environmental Services.

e. Release of Closure Funds. After the closure inspection and subsequent determination by the administrative authority that a facility has completed closure, the administrative authority shall release the closure fund to the permit holder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:794 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2516 (October 2005), LR 33:2382 (November 2007), LR 35:

§7307. Financial Assurance Requirements for Commercial Preparers of Sewage Sludge and Commercial Land Appliers of Biosolids

A. Purpose and Applicability. The purpose of this Section is to establish the financial assurance (the word *security* may be used interchangeably with *assurance*) requirements for:

1. commercial preparers of sewage sludge for meeting the requirements applicable during operation and closure; and

2. commercial land appliers of biosolids during operation and closure.

B. This Section shall be applicable to the entities listed in Subsection A of this Section when the following actions are taken by the department:

1. issuance of a new permit;

2. renewal of an existing permit;

3. modification of an existing permit; and

4. transfer of an existing permit to a different permittee.

C. Financial assurance mechanisms and instruments shall be submitted as follows.

1. The permit holder must submit to the administrative authority for approval a financial assurance mechanism drafted in accordance with this Section to cover the cost estimate for the closure requirements in LAC 33:IX.7305.C.3. The financial assurance mechanism shall be submitted with the application under separate cover and be approved by the administrative authority as part of the permit issuance process. The financial assurance mechanism must be approved by the administrative authority prior to the permit holder's operating the facility.

2. All instruments used in this Section shall be submitted in the following manner.

a. The instrument shall be addressed to the Office of Environmental Services.

b. The original instrument shall be submitted.

c. The instrument shall be accompanied with a cover letter identifying the facility, agency interest number, and any other identifying information deemed necessary by the administrative authority.

D. Commercial preparers of sewage sludge and commercial land appliers of biosolids, hereinafter referred to in this Section as *affected persons*, have the following liability insurance responsibilities while their facilities are in operation.

1. All affected persons shall maintain liability insurance, or its equivalent, for sudden and accidental occurrences in the amount of $1 million per occurrence and $1 million annual aggregate, per site, exclusive of legal defense costs, for claims arising from injury to persons or property, owing to the operation of the site. Commercial preparers of sewage sludge and commercial land appliers of biosolids are exempt from these requirements if the amount of sewage sludge prepared or the amount of biosolids applied to the land is less than 15,000 metric tons per year. Evidence of this coverage shall be updated annually and provided to the Office of Environmental Services. This financial assurance may be established by any one or a combination of the following mechanisms.

a. Insurance. Evidence of liability insurance may consist of either a signed duplicate original of a liability endorsement in favor of the affected person, or a certificate of insurance. The wording of a liability endorsement shall be identical to the wording in LAC 33:IX.7395.Appendix A, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted. The wording of a certificate of insurance shall be identical to the wording in LAC 33:IX.7395.Appendix B, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted. All liability endorsements and certificates of insurance must include:

i. a statement of coverage relative to environmental risks;

ii. a statement of all exclusions to the policy; and

iii. a certification by the insurer that the insurance afforded with respect to such sudden accidental occurrences is subject to all of the terms and conditions of the policy, provided, however, that any provisions of the policy inconsistent with Subclauses D.1.a.iii.(a)-(f) of this Section are amended to conform with said Subclauses:

(a). bankruptcy or insolvency of the insured shall not relieve the insurer of its obligations under the policy;

(b). the insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the insurer. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated as specified in Subparagraphs D.1.b-d of this Section;

(c). whenever requested by the administrative authority, the insurer agrees to furnish to the administrative authority a signed duplicate original of the policy and all endorsements;

(d). cancellation of the policy, whether by the insurer or the insured, will be effective only upon written notice and upon lapse of 60 days after a copy of such written notice is received by the Office of Environmental Services;

(e). any other termination of the policy will be effective only upon written notice and upon lapse of 30 days after a copy of such written notice is received by the Office of Environmental Services; and

(f). the insurer is admitted, authorized, or eligible to conduct insurance business in the state of Louisiana.

b. Letter of Credit. An affected person may satisfy the requirements of this Subsection by obtaining an irrevocable letter of credit that conforms to all of the following requirements and submitting the letter to the administrative authority.

i. The issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

ii. An affected person who uses a letter of credit to satisfy the requirements of this Subsection must also provide to the administrative authority evidence of the establishment of a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the administrative authority will be deposited by the issuing institution directly into the standby trust fund. The wording of the standby trust fund agreement shall be identical to the wording in LAC 33:IX.7395.Appendix D, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted. The trust agreement shall be accompanied by a formal certification of acknowledgement, as in the example in LAC 33:IX.7395.Appendix D.

iii. The letter of credit must be accompanied by a letter from the affected person referring to the letter of credit by number, name of issuing institution, and date, and providing the following information:

(a). the agency interest number;

(b). the site name, if applicable;

(c). the facility name;

(d). the facility permit number; and

(e). the amount of funds assured for liability coverage of the facility by the letter of credit.

iv. The letter of credit must be irrevocable and issued for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the affected person and the administrative authority by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the affected person and the Office of Environmental Services receive the notice, as evidenced by the return receipts.

v. The wording of the letter of credit shall be identical to the wording in LAC 33:IX.7395.Appendix C, except that the instructions in brackets are to be replaced with the relevant information (i.e., type of affected person), and the brackets deleted.

c. Financial Test

i. To meet this test, the affected person or parent corporation (corporate guarantor) of the affected person must submit to the Office of Environmental Services the documents required by Subparagraph E.2.h of this Section demonstrating that the requirements of Subparagraph E.2.h

of this Section have been met. Use of the financial test may be disallowed on the basis of the accessibility of the assets of the affected person or parent corporation (corporate guarantor). If the affected person or parent corporation is using the financial test to demonstrate liability coverage and closure, only one letter from the chief financial officer is required.

ii. The assets of the parent corporation of the affected person shall not be used to determine whether the affected person satisfies the financial test, unless the parent corporation has supplied a corporate guarantee as authorized in Subparagraph D.1.d of this Section.

iii. The wording of the financial test shall be as specified in Clause E.2.h.iv of this Section.

d. Corporate Guarantee

i. An affected person may meet the requirements of Paragraph D.1 of this Section for liability coverage by obtaining a written guarantee, hereafter referred to as a *corporate guarantee*. The guarantor must demonstrate to the administrative authority that the guarantor meets the requirements in this Subsection and must comply with the terms of the corporate guarantee. The corporate guarantee must accompany the items sent to the administrative authority specified in Clauses E.2.h.ii and iv of this Section. The terms of the corporate guarantee must be in an authentic act signed and sworn to by an authorized officer of the corporation before a notary public and must provide that:

(a). the guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in Subparagraph E.2.h of this Section;

(b). the guarantor is the parent corporation of the affected person to be covered by the guarantee, and the guarantee extends to certain facilities;

(c). if the affected person fails to satisfy a judgment based on a determination of liability for bodily injury or property damage to third parties caused by sudden and accidental occurrences (or both as the case may be), arising from the operation of facilities covered by the corporate guarantee, or fails to pay an amount agreed to in settlement of the claims arising from or alleged to arise from such injury or damage, the guarantor will do so up to the limits of coverage;

(d). the guarantor agrees that if, at the end of any fiscal year before termination of the guarantee, the guarantor fails to meet the financial test criteria, the guarantor shall send within 90 days, by certified mail, notice to the Office of Environmental Services and to the affected person, that he intends to provide alternative financial assurance as specified in this Subsection, in the name of the affected person, and that within 120 days after the end of said fiscal year the guarantor shall establish such financial assurance, unless the affected person has done so;

(e). the guarantor agrees to notify the Office of Environmental Services by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the guarantor as debtor, within 10 days after commencement of the proceeding;

(f). the guarantor agrees that within 30 days after being notified by the administrative authority of a determination that the guarantor no longer meets the financial test criteria or that he or she is disallowed from continuing as a guarantor of closure, he or she shall establish alternate financial assurance as specified in this Subsection in the name of the affected person unless the affected person has done so;

(g). the guarantor agrees to remain bound under the guarantee notwithstanding any or all of the following: amendment or modification of the permit, or any other modification or alteration of an obligation of the affected person in accordance with these regulations;

(h). the guarantor agrees to remain bound under the guarantee for as long as the affected person must comply with the applicable financial assurance requirements of Paragraph E.2 of this Section for the facilities covered by the guarantee, except that the guarantor may cancel this guarantee by sending notice by certified mail to the administrative authority and the affected person. Such a cancellation will become effective no earlier than 90 days after receipt of such notice by both the administrative authority and the affected person, as evidenced by the return receipts;

(i). the guarantor agrees that if the affected person fails to provide alternate financial assurance, as specified in this Subsection, and obtain written approval of such assurance from the administrative authority within 60 days after the administrative authority receives the guarantor's notice of cancellation, the guarantor shall provide such alternate financial assurance in the name of the affected person;

(j). the guarantor expressly waives notice of acceptance of the guarantee by the administrative authority or by the affected person. The guarantor also expressly waives notice of amendments or modifications of the facility permit; and

(k). the wording of the corporate guarantee shall be as specified in Clause E.2.h.ix of this Section.

ii. A corporate guarantee may be used to satisfy the requirements of this Section only if the attorney general(s) or insurance commissioner(s) of the state in which the guarantor is incorporated, and the state in which the facility covered by the guarantee is located, has submitted a written statement to the Office of Environmental Services that a corporate guarantee is a legally valid and enforceable obligation in that state.

2. The use of a particular financial assurance mechanism is subject to the approval of the administrative authority.

3. Affected persons must submit evidence of financial assurance in accordance with this Section at least 60 days before the date on which sewage sludge, other materials, feedstock, or supplements are first received for processing.

E. Financial Assurance for Closure for Commercial Preparers of Sewage Sludge and Commercial Land Appliers of Biosolids

1. Commercial preparers of sewage sludge and commercial land appliers of biosolids, hereinafter referred to in this Section as *affected persons*, shall maintain financial assurance in the amount of $25,000 per site for closure if the amount of sewage sludge prepared or the amount of biosolids applied to the land is less than 15,000 metric tons per year. Evidence of this coverage shall be updated annually and provided to the Office of Environmental Services. This financial assurance may be established by any

one or a combination of the methods in Subparagraph E.2.b of this Section. If these requirements cannot be met, an alternative financial assurance mechanism shall be submitted for review and approval by the administrative authority. Such an alternative financial assurance mechanism shall not result in a value of financial assurance that is less than the amount provided as a written cost estimate for closure of the facility in the permit application.

2. All affected persons not covered in Paragraph E.1 of this Section shall establish and maintain financial assurance for closure in accordance with LAC 33:IX.7305.C.3, and shall submit to the Office of Environmental Services the estimated closure date and the estimated cost of closure in accordance with the following requirements.

a. The affected person must have a written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in these regulations. The estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by the closure plan, and shall be based on the cost of hiring a third party to close the facility in accordance with the closure plan.

i. The cost estimates must be adjusted within 30 days after each anniversary of the date on which the first cost estimate was prepared, on the basis of either the inflation factor derived from the Annual Implicit Price Deflator for Gross Domestic Product, as published by the U.S. Department of Commerce in its *Survey of Current Business*, or a re-estimation of the closure costs in accordance with Subparagraph E.2.a of this Section. The affected person must revise the cost estimate whenever a change in the closure plan increases or decreases the cost of the closure plan. The affected person must submit a written notice of any such adjustment to the Office of Environmental Services within 15 days following such adjustment.

ii. For trust funds, the first payment must be at least equal to the current closure cost estimate, divided by the number of years in the pay-in period. Subsequent payments must be made no later than 30 days after each annual anniversary of the date of the first payment. The amount of each subsequent payment must be determined by subtracting the current value of the trust fund from the current closure cost estimate and dividing the result by the number of years remaining in the pay-in period. The initial pay-in period is based on the estimated life of the facility.

b. Financial Assurance Instruments. The financial assurance instrument must be one or a combination of the following: a trust fund, a financial guarantee bond ensuring closure funding, a performance bond, a letter of credit, an insurance policy, or the financial test. The financial assurance mechanism is subject to the approval of the administrative authority and must fulfill the following criteria.

i. Except when a financial test, trust fund, or certificate of insurance is used as the financial assurance mechanism, a standby trust fund naming the administrative authority as beneficiary must be established at the time of the creation of the financial assurance mechanism into which the proceeds of such mechanism could be transferred should such funds be necessary for closure of the facility, and a signed copy must be furnished to the administrative authority with the mechanism.

ii. An affected person may use a financial assurance mechanism specified in this Section for more than one facility, if all such facilities are located within the state of Louisiana and are specifically identified in the mechanism.

iii. The amount covered by the financial assurance mechanisms must equal the total of the current closure cost estimate for each facility covered.

iv. When all closure requirements have been satisfactorily completed, the administrative authority shall execute an approval to terminate the financial assurance mechanisms.

c. Trust Funds. An affected person may satisfy the requirements of this Section by establishing a closure trust fund that conforms to the following requirements and submitting an originally-signed duplicate of the trust agreement to the Office of Environmental Services.

i. The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

ii. Trusts must be accomplished in accordance with and subject to the laws of the state of Louisiana. The beneficiary of the trust shall be the administrative authority.

iii. Trust fund earnings may be used to offset required payments into the fund, to pay the fund trustee, or to pay other expenses of the funds, or may be reclaimed by the affected person upon approval of the administrative authority.

iv. The trust agreement must be accompanied by an affidavit certifying the authority of the individual signing the trust on behalf of the affected person.

v. The affected person may accelerate payments into the trust fund or deposit the full amount of the current closure cost estimate at the time the fund is established. The affected person must, however, maintain the value of the fund at no less than the value that the fund would have if annual payments were made as specified in Clause E.2.a.ii of this Section.

vi. If the affected person establishes a trust fund after having used one or more of the alternate instruments specified in this Section, the first payment must be in at least the amount that the fund would contain if the trust fund were established initially and annual payments made according to the specifications of Clause E.2.a.ii of this Section.

vii. After the pay-in period is completed, whenever the current cost estimate changes, the affected person must compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the affected person, within 60 days after the change in the cost estimate, must either deposit an amount into the fund that will make its value at least equal to the amount of the closure cost estimate, or obtain other financial assurance as specified in this Section to cover the difference.

viii. After beginning final closure, an affected person or any other person authorized by the affected person to perform closure may request reimbursement for closure expenditures by submitting itemized bills to the Office of Environmental Services. Within 60 days after receiving bills

for such activities, the administrative authority will determine whether the closure expenditures are in accordance with the closure plan or otherwise justified, and, if so, he or she will instruct the trustee to make reimbursement in such amounts as the administrative authority specifies in writing. If the administrative authority has reason to believe that the cost of closure will be significantly greater than the value of the trust fund, he may withhold reimbursement for such amounts as he deems prudent until he determines that the affected person is no longer required to maintain financial assurance.

ix. The wording of the trust agreement shall be identical to the wording in LAC 33:IX.7395.Appendix D, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted. The trust agreement shall be accompanied by a formal certification of acknowledgement, as in the example in LAC 33:IX.7395.Appendix D.

d. Surety Bonds. An affected person may satisfy the requirements of this Subsection by obtaining a surety bond that conforms to the following requirements and submitting the bond to the Office of Environmental Services.

i. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury, and be approved by the administrative authority.

ii. The affected person who uses a surety bond to satisfy the requirements of this Subsection must also provide to the administrative authority evidence of the establishment of a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the administrative authority. The wording of the standby trust fund shall be identical to the wording in LAC 33:IX.7395.Appendix D, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted. The standby trust agreement shall be accompanied by a formal certification of acknowledgement, as in the example in LAC 33:IX.7395.Appendix D.

iii. The bond must guarantee that the affected person will:

(a). fund the standby trust fund in an amount equal to the penal sum of the bond before the beginning of final closure of the facility;

(b). fund the standby trust fund in an amount equal to the penal sum within 15 days after an order to begin closure is issued; or

(c). provide alternate financial assurance, as specified in this Section, and obtain the administrative authority's written approval of the assurance provided, within 90 days after receipt by both the affected person and the administrative authority of a notice of cancellation of the bond from the surety.

iv. The terms of the bond must provide that the surety will become liable on the bond obligation when the affected person fails to perform as guaranteed by the bond.

v. The penal sum of the bond must be at least equal to the current closure cost estimate.

vi. Whenever the current closure cost estimate increases to an amount greater than the penal sum, the affected person, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Office of Environmental Services, or obtain other financial assurance as specified in this Section to cover the increase. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.

vii. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the affected person and to the Office of Environmental Services. Cancellation may not occur, however, before 120 days have elapsed, beginning on the date that both the affected person and the administrative authority have received the notice of cancellation, as evidenced by the return receipts.

viii. The wording of the surety bond guaranteeing payment into a standby trust fund shall be identical to the wording in LAC 33:IX.7395.Appendix E, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted.

e. Performance Bonds. An affected person may satisfy the requirements of this Subsection by obtaining a surety bond that conforms to the following requirements and submitting the bond to the Office of Environmental Services.

i. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury, and be approved by the administrative authority.

ii. The affected person who uses a surety bond to satisfy the requirements of this Subsection must also provide to the administrative authority evidence of establishment of a standby trust fund. Under the terms of the bond, all payments made thereunder will be deposited by the surety directly into the standby trust fund in accordance with instructions from the administrative authority. The wording of the standby trust agreement shall be identical to the wording in LAC 33:IX.7395.Appendix D, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted. The standby trust agreement shall be accompanied by a formal certification of acknowledgement, as in the example in LAC 33:IX.7395.Appendix D.

iii. The bond must guarantee that the affected person will:

(a). perform final closure in accordance with the closure plan and other requirements of the permit for the facility whenever required to do so; or

(b). provide alternate financial assurance, as specified in this Section, and obtain the administrative authority's written approval of the assurance provided, within 90 days after the date both the affected person and the administrative authority receive notice of cancellation of the bond from the surety.

iv. The terms of the bond must provide that the surety will become liable on the bond obligation when the affected person fails to perform as guaranteed by the bond. Following a determination by the administrative authority that the affected person has failed to perform final closure in accordance with the closure plan and other permit requirements when required to do so, under the terms of the bond the surety will perform final closure as guaranteed by

the bond or will deposit the amount of the penal sum into the standby trust fund.

v. The penal sum of the bond must be at least equal to the current closure cost estimate.

vi. Whenever the current closure cost estimate increases to an amount greater than the penal sum, the affected person, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the Office of Environmental Services, or obtain other financial assurance as specified in this Section. Whenever the current cost estimate decreases, the penal sum may be reduced to the amount of the current cost estimate after written approval of the administrative authority.

vii. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the affected person and to the Office of Environmental Services. Cancellation may not occur before 120 days have elapsed, beginning on the date that both the affected person and the administrative authority have received the notice of cancellation, as evidenced by the return receipts.

viii. The wording of the performance bond shall be identical to the wording in LAC 33:IX.7395.Appendix F, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted.

f. Letter of Credit. An affected person may satisfy the requirements of this Subsection by obtaining an irrevocable standby letter of credit that conforms to the following requirements and submitting the letter to the Office of Environmental Services.

i. The issuing institution must be an entity that has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

ii. The affected person who uses a letter of credit to satisfy the requirements of this Subsection must also provide to the administrative authority evidence of the establishment of a standby trust fund. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the administrative authority will be deposited by the issuing institution directly into the standby trust fund. The wording of the standby trust fund shall be identical to the wording in LAC 33:IX.7395.Appendix D, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted. The standby trust agreement shall be accompanied by a formal certification of acknowledgement, as in the example in LAC 33:IX.7395.Appendix D.

iii. The letter of credit must be accompanied by a letter from the affected person referring to the letter of credit by number, issuing institution, and date, and providing the following information:

(a). the agency interest number;

(b). the site name, if applicable;

(c). the facility name;

(d). the facility permit number; and

(e). the amount of funds assured for closure of the facility by the letter of credit.

iv. The letter of credit must be irrevocable and issued for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the affected person and the Office of Environmental Services by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the affected person and the administrative authority have received the notice, as evidenced by the return receipts.

v. The letter of credit must be issued in an amount at least equal to the current closure cost estimate.

vi. Whenever the current cost estimates increase to an amount greater than the amount of the credit, the affected person, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current closure cost estimate and submit evidence of such increase to the Office of Environmental Services, or obtain other financial assurance as specified in this Subsection to cover the increase. Whenever the current cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure cost estimate upon written approval of the administrative authority.

vii. Following a determination by the administrative authority that the affected person has failed to perform final closure in accordance with the closure plan and other permit requirements when required to do so, the administrative authority may draw on the letter of credit.

viii. The wording of the letter of credit shall be identical to the wording in LAC 33:IX.7395.Appendix G, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted.

g. Insurance. An affected person may satisfy the requirements of this Subsection by obtaining insurance that conforms to the following requirements and submitting a certificate of such insurance to the Office of Environmental Services.

i. At a minimum, the insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess- or surplus-lines insurer in one or more states, and authorized to transact insurance business in the state of Louisiana.

ii. The insurance policy must be issued for a face amount at least equal to the current closure cost estimate.

iii. The term "face amount" means the total amount the insurer is obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

iv. The insurance policy must guarantee that funds will be available to close the facility. The policy must also guarantee that, once final closure begins, the insurer will be responsible for paying out funds up to an amount equal to the face amount of the policy, upon the direction of the administrative authority, to such party or parties as the administrative authority specifies.

v. After beginning final closure, an affected person or any other person authorized by the affected person to perform closure may request reimbursement for closure expenditures by submitting itemized bills to the Office of Environmental Services. Within 60 days after receiving such

bills, the administrative authority will determine whether the expenditures are in accordance with the closure plan or otherwise justified, and if so, he or she will instruct the insurer to make reimbursement in such amounts as the administrative authority specifies in writing.

vi. The affected person must maintain the policy in full force and effect until the administrative authority consents to termination of the policy by the affected person.

vii. Each policy must contain a provision allowing assignment of the policy to a successor of an affected person. Such assignment may be conditional upon consent of the insurer, provided consent is not unreasonably refused.

viii. The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the affected person and the Office of Environmental Services. Cancellation, termination, or failure to renew may not occur, however, before 120 days have elapsed, beginning on the date that both the administrative authority and the affected person have received the notice of cancellation, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur, and the policy will remain in full force and effect in the event that, on or before the date of expiration:

(a). the administrative authority deems the facility abandoned;

(b). the permit is terminated or revoked or a new permit is denied;

(c). closure is ordered;

(d). the affected person is named as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code; or

(e). the premium due is paid.

ix. Whenever the current cost estimate increases to an amount greater than the face amount of the policy, the affected person, within 60 days after the increase, must either increase the face amount to at least equal to the current closure cost estimate and submit evidence of such increase to the Office of Environmental Services, or obtain other financial assurance as specified in this Subsection to cover the increase. Whenever the current cost estimate decreases, the face amount may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.

x. The wording of the certificate of insurance shall be identical to the wording in LAC 33:IX.7395.Appendix H, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted.

h. Financial Test. An affected person or a parent corporation of the affected person, which will be responsible for the financial obligations, may satisfy the requirements of this Section by demonstrating that a financial test as specified in this Subparagraph is met. The assets of the parent corporation of the affected person shall not be used to determine whether the affected person satisfies the financial test, unless the parent corporation has supplied a corporate guarantee as outlined in Subparagraph D.1.d and/or Clause E.2.h.ix of this Section.

i. To pass this test, the affected person or parent corporation of the affected person must meet either of the following criteria:

(a). the affected person or parent corporation of the affected person must have:

(i). tangible net worth of at least six times the sum of the current closure cost estimate to be demonstrated by this test and the amount of liability coverage to be demonstrated by this test;

(ii). tangible net worth of at least $10 million; and

(iii). assets in the United States amounting to either at least 90 percent of its total assets, or at least six times the sum of the current closure cost estimate, to be demonstrated by this test, and the amount of liability coverage to be demonstrated by this test; or

(b). the affected person or parent corporation of the affected person must have:

(i). a current rating for its most recent bond issuance of AAA, AA, A, or BBB, as issued by *Standard and Poor's*, or Aaa, Aa, or Baa, as issued by *Moody's*;

(ii). tangible net worth of at least $10 million; and

(iii). assets in the United States amounting to either 90 percent of its total assets or at least six times the sum of the current closure cost estimate, to be demonstrated by this test, and the amount of liability coverage to be demonstrated by this test.

ii. To demonstrate that this test is met, the affected person or parent corporation of the affected person must submit the following three items to the Office of Environmental Services:

(a). a letter signed by the chief financial officer of the affected person or parent corporation demonstrating and certifying the criteria in Clause E.2.h.i of this Section and including the information required by Clause E.2.h.iv of this Section. If the financial test is provided to demonstrate both assurance for closure and liability coverage, a single letter to cover both forms of financial assurance is required;

(b). a copy of the report of the independent certified public accountant (CPA) on the financial statements of the affected person or parent corporation of the affected person for the latest completed fiscal year; and

(c). a special report from the independent CPA to the affected person or parent corporation of the affected person stating that:

(i). the CPA has computed the data specified by the chief financial officer as having been derived from the independently audited, year-end financial statements with the amounts for the latest fiscal year in such financial statements; and

(ii). in connection with that procedure, no matters came to his attention that caused him to believe that the specified data should be adjusted.

iii. The administrative authority may disallow use of this test on the basis of the opinion expressed by the independent CPA in his report on qualifications based on the financial statements. An adverse opinion or a disclaimer of opinion will be cause for disallowance. The administrative

authority will evaluate other qualifications on an individual basis. The administrative authority may disallow the use of this test on the basis of the accessibility of the assets of the parent corporation (corporate guarantor) or affected person. The affected person or parent corporation must provide evidence of insurance for the entire amount of required liability coverage, as specified in this Section, within 30 days after notification of disallowance.

iv. The affected person or parent corporation (if a corporate guarantor) of the affected person shall provide to the Office of Environmental Services a letter from the chief financial officer, the wording of which shall be identical to the wording in LAC 33:IX.7395.Appendix I, except that the instructions in brackets are to be replaced with the relevant information, and the brackets deleted. The letter shall certify the following information:

(a). a list of facilities, whether in the state of Louisiana or not, owned or operated by the affected person of the facility, for which financial assurance for liability coverage is demonstrated through the use of financial tests, including the amount of liability coverage;

(b). a list of facilities, whether in the state of Louisiana or not, owned or operated by the affected person, for which financial assurance for the closure is demonstrated through the use of a financial test or self-insurance by the affected person, including the cost estimates for the closure of each facility;

(c). a list of the facilities, whether in the state of Louisiana or not, owned or operated by any subsidiaries of the parent corporation for which financial assurance for closure is demonstrated through the financial test or through use of self-insurance, including the current cost estimate for the closure for each facility and the amount of annual aggregate liability coverage for each facility; and

(d). a list of facilities, whether in the state of Louisiana or not, for which financial assurance for closure is not demonstrated through the financial test, self-insurance, or other substantially equivalent state instruments, including the estimated cost of closure of such facilities.

v. For the purposes of this Subsection the phrase *tangible net worth* shall mean the tangible assets that remain after liabilities have been deducted; such assets would not include intangibles such as good will and rights to patents or royalties.

vi. The phrase *current closure cost estimate*, as used in Clause E.2.h.i of this Section, includes the cost estimate required to be shown in Division E.2.h.i.(a).(i) of this Section.

vii. After initial submission of the items specified in Clause E.2.h.ii of this Section, the affected person or parent corporation of the affected person must send updated information to the Office of Environmental Services within 90 days after the close of each succeeding fiscal year. This information must include all three items specified in Clause E.2.h.ii of this Section.

viii. The administrative authority may, on the basis of a reasonable belief that the affected person or parent corporation of the affected person may no longer meet the requirements of this Subparagraph, require reports of financial condition at any time in addition to those specified in Clause E.2.h.ii of this Section. If the administrative authority finds, on the basis of such reports or other information, that the affected person or parent corporation of affected person no longer meets the requirements of Clause E.2.h.ii of this Section, the affected person or parent corporation of the affected person must provide alternate financial assurance as specified in this Subsection within 30 days after notification of such a finding.

ix. An affected person may meet the requirements of this Subparagraph for closure by obtaining a written guarantee, hereafter referred to as a *corporate guarantee*. The guarantor must be the parent corporation of the affected person. The guarantor must meet the requirements and submit all information required for affected persons in Clauses E.2.h.i-viii of this Section and must comply with the terms of the corporate guarantee. The corporate guarantee must accompany the items sent to the administrative authority specified in Clauses E.2.h.ii and iv of this Section. The wording of the corporate guarantee must be identical to the wording in LAC 33:IX.7395.Appendix J, except that instructions in brackets are to be replaced with the relevant information, and the brackets deleted. The terms of the corporate guarantee must be in an authentic act signed and sworn by an authorized officer of the corporation before a notary public and must provide that:

(a). the guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in Clauses E.2.h.ii and iv of this Section;

(b). the guarantor is the parent corporation of the affected person of the facilities to be covered by the guarantee, and the guarantee extends to certain facilities;

(c). *closure plans*, as used in the guarantee, refers to the plans maintained as required by the state of Louisiana regulations for the closure of facilities, as identified in the guarantee;

(d). for value received from the affected person, the guarantor guarantees to the Office of Environmental Services that the affected person will perform closure of the facility or facilities listed in the guarantee, in accordance with the closure plan and other permit or regulatory requirements whenever required to do so. In the event that the affected person fails to perform as specified in the closure plan, the guarantor shall do so or establish a trust fund as specified in Subparagraph E.2.c of this Section, in the name of the affected person, in the amount of the current closure cost estimate or as specified in Clause E.2.b.ii of this Section;

(e). the guarantor agrees that if, at the end of any fiscal year before termination of the guarantee, the guarantor fails to meet the financial test criteria, the guarantor shall send within 90 days after the end of the fiscal year, by certified mail, notice to the Office of Environmental Services and to the affected person that he intends to provide alternative financial assurance as specified in this Subsection, in the name of the affected person, and that within 120 days after the end of such fiscal year, the guarantor shall establish such financial assurance unless the affected person has done so;

(f). the guarantor agrees to notify the Office of Environmental Services by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the guarantor as debtor, within 10 days after commencement of the proceeding;

(g). the guarantor agrees that within 30 days after being notified by the administrative authority of a determination that the guarantor no longer meets the financial test criteria or that the guarantor is disallowed from continuing as a guarantor of closure, the guarantor will establish alternate financial assurance as specified in this Subsection in the name of the affected person, unless the affected person has done so;

(h). the guarantor agrees to remain bound under the guarantee, notwithstanding any or all of the following: amendment or modification of the closure plan, amendment or modification of the permit, extension or reduction of the time of performance of closure, or any other modification or alteration of an obligation of the affected person in accordance with these regulations;

(i). the guarantor agrees to remain bound under the guarantee for as long as the affected person must comply with the applicable financial assurance requirements of this Subsection for the facilities covered by the corporate guarantee, except that the guarantor may cancel this guarantee by sending notice by certified mail to the Office of Environmental Services and the affected person. The cancellation will become effective no earlier than 90 days after receipt of such notice by both the administrative authority and the affected person, as evidenced by the return receipts;

(j). the guarantor agrees that if the affected person fails to provide alternative financial assurance as specified in this Subsection, and to obtain written approval of such assurance from the administrative authority within 60 days after the administrative authority receives the guarantor's notice of cancellation, the guarantor shall provide such alternate financial assurance in the name of the affected person; and

(k). the guarantor expressly waives notice of acceptance of the guarantee by the administrative authority or by the affected person. The guarantor also expressly waives notice of amendments or modifications of the closure plan and of amendments or modifications of the facility permit.

i. Local Government Financial Test. An affected person that is a local government and that satisfies the requirements of Clauses E.2.i.i-iii of this Section may demonstrate financial assurance up to the amount specified in Clause E.2.i.iv of this Section.

i. Financial Component

(a). The affected person must satisfy the following conditions, as applicable:

(i). if the affected person has outstanding, rated, general obligation bonds that are not secured by insurance, a letter of credit, or other collateral or guarantee, he must have a current rating of Aaa, Aa, A, or Baa, as issued by *Moody's*, or AAA, AA, A, or BBB, as issued by *Standard and Poor's*, on all such general obligation bonds; or

(ii). the affected person must have a ratio of cash plus marketable securities to total expenditures greater than or equal to 0.05 and a ratio of annual debt service to total expenditures less than or equal to 0.20 based on the affected person's most recent audited annual financial statement.

(b). The affected person must prepare its financial statements in conformity with *Generally Accepted Accounting Principles* for governments and have the financial statements audited by an independent certified public accountant (or appropriate state agency).

(c). A local government is not eligible to assure its obligations under this Subparagraph if it:

(i). is currently in default on any outstanding general obligation bonds;

(ii). has any outstanding general obligation bonds rated lower than Baa as issued by *Moody's* or BBB as issued by *Standard and Poor's*;

(iii). operated at a deficit equal to 5 percent or more of total annual revenue in each of the past two fiscal years; or

(iv). receives an adverse opinion, disclaimer of opinion, or other qualified opinion from the independent certified public accountant (or appropriate state agency) auditing its financial statement as required under Subclause E.2.i.i.(b) of this Section. The administrative authority may evaluate qualified opinions on a case-by-case basis and allow use of the financial test in cases where the administrative authority deems the qualification insufficient to warrant disallowance of use of the test.

(d). The following terms used in this Paragraph are defined as follows.

(i). *Deficit*—total annual revenues minus total annual expenditures.

(ii). *Total Revenues*—revenues from all taxes and fees, but not including the proceeds from borrowing or asset sales, excluding revenue from funds managed by local government on behalf of a specific third party.

(iii). *Total Expenditures*—all expenditures, excluding capital outlays and debt repayment.

(iv). *Cash Plus Marketable* S*ecurities*—all the cash plus marketable securities held by the local government on the last day of a fiscal year, excluding cash and marketable securities designated to satisfy past obligations such as pensions.

(v). *Debt Service*—the amount of principal and interest due on a loan in a given time period, typically the current year.

ii. Public Notice Component. The local government affected person must place a reference to the closure costs assured through the financial test into its next comprehensive annual financial report (CAFR) after the effective date of this Section or prior to the initial receipt of sewage sludge, other feedstock, or supplements at the facility, whichever is later. Disclosure must include the nature and source of closure requirements, the reported liability at the balance sheet date, the estimated total closure cost remaining to be recognized, the percentage of landfill capacity used to date, and the estimated landfill life in years. For closure costs, conformance with *Governmental Accounting Standards Board Statement 18* assures compliance with this public notice component.

iii. Recordkeeping and Reporting Requirements

(a). The local government affected person must place the following items in the facility's operating record:

(i). a letter signed by the local government's chief financial officer that lists all the current cost estimates covered by a financial test, as described in Clause E.2.i.iv of this Section. It must provide evidence that the local government meets the conditions of Subclauses E.2.i.i.(a)-(c) of this Section, and certify that the local government meets the conditions of Subclauses E.2.i.i.(a)-(c) and Clauses E.2.i.ii and iv of this Section;

(ii). the local government's independently audited year-end financial statements for the latest fiscal year (except for local governments where audits are required every two years, and unaudited statements may be used in years when audits are not required), including the unqualified opinion of the auditor, who must be an independent certified public accountant or an appropriate state agency that conducts equivalent comprehensive audits;

(iii). a report to the local government from the local government's independent certified public accountant or the appropriate state agency based on performing an agreed-upon procedures engagement relative to the financial ratios required by Division E.2.i.i.(a).(i) of this Section, if applicable, and the requirements of Subclause E.2.i.i.(b) and Divisions E.2.i.i.(c).(i)-(iv) of this Section. The report by the certified public accountant or state agency should state the procedures performed and the findings of the certified public accountant or state agency; and

(iv). a copy of the comprehensive annual financial report (CAFR) used to comply with Clause E.2.i.ii of this Section (certification that the requirements of *General Accounting Standards Board Statement 18* have been met).

(b). The items required in Subclause E.2.i.iii.(a) of this Section must be placed in the facility operating record, in the case of closure, either before the effective date of this Section or prior to the initial receipt of sewage sludge, other feedstock, or supplements at the facility, whichever is later.

(c). After the initial placement of the items in the facility's operating record, the local government affected person must update the information and place the updated information in the operating record within 180 days following the close of the affected person's fiscal year.

(d). The local government affected person is no longer required to meet the requirements of Subclause E 2.i.iii.(c) of this Section when:

(i). the affected person substitutes alternate financial assurance, as specified in this Section; or

(ii). the affected person is released from the requirement of maintaining financial assurance in accordance with this Section.

(e). A local government must satisfy the requirements of the financial test at the close of each fiscal year. If the local government affected person no longer meets the requirements of the local government financial test, it must, within 210 days following the close of the affected person's fiscal year, obtain alternative financial assurance that meets the requirements of this Section, place the required submissions for that assurance in the operating record, and notify the Office of Environmental Services that the affected person no longer meets the criteria of the financial test and that alternate assurance has been obtained.

(f). The administrative authority, based on a reasonable belief that the local government affected person may no longer meet the requirements of the local government financial test, may require additional reports of financial condition from the local government at any time. If the administrative authority finds, on the basis of such reports or other information, that the affected person no longer meets the local government financial test, the local government must provide alternate financial assurance in accordance with this Section.

iv. Calculation of Costs to be Assured. The portion of the closure and corrective action costs that a local government affected person can assure under Subparagraph E.2.i of this Section is determined as follows:

(a). if the local government affected person does not assure other environmental obligations through a financial test, it may assure closure and corrective action costs that equal up to 43 percent of the local government's total annual revenue; or

(b). if the local government assures other environmental obligations through a financial test, including those associated with underground injection control (UIC) facilities under 40 CFR 144.62, petroleum underground storage tank facilities under 40 CFR Part 280, PCB storage facilities under 40 CFR Part 761, or hazardous waste treatment, storage, and disposal facilities under 40 CFR Parts 264 and 265, or any applicable corresponding state program, it must add those costs to the closure and corrective action costs it seeks to assure under this Subparagraph, and the total that may be assured must not exceed 43 percent of the local government's total annual revenue; and

(c). the affected person must obtain an alternate financial assurance instrument for those costs that exceed the limits set in this Clause.

j. Local Government Guarantee. An affected person may demonstrate financial assurance for closure, as required by this Section, by obtaining a written guarantee provided by a local government. The guarantor must meet the requirements of the local government financial test in Subparagraph E.2.i of this Section, and must comply with the terms of a written guarantee.

i. Terms of the Written Guarantee. The guarantee must be effective before the initial receipt of sewage sludge, other material, feedstock, or supplements or before the effective date of this Section, whichever is later, in the case of closure. The guarantee must provide that:

(a). if the affected person fails to perform closure of a facility covered by the guarantee, the guarantor will:

(i). perform closure, or pay a third party to perform closure; or

(ii). establish a fully funded trust fund as specified in Subparagraph E.2.c of this Section in the name of the affected person; and

(b). the guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the affected person and to the Office of Environmental Services. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the affected person and the administrative authority, as evidenced by the return receipts.

If a guarantee is canceled, the affected person must, within 90 days following receipt of the cancellation notice by the affected person and the administrative authority, obtain alternate financial assurance, place evidence of that alternate financial assurance in the facility operating record, and notify the Office of Environmental Services. If the affected person fails to provide alternate financial assurance within the 90-day period, then the guarantor must provide that alternate assurance within 120 days following the guarantor's notice of cancellation, place evidence of the alternate assurance in the facility operating record, and notify the Office of Environmental Services.

ii. Recordkeeping and Reporting

(a). The affected person must place a certified copy of the guarantee, along with the items required under Clause E.2.i.iii of this Section, into the facility's operating record before the initial receipt of sewage sludge, other material, feedstock, or supplements or before the effective date of this Section, whichever is later.

(b). The affected person is no longer required to maintain the items specified in Subclause E.2.j.ii.(a) of this Section when:

(i). the affected person substitutes alternate financial assurance as specified in this Section; or

(ii). the affected person is released from the requirement of maintaining financial assurance in accordance with this Section.

(c). If a local government guarantor no longer meets the requirements of Subparagraph E.2.i of this Section, the affected person must, within 90 days, obtain alternate assurance, place evidence of the alternate assurance in the facility operating record, and notify the Office of Environmental Services. If the affected person fails to obtain alternate financial assurance within that 90-day period, the guarantor must provide that alternate assurance within the next 30 days.

k. Use of Multiple Instruments. An affected person may demonstrate financial assurance for closure and corrective action, as required by this Section, by establishing more than one financial mechanism per facility, except that instruments guaranteeing performance, rather than payment, may not be combined with other instruments. The instruments must be as specified in Subparagraphs E.2.c-h of this Section, except that financial assurance for an amount at least equal to the current cost estimate for closure and/or corrective action may be provided by a combination of instruments, rather than a single mechanism.

l. Discounting. The administrative authority may allow discounting of closure cost estimates in this Subsection up to the rate of return for essentially risk-free investments, net of inflation, under the following conditions:

i. the administrative authority determines that cost estimates are complete and accurate and the affected person has submitted a statement from a registered professional engineer to the Office of Environmental Services so stating;

ii. the state finds the facility in compliance with applicable and appropriate permit conditions;

iii. the administrative authority determines that the closure date is certain and the affected person certifies that there are no foreseeable factors that will change the estimate of site life; and

iv. discounted cost estimates are adjusted annually to reflect inflation and years of remaining life.

F. Incapacity of Affected Persons, Guarantors, or Financial Institutions

1. All affected persons subject to this Section must notify the Office of Environmental Services by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the affected person as debtor, within 10 days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in Subparagraph D.1.d or Clause E.2.h.ix of this Section must make such a notification if he is named as debtor, as required under the terms of the corporate guarantee set forth in LAC 33:IX.7395.Appendix J.

2. An affected person who fulfills the requirements of Subsection D or E of this Section by obtaining a trust fund, surety bond, letter of credit, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee or of the institution issuing the surety bond, letter of credit, or insurance policy to issue such instruments. The affected person must establish other financial assurance or liability coverage within 60 days after such an event.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:796 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2516 (October 2005), LR 33:2386 (November 2007), LR 35:

§7309. Pathogens and Vector Attraction Reduction

A. - C.1.f.i. …

ii. The density of enteric viruses in the biosolids shall be less than 1 Plaque-forming Unit per 4 grams of total solids (dry weight basis) at the time the biosolids are used or disposed, at the time the biosolids are prepared for sale or to be given away in a bag or other container for application to the land, or at the time the sewage sludge or material derived from sewage sludge is prepared to meet the requirements of *Exceptional Quality biosolids* as defined in LAC 33:IX.7301.B.

f.iii. - g.i. …

ii. Sewage sludge that is used or disposed shall be treated in one of the Processes to Further Reduce Pathogens described in LAC 33:IX.7399.B.

1.h. - 2.b.ii. …

c. Class B Biosolids—Alternative 2. Biosolids that are used or disposed shall be treated in one of the Processes to Significantly Reduce Pathogens described in LAC 33:IX.7399.A.

d. – e.viii. …

ix. Signs shall be posted at all entrances to the Class B biosolids land application site, having at the minimum the following content:

(a). the name of the land application site or facility;

(b). wording that indicates that the area is a biosolids land application site; and

(c). emergency contact telephone numbers.

D. - D.2.g.ii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:806 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2395 (November 2007), LR 35:

§7313. Standard Conditions Applicable to All Sewage Sludge and Biosolids Use or Disposal Permits

A. - B.3.b. …

C. Monitoring and Reports

1. Inspection and Entry. The conditions set forth in LAC 33:IX.2701.I for inspection and entry shall apply to all permits issued in accordance with these regulations.

C.2. - D.8.c. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1)(c) and (B)(3)(e).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:2406 (November 2007), amended LR 35:

Subchapter B. Appendices

§7395. Financial Assurances Documents—Appendices A, B, C, D, E, F, G, H, I, and J

NOTE: Within this Section, *affected person* means a commercial preparer of sewage sludge or a commercial land applier of biosolids, as applicable.

A. Appendix A—Liability Endorsement

[Insert, as applicable: "COMMERCIAL PREPARER OF SEWAGE SLUDGE" or "COMMERCIAL LAND APPLIER OF BIOSOLIDS"]
LIABILITY ENDORSEMENT

Secretary
Louisiana Department of Environmental Quality
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313
Attention: Office of Environmental Services
Dear Sir:

(A). This endorsement certifies that the policy to which the endorsement is attached provides liability insurance covering bodily injury and property damage in connection with [name of the insured, which must be the affected person or the operator. (Note: The operator will provide the liability-insurance documentation only when the affected person is a public governing body and the public governing body is not the operator.)] The insured's obligation to demonstrate financial assurance is required in accordance with *Louisiana Administrative Code* (LAC), Title 33, Part IX.7307.A. The coverage applies at [list site identification number, site name, facility name, facility permit number, and facility address] for sudden and accidental occurrences. The limits of liability are per occurrence, and annual aggregate, per site, exclusive of legal-defense costs.

(B). The insurance afforded with respect to such occurrences is subject to all of the terms and conditions of the policy; provided, however, that any provisions of the policy inconsistent with Subclauses (1)-(5), below, are hereby amended to conform with Subclauses (1)-(5), below:

(1). Bankruptcy or insolvency of the insured shall not relieve the insurer of its obligations under the policy to which this endorsement is attached.

(2). The insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the insurer. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated as specified in LAC 33:IX.7307.D.1.b-d.

(3). Whenever requested by the administrative authority, the insurer agrees to furnish to the administrative authority a signed duplicate original of the policy and all endorsements.

(4). Cancellation of this endorsement, whether by the insurer or the insured, will be effective only upon written notice and upon lapse of 60 days after a copy of such written notice is received by the administrative authority.

(5). Any other termination of this endorsement will be effective only upon written notice and upon lapse of 30 days after a copy of such written notice is received by the administrative authority.

(C). Attached is the endorsement which forms part of the policy [policy number] issued by [name of insurer], herein called the insurer, of [address of the insurer] to [name of the insured] of [address of the insured], this [date]. The effective date of said policy is [date].

(D). I hereby certify that the wording of this endorsement is identical to the wording specified in LAC 33:IX.7395.Appendix A, effective on the date first written above and that the insurer is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states, and is admitted, authorized, or eligible to conduct insurance business in the State of Louisiana.

[Signature of authorized representative of insurer]
[Typed name of authorized representative of insurer]
[Title of authorized representative of insurer]
[Address of authorized representative of insurer]

B. Appendix B—Certificate of Insurance

[Insert, as applicable: "COMMERCIAL PREPARER OF SEWAGE SLUDGE" or "COMMERCIAL LAND APPLIER OF BIOSOLIDS"]
CERTIFICATE OF LIABILITY INSURANCE

Secretary
Louisiana Department of Environmental Quality
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313
Attention: Office of Environmental Services
Dear Sir:

(A). [Name of insurer], the "insurer," of [address of insurer] hereby certifies that it has issued liability insurance covering bodily injury and property damage to [name of insured, which must be the affected person or the facility], the "insured," of [address of insured] in connection with the insured's obligation to demonstrate financial assurance under *Louisiana Administrative Code* (LAC), Title 33, Part IX.7307.A. The coverage applies at [list agency interest number(s), site name(s), facility name(s), facility permit number(s), and site address(es)] for sudden and accidental occurrences. The limits of liability are each occurrence and annual aggregate, per site, exclusive of legal-defense costs. The coverage is provided under policy number [policy number], issued on [date]. The effective date of said policy is [date].

(B). The insurer further certifies the following with respect to the insurance described in Paragraph (A):

(1). Bankruptcy or insolvency of the insured shall not relieve the insurer of its obligations under the policy.

(2). The insurer is liable for the payment of amounts within any deductible applicable to the policy, with a right of reimbursement by the insured for any such payment made by the insurer. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated, as specified in LAC 33:IX.7307.D.1.b – d.

(3). Whenever requested by the administrative authority, the insurer agrees to furnish to him a signed duplicate original of the policy and all endorsements.

(4). Cancellation of the insurance, whether by the insurer or the insured, will be effective only upon written notice and upon lapse of 60 days after a copy of such written notice is received by the administrative authority.

(5). Any other termination of the insurance will be effective only upon written notice and upon lapse of 30 days after a copy of such written notice is received by the administrative authority.

(C). I hereby certify that the wording of this certificate is identical to the wording specified in LAC 33:IX.7395.Appendix B, as such regulations were constituted on the date first written above, and that the insurer is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states, and is admitted, authorized, or eligible to conduct insurance business in the State of Louisiana.

[Signature of authorized representative of insurer]
[Typed name of authorized representative of insurer]
[Title of authorized representative of insurer]
[Address of authorized representative of insurer]

C. Appendix C—Letter of Credit

[Insert, as applicable: "COMMERCIAL PREPARER OF SEWAGE SLUDGE" or "COMMERCIAL LAND APPLIER OF BIOSOLIDS"]
IRREVOCABLE LETTER OF CREDIT

Secretary
Louisiana Department of Environmental Quality
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313
Attention: Office of Environmental Services
Dear Sir:

We hereby establish our Irrevocable Standby Letter of Credit No.[number] at the request and for the account of [affected person's name

and address] for its [list site identification number(s), site name(s), facility name(s), and facility permit number(s)] at [location(s)], Louisiana, in favor of any governmental body, person, or other entity for any sum or sums up to the aggregate amount of U.S. dollars [amount] upon presentation of:

(A). A final judgment issued by a competent court of law in favor of a governmental body, person, or other entity and against [affected person's name] for sudden and accidental occurrences for claims arising out of injury to persons or property due to operations by the affected person at [site location(s)] as set forth in the *Louisiana Administrative Code* (LAC), Title 33, Part IX.7307.A.

(B). A sight draft bearing reference to the Letter of Credit No. [number] drawn by the governmental body, person, or other entity, in whose favor the judgment has been rendered as evidenced by documentary requirement in Paragraph (A).

The Letter of Credit is effective as of [date] and will expire on [date], but such expiration date will be automatically extended for a period of at least one year on the above expiration date [date] and on each successive expiration date thereafter, unless, at least 120 days before the then-current expiration date, we notify both the administrative authority and [name of affected person] by certified mail that we have decided not to extend this Letter of Credit beyond the then-current expiration date. In the event we give such notification, any unused portion of this Letter of Credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both the Department of Environmental Quality and [name of affected person] as shown on the signed return receipts.

Whenever this Letter of Credit is drawn under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of [name of affected person] in accordance with the administrative authority's instructions.

Except to the extent otherwise expressly agreed to, the Uniform Customs and Practice for Documentary Letters of Credit (1983), International Chamber of Commerce Publication No. 400, shall apply to this Letter of Credit.

We certify that the wording of this Letter of Credit is identical to the wording specified in LAC 33:IX.7395.Appendix C, effective on the date shown immediately below.

[Signature(s) and title(s) of official(s) of issuing institution(s)]

[date]

D. Appendix D—Trust Agreement

[Insert, as applicable: "COMMERCIAL PREPARER OF SEWAGE SLUDGE" or "COMMERCIAL LAND APPLIER OF BIOSOLIDS"]

TRUST AGREEMENT/STANDBY TRUST AGREEMENT

This Trust Agreement (the "Agreement") is entered into as of [date] by and between [name of affected person], a [name of state] [insert "corporation," "partnership," "association," or "proprietorship"], the "Grantor," and [name of corporate trustee], [insert "incorporated in the State of" or "a national bank" or "a state bank"], the "Trustee."

WHEREAS, the Department of Environmental Quality of the State of Louisiana, an agency of the State of Louisiana, has established certain regulations applicable to the Grantor, requiring that an affected person shall provide assurance that funds will be available when needed for closure of the facility;

WHEREAS, the Grantor has elected to establish a trust to provide all or part of such financial assurance for the facility identified herein;

WHEREAS, the Grantor, acting through its duly authorized officers, has selected [the Trustee] to be the trustee under this Agreement, and [the Trustee] is willing to act as trustee.

NOW, THEREFORE, the Grantor and the Trustee agree as follows:

SECTION 1. DEFINITIONS

As used in this Agreement:

(a). The term "Grantor" means the affected person who enters into this Agreement and any successors or assigns of the Grantor.

(b). The term "Trustee" means the Trustee who enters into this Agreement and any successor trustee.

(c). The term "Secretary" means the Secretary of the Louisiana Department of Environmental Quality.

(d). The term "Administrative Authority" means the Secretary or a person designated by him to act therefor.

SECTION 2. IDENTIFICATION OF FACILITIES AND COST ESTIMATES

This Agreement pertains to the facilities and cost estimates identified on attached Schedule A. [On Schedule A, list the agency interest number, site name, facility name, facility permit number, and the annual aggregate amount of liability coverage or current closure cost estimates, or portions thereof, for which financial assurance is demonstrated by this Agreement.]

SECTION 3. ESTABLISHMENT OF FUND

The Grantor and the Trustee hereby establish a trust fund, the "Fund," for the benefit of the Louisiana Department of Environmental Quality. The Grantor and the Trustee intend that no third party shall have access to the Fund, except as herein provided. The Fund is established initially as consisting of the property, which is acceptable to the Trustee, described in Schedule B attached hereto. [Note: Standby Trust Agreements need not be funded at the time of execution. In the case of Standby Trust Agreements, Schedule B should be blank except for a statement that the Agreement is not presently funded, but shall be funded by the financial assurance document used by the Grantor in accordance with the terms of that document.] Such property and any other property subsequently transferred to the Trustee is referred to as the Fund, together with all earnings and profits thereon, less any payments or distributions made by the Trustee pursuant to this Agreement. The Fund shall be held by the Trustee, in trust, as hereinafter provided. The Trustee shall not be responsible nor shall it undertake any responsibility for the amount or adequacy of, nor any duty to collect from the Grantor, any payments necessary to discharge any liabilities of the Grantor established by the administrative authority.

SECTION 4. PAYMENT FOR CLOSURE OR LIABILITY COVERAGE

The Trustee shall make payments from the Fund as the administrative authority shall direct, in writing, to provide for the payment of the costs of [liability claims or closure care] of the facility covered by this Agreement. The Trustee shall reimburse the Grantor or other persons as specified by the administrative authority from the Fund for [liability claims or closure] expenditures in such amounts as the administrative authority shall direct in writing. In addition, the Trustee shall refund to the Grantor such amounts as the administrative authority specifies in writing. Upon refund, such funds shall no longer constitute part of the Fund as defined herein.

SECTION 5. PAYMENTS COMPRISED BY THE FUND

Payments made to the Trustee for the Fund shall consist of cash or securities acceptable to the Trustee.

SECTION 6. TRUSTEE MANAGEMENT

The Trustee shall invest and reinvest the principal and income of the Fund and keep the Fund invested as a single fund, without distinction between principal and income, in accordance with general investment policies and guidelines which the Grantor may communicate in writing to the Trustee from time to time, subject, however, to the provisions of this Section. In investing, reinvesting, exchanging, selling, and managing the Fund, the Trustee shall discharge his duties with respect to the trust fund solely in the interest of the beneficiary and with the care, skill, prudence, and diligence under the circumstances then prevailing which persons of prudence, acting in a like capacity and familiar with such matters, would use in the conduct of an enterprise of like character and with like aims, except that:

(a). Securities or other obligations of the Grantor, or any owner of the [facility or facilities] or any of their affiliates as defined in the Investment Company Act of 1940, as amended, 15 U.S.C. 80a-2.(a), shall not be acquired or held, unless they are securities or other obligations of the federal or a state government.

(b). The Trustee is authorized to invest the Fund in time or demand deposits of the Trustee, to the extent insured by an agency of the federal or state government; and

(c). The Trustee is authorized to hold cash awaiting investment or distribution uninvested for a reasonable time and without liability for the payment of interest thereon.

SECTION 7. COMMINGLING AND INVESTMENT

The Trustee is expressly authorized, at its discretion:

(a). To transfer from time to time any or all of the assets of the Fund to any common, commingled, or collective trust fund created by the Trustee in which the Fund is eligible to participate, subject to all provisions thereof, to be commingled with the assets of other trusts participating therein; and

(b). To purchase shares in any investment company registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., including one which may be created, managed, or underwritten, or one to which investment advice is rendered or the shares of which are sold by the Trustee. The Trustee may vote such shares at its discretion.

SECTION 8. EXPRESS POWERS OF TRUSTEE

Without in any way limiting the powers and discretion conferred upon the Trustee by the other provisions of this Agreement or by law, the Trustee is expressly authorized and empowered:

(a). To sell, exchange, convey, transfer, or otherwise dispose of any property held by it, by public or private sale. No person dealing with the Trustee shall be bound to see to the application of the purchase money or to inquire into the validity or expediency of any such sale or other disposition;

(b). To make, execute, acknowledge, and deliver any and all documents of transfer and conveyance and any and all other instruments that may be necessary or appropriate to carry out the powers herein granted;

(c). To register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve Bank, but the books and records of the Trustee shall at all times show that all securities are part of the Fund;

(d). To deposit any cash in the Fund in interest-bearing accounts maintained or savings certificates issued by the Trustee, in its separate corporate capacity, or in any other banking institution affiliated with the Trustee, to the extent insured by an agency of the federal or state government; and

(e). To compromise or otherwise adjust all claims in favor of, or against, the Fund.

SECTION 9. TAXES AND EXPENSES

All taxes of any kind that may be assessed or levied against or in respect of the Fund and all brokerage commissions incurred by the Fund shall be paid from the Fund. All other expenses incurred by the Trustee in connection with the administration of this Trust, including fees for legal services rendered to the Trustee, the compensation of the Trustee to the extent not paid directly by the Grantor, and other proper charges and disbursements of the Trustee, shall be paid from the Fund.

SECTION 10. ANNUAL VALUATION

The Trustee shall annually, at least 30 days prior to the anniversary date of establishment of the Fund, furnish to the Grantor and to the administrative authority a statement confirming the value of the Trust. Any securities in the Fund shall be valued at market value as of no more than 60 days prior to the anniversary date of establishment of the Fund. The failure of the Grantor to object in writing to the Trustee, within 90 days after the statement has been furnished to the Grantor and the administrative authority, shall constitute a conclusively binding assent by the Grantor, barring the Grantor from asserting any claim or liability against the Trustee with respect to matters disclosed in the statement.

SECTION 11. ADVICE OF COUNSEL

The Trustee may from time to time consult with counsel, who may be counsel to the Grantor, with respect to any questions arising as to the construction of this Agreement or any action to be taken hereunder. The Trustee shall be fully protected, to the extent permitted by law, in acting upon the advice of counsel.

SECTION 12. TRUSTEE COMPENSATION

The Trustee shall be entitled to reasonable compensation for its services, as agreed upon in writing from time to time with the Grantor.

SECTION 13. SUCCESSOR TRUSTEE

The Trustee may resign or the Grantor may replace the Trustee, but such resignation or replacement shall not be effective until the Grantor has appointed a successor trustee and this successor accepts the appointment. The successor trustee shall have the same powers and duties as those conferred upon the Trustee hereunder. Upon the successor trustee's acceptance of the appointment, the Trustee shall assign, transfer, and pay over to the successor trustee the funds and properties then constituting the Fund. If for any reason the Grantor cannot or does not act in the event of the resignation of the Trustee, the Trustee may apply to a court of competent jurisdiction for the appointment of a successor trustee or for instructions. The successor trustee shall, in writing, specify to the Grantor, the administrative authority, and the present Trustee by certified mail, 10 days before such change becomes effective, the date on which it assumes administration of the trust. Any expenses incurred by the Trustee as a result of any of the acts contemplated by this Section shall be paid as provided in Section 9.

SECTION 14. INSTRUCTIONS TO THE TRUSTEE

All orders, requests, and instructions by the Grantor to the Trustee shall be in writing, signed by the persons designated in the attached Exhibit A or such other persons as the Grantor may designate by amendment to Exhibit A. The Trustee shall be fully protected in acting without inquiry in accordance with the Grantor's orders, requests, and instructions. All orders, requests, and instructions by the administrative authority to the Trustee shall be in writing and signed by the administrative authority. The Trustee shall act and shall be fully protected in acting in accordance with such orders, requests, and instructions. The Trustee shall have the right to assume, in the absence of written notice to the contrary, that no event constituting a change or termination of the authority of any person to act on behalf of the Grantor or administrative authority hereunder has occurred. The Trustee shall have no duty to act in the absence of such orders, requests, and instructions from the Grantor and/or administrative authority, except as provided for herein.

SECTION 15. NOTICE OF NONPAYMENT

The Trustee shall notify the Grantor and the administrative authority, by certified mail, within 10 days following the expiration of the 30-day period after the anniversary of the establishment of the Trust, if no payment is received from the Grantor during that period. After the pay-in period is completed, the Trustee shall not be required to send a notice of nonpayment.

SECTION 16. AMENDMENT OF AGREEMENT

This Agreement may be amended by an instrument, in writing, executed by the Grantor, the Trustee, and the administrative authority, or by the Trustee and the administrative authority, if the Grantor ceases to exist.

SECTION 17. IRREVOCABILITY AND TERMINATION

Subject to the right of the parties to amend this Agreement, as provided in Section 16, this Trust shall be irrevocable and shall continue until terminated at the written agreement of the Grantor, the Trustee, and the administrative authority, or by the Trustee and the administrative authority, if the Grantor ceases to exist. Upon termination of the Trust, all remaining trust property, less final trust administration expenses, shall be delivered to the Grantor.

SECTION 18. IMMUNITY AND INDEMNIFICATION

The Trustee shall not incur personal liability of any nature in connection with any act or omission, made in good faith, in the administration of this Trust, or in carrying out any direction by the Grantor or the administrative authority issued in accordance with this Agreement. The Trustee shall be indemnified and saved harmless by the Grantor or from the Trust Fund, or both, from and against any personal liability to which the Trustee may be subjected by reason of any act or conduct in its official capacity, including all reasonable expenses incurred in its defense in the event that the Grantor fails to provide such defense.

SECTION 19. CHOICE OF LAW

This Agreement shall be administered, construed, and enforced according to the laws of the State of Louisiana.

SECTION 20. INTERPRETATION

As used in this Agreement, words in the singular include the plural and words in the plural include the singular. The descriptive headings for each Section of this Agreement shall not affect the interpretation or the legal efficacy of this Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective officers duly authorized [and their corporate seals to be hereunto affixed] and attested to as of the date first above written. The parties below certify that the wording of this Agreement is identical to the wording specified in *Louisiana Administrative Code* (LAC), Title 33, Part IX.7395.Appendix D, on the date first written above.

WITNESSES:	**GRANTOR:**
_____	_____
_____	**By:** _____
	Its: _____
	[Seal]

TRUSTEE:

_____

By: _____

Its: _____

[Seal]

THUS DONE AND PASSED in my office in _____, on the _____ day of _____, 20_____, in the presence of _____ and _____, competent witnesses, who hereunto sign their names with the said appearers and me, Notary, after reading the whole.

_____

Notary Public

(The following is an example of the certification of acknowledgement that must accompany the trust agreement.)

STATE OF LOUISIANA

PARISH OF _____

BE IT KNOWN, that on this _____ day of _____, 20_____, before me, the undersigned Notary Public, duly commissioned and qualified within the State and Parish aforesaid, and in the presence of the witnesses hereinafter named and undersigned, personally came and appeared _____, to me well known, who declared and acknowledged that he had signed and executed the foregoing instrument as his act and deed, and as the act and deed of the _____, a corporation, for the consideration, uses, and purposes and on terms and conditions therein set forth.

And the said appearer, being by me first duly sworn, did depose and say that he is the _____ of said corporation and that he signed and executed said instrument in his said capacity, and under authority of the Board of Directors of said corporation.

Thus done and passed in the State and Parish aforesaid, on the day and date first hereinabove written, and in the presence of _____ and _____, competent witnesses, who have hereunto subscribed their name as such, together with said appearer and me, said authority, after due reading of the whole.

WITNESSES:

_____

_____

_____

NOTARY PUBLIC

E. Appendix E—Surety Bond

[Insert, as applicable: "COMMERCIAL PREPARER OF SEWAGE SLUDGE" or "COMMERCIAL LAND APPLIER OF BIOSOLIDS"]

FINANCIAL GUARANTEE BOND

Date bond was executed:_____

Effective date:_____

Principal: [legal name and business address of affected person]

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation:_____

Surety: [name and business address]

[agency interest number, site name, facility name, facility permit number, and current closure amount(s) for each facility guaranteed by this bond]

Total penal sum of bond: $_____

Surety's bond number: _____

Know All Persons By These Presents, That we, the Principal and Surety hereto, are firmly bound to the Louisiana Department of Environmental Quality in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns jointly and severally; provided that, where Sureties are corporations acting as cosureties, we the sureties bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit or liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and specifically Section 2074(B)(4), to have a permit in order to own or operate the [insert type of permitted operation] identified above; and

WHEREAS, the Principal is required by law to provide financial assurance for closure, as a condition of the permit; and

WHEREAS, said Principal shall establish a standby trust fund as is required by the *Louisiana Administrative Code* (LAC), Title 33, Part IX.7307.E.2.d.ii, when a surety bond is used to provide such financial assurance;

NOW THEREFORE, the conditions of the obligation are such that if the Principal shall faithfully, before the beginning of final closure of the facility identified above, fund the standby trust fund in the amount(s) identified above for the facility,

OR, if the Principal shall fund the standby trust fund in such amount(s) within 15 days after an order to close is issued by the administrative authority or a court of competent jurisdiction,

OR, if the Principal shall provide alternate financial assurance as specified in LAC 33:IX.7307.D or E and obtain written approval from the administrative authority of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the administrative authority from the Surety,

THEN, this obligation shall be null and void; otherwise it is to remain in full force and effect.

The Surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described above. Upon notification by the administrative authority that the Principal has failed to perform as guaranteed by this bond, the Surety shall place funds in the amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

The Surety hereby waives notification or amendments to closure plans, permits, applicable laws, statutes, rules, and regulations, and agrees that no such amendment shall in any way alleviate its obligation on this bond.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the administrative authority. Cancellation shall not occur before 120 days have elapsed beginning on the date that both the Principal and the administrative authority received the notice of cancellation, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety and to the administrative authority, provided, however, that no such notice shall become effective until the Surety has received written authorization for termination of the bond by the administrative authority.

The Principal and Surety hereby agree to adjust the penal sum of the bond yearly in accordance with LAC 33:IX.7307.E.2.d.vi and the conditions of the permit so that it guarantees a new closure amount, provided that the penal sum does not increase or decrease without the written permission of the administrative authority.

The Principal and Surety hereby agree that no portion of the penal sum may be expended without prior written approval of the administrative authority.

IN WITNESS WHEREOF, the Principal and the Surety have executed this FINANCIAL GUARANTEE BOND and have affixed their seals on the date set forth above.

Those persons whose signatures appear below hereby certify that they are authorized to execute this FINANCIAL GUARANTEE BOND on behalf of the Principal and Surety, that each Surety hereto is authorized to do business in the State of Louisiana, and that the wording of this surety bond is identical to the wording specified in LAC 33:IX.7395.Appendix E, effective on the date this bond was executed.

PRINCIPAL
[Signature(s)]
[Name(s)]
[Title(s)]
[Corporate Seal]

CORPORATE SURETIES
[Name and Address]
State of incorporation: _____
Liability limit: $_____
[Signature(s)]
[Name(s) and title(s)]
[Corporate seal]
[This information must be provided for each cosurety]
Bond Premium: $_____

F. Appendix F—Performance Bond

[Insert, as applicable: "COMMERCIAL PREPARER OF SEWAGE SLUDGE" or "COMMERCIAL LAND APPLIER OF BIOSOLIDS"]

PERFORMANCE BOND

Date bond was executed:_____

Effective date:_____

Principal: [legal name and business address of affected person]

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation:_____

Surety: [name(s) and business address(es)]

[agency interest number, site name, facility name, facility permit number, facility address, and closure amount(s) for each facility guaranteed by this bond]

Total penal sum of bond: $_____

Surety's bond number: _____

Know All Persons by These Presents, That we, the Principal and Surety hereto, are firmly bound to the Louisiana Department of Environmental Quality in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally; provided that, where Sureties are corporations acting as cosureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us, and for all other purposes each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., and specifically Section 2074(B)(4), to have a permit in order to own or operate the [insert type of permitted operation] identified above; and

WHEREAS, the Principal is required by law to provide financial assurance for closure, as a condition of the permit; and

WHEREAS, said Principal shall establish a standby trust fund as is required when a surety bond is used to provide such financial assurance;

THEREFORE, the conditions of this obligation are such that if the Principal shall faithfully perform closure, whenever required to do so, of the facility for which this bond guarantees closure, in accordance with the closure plan and other requirements of the permit as such plan and permit may be amended, pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended;

OR, if the Principal shall provide financial assurance as specified in *Louisiana Administrative Code* (LAC), Title 33, Part IX.7307.E and obtain written approval of the administrative authority of such assurance, within 90 days after the date of notice of cancellation is received by both the Principal and the administrative authority, then this obligation shall be null and void; otherwise it is to remain in full force and effect.

The surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described hereinabove.

Upon notification by the administrative authority that the Principal has been found in violation of the closure requirements of the LAC 33:IX.7305.C.3, or of its permit for the facility for which this bond guarantees performance of closure, the Surety shall either perform closure in accordance with the closure plan and other permit requirements, or place the closure amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

Upon notification by the administrative authority that the Principal has failed to provide alternate financial assurance, as specified in LAC 33:IX.7307.E.2.e.iii.(b), and obtain written approval of such assurance from the administrative authority during the 90 days following receipt by both the Principal and the administrative authority of a notice of cancellation of the bond, the Surety shall place funds in the amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

The Surety hereby waives notification of amendments to closure plans, permit, applicable laws, statutes, rules, and regulations, and agrees that no such amendment shall in any way alleviate its obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the administrative authority. Cancellation shall not occur before 120 days have lapsed beginning on the date that both the Principal and the administrative authority received the notice of cancellation, as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety and to the administrative authority, provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond by the administrative authority.

The Principal and Surety hereby agree to adjust the penal sum of the bond yearly in accordance with LAC 33:IX.7307.E.2.d.vi and the conditions of the permit so that it guarantees a new closure amount, provided that the penal sum does not increase or decrease without the written permission of the administrative authority.

The Principal and Surety hereby agree that no portion of the penal sum may be expended without prior written approval of the administrative authority.

IN WITNESS WHEREOF, the Principal and the Surety have executed this PERFORMANCE BOND and have affixed their seals on the date set forth above.

Those persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety, that each Surety hereto is authorized to do business in the State of Louisiana, and that the wording of this surety bond is identical to the wording specified in LAC 33:IX.7395.Appendix F, effective on the date this bond was executed.

PRINCIPAL
[Signature(s)]
[Name(s)]
[Title(s)]
[Corporate seal]

CORPORATE SURETY
[Name and address]
State of incorporation: _____
Liability limit: $_____
[Signature(s)]
[Name(s) and title(s)]
[Corporate seal]

[For every cosurety, provide signature(s), corporate seal, and other information in the same manner as for Surety above.]
Bond premium: $_____

G. Appendix G—Letter of Credit

[Insert, as applicable: "COMMERCIAL PREPARER OF SEWAGE SLUDGE" or "COMMERCIAL LAND APPLIER OF BIOSOLIDS"]
IRREVOCABLE LETTER OF CREDIT

Secretary
Louisiana Department of Environmental Quality
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313
Attention: Office of Environmental Services
Dear Sir:

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in favor of the Department of Environmental Quality of the State of Louisiana at the request and for the account of [affected person's name and address] for the closure fund for its [list agency interest number, site name, facility name, facility permit number] at [location], Louisiana, for any sum or sums up to the aggregate amount of U.S. dollars $_____ upon presentation of:

(i). A sight draft, bearing reference to the Letter of Credit No. _____ drawn by the administrative authority, together with;

(ii). A statement, signed by the administrative authority, declaring that the amount of the draft is payable into the standby trust fund pursuant to the Louisiana Environmental Quality Act, R.S. 30:2001 et seq.

The Letter of Credit is effective as of [date] and will expire on [date], but such expiration date will be automatically extended for a period of at least one year on the above expiration date [date] and on each successive expiration date thereafter, unless, at least 120 days before the then-current expiration date, we notify both the administrative authority and [name of affected person] by certified mail that we have decided not to extend this Letter of Credit beyond the then-current expiration date. In the event that we give such notification, any unused portion of this Letter of Credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both the Department of Environmental Quality and [name of affected person], as shown on the signed return receipts.

Whenever this Letter of Credit is drawn under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of [name of affected person] in accordance with the administrative authority's instructions.

Except to the extent otherwise expressly agreed to, the [insert "the most recent addition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce," or "the Uniform Commercial Code"] , shall apply to this Letter of Credit.

We certify that the wording of this Letter of Credit is identical to the wording specified in *Louisiana Administrative Code* (LAC), Title 33, Part IX.7395.Appendix G, effective on the date shown immediately below.

[Signature(s) and title(s) of official(s) of issuing institution(s)]
[date]

H. Appendix H—Certificate of Insurance

[Insert, as applicable: "COMMERCIAL PREPARER OF SEWAGE SLUDGE" or "COMMERCIAL LAND APPLIER OF BIOSOLIDS"]
CERTIFICATE OF INSURANCE FOR CLOSURE

Name and Address of Insurer: _____
(hereinafter called the "Insurer")
Name and Address of Insured: _____
(hereinafter called the "Insured")
(Note: Insured must be the affected person.)

Facilities covered: [list the agency interest number(s), site name(s), facility name(s), facility permit number(s), address(es), and amount(s) of insurance for closure] (These amounts for all facilities must total the face amount shown below.)

Face Amount: _____
Policy Number: _____
Effective Date: _____

The Insurer hereby certifies that it has issued to the Insured the policy of insurance identified above to provide financial assurance for closure for the facilities identified above. The Insurer further warrants that such policy conforms in all respects to the requirements of LAC 33:IX.7307.D.1.a or E.2.g, as applicable, and as such regulations were constituted on the date shown immediately below. It is agreed that any provision of the policy inconsistent with such regulations is hereby amended to eliminate such inconsistency.

Whenever requested by the administrative authority, the Insurer agrees to furnish to the administrative authority a duplicate original of the policy listed above, including all endorsements thereon.

I hereby certify that the Insurer is admitted, authorized, or eligible to conduct insurance business in the State of Louisiana and that the wording of this certificate is identical to the wording specified in LAC 33:IX.7395.Appendix H, effective on the date shown immediately below.

[Authorized signature of Insurer]
[Name of person signing]
[Title of person signing]
Signature of witness or notary:_____
[Date]

I. Appendix I—Letter from the Chief Financial Officer

[Insert, as applicable: "COMMERCIAL PREPARER OF SEWAGE SLUDGE" or "COMMERCIAL LAND APPLIER OF BIOSOLIDS"]
LETTER FROM THE CHIEF FINANCIAL OFFICER
(LIABILITY COVERAGE AND/OR CLOSURE)

Secretary
Louisiana Department of Environmental Quality
Post Office Box 4313
Baton Rouge, Louisiana 70821-4313
Attention: Office of Environmental Services
Dear Sir:

I am the chief financial officer of [name and address of firm, which may be either the affected person or parent corporation of the affected person]. This letter is in support of this firm's use of the financial test to demonstrate financial responsibility for [insert "liability coverage" and/or "closure," as applicable] as specified in *Louisiana Administrative Code* (LAC), Title 33, Part IX.[insert “7307.D.1.c,” “7307.E.2.h,” or “7307.D.1.c and E.2.h”].

[Fill out the following four paragraphs regarding facilities and associated liability coverage, and closure cost estimates. If your firm does not have facilities that belong in a particular paragraph, write "None" in the space indicated. For each facility, list the agency interest number, site name, facility name, and facility permit number.]

(A). The firm identified above is the [insert “affected person” or "parent corporation of the affected person"], whether in the State of Louisiana or not, for which liability coverage is being demonstrated through the financial test specified in LAC 33:IX.7307.D.1.c. The amount of annual aggregate liability coverage covered by the test is shown for each facility:

(B). The firm identified above is the [insert “affected person” or "parent corporation of the affected person"], whether in the State of Louisiana or not, for which financial assurance for closure is demonstrated through a financial test similar to that specified in LAC 33:IX.7307.E.2.h or other forms of self-insurance. The current closure cost estimates covered by the test are shown for each facility:

(C). This firm guarantees through a corporate guarantee similar to that specified in [insert “LAC 33:IX.7307.D.1.d,” “LAC 33:IX.7307.E.2.h.ix,” or "LAC 33:IX.7307.D.1.d and E.2.h.ix"], [insert "liability coverage," and/or "closure,"] whether in the State of Louisiana or not, of which [insert the name of the affected person] are/is a subsidiary of this firm. The amount of annual aggregate liability coverage covered by the guarantee for each facility and/or the current cost estimates for the closure so guaranteed is shown for each facility:

(D). This firm is the owner or operator of the following facilities, whether in the State of Louisiana or not, for which financial assurance for liability coverage and/or closure is not demonstrated either to the U.S. Environmental Protection Agency or to a state through a financial test or any other financial assurance mechanism similar to those specified in LAC 33:IX.7307.D and/or E. The current closure cost estimates not covered by such financial assurance are shown for each facility:

This firm [insert "is required" or "is not required"] to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on [month, day]. The figures for the following items marked with an asterisk are derived from this firm's independently-audited, year-end financial statements for the latest completed year, ended [date].

[Fill in Part A if you are using the financial test to demonstrate coverage only for the liability requirements.]

PART A. LIABILITY COVERAGE FOR ACCIDENTAL OCCURRENCES

[Fill in Alternative I if the criteria of LAC 33:IX.7307.E.2.h.i.(a) are used.]

Alternative I		
1. Amount of annual aggregate liability coverage to be demonstrated	$_____	
*2. Current assets	$_____	
*3. Current liabilities	$_____	
*4. Tangible net worth	$_____	
*5. If less than 90 percent of assets are located in the U.S., give total U.S. assets	$_____	
	YES	NO
6. Is line 4 at least $10 million?	___	___
7. Is line 4 at least 6 times line 1?	___	___
*8. Are at least 90 percent of assets located in the U.S.? If not, complete line 9.	___	___
9. Is line 4 at least 6 times line 1?	___	___

[Fill in Alternative II if the criteria of LAC 33:IX.7307.E.2.h.i.(b) are used.]

Alternative II		
1. Amount of annual aggregate liability coverage to be demonstrated	$_____	
2. Current bond rating of most recent issuance of this firm and name of rating service	_____	
3. Date of issuance of bond	_____	
4. Date of maturity of bond	_____	
*5. Tangible net worth	$_____	
*6. Total assets in U.S. (required only if less than 90 percent of assets are located in the U.S.)	$_____	
	YES	NO
7. Is line 5 at least $10 million?	___	___
8. Is line 5 at least 6 times line 1?	___	___
*9. Are at least 90 percent of assets located in the U.S.? If not, complete line 10.	___	___
10. Is line 6 at least 6 times line 1?	___	___

[Fill in Part B if you are using the financial test to demonstrate assurance only for closure.]

PART B. CLOSURE

[Fill in Alternative I if the criteria of LAC 33:IX.7307.E.2.h.i.(a) are used.]

Alternative I		
1. Sum of current closure estimates (total all cost estimates shown above)	$_____	
*2. Tangible net worth	$_____	
*3. Net worth	$_____	
*4. Current Assets	$_____	
*5. Current liabilities	$_____	
*6. The sum of net income plus depreciation, depletion, and amortization	$_____	
*7. Total assets in U.S. (required only if less than 90 percent of firm's assets are located in the U.S.)	$_____	
	YES	NO
8. Is line 2 at least $10 million?	___	___
9. Is line 2 at least 6 times line 1?	___	___
*10. Are at least 90 percent of the firm's assets located in the U.S.? If not, complete line 11.	___	___
11. Is line 7 at least 6 times line 1?	___	___

[Fill in Alternative II if the criteria of LAC 33:IX.7307.E.2.h.i.(b) are used.]

Alternative II		
1. Sum of current closure cost estimates (total of all cost estimates shown above)	$_____	
2. Current bond rating of most recent issuance of this firm and name of rating service	_____	
3. Date of issuance of bond	_____	
4. Date of maturity of bond	_____	
*5. Tangible net worth (If any portion of the closure cost estimate is included in "total liabilities" on your firm's financial statement, you may add the amount of that portion to this line.)	$_____	
*6. Total assets in U.S. (required only if less than 90 percent of the firm's assets are located in the U.S.)	$_____	
	YES	NO
7. Is line 5 at least $10 million?	____	____
8. Is line 5 at least 6 times line 1?	____	____
9. Are at least 90 percent of the firm's assets located in the U.S.? If not, complete line 10.	____	____
10. Is line 6 at least 6 times line 1?	____	____

[Fill in Part C if you are using the financial test to demonstrate assurance for liability coverage and/or closure.]

PART C. LIABILITY COVERAGE AND/OR CLOSURE

[Fill in Alternative I if the criteria of LAC 33:IX.7307.E.2.h.i.(a) are used.]

Alternative I		
1. Sum of current closure cost estimates (total of all cost estimates listed above)	$_____	
2. Amount of annual aggregate liability coverage to be demonstrated	$_____	
3. Sum of lines 1 and 2	$_____	
*4. Total liabilities (If any portion of your closure cost estimates is included in your "total liabilities" in your firm's financial statements, you may deduct that portion from this line and add that amount to lines 5 and 6.)	$_____	
* 5. Tangible net worth	$_____	
* 6. Net worth	$_____	
* 7. Current assets	$_____	
* 8. Current liabilities	$_____	
* 9. The sum of net income plus depreciation, depletion, and amortization	$_____	
*10. Total assets in the U.S. (required only if less than 90 percent of assets are located in the U.S.)	$_____	
	YES	NO
11. Is line 5 at least $10 million?	_____	_____
12. Is line 5 at least 6 times line 3?	_____	_____
*13. Are at least 90 percent of assets located in the U.S.? If not, complete line 14.	_____	_____
14. Is line 10 at least 6 times line 3?	_____	_____

[Fill in Alternative II if the criteria of LAC 33:IX.7307.E.2.h.i.(b) are used.]

Alternative II		
1. Sum of current closure cost estimates (total of all cost estimates listed above)	$_____	
2. Amount of annual aggregate liability coverage to be demonstrated	$_____	
3. Sum of lines 1 and 2	$_____	
4. Current bond rating of most recent issuance of this firm and name of rating service	_____	
5. Date of issuance of bond	_____	
6. Date of maturity of bond	_____	
*7. Tangible net worth (If any portion of the closure cost estimates is included in the "total liabilities" in your firm's financial statements, you may add that portion to this line.)	$_____	
*8. Total assets in U.S. (required only if less than 90 percent of assets are located in the U.S.)	$_____	
	YES	NO
9. Is line 7 at least $10 million?	____	____
10. Is line 7 at least 6 times line 3?	____	____
*11. Are at least 90 percent of assets located in the U.S.? If not, complete line 12.	____	____
12. Is line 8 at least 6 times line 3?	____	____

[The following is to be completed by all firms providing the financial test]

I hereby certify that the wording of this letter is identical to the wording specified in LAC 33:IX.7395.Appendix I.

[Signature of chief financial officer for the firm]
[Typed name of chief financial officer]
[Title]
[Date]

J. Appendix J—Corporate Guarantee

[Insert, as applicable: "COMMERCIAL PREPARER OF SEWAGE SLUDGE" or "COMMERCIAL LAND APPLIER OF BIOSOLIDS"]
CORPORATE GUARANTEE FOR LIABILITY COVERAGE AND/OR CLOSURE

Guarantee made this [date] by [name of guaranteeing entity], a business corporation organized under the laws of the State of [insert name of state], hereinafter referred to as guarantor, to the Louisiana Department of Environmental Quality, obligee, on behalf of our subsidiary [insert the name of the affected person] of [business address].

Recitals

(A). The guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for guarantors as specified in *Louisiana Administrative Code* (LAC), Title 33, Part IX.7307.D.1.d and/or E.2.h.ix.

(B). [Subsidiary] is the affected person covered by this guarantee: [List the agency interest number, site name, facility name, and facility permit number. Indicate for each facility whether guarantee is for liability coverage and/or closure and the amount of annual aggregate liability coverage and/or closure costs covered by the guarantee.]

[Fill in Paragraphs (C) and (D) below if the guarantee is for closure.]

(C). "Closure plans" as used below refers to the plans maintained as required by LAC 33:IX.7305.C.3, for the closure of the facility identified in Paragraph (B) above.

(D). For value received from the affected person, guarantor guarantees to the Louisiana Department of Environmental Quality that in the event that the affected person fails to perform closure of the above facility in accordance with the closure plan and other permit requirements whenever required to do so, the guarantor shall do so or shall establish a trust fund as specified in LAC 33:IX.7307.E.2.c, as applicable, in the name of the affected person in the amount of the current closure estimates as specified in LAC 33:IX.7307.E.2.

[Fill in Paragraph (E) below if the guarantee is for liability coverage.]

(E). For value received from the affected person, guarantor guarantees to any and all third parties who have sustained or may sustain bodily injury or property damage caused by sudden and accidental occurrences arising from operations of the facility covered by this guarantee that in the event that the affected person fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by sudden and accidental occurrences arising from the operation of the above-named facility, or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor will satisfy such judgment(s), award(s), or settlement agreement(s) up to the coverage limits identified above.

(F). The guarantor agrees that if, at the end of any fiscal year before termination of this guarantee, the guarantor fails to meet the financial test criteria, the guarantor shall send within 90 days, by certified mail, notice to the administrative authority, and to the affected person, that he intends to provide alternative financial assurance as specified in [insert "LAC 33:IX.7307.D" and/or "LAC 33:IX.7307.E"], as applicable, in the name of the affected person. Within 120 days after the end of such fiscal year, the guarantor shall establish such financial assurance unless the affected person has done so.

(G). The guarantor agrees to notify the administrative authority, by certified mail, of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming guarantor as debtor, within 10 days after commencement of the proceeding.

(H). The guarantor agrees that within 30 days after being notified by the administrative authority of a determination that the guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a guarantor of [insert "liability coverage" and/or "closure"] he shall establish alternate financial assurance as specified in [insert "LAC 33:IX.7307.D" and/or "LAC 33:IX.7307.E"], as applicable, in the name of the affected person unless the affected person has done so.

(I). The guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following: [if the guarantee is for closure, insert "amendment or modification of the closure plan, the extension or reduction of the time of performance of closure, or"] any other modification or alteration of an obligation of the affected person pursuant to LAC 33:IX.7305.C.3.

(J). The guarantor agrees to remain bound under this guarantee for as long as the affected person must comply with the applicable financial assurance requirements of [insert "LAC 33:IX.7307.D" and/or "LAC 33:IX.7307.E"] for the above-listed facility, except that the guarantor may cancel this guarantee by sending notice by certified mail, to the administrative authority and to the affected person, such cancellation to become effective no earlier than 90 days after receipt of such notice by both the administrative authority and the affected person, as evidenced by the return receipts.

(K). The guarantor agrees that if the affected person fails to provide alternative financial assurance as specified in [insert "LAC 33:IX.7307.D" and/or "LAC 33:IX.7307.E"], as applicable, and obtain written approval of such assurance from the administrative authority within 60 days after a notice of cancellation by the guarantor is received by the administrative authority from the guarantor, the guarantor shall provide such alternate financial assurance in the name of the affected person.

(L). The guarantor expressly waives notice of acceptance of this guarantee by the administrative authority or by the affected person. Guarantor expressly waives notice of amendments or modifications of the closure plan and of amendments or modifications of the facility permit(s).

I hereby certify that the wording of this guarantee is identical to the wording specified in LAC 33:IX.7395.Appendix J, effective on the date first above written.

Effective date:_____
[Name of Guarantor]
[Authorized signature for guarantor]
[Typed name and title of person signing]
Thus sworn and signed before me this [date].

_____
Notary Public

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(1)(c), (B)(3), and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:818 (April 2002), repromulgated LR 30:233 (February 2004), amended by the Office of Environmental Assessment, LR 30:2028 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2519 (October 2005), LR 33:2409 (November 2007), LR 35:

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

A public hearing will be held on March 31, 2009, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. 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 Christopher A. Ratcliff at the address given below or at (225) 219-3471. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by WQ076. Such comments must be received no later than April 7, 2009, at 4:30 p.m., and should be sent to Christopher A. Ratcliff, Attorney Supervisor, Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-3398 or by e-mail to chris.ratcliff@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of WQ076. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson, CPM
Executive Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Standards for the Use or Disposal of Sewage Sludge and Biosolids

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes will have no implementation cost or savings to state or local government units. Funding will be covered under established Louisiana Pollutant Discharge Elimination System (LPDES) permit fees and the fees for the registration of domestic septage haulers. Equivalent state and federal regulations, including permitting requirements, regarding sewage sludge use and disposal currently exist, so no additional impact is anticipated on local governmental agencies.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The only effect on revenue collections is the transfer of the registration of haulers of domestic septage from the Louisiana Department of Health and Hospitals (LDHH) to the Louisiana Department of Environmental Quality (LDEQ) and the associated transfer of the annual fee collection also from LDHH to LDEQ. The monetary amount that will be collected by LDEQ will be the same as what is presently being collected by LDHH. Therefore, there will be no increase in revenues beyond that tendered by haulers who register after the effective date of this rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no anticipated effect upon individuals or non-governmental groups. These regulations have been in effect at the federal level since 1993 and at the state level since the Louisiana final rule was promulgated on November 20, 2007. Licensing/registration of haulers/pumpers of sewage sludge has previously been conducted by LDHH. The new registration requirements in this rule are necessary to allow LDEQ to implement the registration of haulers of domestic septage that has been transferred from LDHH to LDEQ commencing on July 2009, by Act 56 of the 2008 Legislative session.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No significant effect on competition or employment from this proposed rule is anticipated because equivalent regulations of the area currently exist at both the state and federal levels.

Herman Robinson, CPM	H. Gordon Monk
Executive Counsel	Legislative Fiscal Officer
0902#073	Legislative Fiscal Office

NOTICE OF INTENT

Firefighters Retirement System

Processing Claims for Survivor Benefits—Determining Whether a Member Was Killed in the Line of Duty (LAC 58:XIII.101)

Pursuant to the provisions of Section 1 of Act No. 496 of the 2008 Regular Legislative Session, which originated as House Bill No. 704 thereof and in accordance with the provisions of the Administrative Procedures Act, notice is hereby given by the board of trustees of the Firefighters' Retirement System of its intent to adopt a Rule in terms and substance as described herein below. The basis of this proposed Rule arises from a need to establish procedures for the governing board of the agency to follow when determining whether or not an active contributing member's death occurred in the line of duty. The rationale for the proposed Rule is based on the duty of the board to consider applications for benefits submitted by the surviving spouses of such members. The enabling statute authorizes benefits to be granted to the surviving spouse upon the death of an active contributing member, provided the death occurred in the line of duty. However, there is no established procedure set forth in the statutes for the governing board of the agency to use when determining whether or not a death occurred in the line of duty.

Title 58
RETIREMENT
Part XIII. Firefighters' Retirement System
Chapter 1. General Provisions
§101. Survivor Benefits; Procedures to Use When Determining Whether Member's Death Occurred in the Line of Duty

A. Pursuant to the provisions of R.S. 11:2256(B)(a)(i), the surviving spouse of any active contributing member of the system who is killed in the line of duty, is authorized to be paid, on a monthly basis, an annual benefit equal to two-thirds of the deceased member's average final compensation.

B. Pursuant to the provisions of R.S. 11:2256(B)(a)(ii), the board of trustees must promulgate rules to provide a procedure for determining whether a member was killed in the line of duty. Thereafter, the board must use its discretion in applying the procedure. The application of the procedure must be in compliance with the fiduciary duty of such trustees as such duty is set forth in Title 11 of the Revised Statutes of 1950, as amended.

C. The procedure used for determining whether or not a member's death occurred in the line of duty shall be as follows: The board of trustees shall direct its staff to conduct a study of the facts and circumstances leading up to and being the cause of the member's death. The staff shall conduct that study and report its findings either verbally or in a written report, or both, to the board of trustees in an open public meeting wherein the subject matter of the surviving spouse's benefits are placed before the board for discussion and action. Such report shall be furnish to the board within thirty days of the conclusion of the study, unless the application for benefits and case file is not otherwise complete and ready for board consideration. Any motion that is made to approve survivor benefits of a member killed in the line of duty shall contain a summary recitation of the facts and circumstances leading up to and being the cause of the member's death. The board of trustees shall apply these procedures in a manner consistent with its fiduciary duty. The foregoing procedure shall be used in all similar cases and shall be known as the "Boler Act Rule".

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:2256(B)(1)(a)(ii) and the Administrative Procedures Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Firefighters Retirement System, LR 35:

Family Impact Statement

The impact of this proposed Rule on family formation, stability, and autonomy is positive. The proposed Rule has a positive effect on the stability of the family by assuring that applications for survivor benefits are processed according to a standardized procedure. The proposed Rule has no effect on the authority and rights of parents regarding the education and supervision of their children. The proposed Rule has a positive effect on the functioning of the family because it allows a family to know that the processing of benefits based on the death of the firefighter spouse will not be interrupted due to the lack of necessary administrative procedures. The proposed Rule has a positive effect on family earnings and family budget by assuring the continuation of income to the family of a decedent who is eligible for survivor benefits. The proposed Rule has no effect on the behavior and personal responsibility of children. The proposed Rule does not require a family to perform any function. The proposed Rule enhances the ability of the governing board to perform its function, i.e., considering applications for survivor benefits.

Interested persons may submit written comments regarding the proposed new Rule until 4:30 p.m., March 10, 2009, to Steven S. Stockstill, FRS Executive Director, 3100 Brentwood Drive, Baton Rouge, LA 70809. The preamble to this proposed new Rule is set forth in the introductory paragraph.

Steven S. Stockstill,
FRS Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Processing Claims for Survivor Benefits—Determining Whether a Member Was Killed in the Line of Duty

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is no anticipated cost to the state or local governments. This rule involves the procedure used by the board of trustees when making an administrative determination of whether or not an active contributing member's death occurred in the line of duty for purposes of processing applications for survivor benefits.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No effect on revenue collections of the state or local governmental units is anticipated.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

If the proposed procedures are applied, then it requires the board of trustees to determine in a public forum the nature of the member's death. Because the proposed rule is procedural in nature, there is no anticipated costs and/or economic benefits to directly affected persons. Likewise, there is no anticipated costs and/or economic benefit to non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

Steven S. Stockstill
Executive Director
0902#038

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Division of Administration
Office of Facility Planning and Control

Louisiana Uniform Public Work Bid Form
(LAC 34:III.Chapter 3)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the provisions of RS 39:121, the Division of Administration, Facility Planning and Control hereby gives notice of its intent to adopt a new Rule: LAC 34:IIII.Chapter 3, Louisiana Uniform Public Work Bid Form. This Rule is required by Acts 726 and 727 of the 2008 Regular Legislative Session and provides rules for their implementation as authorized by the Act.

Title 34
GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY CONTROL
Part III. Facility Planning and Control
Chapter 3. Louisiana Uniform Public Work Bid Form

§301. Name

A. The name of this document shall be the "Louisiana Uniform Public Work Bid Form" also referred to hereinafter as "Bid Form."

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2212.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Facility Planning and Control, LR 35:

§303. Authority

A. This form is prepared and issued in accordance with Acts 726 and 727 of the 2008 Regular Legislative Session.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2212.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Facility Planning and Control, LR 35:

§305. Purpose

A. The purpose of this rule shall be to provide for the more effective and efficient letting of public works contracts and to establish a uniform standardized bid form to facilitate this.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2212.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Facility Planning and Control, LR 35:

§307. Applicability

A. This rule shall apply to all state agencies and political subdivisions. The bid form shall require only the information necessary to determine the lowest bidder. With the exception of unit prices, all items on the Louisiana Uniform Public Works bid form shall be included for public works projects. No other information may be required from the bidder. Other documentation required shall be furnished by the low bidder at a later date, in accordance with the bidding documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2212.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Facility Planning and Control, LR 35:

§309. Definitions

A. For the purposes of the Louisiana Uniform Public Works bid form the following terms shall have the stated meanings.

Alternate—a specified item of construction that is set apart by a separate sum. An alternate may or may not be incorporated into the contract sum at the discretion of the owner at the time of contract award.

Base Bid—the mount of money stated in the bid as the sum for which the bidder offers to perform the work described in the bidding documents, prior to the adjustments for alternate bids but including any unit prices.

Bid—a complete signed proposal to perform work or a designated portion for a stipulated sum. A bid is submitted in accordance with the bidding documents, is evaluated on price alone and is not subject to qualification.

Bidder—an entity or person who submits a bid for a prime contract with the owner. A bidder is not a contractor on a specific project until a contract is signed between the bidder and the owner.

Bid Form—a form provided to the bidder on which to submit his bid.

Bid Security—a bid bond or deposit submitted with a bid to guarantee to the owner that the bidder, if awarded the contract, will execute the contract within a specified period of time and will furnish any bonds or other requirements of the bidding documents.

Bidding Documents—documents usually including advertisement, bid notice or invitation to bidders, instructions to bidders, bid form, form of contract, forms of bonds, conditions of contract, drawings, specifications addenda, special provisions, and all other written instruments prepared by or on behalf of a public entity for use by prospective bidders on a public contract.

Owner—the public entity issuing the bid.

Public Entity—means and includes the state of Louisiana, or any agency, board, commission, department, or public corporation of the state, created by the constitution or statute or pursuant thereto, or any political subdivision of the state, including but not limited to any political subdivision as defined in Article VI Section 44 of the Constitution of Louisiana, and any public housing authority, public school board, or any public officer whether or not an officer of a public corporation or political subdivision. "Public entity" shall not include a public body or officer where the particular transaction of the public body or officer is governed by the provisions of the model procurement code.

Public Work—the erection, construction, alteration, improvement, or repair of any public facility or immovable property owned, used, or leased by a public entity.

Unit Price—the amount stated in a project bid representing the price per unit of materials and/or services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2212.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Facility Planning and Control, LR 35:

§311. Alternates

A. Provide space for, give descriptive title to and arrange for alternates in the order of priority. A maximum of three alternates are allowed by state law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2212.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Facility Planning and Control, LR 35:

§313. Unit Price Form

A. The Unit Price Form shall be used if the contract includes unit prices. Otherwise it is not required and need not be included with the form. The number of unit prices that may be included is not limited and additional sheets may be included if needed.

B.1. Louisiana Uniform Public Work Bid Form

Louisiana Uniform Public Work Bid Form

TO: _____ BID FOR: _____

_____ _____

_____ _____

_____ _____

(Owner to provide name and address of owner) (*Owner to provide name of project and other identifying information*

The undersigned bidder hereby declares and represents that she/he; a) has carefully examined and understands the Bidding Documents, b) has not received, relied on, or based his bid on any verbal instructions contrary to the Bidding Documents or any addenda, c) has personally inspected and is familiar with the project site, and hereby proposes to provide all labor, materials, tools, appliances and facilities as required to perform, in a workmanlike manner, all work and services for the construction and completion of the referenced project, all in strict accordance with the Bidding Documents prepared by:_____ _____ and dated: _____

(Owner to provide name of entity preparing bidding documents.)

Bidders must acknowledge all addenda. The Bidder acknowledges receipt of the following ADDENDA:

No. _____ Dated: _____ No. _____ Dated: _____ No. _____ Dated: _____

No. _____ Dated: _____ No. _____ Dated: _____ No. _____ Dated: _____

TOTAL BASE BID: For all work required by the Bidding Documents (including any and all unit prices* but not alternates) the sum of:

_____ Dollars ($_____)

ALTERNATES: For any and all work required by the Bidding Documents for Alternates.

Alternate No. 1 *(Owner to provide description of alternate and state whether add or deduct)* for the lump sum of:

_____ Dollars ($ _____)

Alternate No. 2 *(Owner to provide description of alternate and state whether add or deduct)* for the lump sum of:

_____ Dollars ($ _____)

Alternate No. 3 *(Owner to provide description of alternate and state whether add or deduct)* for the lump sum of:

_____ Dollars ($ _____)

NAME OF BIDDER: _____

ADDRESS OF BIDDER: _____

_____

LOUISIANA CONTRACTOR'S LICENSE NUMBER: _____

Name OF AUTHORIZED SIGNATORY OF BIDDER: _____

TITLE OF AUTHORIZED SIGNATORY OF BIDDER: _____

SIGNATURE OF AUTHORIZED SIGNATORY OF BIDDER **: _____

DATE: _____

* The Unit Price Form shall be used if the contract includes unit prices. Otherwise it is not required and need not be included with the form. The number of unit prices that may be included is not limited and additional sheets may be included if needed.

** If someone other than a corporate officer signs for the Bidder/Contractor, a copy of a corporate resolution or other signature authorization shall be required for submission of bid. Failure to include a copy of the appropriate signature authorization, if required, may result in the rejection of the bid unless bidder has complied with La. R.S. 38:2212(A)(1)(c) or RS 38:2212(O) .

BID SECURITY in the form of a bid bond, certified check or cashier's check as prescribed by LA RS 38:2218.A is attached to and made a part of this bid.

2. Unit Price Form

Louisiana Uniform Public Work Bid Form
Unit Price Form

REF. NO.	QUANTITY:	UNIT OF MEASURE:	UNIT PRICE	UNIT PRICE EXTENSION *(Quantity X Unit Price)*
DESCRIPTION: *(Owner to provide)*				
REF. NO.	QUANTITY:	UNIT OF MEASURE:	UNIT PRICE	UNIT PRICE EXTENSION *(Quantity X Unit Price)*
DESCRIPTION: *(Owner to provide)*				
REF. NO.	QUANTITY:	UNIT OF MEASURE:	UNIT PRICE	UNIT PRICE EXTENSION *(Quantity X Unit Price)*
DESCRIPTION: *(Owner to provide)*				
REF. NO.	QUANTITY:	UNIT OF MEASURE:	UNIT PRICE	UNIT PRICE EXTENSION *(Quantity X Unit Price)*
DESCRIPTION: *(Owner to provide)*				
REF. NO.	QUANTITY:	UNIT OF MEASURE:	UNIT PRICE	UNIT PRICE EXTENSION *(Quantity X Unit Price)*
DESCRIPTION: *(Owner to provide)*				
REF. NO.	QUANTITY:	UNIT OF MEASURE:	UNIT PRICE	UNIT PRICE EXTENSION *(Quantity X Unit Price)*
DESCRIPTION: *(Owner to provide)*				
REF. NO.	QUANTITY:	UNIT OF MEASURE:	UNIT PRICE	UNIT PRICE EXTENSION *(Quantity X Unit Price)*
DESCRIPTION: *(Owner to provide)*				
REF. NO.	QUANTITY:	UNIT OF MEASURE:	UNIT PRICE	UNIT PRICE EXTENSION *(Quantity X Unit Price)*
DESCRIPTION: *(Owner to provide)*				
REF. NO.	QUANTITY:	UNIT OF MEASURE:	UNIT PRICE	UNIT PRICE EXTENSION *(Quantity X Unit Price)*
DESCRIPTION: *(Owner to provide)*				

AUTHORITY NOTE: Promulgated in accordance with R.S. 38:2212.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Facility Planning and Control, LR 35:

Family Impact Statement

1. The Effect of this Rule on the Stability of the Family. This Rule will have no effect on the stability of the family.

2. The Effect of this Rule on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. This Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect of this Rule on the Functioning of the Family. This Rule will have no effect on the functioning of the family.

4. The Effect of this Rule on Family Earnings and Family Budget. This Rule will have no effect on family earnings and family budget.

5. The Effect of this Rule on the Behavior and Personal Responsibility of Children. This Rule will have no effect on the behavior and personal responsibility of children.

6. The Effect of this Rule on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rule. This Rule will have no effect on the ability of the family or local government to perform the function as contained in the proposed Rule.

Interested persons may submit comments to William Morrison, Facility Planning and Control, P.O. Box 94095, Baton Rouge, LA 70804-9095. Written comments will be accepted through March 10, 2009.

Jerry W. Jones
Assistant Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Louisiana Uniform Public Work Bid Form

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change may result in an indeterminable decrease in costs for public works projects at the state and local level. These savings may be infrequent and such savings may vary from insignificant to substantial, depending upon the particular project. This rule change will result in replacing the various bid forms currently used by the state and political subdivisions for public works projects with a standardized uniform bid form. Cost savings will result from increased competition and a larger number of acceptable bids.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will have 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 will be no costs and/or economic benefits to any group. This rule simply changes the format of a form that is currently in use.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have a positive effect on competition by providing a simplified and consistent bid form for all public works projects. This will result in more contractors bidding on projects and fewer bids being rejected due to errors or incomplete and inaccurate bid information.

There is no anticipated impact on employment as a result of this rule change.

Jerry W. Jones
Assistant Commissioner
0902#013

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals
Board of Nursing

Registered Nurses—Alternative to Disciplinary Proceedings
(LAC 46:XLVII.3419)

Editor's Note: This Notice of Intent, originally published in the January 20, 2009, issue of the *Louisiana Register*, is being republished to correct a submission error.

The Louisiana State Board of Nursing proposes to amend LAC 46:XLVII.3419, "Alternate to Disciplinary Proceedings" in accordance with R.S. 37:918, R.S. 37:919 and R.S. 37:920 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The proposed amendment to LAC 46:XLVII.3419 is to address the confidential status of board files while participants are in the *Recovery Nurse Program* (RNP).

Currently under the statute's Operational Definitions, *Confidentiality*, states that all records of a nurse or student nurse who has successfully completed or is in the non-disciplinary alternative program shall not be subject to public disclosure and shall not be available for discovery proceedings except as required by federal and state confidentiality laws and regulations. On the other hand, §3419.D.2 states that involvement of participants in the non-disciplinary (RNP) alternative will remain confidential provided that the individual complies with all stipulations in the RNP agreement. For the (RNP) participants who successfully complete the confidential program, it is unclear from the board rules if their board files are or are not confidential if the individual later has drug/alcohol problems or violates the Nurse Practice Act.

In this proposed amendment, the board may cause to be made non-confidential the records, files and information related to successful completion of an (RNP) program in the event that a former participant becomes the subject of disciplinary action for a violation.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLVII. Nurses: Practical Nurses and Registered Nurses
Subpart 2. Registered Nurses
Chapter 34. Disciplinary Proceedings; Alternative to Disciplinary Proceedings

§3419. Alternative to Disciplinary Proceedings

A. - H.2. …

3. The board may cause to be made non-confidential the records, files and information related to successful completion of an RNP program in the event that a former participant becomes the subject of disciplinary action for a violation of the NPA related to substance abuse and/or chemical dependency on the part of the former participant.

AUTHORITY NOTE: Promulgated in accordance with R.S:37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 24:1293 (July 1998), amended LR 27:728 (May 2001), LR 31:1586 (July 2005), LR 35:

Family Impact Statement

In compliance with R.S. 49:953 and 974, the following Family Impact Statement of the proposed amendments to rules is provided. There should be no adverse effect on the stability of the family; the authority and rights of parents regarding the education and supervision of their children; or the ability of the family or a local government to perform the function as contained in the proposed rule amendments.

Interested persons may submit written comments on the proposed rules until 5 p.m., March 12, 2009 to Barbara L. Morvant, Executive Director, 17373 Perkins Road, Baton Rouge, LA 70810.

Barbara L. Morvant, MN, RN
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Registered Nurses
Alternative to Disciplinary Proceedings

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is no anticipated increase or decrease in expenditures or savings due to this proposed revision except for the cost of printing which is estimated at $300 in FY 2008-2009.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Individuals who successfully complete the Recovery Nurse Program (RNP) and who subsequently become the subject of a disciplinary action or violation related to substance abuse and/or chemical dependency may have their confidential records made public as part of actions to terminate their license. Termination of their nursing license will bar such individuals from working as a nurse in the state of Louisiana.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no effect on competition and employment.

Barbara L. Morvant
Executive Director
0902#049

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals
Board of Nursing

Registered Nurses—Disciplinary Proceedings;
Alternative to Disciplinary Proceedings
(LAC 46:XLVII.3405)

Editor's Note: This Notice of Intent, originally published in the January 20, 2009, issue of the *Louisiana Register*, is being republished to correct a submission error.

The Louisiana State Board of Nursing proposes to amend LAC 46:XLVII.3405, "Definition of Terms," *Other Causes*, Subparagraph s, "Failure to Cooperate with the Board" in accordance with R.S. 37:918, R.S. 37:919 and R.S. 37:920 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The proposed amendment to LAC 46:XLVII.3405 revises the renewal applicants who disclose criminal arrests, being named in medical malpractice lawsuits, etc., are asked to provide police/court documents, etc., for investigation by the board. For those investigations in which applicants fail to provide requested items, board staff has no mechanism to move the investigation along toward completion. Renewal application investigations can remain open for an indefinite number of years awaiting documents. This proposal provides a mechanism to promote receipt of needed items and information.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLVII. Nurses: Practical Nurses and Registered Nurses
Subpart 2. Registered Nurses

Chapter 34. Chapter 34. Disciplinary Proceedings; Alternative to Disciplinary Proceedings

§3405. Definition of Terms

A. …

* * *

Other Causes—includes, but is not limited to:

a. - r. …

s. failure to cooperate with the board by:

i. not furnishing in writing a full and complete explanation covering a matter requested by the board; or

ii. not providing information, documents/records, reports, evidence or any other requested items within the designated time period to the board office as requested by the board/board staff;

iii. not responding to subpoenas issued by the board in connection with any investigation or hearing;

iv. not completing evaluations required by the board;

t. - x ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), R.S. 37:921, and R.S. 37:1744-1747.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:74(March 1981), amended by the Department of health and Hospitals, Board of Nursing, LR 19:1145 (September 1993), LR 21:271 (March 1995), LR 24:1293 (July 1998), LR 31:1585 (July 2005), LR 35:

Family Impact Statement

In compliance with R.S. 49:953 and 974, the following Family Impact Statement of the proposed amendments to rules is provided. There should be no adverse effect on the stability of the family; the authority and rights of parents regarding the education and supervision of their children; or the ability of the family or a local government to perform the function as contained in the proposed rule amendments.

Interested persons may submit written comments on the proposed rules until 5 p.m., March 12, 2009 to Barbara L. Morvant, Executive Director, 17373 Perkins Road, Baton Rouge, LA 70808.

Barbara L. Morvant, MN, RN
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Registered Nurses—Disciplinary Proceedings; Alternative to Disciplinary Proceedings

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is no anticipated increase or decrease in expenditures or savings due to this proposed revision except for the cost of printing which is estimated at $300 in FY 08-09.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Individuals who do not provide information, documents, records, evidence, or other items requested by the Louisiana State Board of Nursing may face disciplinary action leading to termination of their nursing license. Termination of their nursing license will bar such individuals from working as a nurse in the state of Louisiana.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed addition to LAC 46:LXVII.3405 will have no effect on competition and employment.

Barbara L. Morvant	Robert E. Hosse
Executive Director	Staff Director
0902#048	Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals
Board of Nursing

Registered Nurses—Peripherally Inserted Central Catheter (PICC) Insertion, Radiographic Verification of Placement and Removal (LAC 46:XLVII.3707)

Editor's Note: This Notice of Intent, originally published in the January 20, 2009, issue of the *Louisiana Register*, is being republished to correct a submission error.

The Louisiana State Board of Nursing proposes to adopt Rules on Guidelines on IV Thearpy to Include PICC Line Infusion and Competencies in accordance with R.S. 37:918, R.S. 37:919 and R.S. 37:920 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The proposed Rule revises the "modified Seldinger technique" making it within the scope of practice for a Registered Nurse to insert, secure, and remove central catheters through peripheral venous sites provided that specific criteria are met.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLVII. Nurses: Practiacal Nurses and Registered Nurses
Subpart 2. Registered Nurses
Chapter 37. Nursing Practice
§3707. Peripherally Inserted Central Catheter (PICC) Insertion, Radiographic Verification of Placement and Removal

A. Definition

PICC Line—peripherally inserted central catheters (PICCs) are venous access devices used to administer all types of intravenous medications and solutions. PICCs are soft, flexible catheters.

B. Registered nurses may insert, secure and remove central catheters through peripheral venous sites provided that the following conditions are met:

1. documentation of satisfactory completion of a minimum of four hours of study in an appropriate instructional program and verification of employment in a supervised clinical practice on file with the employer;

2. catheter placement is pursuant to a physician or other qualified prescriber's order for the procedure;

3. the procedure is performed according to appropriately established policy and procedure of the health care facility, employing agency and/or physician's office; and

4. in view of the proliferation of various catheter products available for placement, the registered nurse must be knowledgeable about the manufacturer's suggestions and precautions concerning the specific catheter product utilized, and should review product information on a frequent basis.

C. Further, registered nurses who have met the above conditions for the insertion, securing and removal of central catheters through peripheral venous sites may also verify tip placement via X-ray provided the following additional conditions are met:

1. documentation of satisfactory completion of a minimum of eight hours of study in an appropriate instructional program and verification of employment in a supervised clinical practice that includes successful performance of three radiographic assessments of PICC location monitored by a radiologist on the medical staff on file with the employer; and

2. confirmation of PICC placement by a radiologist within 24 hours of placement.

C. In order for a Registered Nurse to be authorized by the board under this Section, the instructional program shall include the following courses of study:

1. for nurses performing duties to include insertion with radiographic verification of PICC line tip placement:

a. anatomy and physiology of circulation and fluid balance;

b. indications and contraindications for PICC placement;

c. complications and management techniques to include potential adverse reactions;

d. radiographic assessment of PICC tip location;

e. techniques for placement of PICC lines may include ultrasound techniques;

f. techniques for PICC line placement and removal; and

g. nursing responsibilities;

2. for nurses performing duties that would include management and monitoring of PICC lines:

a. anatomy and physiology of circulation and fluid balance;

b. indications and contraindications for PICC placement;

c. complications and management techniques to include potential adverse reactions; and

d. nursing responsibilities;

3. for nursing performing the duties of PICC line removal:

a. techniques for PICC line removal;

b. complications and management techniques to include potential adverse reactions; and

c. nursing responsibilities.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 35:

Family Impact Statement

In compliance with R.S. 49:953 and 974, the following Family Impact Statement of the proposed amendments to Rules is provided. There should be no adverse effect on the stability of the family; the authority and rights of parents regarding the education and supervision of their children; or the ability of the family or a local government to perform the function as contained in the proposed rule amendments.

Interested persons may submit written comments on the proposed Rule until 5 p.m., March 12, 2009 to Barbara L. Morvant, Executive Director, 17373 Perkins Road, Baton Rouge, LA 70808. A public hearing on this proposed Rule is scheduled for Friday, March 27, 2009 at 10 a.m. at 17373 Perkins Road, Baton Rouge, LA 70808. At that time, all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing.

Barbara L. Morvant, MN, RN
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Registered Nurses—Peripherally Inserted Central Catheter (PICC) Insertion, Radiographic Verification Of Placement and Removal

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is no anticipated increase or decrease in expenditures or savings due to this proposed revision except for the cost of printing which is estimated at $300 in FY 2008-2009.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no estimated effect on the costs and/or economic benefits that will directly affect persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no effect on competition and employment.

Barbara L. Morvant
Executive Director
0902#050

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals
Board of Nursing

Registered Nurses—Renewal of License
(LAC 46:XLVII.3333)

Editor's Note: This Notice of Intent, originally published in the January 20, 2009, issue of the *Louisiana Register*, is being republished to correct a submission error.

The Louisiana State Board of Nursing proposes to amend LAC 46:XLVII.3333, "Renewal of License" in accordance with R.S. 37:918, R.S. 37:919 and R.S. 37:920 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The proposed revisions to LAC 46: XLVII 3333 provides the board with a mechanism to invalidate a license which has been renewed based on on-line submission of application and which requires additional information be submitted to the board by the licensee and further investigation by board staff. Failure of the licensee to submit the required documentation in a timely manner will result in the invalidation of the renewed license.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLVII. Nurses: Practical Nurses and Registered Nurses
Subpart 2. Registered Nurses
Chapter 33. General
§3333. Renewal of License

A. Every person holding a license to practice as a registered nurse, and intending to practice during the ensuing year, shall renew his license annually prior to the expiration of his license. The board shall furnish an application for renewal of a license to every person who holds a current license. The licensee shall complete the renewal form and return to the board before January 1. Upon receipt of the application and the renewal fee as required under §3341, the board shall verify the accuracy of the application and issue to the licensee a license of renewal for the current year beginning February 1 and expiring January 31. Incomplete applications will be returned. Applications postmarked after December 31 will be considered late and subject to the fee as required under §3341 for late renewals. Failure to renew a license prior to expiration subjects the individual to forfeiture of the right to practice. An individual shall notify the board of:

1. Change of Address. Notify the office of the board in writing within 30 days if a change of address has occurred;

2. Change of Name. If a registered nurse/candidate for registration should change her name through marriage, divorce, religious order, or for any other reason, a request for a change of name should be sent to the office of the board. A

copy of the marriage certificate, divorce document, or affidavit confirming change of name, is required to execute a name change on board records.

B. Requirements for renewal of license include:

1. completion of application form, including statistical information;

2. payment of fee;

3. evidence of meeting the requirements of §3335, effective January 1, 1993;

4. notwithstanding any provision of this Section to the contrary, any license to practice as a registered nurse issued valid through January 31, 2006 shall be valid through March 31, 2006;

5. notwithstanding any provision of this section to the contrary, no evidence of meeting the requirements of §3335 shall be required to renew a license issued valid through January 31, 2006, if said license is renewed on or before March 31, 2006;

6. provide any/all information, documents, records, reports, evidence and/or items as requested by the board/board staff within 60 days from the date of the letter of request/notification sent by board staff, or else the RN license shall be subject to immediate invalidation with change of status to inactive license and practice as an registered nurse will no longer be legal.

C. An inactive or lapsed license may be reinstated by submitting a completed application, paying the required fee, and meeting all other relevant requirements, provided there is no evidence of violation of R.S. 37:911 et seq., §3331, or other administrative rules, or no allegations of acts or omissions which constitute grounds for disciplinary action as defined in R.S. 37:921 or §3405. Any person practicing as a registered nurse during the time one's license is inactive or has lapsed is considered an illegal practitioner and is subject to the penalties provided for violation of this Part and will not be reinstated until the disciplinary action is resolved.

D.1. A retired status license may be issued to any individual who is no longer engaged in the practice of nursing, provided said individual:

a. files an application provided by the board prior to the expiration of the active license; and

b. pays the required one-time fee as specified under §3341.

2. A license will be printed designating the year and retired status. No further licenses will be issued.

3. A licensee in retired status will continue to receive *The Examiner* and other official mailings and continue to be listed in the official roster of registered nurses in Louisiana.

4. After placed in retired status, no further renewal applications will be sent.

5. If at a future date, the licensee wishes to return to practice, the requirements for reinstatement specified under §3335.D, 4507.E.2, and/or 4507.A.3 must be met.

6. The professional designation can be used followed by "retired".

7. If the Registered Nurse (RN) license is placed in retired status, the Advanced Practice Registered Nurse (APRN) license shall also be placed in retired or inactive status with no fee.

8. The APRN license may be placed in retired or inactive status with no fee while the RN license remains active.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 7:78 (March 1981), amended by the Department of Health and Hospitals, Board of Nursing, LR 16:1061 (December 1990), LR 23:962 (August 1997), LR 23:963 (August 1997), repromulgated LR 24:1293 (July 1998), amended LR 26:1443 (July 2000), LR 32:247 (February 2006), LR 35:

Family Impact Statement

In compliance with R.S. 49:953 and 974, the following Family Impact Statement of the proposed amendments to rules is provided. There should be no adverse effect on the stability of the family; the authority and rights of parents regarding the education and supervision of their children; or the ability of the family or a local government to perform the function as contained in the proposed rule amendments.

Interested persons may submit written comments on the proposed rules until 5 p.m., March 12, 2009 to Barbara L. Morvant, Executive Director, 17373 Perkins Road, Baton Rouge, LA 70808.

Barbara L. Morvant, MN, RN
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Registered Nurses—Renewal of License

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is no anticipated increase or decrease in expenditures or savings due to this proposed revision except for the cost of printing which is estimated at $300 in FY 2008-2009.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This revision may directly impact any licensee applying for renewal that fails to provide any/all information requested by the board/board staff within 60 days from the date of notification by the board staff by subjecting the licensee to immediate invalidation and change of status to inactive. The licensee would not be allowed to practice as a registered nurse and would need to pay a reinstatement fee of $100.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Barbara L. Morvant
Executive Director
0902#047

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Insurance
Office of the Commissioner

Regulation 97—Vehicle Tracking Systems
(LAC 37:XIII.Chapter 133)

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 Louisiana Department of Insurance (LDOI) gives notice that rulemaking procedures have been initiated to promulgate Regulation 97. Adoption of the proposed regulation is authorized by Acts 2008, No. 132 of the Regular Session of the Louisiana Legislature.

Act 132 permits an insurer to offer a rate reduction for motor vehicles equipped with a vehicle tracking system which assists in the recovery of stolen vehicles and directs the Commissioner of Insurance to promulgate rules and regulations defining vehicle tracking systems.

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, and through the authority granted under R.S. 22:1 et seq., and R.S. 22:1457(E) the Commissioner of Insurance has adopted Regulation 97 to implement the provisions of Acts 2008, No. 132 of the Regular Session of the Louisiana Legislature, which authorizes insurers to offer a rate reduction for motor vehicles equipped with a vehicle tracking system which assists in the recovery of stolen vehicles and directs the commissioner to promulgate rules and regulations defining vehicle tracking systems.

Title 37
INSURANCE
PART XIII. Regulations
Chapter 133. Regulation Number 97—Vehicle Tracking Systems

§13301. Purpose

A. The purpose of Regulation 97 is to implement the provisions of Acts 2008, No. 132 of the Regular Session of the Louisiana Legislature which mandates that the Department of Insurance promulgate rules and regulations giving further definition of vehicle tracking systems as they relate to motor vehicle liability and physical damage insurance rate reductions for motor vehicles.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1457.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 35:

§13303. Applicability and Scope

A. Regulation 97 shall apply to rate filings applied for by an insurer and approved by the commissioner on motor vehicle liability and physical damage insurance for coverage of any motor vehicle equipped with a vehicle tracking system which aids in the recovery of stolen vehicles.

B. The definition of a vehicle tracking system provided herein shall give interpretation and guidance to insurers offering rate reductions as authorized by the commissioner pursuant to R.S. 22:1457(E).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1457 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 35:

§13305. Authority

A. Regulation 97 is promulgated by the commissioner pursuant to the authority granted under the Louisiana Insurance Code, R.S. 22:1 et seq., particularly R.S. 22:11, and specifically R.S. 22:1457(E).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1457 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 35:

§13307. Definitions

A. For the purposes of Regulation 97 these terms shall have the meaning ascribed herein unless the context clearly indicates otherwise.

Commissioner—Commissioner of Insurance.

Insurer—any authorized insurance company which possesses a certificate of authority issued by the Commissioner to write motor vehicle liability and physical damage insurance business in the state of Louisiana.

Vehicle Tracking System—an electronic device, unit or system installed in a motor vehicle that is accessible after that motor vehicle is stolen. When accessed, the electronic device, unit or system shall be capable of transmitting information regarding the location of the stolen motor vehicle to applicable and appropriate law enforcement officials or private entities to assist in the recovery of the stolen motor vehicle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1457 and the Administrative Procedure Act, R.S. 49:950 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 35:

§13309. Rate Reduction for Vehicle Tracking System

A. Upon application by an insurer, an actuarially justified rate reduction shall be approved by the commissioner, in accordance with law. The rate reduction filed by the insurer shall apply to either motor vehicle liability coverage or physical damage insurance coverage, or both coverages, as approved by the commissioner, and shall reduce the insurance premium of any motor vehicle when the motor vehicle is equipped with a vehicle tracking system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1457.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 35:

§13311. Effective Date

A. Regulation 97 shall become effective upon final publication in the Louisiana Register and shall apply to acts or practices committed on or after the effective date.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1457.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 35:

§13313. Severability

A. If any Section or provision of Regulation 97 or the application to any person or circumstance is held invalid, such invalidity or determination shall not affect other Sections or provisions or the application of Regulation 97 to any persons or circumstances that can be given effect without the invalid Section or provision or application, and for these purposes the Sections and provisions of Regulation 97 and the application to any persons or circumstances are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1457.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 35:

Family Impact Statement

The proposed Regulation 97 should have no effect on the stability or the functioning of the family, the authority and rights of parents regarding the education and supervision of their children, family earnings and family budget, the behavior and personal responsibility of children, or the ability of the family or a local government to perform the function as contained in the proposed Regulation 97.

Persons interested in obtaining copies of Regulation 97 or in making comments relative to this proposal may do so at the public hearing or by writing to Dominique Jones Sam, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214. The deadline for written comments is 5 p.m., March 31, 2009.

A public hearing on the proposed regulation will be held on March 31, 2009 at 10 a.m. at 1702 North Third Street at the Poydras Building in the Plaza hearing room. All interested persons may submit data, views, or arguments, orally or in writing to Dominique Jones Sam, Esq., 1702 North Third Street, Baton Rouge LA, 70802. All comments must be submitted no later than 5 p.m. on March 31, 2009.

James J. Donelon
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Regulation 97
Vehicle Tracking Systems

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Louisiana Department of Insurance (DOI) does not anticipate any implementation costs (savings) as a result of the proposed administrative rules. The DOI anticipates utilizing existing resources and staff to implement the requirements of such rules.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Proposed Regulation 97 will have no impact on state or local governmental revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons. Proposed Regulation 97 simply establishes a definition for vehicle tracking systems. To the extent consumer's motor vehicle liability and damage insurance coverage is actuarially justified for a rate reduction as a result of the insured vehicle being equipped with a global positioning system (GPS), consumers could have an economic benefit as a result of the proposed administrative rules.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of the proposed Regulation 97 should have no significant impact upon competition and employment in the state.

S. Denise Brignac
Chief Deputy Commissioner
0902#046

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections
Corrections Services

Drug-Free Workplace (LAC 22:I.207)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to amend the contents of Section 207, Drug-Free Workplace.

Title 22
CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
Part I. Corrections
Chapter 2. Personnel
§207. Drug-Free Workplace

A. Purpose. To provide a comprehensive program of substance abuse education and to establish guidelines for employee drug and alcohol testing.

B. Applicability. Deputy Secretary, Chief of Operations, Undersecretary, Assistant Secretary, Regional Wardens, Wardens, Director of Probation and Parole and Director of Prison Enterprises. Each unit head is responsible for ensuring that appropriate unit written policy and procedures are in place to comply with the provisions of this regulation and for conveying its contents to all concerned.

C. Policy. Substance abuse is a major contributor to criminal activity and is particularly detrimental to the department's mission to provide for the safety of employees and the public. Employees who engage in substance abuse may not be able to perform the essential functions of their positions and may be less likely to enforce policies and procedures effectively to control or to prevent illicit drug and alcohol use by other employees and offenders. Therefore, it is the secretary's policy to promote increased employee awareness of substance abuse and to achieve and maintain a workplace free of drugs and alcohol.

D. Definitions

CAP-FUDT-Certified Laboratory—a laboratory certified for forensic urine testing by the College of American Pathologists.

Collection Site—a designated place for the employee to provide a urine specimen to be analyzed for the presence of drugs.

Custodian of Records—a staff person responsible for the direct accountability of drug test results.

Drug Testing—for the purpose of this regulation, drug testing programs shall be comprised of two testing components:

a. preliminary analysis (using the testing instrument available on the current contract issued by the Procurement and Contractual Review Division and approved by the secretary); and

b. formal testing. The application of formal testing may be contingent upon the results of the preliminary analysis. Alcohol testing consists only of administering the approved test and replicating any positive results.

Employee—any individual employed by or appointed to a position with Corrections Services (including student workers and temporary appointments and, for the purpose of this regulation, employees of Allen Correctional Center and

Winn Correctional Center) or by an outside agency or provider who works in an institution or division or any individual under contract with Corrections Services who works in an institution or division. (This does not necessarily confer *employment* status on independent contractors or employees of outside agencies, but serves to define a class of people who are subject to participation in the Drug-Free Workplace Program.)

Formal Testing—a second analytical procedure following a positive result on a preliminary analysis to identify the presence of a specific drug which is independent of the preliminary analysis using a different technique and/or chemical principle. Formal testing is conducted by a CAP-FUDT or SAMSHA-certified laboratory.

Medical Review Officer (MRO)—a licensed physician designated by the unit head who is responsible for receiving positive preliminary analysis results. The MRO must possess knowledge of substance abuse disorders and appropriate medical training to determine and evaluate an individual's positive result together with his medical history and other relevant biomedical information.

Offender—anyone in the physical custody of the Department of Public Safety and Corrections or under the supervision of the Division of Probation and Parole.

Preliminary Analysis—an immunoassay screen to detect the presence of drugs or metabolites using approved drug testing instruments. (See Paragraph H.1 for additional information). The results of the preliminary analysis are to be used solely to indicate the need for additional formal testing, except for those who are being tested for pre-employment purposes. In this case, when the preliminary analysis is positive, it shall be sufficient cause to either remove the prospective employee from consideration for employment or appointment or be cause for conducting formal testing. If formal testing is conducted and the result is positive, this shall be cause for the prospective employee's elimination from consideration for employment or appointment.

Safety/Security Sensitive Position—any job which directly or indirectly affects the safety and security of others. For the purpose of this regulation, safety/security sensitive positions are those which involve direct contact with offenders and those having access to confidential information relative to the care, confinement or supervision of offenders. All positions within the department are considered to be safety/security sensitive positions, including those that may require or authorize access to a prison or an offender, those with duties that may require or authorize carrying a firearm, those that may require instructing or supervising any person to operate or maintain, or that may require or authorize operating or maintaining, any heavy equipment or machinery and those that may require or authorize the operation of maintenance of a public vehicle, or the supervision of such an employee or those with duties that require them to access the records of offenders or employees of the department.

SAMSHA-Certified Laboratory—a laboratory certified for forensic drug testing by the Substance Abuse and Mental Health Services Administration.

SAMSHA Guidelines—the mandatory guidelines for federal workplace drug testing programs as published in the Federal Register on April 11, 1988 (53 FR 11970, revised on June 9, 1994 (59 FR 29908), further revised on September 30, 1997 (62 FR 51118) and any further revised guidelines issued by SAMSHA.

E. General. Each unit head is responsible for implementation of a substance abuse education program that requires compliance with this regulation. Each employee is responsible for refraining from illegal use, possession, sale or manufacture of controlled substances and from reporting to work or working while under the influence of alcohol, illegal drugs or impaired by prescription drugs.

F. Type of Testing

1. Pre-Employment. Drug testing shall be conducted prior to employment. (See Paragraph D. Definitions—*Preliminary Analysis*, for additional information.)

2. Reasonable Suspicion/Probable Cause. Reasonable suspicion/probable cause screening and subsequent testing, as appropriate, may be based on:

a. observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug or alcohol or when the odor of alcohol, marijuana smoke or other substance is present;

b. abnormal conduct or erratic behavior;

c. arrest or conviction for a drug or alcohol-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking (the term *trafficking* shall also mean *distribution*);

d. information provided by reliable and credible sources or independently corroborated;

e. newly discovered evidence that the employee tampered with a previous drug or alcohol test;

f. credible allegation or confirmation of involvement in a significant violation of policy in which judgment may have been impaired.

3. Post Accident. An employee shall be subject to drug testing following an accident that occurs during the course and scope of their employment that:

a. involves circumstances leading to a reasonable suspicion of the employee's drug use;

b. results in a fatality; or

c. results or causes the release of hazardous waste as defined in R.S. 30:2173(2) or hazardous materials as defined in R.S. 32:1502(5);

d. an employee who is involved in an accident that results in bodily injury or property damage may be subject to drug testing.

4. Rehabilitative. Staff testing positive without a legitimate explanation and whose employment is not terminated shall be subject to participation in a rehabilitation program. As a condition for returning to work after participating in such a program, the employee must agree to follow-up testing on a random basis for up to 48 months. (Additionally, medical professionals who are participating in a rehabilitation program, substance abuse aftercare program or who have a documented substance abuse history must agree to periodic drug/alcohol testing throughout the course of their employment.)

5. Random. All employees who occupy safety/security sensitive positions (as defined in this regulation) shall be subject to random drug testing. On a monthly basis, a list of employee numbers representing at least 5 percent of a unit's employees shall be selected at random by a computer-

generated selection process. This list shall be provided to each institution, the Division of Probation and Parole, Division of Prison Enterprises and Headquarters.

a. The Office of Information Services shall generate the list of employee numbers at the prescribed interval and ensure that the lists are distributed directly to each unit head. (Alternatively, if a unit has a drug-testing services contract with a CAP-FUDT or SAMSHA-certified laboratory, the production of this list may be included as part of those services.)

b. Unit heads shall establish a policy for matching the employee numbers to employee names, notification of selected employees, recording of test results and other appropriate procedures as needed.

c. All tests shall be conducted during the selected employees' work hours; no employee shall be called in on his day/night off specifically for the purpose of a random drug test.

d. The conduct of this program shall be in accordance with Subsection H of this regulation.

e. Promotion. Drug testing shall be conducted prior to promotion.

G. Substances to be Tested. In accordance with R.S. 49:1005, drug testing may be performed for any of the following classes of drugs: marijuana; opiates; cocaine; amphetamines; and phencyclidine in the random testing or preliminary testing process. This does not preclude testing for any other illegal drugs (e.g., methamphetamines,) alcohol, or abused prescription medication if there is reasonable suspicion or probable cause.

H. Conduct of the Drug Testing Program

1. Preliminary Analysis

a. The testing instrument available on the current contract issued by the Procurement and Contractual Review Division and approved by the secretary shall be utilized as a preliminary analysis to determine the need for further testing, but may not be used as the basis for any disciplinary action or other adverse action. The collection process shall be done on-site by unit staff who have received the appropriate training. (Formal testing may be utilized initially in lieu of preliminary analysis when the unit head or designee determines that this is the most efficient method.)

b. When the test produces a positive result, the MRO shall be notified. The MRO shall obtain a list of medication used by the employee at the time of the test and shall give the employee the opportunity to provide a medical history and/or discuss the test results.

c. Upon review and evaluation of all available information, the MRO shall determine the need for formal testing.

d. If formal testing is deemed necessary by the MRO, the employee shall be escorted to a collection site by a unit staff person.

e. Pursuant to Paragraph D.9 of this regulation, it is not mandatory that the MRO review the results of a pre-employment preliminary analysis which results in a positive finding.

2. Formal Testing

a. Formal testing shall be conducted by a CAP-FUDT or SAMSHA-certified laboratory and shall be performed in compliance with SAMSHA guidelines.

b. All urine specimens for drug testing shall be collected, stored and transported in strict accordance with SAMSHA guidelines. The cut off limits for drug testing shall also be in accordance with SAMSHA guidelines with the exception of initial testing for marijuana. The initial cut off level for marijuana shall be no less than 50 nanograms/ML and no more than 100 nanograms/ML as specified by the testing entity.

c. In the event of a positive result on a formal drug test, the laboratory's staff shall provide a copy of the results to the employee and to the unit head.

I. Conduct of the Alcohol Testing Program

1. Pursuant to Department Regulation No. A-02-001 "Employee Manual" Employee Rules and Disciplinary Procedures Rule #11, employees are prohibited from reporting for or being on duty under the influence of alcohol or other intoxicants (or when the odor or effect is noticeable.) Towards this end, employees may be required to submit to alcohol testing while on duty under circumstances defined in Subsection F.

2. A portable breathalyzer or other instrument and approved by the secretary shall be used to determine a violation of this regulation. In the event of a positive reading on the portable breathalyzer, a second test shall be conducted.

3. The alcohol test can be administered only by those persons specifically authorized by the unit head and who have been trained in the use of the testing instrument(s).

J. Training Required. A minimum of one hour of training per year on the effects and consequences of controlled substance abuse on personal health and safety at the workplace and indicators of substance use or abuse is required for all full time employees.

K. Record Keeping and Reporting Requirements

1. The custodian of records designated by each unit head shall maintain a record of each employee who has submitted to a drug or alcohol test, the date of such test, the name of the person performing the test, the number of tests performed and a summary of the results of each type of test.

2. All test results shall be retained for a minimum of three years after the employee resigns, retires or is dismissed from employment.

3. Pursuant to R.S. 49:1012, all information, interviews, reports, statements, memoranda and/or test results received through the unit's drug testing program are confidential communications and may not be used or received in evidence, obtained in discovery or disclosed in any public hearing or private proceedings, except in an administrative or disciplinary proceeding or hearing, or civil litigation where drug use by the tested individual is relevant. All such confidential information shall be maintained in a secure manner.

4. A monthly report of drug testing activities shall be compiled for submission in the Department Regulation No. C-05-001 report. The report shall reflect the categories of testing conducted, the number of tests conducted by category, number of positives, percentage of positives, number of negatives and type of drug tested.

5. By November 1 of each year, each unit's business office shall submit a report to the headquarters human resources office detailing the number of employees affected by the drug testing program, the categories of testing

conducted, the associated costs of testing and the effectiveness of the program. In conjunction with the undersecretary's office, the headquarters human resources office shall compile the department's annual drug testing report for submission to the Division of Administration by February 1, 2009 and annually thereafter by December 1.

L. Violation of This Regulation. The disciplinary penalties and guidelines contained in Department Regulation No. A-02-001 "Employee Manual" shall be utilized in the administration of this regulation. Refusal to submit to the random or preliminary testing may result in disciplinary action. Formal testing with positive results may be cause for initiation of disciplinary action.

1. When confirmed positive formal test results do not result in termination, referral to the Employee Assistance Program (see Department Regulation No. A-02-014 for additional information) or other individual or agency equipped to coordinate accessibility to substance abuse education or counseling is appropriate and may be made.

2. As all employees are designated as holding safety/security sensitive positions, any time there is a reasonable suspicion that an employee is impaired due to the use of drugs (prescribed or other) or alcohol consumption, the employee shall be immediately removed from the employee's work station and taken to a secure location (away from any possible contact with offenders) for preliminary or formal testing.

3. If any employee tests positive for drugs or alcohol during either the random, preliminary or final testing, the employee will be placed on appropriate leave status and escorted off the premises. If impaired, assistance shall be provided to ensure the employee is transported to a safe location. The employee shall not be allowed to return to work until the condition is resolved or no earlier than the next scheduled work day if the unit head or designee so approves the return to work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 25:522 (March 1999), amended LR 26:1308 (June 2000), LR 35:

Family Impact Statement

Amendment to the current Rule has no known impact on family formation, stability or autonomy, as described in R.S. 49:972.

Written comments may be addressed to Melissa Callahan, Deputy Assistant Secretary, Department of Public Safety and Corrections, P. O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. on March 12, 2009.

James M. Le Blanc
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Drug-Free Workplace

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This is a technical adjustment to an existing regulation. There will be no fiscal impact with repealing and implementing the new regulation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units since this is a technical adjustment.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no estimated cost or economic benefit to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment with this rule.

Thomas C. Bickham, III
Undersecretary
0902#044

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Social Services
Office of Family Support

Licensing Class "A" Regulations for Day Care Centers Caring for Sick Children
(LAC 67:III.7388, 7389, 7390, 7391, 7392, 7393, 7395, and 7399)

In accordance with R.S.49:950 et seq., the Administrative Procedure Act, the Department of Social Services, Office of Family Support, proposes to amend the LAC 67:III.Chapter 73, Subchapter C License Class A Regulations for Day Centers Caring for Sick Children, and to add Appendix A: Child and Adult Care Food Program.

Subchapter C License Class A Regulations for Day Centers Caring for Sick Children is being amended to correct Section numbers that are referenced incorrectly. Appendix A: Child and Adult Care Food Program is being added to the Louisiana Administrative Code, Title 67, Subpart 21, Chapter 73. This Appendix is referenced throughout Chapter 73, but was inadvertently excluded from the *Louisiana Administrative Code*.

This amendment is pursuant to the authority granted to the department by the Child Care and Development Fund (CCDF).

Title 67
SOCIAL SERVICES
Part III. Family Support
Subpart 21. Child Care Licensing
Chapter 73. Day Care Licensing
Subchapter C. Licensing Class "A" Regulations for Day Care Centers Caring for Sick Children

§7388. Standards

A. ...

B. In addition to §7303 regarding application for licensure, any existing facility approved as a day care center that wishes to utilize the facility for sick child care, must submit another application and fee for licensure as a sick day care center. Facilities and/or rooms designated for use by and for sick children shall not be used by children or staff from any other day care component. Children and staff who begin their day in a sick child care center shall remain throughout the day and shall not be permitted to return to

any other part of the child care center or transfer to any other child care center.

C. Facilities receiving approval as a sick child care center that are also approved as a day care center will be issued one license designating licensure for both components. The licensee shall ensure that the day care center for sick children is maintained physically separate and apart from the other day care center components. A center licensed for both day care and sick day care must be relicensed for each component. A center licensed for both day care and sick day care may have a license revoked for either or both of the above components according to §7303.D.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1130 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2779 (December 2007), amended LR 35:

§7389. Personnel

A. - B. ...

C. In addition to §7309, there shall be a currently licensed nurse practitioner or registered nurse on the premises on the sick day care center at all times. The registered nurse must have documented experience in pediatrics or child care experience and be knowledgeable in communicable diseases and child care licensing requirements.

D. - D.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1131 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2779 (December 2007), amended LR 35:

§7390. Training

A. In addition to §7312 regarding staff training and development, all facilities licensed as a sick child care center shall conduct and document 20 hours of orientation training by the registered nurse for each staff member upon employment or within 30 days of employment to include training in each of the following subjects:

A.1. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1131 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2780 (December 2007), amended LR 35:

§7391. Staffing

A. Section 7315 regarding staff/child ratio will not apply to sick child care centers. Facilities approved as a sick child care center shall maintain a staff/child ratio no less than the following.

Child's Age	Staff/Child Ratio	Maximum Group Size* Per Room
0-12 month(s)	1:3	3
13-24 months	1:3	6
25-59 months	1:5	10
5-7 years	1:8	8
8-12 years	1:10	10

*NOTE: These numbers may vary according to the specific disease or illness. Final approval will be required by the health department or physician consultant.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1131 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2780 (December 2007), amended LR 35:

§7392. Plant Equipment

A.1. In addition to §7323.A regarding indoor space, a center providing day care for sick children as a component of a licensed center for well children shall use rooms/areas and facilities which are physically separated by floor to ceiling walls from other components of the center. The center shall ensure that all entrances/exits, fixtures, furniture, equipment and supplies designated for use in the care of sick children and for use by the children shall not be shared with or used by any other component of the center.

A.2. - C. ...

D. For licensing Class A centers caring for sick children only, §7323.B should be omitted and the following inserted:

> A program for sick day care children shall not be required to have 75 square feet of outdoor space for each child. The program should instead develop a written plan to ensure some opportunities for safe outdoor activities in accordance with §7306.B.

E. For licensing Class A centers caring for sick children only, in addition to §7325.A regarding available working telephone, the capability of having a three-way conversation on the telephone is required. This regulation allows for the timely and accurate communication between the parent, the child's pediatrician or the physician consultant, and the registered nurse from the sick child care center. Communication with parents and children's physicians should be handled by the registered nurse, licensed practical nurse or management staff only.

F. For licensing Class A centers caring for sick children only, in addition to §7325 regarding furnishings and equipment, a toilet and handwashing sink shall be present in each child care room. All rooms used for diapered children must have a diaper changing area placed adjacent to the handwashing sink.

G. For licensing Class A centers caring for sick children only, §7325.L and M regarding individual and appropriate sleeping arrangements is amended to omit any reference to use of mats.

H. For licensing Class A centers caring for sick children only, §7325.R regarding spacing is amended to require 3 feet of space between cribs or cots when in use.

I. - J. ...

K. For licensing Class A centers caring for sick children only, in addition to §7305.D regarding sanitary requirements, the following shall be included:

1. - 3. ...

L. For licensing Class A centers caring for sick children only, in addition to §7327.I regarding safety requirements, the sick child care center shall have several different sizes of oral airways on hand in case of emergencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR

20:1132 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2780 (December 2007), amended LR 35:

§7393. Admission Policies and Procedures

A. In addition to §7306.A regarding admission of children to the day care center, the sick child care facility shall develop a written procedure prior to initiating services, to obtain necessary medical information to meet health standards, (e.g., immunizations, inclusion/exclusion) and to implement the program. This includes the background diagnostic information, health and social history. Information shall be sought on all therapies and treatments being provided to the child along with the expected length and frequency of expected services. The sick child care program shall include a procedure for conducting physica1 assessments on all children entering the facility. The program shall also institute a policy on the management of children with communicable diseases. These policies must be in compliance with all sick day care center regulations.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1132 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2781 (December 2007), amended LR 35:

§7395. Care of Children

A. For licensing Class A centers caring for sick children only, in addition to §7311.A.4, no staff member with infectious skin lesions which cannot be covered shall be responsible for food handling.

B. ...

C. For licensing Class A centers caring for sick children only, §7321 is amended as follows:

> The administration of prescription medicines at the sick child day care center shall be limited to those prescribed by a licensed physician for the individual child in the original container labeled by a pharmacist. Over the counter drugs may be administered with written permission of the parent or guardian in conformity with the policies and procedures established by the physician consultant or the child's physician. All medication (prescription or over the counter) shall be in the original container.

D. The sick child care facility shall not accept or retain any child for care who displays any of the following signs, symptoms or illnesses:

1. - 12. ...

13. contagious stage of measles, chicken pox, or mumps unless sick child care facility is expressly set up to handle these children according to §7323.A.4. The child with one of these diseases must be able to enter the facility by a separate entrance/exit from the rest of the children;

14. ...

> NOTE: Children with such conditions as specified above may be accepted for sick child care when the evaluation and health assessment conducted by the nurse practitioner or physician consultant results in the determination that the child is not seriously sick.

E. - F.3. ...

G. A sick child shall be temporarily isolated if the center determines that the condition of the child becomes worse warranting notification of the parent.

H. §7321.L is amended for sick child care to read as follows:

> The parent or legal guardian shall be notified immediately of any significant change in a child's behavior or signs of illness. This information and the subsequent notification of parent by phone shall be recorded in writing and filed in the child's record.

I. For licensing Class A centers caring for sick children only, §7306.B regarding daily program should be deleted. The following should be inserted.

I.1. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, Bureau of Licensing, LR 20:1133 (October 1994), repromulgated by the Department of Social Services, Office of Family Support, LR 33:2782 (December 2007), amended LR 35:

§7399. Appendix A: Child and Adult Care Food Program

A. The Child Care Food Program of the United States Department of Agriculture is administered locally by state and regional agencies. Interested parties shall apply through the appropriate administering agency in their area. For further information and appropriate referral contact: Child Care and Summer Programs Division, Food and Nutrition Service, United State Department of Agriculture, 3101 Park Center Drive, Room 416, Alexandria, VA 22302, or your State Office.

B. Each meal served shall contain, as a minimum, the indicated food components:

1. a breakfast shall contain:

a. a serving of fluid milk as a beverage or on cereal, or used in part for each purpose;

b. a serving of vegetable(s) or fruit(s) or full-strength vegetable or fruit juice, or an equivalent quantity of any combination of these foods;

c. a serving of whole-grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls, muffins, etc., made with whole-grain or enriched meal or flour; or a serving of whole-grain or enriched or fortified cereal; or a serving of cooked whole-grain or enriched pasta or noodle products such as macaroni; or cereal grains such as rice, bulgur, or corn grits; or an equivalent quantity of any combination of these foods;

2. both lunch and supper shall contain:

a. a serving of fluid milk as a beverage;

b. a serving of lean meat, poultry or fish; or cheese; or an egg; or cooked dry beans or peas; or peanut butter; or an equivalent quantity of any combination of these foods. These foods shall be served in a main dish, or in a main dish and one other menu item, to meet this requirement. Cooked dry beans or dry peas may be used as the meat alternate or as part of the vegetable/fruit component but not as both food components in the same meal;

i. nuts and seeds and their butters listed in program guidance are nutritionally comparable to meat or other meat alternates based on available nutritional data. Acorns, chestnuts, and coconuts shall not be used as a meat alternate due to their low protein content. Nut or seed meals or flours may be used as an ingredient in a bread/bread

alternate, but shall not be use as meat alternate. As noted, nuts or seeds may be used to meet no more than one-half of the meat/meat alternate requirements. Therefore, nuts or seeds shall be combined with another meat/meat alternate to fulfill the requirement;

c. a serving of two or more vegetables or fruits, or a combination of both. Full-strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement;

d. a serving of whole-grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls, muffins, etc., made with whole-grain or enriched meal or flour; or a serving of whole-grain or enriched pasta or noodle products such as macaroni; or cereal grains such as rice, bulgur, or corn grits; or an equivalent quantity of any combination of these foods.

2. Supplemental food (snacks) shall be served between other meal types and contain two of the following four components:

a. a serving of fluid milk as a beverage, or on cereal, or used in part for each purpose;

b. a serving of meat or meat alternate. Nuts and seeds and their butters listed in program guidance are nutritionally comparable to meat or other meat alternates based on available nutritional data. Acorns, chestnuts, and coconuts are excluded and shall not be used as a meat alternate due to their low protein content. Nut or seed meals or flours shall not be use as meat alternate;

c. a serving of vegetable(s) or fruit(s) or full-strength vegetable or fruit juice, or an equivalent quantity of any combination of these foods. Juice may not be served when milk is served as the only other component;

d. a serving of whole-grain or enriched bread; or an equivalent serving of cornbread, biscuits, rolls, muffins, etc., made with whole-grain or enriched meal or flour; or a serving of cooked whole-grain or enriched pasta or noodle products such as macaroni; or cereal grains such as rice, bulgur, or corn grits; or an equivalent quantity of any combination of these foods.

C. Infant Meal Pattern. Foods within the infant meal pattern shall be of texture and consistency appropriate for the particular age group being served. The total amount of food authorized in the meal patterns set forth below shall be provided to the infant but may be served during a span of time consistent with the infant's eating habits, on a gradual basis with the intent of ensuring their nutritional well-being and in accordance with the parent's desires. The infant meal shall contain, at a minimum, each of the following components in the amounts indicated for the appropriate age group.

1. Birth through 3 months:

a. breakfast—4-6 fluid ounces of iron-fortified infant formula;

b. lunch or supper—4-6 fluid ounces of iron-fortified infant formula;

c. supplemental food—4-6 fluid ounces of iron-fortified infant formula.

2. 4 months through 7 months:

a. breakfast—4-8 fluid ounces of iron-fortified infant formula and 0-3 tablespoons of iron fortified dry infant cereal (optional);

b. lunch or supper—4-8 fluid ounces of iron-fortified infant formula and 0-3 tablespoons of iron fortified dry infant cereal (optional); and 0-3 tablespoons of fruit or vegetable of appropriate consistency or a combination of both (optional);

c. supplementary food—4-6 fluid ounces of iron-fortified infant formula.

3. 8 months through 11 months:

a. breakfast—6-8 fluid ounces of iron-fortified infant formula, or 6-8 ounces of whole fluid milk; 2-4 tablespoons of iron-fortified dry infant cereal; and 1-4 tablespoons of fruit or vegetable of appropriate consistency or a combination of both;

b. lunch or supper—6-8 fluid ounces of iron-fortified infant formula, or 6-8 ounces of whole fluid milk; 2-4 tablespoons of iron fortified dry infant cereal and/or 1-4 tablespoons of meat, fish, poultry, egg yolk, or cooked dry beans or peas, or 1/2-2 ounces (weight) of cheese or 1-4 ounces (weight/volume) of cottage cheese of appropriate consistency; and 1-4 tablespoons of fruit or vegetable of appropriate consistency or a combination of both; and

c. supplementary food—2-4 fluid ounces of iron-fortified infant formula, whole fluid milk or full strength fruit juice, 0-1/2 slice of crusty bread (optional) or 0-2 cracker-type products (optional) made from whole grain or enriched meal or flour that are suitable for an infant for use as a finger food.

D. Meal Patterns for Children Age 1 through 12. When children over age one participate, the total amount of food authorized in the meal patterns set forth in the following charts shall be provided.

Minimum Amount of Food Components to be Served as Breakfast	Food Components	Ages 1 and 2	Ages 3 to 5	Ages 6 to 12
Milk	Milk, Fluid	1/2 cup	3/4 cup	1 cup
Vegetables and Fruit	Vegetable(s) and/or fruit(s), or	1/4 cup	1/2 cup	1/2 cup
	Full-strength vegetable or fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s) and juice.	1/4 cup	1/2 cup	1/2 cup
Bread and Bread Alternates*	Bread, or	1/2 slice	1/2 slice	1 slice
	Cornbread, biscuits, rolls, muffins, etc., or	1/2 serving	1/2 serving	1 serving
	Cold dry cereal, or	1/4 cup or 1/2 ounce	1/3 cup or 1/2 ounce	3/4 cup or 1 ounce
	Cooked cereal, or	1/4 cup	1/4 cup	1/2 cup
	Cooked pasta or noodle products, or	1/4 cup	1/4 cup	1/2 cup
	Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternates	1/4 cup	1/4 cup	1/2 cup

*Bread, pasta or noodle products, and cereal grains shall be whole-grain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be made with whole-grain or enriched meal or flour.

Minimum Amount of Food Components to be Served As Lunch or Supper	Food Components	Ages 1 and 2	Ages 3 to 5	Ages 6 to 12
Milk	Milk, Fluid	1/2 cup	3/4 cup	1 cup
Vegetables And Fruit*	Vegetable(s) and/or fruit(s)	1/4 cup total	1/2 cup total	3/4 cup total
Bread And Bread Alternates**	Bread	1/2 slice	1/2 slice	1 slice
	Cornbread, biscuits, rolls, muffins, etc., or	1/2 serving	1/2 serving	1 serving
	Cooked pasta or noodle products, or	1/4 cup	1/4 cup	1/2 cup
	Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternates.	1/4 cup	1/4 cup	1/2 cup
Meat And Meat Alternates***	Lean meat or poultry or fish, or	1 ounce	1 1/2 ounces	2 ounces
	Cheese, or	1 ounce	1 1/2 ounces	2 ounces
	Eggs, or	1 egg	1 egg	1 egg
	Cooked dry beans or peas, or	1/4 cup	3/8 cup	1/2 cup
	Peanut butter or soynut butter or other nut or seed butters, or	2 tbsp.	3 tbsp.	4 tbsp.
	Peanuts or nuts and/or seeds. or	1/2 ounce = 50%	3/4 ounce =50%	1 ounce =50%
	An equivalent quantity of any combination of the above meat/meat alternate.			

*Serve 2 or more kinds of vegetable(s) and/or fruit(s). Full-strength vegetable or fruit juice may be counted to meet not more than 1/2 of this requirement.
**Bread, pasta or noodle products, and cereal grains shall be whole-grain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be made with whole grain or enriched meal or flour.
***This portion can meet only 1/2 of the total serving of the meat/meat alternate requirements for lunch or supper. Nuts or seeds shall be combined with another meat/meat alternate to fulfill the requirement. For determining combinations, 1 ounce of nuts or seeds are equal to 1 ounce of cooked lean meat, poultry, or fish.
Caution: Children under 6 are at the highest risk of choking. USDA recommends that any nuts and/or seeds to be served to them in a prepared food and be ground or finely chopped.

Minimum Amount of Components to be Served as Supplemental (Snack) Food

Select two of the following four but juice shall not be served with milk only.

	Food Components	Ages 1 and 2	Ages 3 to 5	Ages 6 to 12
Milk	Milk, Fluid	1/2 cup	1/2 cup	1 cup
Vegetables And Fruit	Vegetable(s) and/or fruit(s) (two or more), or	1/2 cup	1/2 cup	3/4 cup
	Full-strength vegetable or fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s) and juice.	1/2 cup	1/2 cup	3/4 cup
Bread And Bread Alternates*	Bread	1/2 slice	1/2 slice	1 slice
	Cornbread, biscuits, rolls, muffins, etc., or	1/2 serving	1/2 serving	1 serving
	Cold dry cereal, or	1/4 cup or 1/3 ounce	1/3 cup or 1/2 ounce	3/4 cup or 1 ounce
	Cooked cereal, or	1/4 cup	1/4 cup	1/2 cup
	Cooked pasta or noodle product, or	1/4 cup	1/4 cup	1/2 cup
	Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternates.	1/4 cup	1/4 cup	1/2 cup
Meat And Meat Alternates**	Lean meat or poultry or fish, or	1/2 ounce	1/2 ounce	1 ounce
	Cheese, or	1/2 ounce	1/2 ounce	1 ounce
	Eggs, or	1/2 egg	1/2 egg	1 egg
	Cooked dry beans or peas, or	1/8 cup	1/8 cup	1/4 cup
	Peanut butter or soynut butter or other nut or seed butters, or	1 tbsp.	1 tbsp.	2 tbsp.
	Peanuts or nuts and/or seeds. or	1/2 ounce	1/2 ounce	1 ounce
	Yogurt, plain, or sweetened and flavored, or	2 ounces or 1/4 cup	2 ounces or 1/4 cup	4 ounces or 1/2 cup
	An equivalent quantity of any combination of meat/meat alternate			

*Bread, pasta or noodle products, and cereal grains shall be whole-grain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be made with whole-grain or enriched meal or flour.
**Yogurt may be used as a meat/meat alternative in the snack only.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1401-1424.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 35:

Family Impact Statement

1. What effect will this Rule have on the stability of the family? The Rule will have no effect of the stability of the family.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? There will be no effect on the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this have on the functioning of the family? There will be no effect on the functioning of the family.

4. What effect will this have on family earnings and family budget? There will be no effect on family earnings and family budget.

5. What effect will this have on the behavior and personal responsibility of children? This Rule will have no effect on the behavior and personal responsibility of children.

6. Is the family or local government able to perform the function as contained in this proposed Rule? No, this program is strictly an agency function.

All interested persons may submit written comments through, March 26, 2009, to Alison K. Neustrom, Assistant Secretary, Office of Family Support, P.O. Box 94065, Baton Rouge, LA, 70804-9065.

A public hearing on the proposed Rule will be held on Thursday, March 26, 2009, at the Department of Social Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-127, Baton Rouge, LA, beginning at 9:15 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call Area Code 225-342-4120 (Voice and TDD).

Kristy H. Nichols
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Licensing Class "A" Regulations for Day Care Centers Caring for Sick Children

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This rule proposes to amend the *Louisiana Administrative Code* Title 67, Part III, Subchapter C License Class A Regulations for Day Centers Caring for Sick Children to make technical changes to correct section numbers that are referenced incorrectly and to add Appendix A: Child and Adult Care Food Program to Title 67, Subpart 21, Chapter 73. This Appendix is referenced through Chapter 73 but was inadvertently excluded from the *Louisiana Administrative Code*.

The only cost associated with this rule is the cost of published rulemaking and printing policy, which is estimated to be approximately $1,000 ($500 State; $500 Federal). This is a one-time cost that is routinely included in the agency's budget.

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 governments as a result of this rule change.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs or economic benefits to any directly affected persons or non-governmental groups as a result of this rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule change will have no impact on competition and employment.

Alison K. Neustrom
Assistant Secretary
0902#019

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Social Services
Office of the Secretary

Substance Abuse Testing (LAC 67:I.Chapter 1)

The Department of Social Services, Office of the Secretary, proposes to amend LAC 67:I.Chapter 1, Substance Abuse Testing.

Pursuant to R.S. 49:1001 et seq., and Executive Order BJ 08-69, the department proposes to amend several sections of Chapter 1 to remove references to specific executive orders so that future Rule promulgation will not be necessary with a change in administration. Additionally, the department proposes to remove language addressing policy or describing processes and procedures specific to the Department of Social Services (DSS) and to update the job title of a safety-sensitive position in DSS.

Title 67
SOCIAL SERVICES
Part I. Office of the Secretary
Subpart 1. General Administration
Chapter 1. Substance Abuse Testing
§101. Introduction and Purpose

A. ...

B. The state of Louisiana has a long-standing commitment to working toward an alcohol-free, drug-free workplace. In order to curb the use of illegal drugs by employees of the state of Louisiana, the Louisiana legislature enacted laws which provide for the creation and implementation of drug testing programs for state employees.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S 49:1001 et seq.; and Executive Orders KBB 2005-08, KBB 2005-11 and BJ 2008-69

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 25:1145 (June 1999), amended by the Department of Social Services, Office of Management and Finance, LR 32:114 (January 2006), LR 35:

§107. DSS Drug-Free Workplace Policy

A. It shall be the policy of DSS to maintain a drug-free workplace and a workforce free of substance abuse. Employees are prohibited from reporting for work, performing work, or otherwise being on any duty status for

DSS with the presence in their bodies of alcohol, illegal drugs, controlled substances, or designer (synthetic) drugs at or above the initial testing levels and confirmatory testing levels as established in the contract between the state of Louisiana and the official provider of drug testing services. Employees are further prohibited from illegal use, possession, dispensation, distribution, manufacture, or sale of controlled substances, designer (synthetic) drugs, and illegal drugs at the work site and while on official state business, on duty or on call for duty.

B. To assure maintenance of a drug-free workforce, it shall be the policy of DSS to implement a program of drug testing in accordance with R.S. 49:1001 et seq., and all other applicable federal and state laws, and executive orders, as set forth below.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1001 et seq.; and Executive Orders KBB 2005-08, KBB 2005-11 and BJ 2008-69

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 25:1146 (June 1999), amended by the Department of Social Services, Office of Management and Finance, LR 32:114 (January 2006), LR 35:

§109. Conditions Requiring Drug Tests

A. DSS shall require alcohol/drug testing under the following conditions.

1. - 3. ...

4. Pre-Employment. Each prospective employee shall be required to submit to drug screening at the time and place designated by the appointing authority or designee following a conditional job offer contingent upon a negative drug-testing result. A prospective employee who tests positive for the presence of drugs in the initial screening or who fails to cooperate in the testing shall be eliminated from consideration for employment. Employees transferring to DSS from other state agencies without a break in service are exempt from pre-employment testing.

5. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 25:1146 (June 1999), amended by the Department of Social Services, Office of Management and Finance, LR 32:114 (January 2006), LR 35:

§111. Procedure

A. - B. ...

C. Testing services shall be performed by a provider chosen by the Office of State Purchasing, Division of Administration, pursuant to applicable bid laws. At a minimum, the testing service shall assure the following:

1. - 5. ...

6. All initial positives reported by the laboratory must be confirmed by gas/chromatography/mass spectrometry.

7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 25:1146 (June 1999), amended by the Department of Social Services, Office of Management and Finance, LR 32:115 (January 2006), LR 35:

§115. Responsibilities

A. - B. ...

C. All supervisory personnel are responsible for assuring that each employee under their supervision is aware of and understands this policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 25:1147 (June 1999), amended by the Department of Social Services, Office of Management and Finance, LR 32:115 (January 2006), LR 35:

§117. Violation of the Policy

A. Positive Test Result. All initial screening tests with positive results must be confirmed by a second more accurate test with the results reviewed by a medical review officer. Any breath test resulting in 0.08 alcohol concentration will be considered an initial positive result. In these cases, the confirmation test will be performed within 30 minutes, but not less than 15 minutes, of completion of the screening test. Urine samples will be tested using the split sample method, with the confirmation test performed on the second half of the sample in the event of an initial positive result. Any employee reported with a confirmed positive test shall either be suspended with pay pending investigation or shall have the safety/security sensitive duties removed from his/her position pending preparation and approval of disciplinary action up to and including dismissal. At a minimum the following actions will be taken in the instance of a first confirmed positive test.

A.1. - E. ...

F. Failure to comply with provision of the policy, including but not limited to, the following, will be grounds for disciplinary action:

1. an employee is subject to disciplinary action up to and including dismissal should a criminal drug statute conviction result from the unlawful manufacture, distribution, possession, or use of a controlled substance in the workplace;

2. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 25:1147 (June 1999), amended by the Department of Social Services, Office of Management and Finance, LR 32:115 (January 2006), LR 35:

§119. Attachment A—Safety-Sensitive and Security-Sensitive Positions within DSS

A. A candidate for one of the following positions will be required to pass a drug test before being placed in such a position, whether through appointment or promotion and employees who occupy these positions will be subject to random alcohol/drug testing.

Louisiana Rehabilitation Services	Administrative Specialist A (Position 060871) Client Services Worker Rehabilitation Aide
Office of Family Support	Social Services Analyst 1 & 2 (All positions in Support Enforcement) Social Services Analyst Supervisor (All positions in Support Enforcement) Support Enforcement District Manager 1 & 2 Support Enforcement Regional Administrator

Office of Community Services	Administrative Coordinator 3 (Positions in Field Services - Parish and Regional Offices) Administrator Coordinator 2 (Positions in Field Services - Parish and Regional Offices) Child Welfare Services Assistant Trainee Child Welfare Services Assistant Child Welfare Counselor/Adoption Child Welfare Specialist 1 Child Welfare Specialist 2 Child Welfare Specialist 3 Child Welfare Specialist 4 Child Welfare Specialist Trainee Social Service Counselor 1 Social Service Counselor 2
Office of the Secretary/Office of Management and Finance	Accountant 3 (178446) Administrative Coordinator 1 (002112, 002913) Administrative Coordinator 2 (001979) Auditor Supervisor (124684) Licensing Specialist 1 - DSS Licensing Specialist 2 -.DSS

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 25:1148 (June 1999), amended by the Department of Social Services, Office of Management and Finance, LR 32:116 (January 2006), LR 35:

§121. Attachment B—Procedures for Scheduling Drug Testing

A. On a yearly basis a percentage of all DSS employees in safety-sensitive or security-sensitive positions will be randomly drug-tested. One-twelfth of that number will be scheduled each month.

1. A computerized system will randomly select a designated number of employees.

2. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:1001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of the Secretary, LR 25:1148 (June 1999), amended LR 35:

Family Impact Statement

1. What effect will this Rule have on the stability of the family? This Rule will have no effect on the stability of the family.

2. What effect will this have on the authority and right of persons regarding the education and supervision of their children? This Rule will have no effect on the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this have on the functioning of the family? This Rule will have no effect on the functioning of the family.

4. What effect will this have on family earnings and family budget? This Rule will have no effect on family earnings or budget.

5. What effect will this have on the behavior and personal responsibility of children? This Rule will have no effect on the behavior and personal responsibility of children.

6. Is the family or local government able to perform the function as contained in this proposed Rule? No, this Rule is strictly an agency function.

Interested persons may submit written comments by March 26, 2009, to the following: Ruth Johnson, Undersecretary, Office of the Secretary, Post Office Box 3776, Baton Rouge, LA 70821-3776. She is responsible for responding to inquiries regarding this proposed Rule.

Kristy H. Nichols
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Substance Abuse Testing

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The purpose of this proposed rule is to amend LAC 67:I Chapter 1 to remove references to specific executive orders so that future rule promulgation will not be necessary with a change in administration. Additionally, the department proposes to remove language addressing policy or describing processes and procedures specific to the Department of Social Services (DSS) and to update the job title of a safety-sensitive position in DSS.

The total cost to implement this rule in FY 08-09 is the cost for publishing rulemaking in the Louisiana Register and is estimated to be approximately $656.00. The department anticipates that this cost will be absorbed in the FY 08/09 appropriated budget. This is a one-time cost; therefore, no funding is needed for FY 09-10 and 10-11.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state and local governments.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no estimated cost or economic benefit to any persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no impact anticipated on competition or employment.

Ruth Johnson
Undersecretary
0902#088

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Social Services
Office of Family Support

TANF—Legal Access and Visitation (LAC 67:III.5567)

The Department of Social Services, Office of Family Support, proposes to adopt the LAC 67:III.Chapter 55, Temporary Assistance for Needy Families (TANF) Initiatives, §5567 which provides for the Legal Access and Visitation Initiative.

The Legal Access and Visitation Initiative will further the goals and intentions of the Temporary Assistance for Needy Families (TANF) Block Grant to Louisiana by providing legal services to non-custodial parents to obtain regular visitation arrangements with their children and other related services. Currently, the Department of Social Services receives an Access and Visitation Grant from the Federal Administration for Children and Families, Office of Child Support Enforcement. In order to provide adequate services

to the citizens in nine parishes, funding will be provided through this new Initiative. This Rule was effective January 1, 2009, by a Declaration of Emergency published in the January 2009 issue of the Louisiana Register.

Title 67
SOCIAL SERVICES
Part III. Office of Family Support
Subpart 15. Temporary Assistance to Needy Families (TANF) Initiatives
Chapter 55. TANF Initiatives
§5567. Legal Access and Visitation

A. Effective January 1, 2009, the Office of Family Support will implement the TANF Initiative, Legal Access and Visitation.

B. Services provided include legal services that may include: mediation, development of parenting plans, court ordered visitation, or other services to obtain regular visitation arrangements with the children. Referrals that assist non-custodial parents to overcome social, financial and emotional barriers that hinder access to their children will also be provided.

C. These services meet the TANF goal to encourage the formation of and maintenance of two-parent families by improving the parent's ability to act in the best interest of 'their children, providing the children continuous and quality access to both parents, improving the well-being of the children, and encouraging healthy relationships, youth development, and responsible fatherhood.

D. Eligibility for services is limited to non-custodial parents of minor children who have active child support cases under Title IV-D of the Social Security Act.

E. Services are considered non-assistance by the agency.

AUTHORITY NOTE: Promulgated in accordance with 42 USC 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 19, 2008 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 35:

Family Impact Statement

1. What effect will this Rule have on the stability of the family? Implementation of this Rule may have a positive impact on family stability, as it will assist non-custodial parents in gaining access to their children. Children who receive emotional and financial support from both parents tend to have fewer cases of out of wedlock births, juvenile delinquency, substance abuse and poor academic achievement.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? The Rule will have no effect on the authority and rights of persons regarding the education of their children. The supervision of the children will shift to the non-custodial parent during visitation with the children.

3. What effect will this Rule have on the functioning of the family? This Rule may have a positive effect on the functioning of the family by ensuring the emotional development of the children by having both parents involved in their lives.

4. What effect will this have on family earnings and family budget? This Rule should have no effect on family earnings but may have an impact on family budgets as statistics have shown that the more a non-custodial parent is involved in the lives of the children, the more likely that non-custodial parent is to pay child support on a regular and consistent basis.

5. What effect will this have on the behavior and personal responsibility of children? Statistics have shown that children who are raised by both parents tend to have fewer incidences of high school drop out rates; juvenile delinquency; low self-esteem; drug use and attempted suicide. Therefore, this initiative should have a positive impact on the behavior of the children involved.

6. Is the family or local government able to perform the function as contained in this proposed Rule? This Rule does not require any action on the part of the family or local government.

Interested persons may submit written comments by March 25, 2009, to the following: Alison Neustrom, Assistant Secretary, Office of Family Support, Post Office Box 94065, Baton Rouge, LA 70804-90656. She is responsible for responding to inquiries regarding this proposed Rule.

A public hearing on the proposed Rule will be held March 26, 2009, beginning 9 a.m., at the Department of Social Services, Iberville Building, 627 North Fourth Street, First Floor, Room 127, Baton Rouge, LA. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

Kristy H. Nichols
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: TANF—Legal Access and Visitation

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This rule proposes to adopt the Louisiana Administrative Code, Title 7, Part III, Subpart 15, Chapter 55, Section 5567, Temporary Assistance for Needy Families (TANF) Initiatives, to incorporate the Legal Access and Visitation Program as a new TANF Initiative. This is an existing program that provides legal services to non-noncustodial parents of minor children who have active child support cases under Title IV-D of the Social Security Act.

The Access and Visitation program is currently funded with the LA State Access and Visitation Program federal grant received by Support Enforcement Services. The funding for this grant is based on census data and has decreased since FFY 2006 because of population changes in the New Orleans area after Hurricane Katrina. In addition, this program was expanded from the 14th Judicial District to include 11 parishes, which has increased the number of persons served from 246 to 542. The proposed rule will result in an additional cost of $200,000 for FY 08/09, 09/10, 10/11. TANF funding will be used to cover this increase.

In FY 08/09, the proposed rule will also result in the cost of publishing rulemaking and printing policy, which is estimated to be approximately $1,000.00. This is a one-time cost that is routinely included in the agency's budget.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule would not result in any effect on Revenue Collections because existing TANF Block Grant funding will be used to cover this cost.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This program is an economic benefit to those non-custodial parents who cannot afford to pay for legal representation.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Proposed amendment of the rules will have no impact on competition and employment.

Alison Neustrom
Assistant Secretary
0902#086

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Domesticated Aquatic Organisms (LAC 76:VII.905)

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby proclaim their intent to establish a procedure for adding a new species to the list of domesticated aquatic organisms.

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.

Title 76
WILDLIFE AND FISHERIES
Part VII. Fish and Other Aquatic Life
Chapter 9. Aquaculture
§905. Domesticated Aquatic Organisms

A. Procedures for Approving a New Species of Domesticated Aquatic Organism

1. An application to consider a new aquatic species shall be made to the Louisiana Department of Wildlife and Fisheries, Assistant Secretary, Office of Fisheries. The applicant should include the following information:

a. American Fisheries Society approved species and common name(s);

b. intended use or uses;

c. biology, including environmental tolerances, diseases and life history;

d. sources of broodstock;

e. references;

f. location of proposed facility; and

g. design and operation of proposed aquaculture facility.

2. The assistant secretary will forward the application to the appropriate fisheries division. Freshwater species will be handled by the Inland Fisheries Division and saltwater species will be handled by the Marine Fisheries Division, regardless of where the species is proposed to be raised.

3. The division administrator may request the applicant to provide additional information.

4. The division will convene a technical committee of individuals, including enforcement division representation, with sufficient expertise to consider the application.

5. The technical committee will be responsible for evaluating all relevant information regarding the species. The committee will consider approving a new aquatic species by evaluating the potential negative risks the new species might have on native species, their habitats, and human health. The committee will also consider mitigation measures that reduce risk. The committee will ultimately provide a recommendation to the Assistant Secretary, Office of Fisheries to either deny the applicant's request or approve the request with mitigating requirements.

6. The assistant secretary, through a deliberative process, will determine whether to recommend to the secretary that the species be approved as a domesticated aquatic organism and under what mitigating measures. If approved by the secretary, a formal request will be made to the Louisiana Wildlife and Fisheries Commission in the form of a Notice of Intent.

B. The following is a list of "Domesticated Aquatic Organisms" approved for use in aquaculture:

1. shadow bass (*Ambloplites ariommus*) not exceeding a maximum total length of 3 inches;

2. white bass (*Morone chrysops*) not exceeding a maximum total length of 3 inches;

3. yellow bass (*Morone mississippiensis*) not exceeding a maximum total length of 3 inches;

4. crappie (*Pomoxis spp*.) not exceeding a maximum total length of 3 inches;

5. bream (*Lepomis spp*.) not exceeding a maximum total length of 3 inches;

6. spotted bass (*Micropterus punctulatus*) not exceeding maximum total length of 10 inches;

7. striped bass (*Morone saxatilis*) not exceeding a maximum total length of 10 inches;

8. largemouth bass (*Micropterus salmoides*) of any size;

9. hybrid striped bass (*Morone saxatilis x Morone chrysops*) or (*Morone saxatilis x Morone mississippiensis*) of any size;

10. coppernose bluegill (*Lepomis macrochirus purpurescens*) of any size;

11. hybrid bream limited to a bluegill (*Lepomis macrochirus*) and green sunfish (*L. cyanellus*) cross or a redear sunfish (*L. microlophus*) and bluegill (*L. macrochirus*) cross of any size;

12. carp (*Cyprinus carpio*) of any size;

13. freshwater drum (*Aplodinotus grunniens*) of any size;

14. buffaloes (*Ictiobus spp*.) of any size;

15. golden shiner (*Notemigonus crysoleucas*) of any size;

16. fathead minnow (*Pimephales promelas*) of any size;

17. mosquito fish (*Gambusia affinis*) of any size;

18. red drum (*Sciaenops ocellatus*);

19. triploid grass carp (*Ctenopharyngodon idella*); See LAC 76:VII.901;

20. tilapia (*Oreochromis aurea, O. niloticus, O. mossambicus and O. urolepis hornorum*); See LAC 76.VII.903.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:327.A.(2) and R.S. 56.411.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 34:2679 (December 2008), amended LR 35:

Family Impact Statement

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries 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).

Interested persons may submit written comments on the proposed Rule to Gary Tilyou, Administrator, Inland Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., April 2, 2009.

Robert J. Samanie, III
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Domesticated Aquatic Organisms

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

No additional implementation costs (savings) to state or local governmental units are anticipated to implement the proposed rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have 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)

The proposed rule establishes the procedure for approving domesticated aquatic organisms for use in aquaculture. Persons or non-governmental groups engaged in aquaculture could benefit from the ability to apply to the Department of Wildlife and Fisheries for consideration to include a new species to the list of approved domesticated aquatic organisms for use in aquaculture. If the proposed action is not taken, no new domesticated aquatic organism species can be approved for use in aquaculture.

No impact on receipts and/or income resulting from the adoption of the proposed rule is anticipated at this time. However, the production of new aquatic organisms in private facilities could contribute to Louisiana's economy and positively impact receipts and income of aquaculture operations overtime, as species are added to the list of approved domesticated aquatic organisms for use in aquaculture.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no impact on competition and employment in the public and private sectors.

Wynnette Kees
Deputy Undersecretary
0901#028

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

General and Wildlife Management Area Hunting
(LAC 76:XIX.111)

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76
WILDLIFE AND FISHERIES
Part XIX. Hunting and WMA Regulations
Chapter 1. Resident Game Hunting Season
§111. General and Wildlife Management Area Hunting Rules and Regulations

A. Hunting Seasons and Wildlife Management Area (WMA) 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 (LDWF) 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 LDWF a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

B. Resident Game Birds and Animals

1. Shooting hours—one-half hour before sunrise to one-half hour after sunset.

C. Other Season Dates

1. Turkey. Please refer to separate pamphlet.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 rimfire firearm. A licensed hunter may take raccoon or opossum with .22 rimfire rifle, .36 caliber or smaller muzzleloader rifle or shotgun during daylight hours during the open rabbit season. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is one per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken

during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Nutria. On WMAs and private property nutria may be taken recreationally by licensed hunters from September 1 through the last day of February, during legal shooting hours by any legal hunting method with a daily limit of five. When taken with a shotgun, steel shot must be used. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of "hunter orange" and wear a "hunter orange" cap or hat. Recreational nutria hunters must remove each nutria carcass in whole condition from the hunting area, except that nutria may be gutted. Possession of detached nutria parts, including nutria tails, by recreational hunters is illegal. Nutria harvested recreationally may not be pelted nor may such nutria or any nutria parts from recreationally taken nutria be sold, including the tail. Trespassing upon private property for the purpose of taking nutria or other furbearing animals is punishable by fines and possible jail time (R.S. 56:265). The Coastwide Nutria Control Program is a separate program and is in no way related to the nutria recreational season. For questions on the Coastwide Nutria Control Program, call the New Iberia office (337) 373-0032.

4. Blackbirds and Crows. The season for crows shall be September 1 through January 1 with no limit; however crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depredating or about to depredate upon ornamentals or shade trees, agricultural crops, livestock, wildlife, or when concentrated in such numbers as to cause a health hazard. Louisiana has determined that the birds listed above are crop depredators and that crows have been implicated in the spread of the West Nile virus in humans.

5. Pheasant. Open concurrently with the quail season; no limit.

6. Falconry. Special permit required. Resident and migratory game species may be taken except turkeys. Seasons and bag limits are the same as for statewide and WMA regulations. Refer to LAC 76:V.301 for specific Falconry Rules.

7. Licensed Hunting Preserve. October 1-April 30. Pen-raised birds only. No limit entire season. Refer to LAC 76:V.305 for specific Hunting Preserve Rules.

8. Deer Management Assistance Program (DMAP). Land enrolled in the voluntary program will be assessed a $25 registration fee and $0.05/acre fee. Deer management assistance tags must be in the possession of the hunter in order to harvest an antlerless deer. The tag shall be attached through the hock in such a manner that it cannot be removed before the deer is transported (including those taken on either-sex days and those taken with bow or muzzleloader). Antlerless deer harvested on property enrolled in DMAP does not count in the season or daily bag limit for hunters. Failure to do so is a violation of R.S. 56:115. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved. Refer to LAC 76:V.111 for specific DMAP Rules.

9. Landowner Assistance Deer Tag (LADT)

a. Eligibility for LADT is limited to the following landowners or lessees:

i. license deer farmers;

ii. landowners or lessees with less than 500 acres who have verified deer depredation problems;

iii. landowners with 40 acres or more enrolled in the Louisiana Forest Stewardship Program; and

iv. landowners or lessees with 40 or more contiguous acres of forested or marsh land.

b. Each applicant will be assessed a $25 administrative processing fee. Each hunter must have the landowner antlerless deer tag in his possession while hunting on the property for which the tag was issued and immediately upon kill of an antlerless deer, the hunter must tag the animal through the hock. The deer must be tagged before it is transported from the site of kill and the tag will remain with the deer while the hunter is in route to his domicile. Antlerless deer harvested on property enrolled in LADT does not count in the season or daily bag limit for hunters. For more information, contact any Wildlife Division Region Office.

10. 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.

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 LDWF and is authorized in writing by the LDAF and LDWF to permit hunting.

White-Tailed Deer—for purposes of this rule means any animal of the species Odocoileus virginianus which is confined on a supplemented hunting preserve.

b. Seasons

i. Farm-Raised White-Tailed Deer—consult the regulations pamphlet.

ii. Exotics—year round.

c. Methods of Take

i. White-Tailed Deer—same as outside.

ii. Exotics—exotics may be taken with longbow (including compound bow and crossbow) and arrow; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber

minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including saboted bullets only and other approved primitive firearms.

d. Shooting Hours

i. White-Tailed Deer—same as outside.

ii. Exotics—one-half hour before sunrise to one-half hour after sunset.

e. Bag Limit

i. Farm-Raised White-Tailed Deer—same as outside.

ii. Exotics—No limit.

f. Hunting Licenses

i. White-Tailed Deer—same as outside.

ii. Exotics—No person shall hunt any exotic without possessing a valid basic and big game hunting license.

g. Tagging. White-Tailed Deer and Exotics—each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

11. Bobcat. No person other than the holder of a valid big game license may take or possess bobcat, except licensed trappers who may take or possess bobcat during the open trapping season. A big game licensee shall only take bobcat during the time period from one-half hour before sunrise to one-half hour after sunset with approved archery equipment, shotgun, muzzleloader or centerfire firearm. A big game licensee shall not take more than one bobcat per calendar year. This regulation applies only to property that is privately owned, state WMAs, and the Bayou des Ourses, Bodcau, Bonnet Carre, Indian Bayou, Loggy Bayou and Soda Lake tracts owned by the Corps of Engineers but does not apply to state wildlife refuges, the Kisatchie National Forest, or other federally owned refuges and lands. On state WMAs, the take of bobcat is restricted to those open seasons on the WMAs which require the respective legal weapons noted above.

D. Hunting-General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. All persons born on or after September 1, 1969 must show proof of satisfactorily completing a hunter safety course approved by LDWF to purchase a basic hunting license, except any active or veteran member of the United States armed services or any POST-certified law enforcement officer. Application for the exemption shall be filed in person at the LDWF main office building in the city of Baton Rouge. A person younger than 16 years of age may hunt without such certificate if he is accompanied by, and is under the direct supervision of a person 18 years of age or older.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer. A separate wild turkey license is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of Taking Resident Game Birds and Quadrupeds

a. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. Use of a longbow (including compound bow and crossbow) and arrow or a shotgun not larger than a 10 gauge fired from the shoulder without a rest shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than a .22 caliber rimfire or a primitive firearm larger than .36 caliber. During closed deer gun season, it shall be illegal to possess shotgun shells loaded with slugs or shot larger than BB lead or F steel shot while small game hunting.

c. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

6. Nuisance Animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the LDWF, 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 region office near you. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found destroying commercial crops of pecans may be taken year-round by permit issued by the LDWF. This permit shall be valid for 30 days from the date of issuance. Contact the local region office for details.

7. Threatened and Endangered Species—Louisiana black bear, Louisiana pearl shell (mussel), sea turtles, gopher tortoise, ringed sawback turtle, brown pelican, bald eagle, peregrine falcon, whooping crane, Eskimo curlew, piping plover, interior least tern, ivory-billed woodpecker, red-cockaded woodpecker, Bachman's warbler, West Indian manatee, Florida panther, pallid sturgeon, Gulf sturgeon, Attwater's greater prairie chicken, whales and red wolf. Taking or harassment of any of these species is a violation of state and federal laws.

8. Outlaw Quadrupeds. Holders of a legal hunting license may take coyotes, feral hogs where legal, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to chase only when using dogs during still hunting segments of the firearm and archery only season for deer. Foxes are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters.

9. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds with a gun during open season while on a public highway or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and rights-of-way is prohibited and these provisions will be strictly enforced.

10. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. On lands enrolled in DMAP, deer management assistance tags must be attached and locked through the hock of antlerless deer, (including those taken with approved archery and primitive firearms, and those antlerless deer taken on either-sex days) in a manner that it cannot be removed, before the deer is moved from the site of the kill.

11. Sex Identification. Positive evidence of sex identification, including the head, shall remain on any deer taken or killed within the state of Louisiana, or on all turkeys taken or killed during any special gobbler season when killing of turkey hens is prohibited, so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game.

E. General Deer Hunting Regulations

1. Prior to hunting deer, all deer hunters, regardless of age or license status, must obtain deer tags and have in possession when hunting deer. Immediately upon harvesting a deer, the hunter must tag the deer with the appropriate carcass tag and document the kill on the deer tag license. Within 72 hours the hunter must validate the kill and record the validation number on the license. Hunters harvesting deer on DMAP and LADT lands can validate deer per instructions by LDWF using the DMAP and LADT harvest data sheets. Hunters may validate deer by calling the validation toll free number or using the validation web site.

2. One antlered and one antlerless deer per day (when legal) except on National Forest Lands and some Federal Refuges (check refuge regulations) where the daily limit shall be one deer per day. Season limit is six, three antlered bucks and three antlerless deer (all segments included) by all methods of take, except antlerless harvest on property enrolled in DMAP and LADT does not count in the season or daily bag limit for hunters. Antlerless deer may be harvested during entire deer season on private lands (all segments included) except in the following parishes: West Carroll and portions of East Carroll. Consult regulations pamphlet, modern firearms table for either-sex days for these parishes. This does not apply to public lands (WMAs, National Forest Lands, and Federal Refuges) which will have specified either-sex days.

3. A legal buck is a deer with visible antler of hardened bony material, broken naturally through the skin. Killing bucks without at least one visible antler as described above and killing does is prohibited except where specifically allowed and EXCEPT in Thistlethwaite WMA where a legal buck shall be defined as deer with at least 4 points on one side or a deer with unbranched antlers commonly referred to as spikes (no minimum length). To be counted as a point, a projection must be at least one inch long and its length must exceed the length of its base. The beam tip is counted as a point but not measured as a point.

4. 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 WMAs, 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. It is illegal to take deer while deer are swimming or while the hunter is in a boat with motor attached in operating position; however the restriction in this paragraph shall not apply to any person who has lost one or more limbs.

9. Areas not specifically designated as open are closed.

10. Primitive Firearms Segment: (Special license and primitive 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. Primitive firearms license required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all deer hunting areas except Area 5 and as specified on Public

Areas. It is unlawful to carry a gun, other than a primitive firearm, including those powered by air or other means, while hunting during the special primitive firearms segment. Except, it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot only).

a. Legal Primitive 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 saboted bullets and may be fitted with magnified scopes. This includes muzzleloaders known as "inline" muzzleloaders.

b. Single shot, breech loading rifles, .38 caliber or larger, of a kind or type manufactured prior to 1900 and replicas, reproductions or reintroductions of that type rifle having an exposed hammer that use metallic cartridges loaded either with black powder or modern smokeless powder and may be fitted with magnified scopes.

c. Special Youth Deer Shotgun Season on Private Land (either-sex). Youths 17 or younger may hunt deer with shotguns using slugs only during the Primitive Firearms Season in each deer hunting area.

11. 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. Either-sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, and except in Area 6 from October 1-15. Archer's must conform to the bucks only regulations. Either-sex deer may be taken on WMAs at anytime during archery season except when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Lake Boeuf, and Pointe-aux-Chenes WMAs (See schedule.).

a. Bow and Arrow Regulations. Longbow, compound bow and crossbow or any bow drawn, held or released by mechanical means will be a legal means of take for all properly licensed hunters. Hunting arrows for deer must have well-sharpened broadhead points. 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 or arrows with explosive tips;

(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, laser sight, electrically-operated sight or device specifically designed to enhance vision at night (does not include non-projecting red dot sights) [R.S. 56:116.1.A.(3)].

12. Hunter Orange. Any person hunting any wildlife during the open gun deer hunting season and possessing buckshot, slugs, a primitive firearm, or a centerfire rifle shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange". Persons hunting on privately owned, legally posted land may wear a hunter orange cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned and legally posted or to archery deer hunters hunting on legally posted lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a hunter orange cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: Deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange".

13. Special Physically Challenged Either-Sex Deer Season on Private Land. First Saturday of October for 2 days. Restricted to individuals with Physically Challenged Hunter Permit.

14. Special Youth Deer Hunt on Private Lands (Either-Sex). Areas 1, 4, 5 and 6—last Saturday of October for 2 days; Area 2—second Saturday of October for 2 days; and Areas 3, 7 and 8—fourth Saturday of September for 2 days. Youths 17 or younger only. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one youth during this special hunt.

F. Description of Areas

1. Area 1

a. All of the following parishes are open: Concordia, East Baton Rouge, East Feliciana, Franklin, Madison, St. Helena, Tensas, Washington.

b. Portions of the following parishes are also open:

i. Catahoula—east of Boeuf River to Ouachita River, east of Ouachita River from its confluence with Boeuf River to LA 8, south and east of LA 8 southwesterly to parish line.

ii. East Carroll—east of mainline Mississippi River Levee and south and east of LA 877 from West Carroll Parish line to LA 580, south of LA 580 to US 65, west of US 65 to Madison Parish line.

iii. Grant—east of US 165 and south of LA 8.

iv. LaSalle—south of a line beginning where Little River enters Catahoula Lake following the center of the lake eastward to Old River then to US 84, east of US 84 northward to LA 8, south of LA 8 eastward to parish line.

v. Livingston—north of I-12.

vi. Rapides—east of US 165 and north of Red River.

vii. St. Tammany—all except that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

viii. Tangipahoa—north of I-12.

ix. West Feliciana—all except that portion known as Raccourci and Turnbull Island.

c. Still hunting only in all or portions of the following parishes:

i. Catahoula—south of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to LA 8 at Harrisonburg, west of LA 8 to LA 913, west of LA 913 and LA 15 to Deer Creek.

ii. East Carroll—east of mainline Mississippi River Levee and south and east of LA 877 from West Carroll Parish line to LA 580, south of LA 580 to US 65, west of US 65 to Madison Parish line.

iii. East Feliciana and East Baton Rouge—east of Thompson Creek from the Mississippi state line to LA 10, north of LA 10 from Thompson Creek to LA 67 at Clinton, west of LA 67 from Clinton to Mississippi state line, south of Mississippi state line from LA 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of LA 67 from LA 64 north to parish line, south of parish line from LA 64 eastward to Amite River, west of Amite River southward to LA 64, north of LA 64 to LA 37 at Magnolia, east of LA 37 northward to LA 64 at Indian Mound, north of LA 64 from Indian Mound to LA 67. Also, that portion of East Feliciana Parish east of LA 67 from parish line north to LA 959, south of LA 959 east to LA 63, west of LA 63 to Amite River, west of Amite River southward to parish line, north of parish line westward to LA 67.

iv. Franklin—all.

v. St. Helena—north of LA 16 from Tickfaw River at Montpelier westward to LA 449, east and south of LA 449 from LA 16 at Pine Grove northward to Rohner Road, south of Rohner Road to LA 1045, south of LA 1045 to the Tickfaw River, west of the Tickfaw River from LA 1045 southward to LA 16 at Montpelier.

vi. Tangipahoa—that portion of Tangipahoa Parish north of LA 10 from the Tchefuncte River to LA 1061 at Wilmer, east of LA 1061 to LA 440 at Bolivar, south of LA 440 to the Tchefuncte River, west of the Tchefuncte River from LA 440 southward to LA 10.

vii. Washington and St. Tammany—east of LA 21 from the Mississippi state line southward to the Bogue Chitto River, north of the Bogue Chitto River from LA 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from the Pearl River westward to LA 21. Also, that portion of Washington Parish west of LA 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany Parish line to the Tangipahoa Parish line, east of the Tangipahoa Parish line to the Mississippi state line, south of the Mississippi state line to its junction with LA 25.

viii. West Feliciana—west of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of US 61 and LA 966, east of LA 966 from US 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

2. Area 2

a. All of the following parishes are open:

i. Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Jackson, Lincoln, Natchitoches, Red River, Sabine, Union, Webster, Winn.

ii. except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as Area 2, except still hunting only for deer and except National Forest Land within the Evangeline Unit, Calcasieu Ranger District described in Area 2 description shall be still hunting only.

b. Portions of the following parishes are also open:

i. Allen—north of US 190 from parish line westward to Kinder, east of US 165 from Kinder northward to LA 10 at Oakdale, north of LA 10 from Oakdale westward to the parish line.

ii. Avoyelles—that portion west of I-49.

iii. Catahoula—west of Boeuf River to Ouachita River, west of Ouachita River from its confluence with Boeuf River to LA 8, north and west of LA 8 southwesterly to Parish line.

iv. Evangeline—all except the following portions: east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte, and north of US 167 east of Ville Platte.

v. Grant—all except that portion south of LA 8 and east of US 165.

vi. Jefferson Davis—north of US 190.

vii. LaSalle—north of a line beginning where Little River enters Catahoula Lake, following the center of the lake eastward to Old River then to US 84, west of US 84 northward to LA 8, north of LA 8 eastward to parish line.

viii. Morehouse—west of US 165 (from Arkansas state line) to Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to Bastrop, west of LA 139 to junction of LA 593, west and south of LA 593 to Collinston, west of LA 138 to junction of LA 134 and north of LA 134 to Ouachita Parish line at Wham Brake.

ix. Ouachita—all except south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse Parish line at Wham Brake.

x. Rapides—all except north of Red River and east of US 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 US 167 to junction of US 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 westward to LA 113, south of LA 113 eastward to parish line. Also the portion north of LA 465 west of LA 117 from Kurthwood to Leesville and north of LA 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes:

i. Claiborne and Webster—Caney, Corney and Middlefork tracts of Kisatchie National Forest. (See Kisatchie National Forest Regulations).

ii. Ouachita—east of Ouachita River.

iii. Rapides—west of US 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 US 165, east of US 165 northward to US 167 at Alexandria. North of LA 465 from Vernon Parish line to LA 121, west of LA 121 to I-49, west of I-49 to LA 8, south and east of LA 8 to LA 118 (Mora Road), south and west of LA 118 to Natchitoches Parish line.

iv. Vernon—east of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to LA 465, east and north of LA 465 to Rapides Parish line.

3. Area 3

a. All of Acadia, Cameron and Vermilion Parishes are open.

b. Portions of the following parishes are also open:

i. Allen—south of US 190 and west of LA 113.

ii. Beauregard—west of LA 113 and east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line.

iii. Calcasieu—south of US 90 from Sulphur to Texas state line. Also east of LA 27 from Sulphur northward to the parish line.

iv. Iberia—west of US 90 and north of LA 14.

v. Jefferson Davis—all except north of US 190.

vi. Lafayette—west of I-49 and US 90.

vii. Rapides—south of LA 465 to junction of LA 121, west of LA 121 and LA 112 to Union Hill and north of LA 113 from Union Hill to Vernon Parish line.

viii. St. Landry—west of US 167.

ix. Vernon—west and north of LA 113, south of LA 465, east of LA 117 from Kurthwood to Leesville, and south of LA 8 from Leesville to Texas state line.

4. Area 4

a. All of Richland parish is open.

b. Portions of the following parishes are open:

i. East Carroll—west of mainline Mississippi River Levee and north and west of LA 877 from West Carroll Parish line to LA 580, north of LA 580 to US 65, east of US 65 to Madison Parish line.

ii. Morehouse—east of US 165 (from Arkansas state line) to Bonita, south and east of LA 140 to junction of LA 830-4 (Cooper Lake Road), east of LA 830-4 to Bastrop, east of LA 139 at Bastrop to junction of LA 593, east and north of LA 593 to Collinston, east of LA 138 to junction of LA 134 and south of LA 134 to Ouachita line at Wham Brake.

iii. Ouachita—south of US 80 and east of Ouachita River, east of LA 139 from Sicard to junction of LA 134, south of LA 134 to Morehouse line at Wham Bake.

5. Area 5

a. All of West Carroll Parish is open.

6. Area 6

a. All of the following parishes are open: Ascension, Assumption, Iberville, Jefferson, Lafourche, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. James, St. John, St. Martin, Terrebonne, West Baton Rouge.

b. Portions of the following parishes are also open:

i. Avoyelles—all except that portion west of I-49.

ii. Evangeline—that portion east of I-49 to junction of LA 29, east of LA 29 south of I-49 to Ville Platte and north of US 167 east of Ville Platte.

iii. Iberia—east of US 90.

iv. Lafayette—east of I-49 and US 90.

v. Livingston—south of I-12.

vi. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.

vii. St. Landry—east of US 167.

viii. St. Mary—north of US 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River southward to Bayou Shaffer, north of Bayou Shaffer to Bateman Lake, north and west of Bayou Chene from Bateman Lake to Lake Palourde.

ix. St. Tammany—that portion south of I-12, west of LA 1077 to LA 22, south of LA 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

x. Tangipahoa—south of I-12.

xi. West Feliciana—west of Mississippi River, known as Raccourci and Turnbull Islands.

c. Still hunting only in all or portions of the following parishes:

i. Avoyelles—north of LA 1 from Simmesport westward to LA 115 at Marksville, east of LA 115 from Marksville northward to the Red River near Moncla, south and west of the Red River to LA 1 at Simmesport.

ii. Plaquemines—east of the Mississippi River.

iii. Rapides—south of Alexandria between Red River and US 167 to the junction of US 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.

iv. St. Bernard—all of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre.

v. St. John—south of Pass Manchac from Lake Pontchartrain to US 51, east of US 51 from Pass Manchac to LA 638 (Frenier Beach Road). North of LA 638 from US 51 to Lake Pontchartrain, west of Lake Pontchartrain from LA 638 to Pass Manchac.

vi. St. Landry—those lands surrounding Thistlethwaite WMA bounded north and east by LA 359, west by LA 10, and south by LA 103.

vii. High Water Benchmark Closure. Deer hunting in those portions of Iberia, Iberville, St. Martin, and St. Mary parishes south of I-10, west of the East Guide Levee, east of the West Guide Levee, and north of US 90 will be closed when the river stage of the Atchafalaya River reaches 18 feet at Butte LaRose.

7. Area 7

a. Portions of the following parishes are open:

i. Iberia—south of LA 14 and west of US 90.

ii. St. Mary—all except that portion north of US 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway,

north of Intracoastal Waterway eastward to the Atchafalaya River, east of the Atchafalaya River southward to Bayou Shaffer, north of Bayou Shaffer to Bateman Lake, north and west of Bayou Chene from Bateman Lake to Lake Palourde.

8. Area 8

a. Portions of the following parishes are open:

i. Allen—that portion east of LA 113 from the parish line to US 190, north of US 190 eastward to Kinder, west of US 165 northward to LA 10 at Oakdale and south of LA 10 from Oakdale westward to parish line.

ii. Beauregard—that portion east of LA 113. Also that portion west of LA 27 from parish line northward to DeRidder, south of US 190 from DeRidder to Texas state line.

iii. Calcasieu—that portion east of LA 27 from the parish line southward to Sulphur and north of US 90 from Sulphur to the Texas state line.

iv. Vernon—that portion east of LA 113 from the parish line northward to Pitkin and south of LA 10 from Pitkin southward to the parish line.

G. WMA 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. WMA seasons may be altered or closed anytime by the LDWF Secretary in emergency situations (floods, fire or other critical circumstances).

d. Hunters may enter the WMA no earlier than 4 a.m. unless otherwise specified. Hunters must check out and exit the WMA no later than two hours after sunset, or as otherwise specified.

e. Lands within WMA boundaries will have the same seasons and regulations pertaining to baiting and use of dogs as the WMA within which the lands are enclosed; however, with respect to private lands enclosed within a WMA, the owner or lessee may elect to hunt according to the regular season dates and hunting regulations applicable to the geographic area in which the lands are located, provided that the lands are first enrolled in DMAP or LADT. Interested parties should contact the nearest LDWF region office for additional information.

f. Dumping garbage or trash on WMAs is prohibited. Garbage and trash may be properly disposed of in designated locations if provided.

g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.

h. Damage to or removal of trees, shrubs, hard mast (including but not limited acorn and pecans), wild plants, non-game wildlife (including reptiles and amphibians) or any species of butterflies, skippers or moths is prohibited without a permit from the LDWF. Gathering and/or removal of soft fruits, mushrooms and berries shall be limited to 5 gallons per person per day.

i. Burning of marshes is prohibited. Hunting actively burning marsh prohibited.

j. Nature Trails. Trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc., allowed. Removal of vegetation (standing or down) or other natural material prohibited.

k. Deer seasons are for legal buck deer unless otherwise specified.

l. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

m. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and state seed grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health and Hospitals.

n. Free ranging livestock prohibited.

2. Permits

a. A WMA Hunting Permit is required for persons aged 18 through 59 to hunt on WMAs.

b. Self-Clearing Permits. A self-clearing permit is required for all activities (hunting, fishing, hiking, birdwatching, sightseeing, etc.) on WMAs unless otherwise specified. The self-clearing permit will consist of three portions: check in, check out and a vehicle tag. On WMAs where self-clearing permits are required, all persons must obtain a WMA self-clearing permit from an information station. The check in portion must be completed and put in a permit box before each day's activity on the day of the activity (except if hunting from a private camp adjacent to the WMA being hunted or if camping on the WMA, users need only to check in once during any 72 hour period). Users may check-in one day in advance of use. The check out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA or within 72 hours after checking in if hunting from a private camp adjacent to the WMA being hunted or if camping on the WMA. each person must leave the Vehicle Tag portion of his permit on the dashboard of the vehicle used to enter into the WMA in such a way that it can be easily read from outside of the vehicle. This must be done only when the vehicle is parked and left unattended on the WMA. If an ATV, boat or other type vehicle was used to enter the WMA, then the vehicle tag must be attached to that vehicle in such a manner that it can be readily seen and read. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. (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. Persons using WMAs or other LDWF administered lands for any purpose must possess one of the following: a valid Wild Louisiana stamp, a valid Louisiana fishing license, or a valid Louisiana hunting license. Persons younger than 16 or older than 60 years of age are exempt from this requirement. Also a self-clearing WMA permit, detailed above, may be required (available at most entrances

to each WMA). Check individual WMA listings for exceptions.

3. Special Seasons

a. Youth Deer Hunt. Only youths 17 or younger may hunt. All other seasons are closed except physically challenged seasons. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of a hunter safety certification, a valid Louisiana hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one youth during this special hunt. Contact the appropriate region office for maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

NOTE: Some hunts may be by pre-application lottery.

b. Youth Squirrel Hunt (on selected WMAs only). Only youths 17 or younger may hunt. Squirrel, rabbit, raccoon and opossum may be taken. Hogs may not be taken. No dogs allowed. All other seasons will remain open to other hunters. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. Self-clearing permits are required. Consult the regulations pamphlet for WMAs offering youth squirrel hunts.

c. Youth Mourning Dove Hunt. A youth mourning dove hunt will be conducted on specific WMAs and will follow the same regulations provided for youth deer hunts on the first or second weekend of the mourning dove season (Saturday and/or Sunday only). Consult the regulations pamphlet for WMAs offering youth mourning dove hunts.

d. Physically Challenged Season. An either-sex deer season will be held for hunters possessing a physically challenged hunter permit on WMAs during the dates specified under the individual WMA. Participants must possess a physically challenged hunter permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering physically challenged seasons. Pointe-aux-Chenes will have an experimental lottery physically challenged waterfowl hunt. Contact New Iberia Office, Coastal and Nongame Resources Division for details.

e. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. All turkeys must be reported at self-clearing station. Contact region offices for more details. Consult separate turkey hunting regulations pamphlet for more details.

f. Waterfowl Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadline. Consult regulations pamphlet for individual WMA schedules or contact any wildlife division office for more details.

g. Mourning Dove Lottery Hunts. Consult regulations pamphlet for individual WMA schedules or contact any wildlife division office for more details.

h. Trapping. Consult Annual Trapping Regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. Hunter orange required when a deer gun season is in progress.

i. Raccoon Hunting. A licensed hunter may take raccoon or opossum, one per person per day, during daylight hours only, during the open rabbit season on WMAs. nighttime experimental—all nighttime raccoon hunting where allowed is with dogs only. There is no bag limit. Self-clearing permit required.

j. Sport Fishing. Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

k. Additional LDWF Lands. The LDWF manages additional lands that are included in the WMA system and available for public recreation. Small tracts are located in Vernon, Evangeline, St. Helena and other parishes. These small tracts have been acquired from the Farmers Home Administration or other sources for conservation purposes. Contact the appropriate LDWF Region Office for specific information and any additional season dates.

4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms and crossbows cocked in the ready position are not allowed in or on vehicles, boats under power, motorcycles, ATVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after permitted hours except in authorized camping areas and except as may be permitted for authorized trappers.

b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under WMA 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 and during special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador WMAs (consult regulations pamphlet for specific WMA regulations).

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or hunting from designated roads, ATV trails and their rights-of-way is prohibited during the modern firearm and muzzleloader deer season.

5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drivers and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On WMAs the daily limit shall be one antlered deer and one antlerless deer (when legal) per day. Three antlered and three antlerless per season (all segments included) by all methods of take.

c. Baiting or hunting over bait is prohibited on all WMAs (hogs included).

d. Deer may not be skinned nor have any external body parts removed including but not limited to feet, legs, tail, head or ears before being checked out.

e. Deer hunting on WMAs is restricted to still hunting only.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting time each day. Blinds with frames of wood, plastic, metal poles, wire, mesh, webbing or other materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. Natural vegetation is generally defined as natural branches that are 2 inches or less in diameter or corner posts. All decoys must be removed from the WMA daily. Permanent tree stands are any stands that use nails, screws, spikes, etc., to attach to trees and are strictly prohibited. Portable deer stands (those that are designed to be routinely carried by one person) may not be left on WMAs unless the stands are removed from trees and left in a non-hunting position (a non-hunting position is one in which a hunter could not hunt from the stand in its present position). Also, all stands left must be legibly tagged with the user's name, address, phone number and big game hunting license number (or lifetime license number). No stand may be left on any WMA prior to the day before deer season opens on that WMA and all stands must be removed from the WMA within one day after the close of deer hunting on that WMA. Free standing blinds must be disassembled when not in use. Stands left will not reserve hunting sites for the owner or user. All portable stands, blinds, tripods, etc. found unattended in a hunting position or untagged will be confiscated and disposed of by the LDWF. LDWF not responsible for unattended stands left on an area.

g. Physically Challenged Wheelchair Confined Deer and Waterfowl Hunting Areas: Special deer and waterfowl hunting areas, blinds and stands identified with LDWF logos, have been established for PCHP wheelchair confined hunters on WMAs. Hunters must obtain PCHP permits and are required to make reservations to use blinds and stands. PCHP wheelchair hunting areas are available on Alexander State Forest, Big Colewa Bayou, Buckhorn, Clear Creek, Elbow Slough, Floy McElroy, Jackson-Bienville, Ouachita, and Sherburne WMAs. Check WMA hunting schedules or call the LDWF Offices in Pineville, Ferriday, Lake Charles, Opelousas, Minden, Monroe or Baton Rouge for information.

h. Hunting from utility poles, high tension power lines, oil and gas exploration facilities or platforms is prohibited.

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 LDWF and disposed of by the LDWF. This action is necessary to prevent preemption of hunting space.

l. Spot lighting (shining) from vehicles is prohibited on all WMAs.

m. Horses and mules may be ridden on WMAs except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails depicted on WMA map, self-clearing permit is required. Organized trail rides prohibited except allowed by permit only on Camp Beauregard. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified.

n. All hunters (including archers and small game hunters) except waterfowl hunters and mourning dove hunters on WMAs must display 400 square inches of "hunter orange" and wear a "hunter orange" cap during open gun season for deer. Quail and woodcock hunters and hunters participating in special dog seasons for rabbit, squirrel and feral hogs are required to wear a minimum of a "hunter orange" cap. All other hunters and archers (while on the ground) except waterfowl hunters also must wear a minimum of a "hunter orange" cap during special dog seasons for rabbit and squirrel and feral hogs. Also all persons afield during hunting seasons are encouraged to display "hunter orange". Hunters participating in special shotgun season for feral hogs on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador WMAs must display 400 square inches of hunter orange and wear a "hunter orange" cap.

o. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of "hunter orange" above or around their blinds which is visible from 360 degrees.

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 Physically Challenged hunts 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. Primitive Firearms Season for Deer. Either-sex unless otherwise specified. See WMA deer schedule. Except youth 17 or younger may use shotgun with slugs during primitive firearms season on the WMA.

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 LDWF-owned designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. On Atchafalaya Delta WMA and Pass-a-Loutre, houseboats may be moored in specially designated areas throughout the hunting season. At all other times of the year, mooring is limited to a period not to exceed 16 consecutive days. Permits are required for the mooring of houseboats on Pass-a-Loutre and Atchafalaya Delta WMAs. Permits must be obtained from the New Iberia office.

c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by state and federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving. Houseboats moored on a WMA shall have a permit or letter of certification from the health unit (Department of Health and Hospitals) of the parish within which the WMA occurs verifying that it has an approved sewerage disposal system on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

h. Swimming is prohibited within 100 yards of boat launching ramps.

7. Restricted Areas

a. For your safety, all oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or unauthorized hunting in restricted areas or refuges, unless otherwise specified.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting, hog hunting and bird dog training when allowed; see individual WMA season listings for WMAs that allow dogs. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons.

9. Vehicles

a. An all-terrain vehicle is an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight—750 pounds, length—85", and width—48". ATV tires are restricted to those no larger than 25 x 12 with a maximum l" lug height and a maximum allowable tire pressure of 7 psi. as indicated on the tire by the manufacturer. Use of all other ATVs or ATV tires are prohibited on a WMA.

b. Utility Type Vehicle (UTV, also Utility Terrain Vehicle) is defined as any recreational motor vehicle other than an ATV, not legal for highway use, designed for and capable of travel over designated unpaved roads, traveling on four or more low-pressure tires, with factory specifications not to exceed the following: weight—1900 pounds, length—128" and width—68". UTV tires are restricted to those no larger than 26 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 12 psi. UTV's are commonly referred to as side by sides and may include golf carts.

c. Vehicles having wheels with a wheel-tire combination having a radius of 17 inches or more from the center of the hub (measured horizontal to ground) are prohibited.

d. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within WMAs due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

e. Tractor or implement tires with farm tread designs Rl, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles.

f. Airboats, aircraft, personal water craft, "mud crawling vessels" (commonly referred to as crawfish combines which use paddle wheels for locomotion) and hover craft are prohibited on all WMAs and Refuges. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. Personal water craft allowed on designated areas of Alexander State Forest WMA.

g. Driving or parking vehicles on food or cover plots and strips is prohibited.

h. Blocking the entrance to roads and trails is prohibited.

i. Licensed motorized vehicles (LMVs) legal for highway use, including motorcycles, are restricted entirely to designated roads as indicated on WMA maps. UTVs are restricted to marked UTV trails only. ATVs are restricted to marked ATV trails only, EXCEPT when WMA roads are closed to LMVs. ATVs may then use those roads when allowed. WMA maps available at all region offices. This restriction does not apply to bicycles.

NOTE: All ATV and UTV trails are marked with signs and/or paint, but not all ATV and UTV trails appear on WMA maps.

j. Use of special ATV trails for physically challenged persons is restricted to special ATV physically challenged permittees. Physically challenged ATV permittees are restricted to physically challenged ATV trails or other ATV trails only as indicated on WMA maps or as marked by sign and/or paint. Persons 60 years of age and older, with proof of age, are also allowed to use special physically challenged trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Physically challenged persons under the age of 60 must apply for and obtain a physically challenged hunter program permit from the LDWF.

k. Entrances to ATV trails will be marked with peach colored paint. Entrances to physically challenged-only ATV trails will be marked with blue colored paint. Entrances to ATV trails that are open all year long will be marked with purple paint. The end of all ATV trails will be marked by red paint. WMA maps serve only as a general guide to the route of most ATV trails, therefore all signage and paint marking as previously described will be used to determine compliance. Deviation from this will constitute a violation of WMA rules and regulations.

l. Roads and trails may be closed due to poor condition, construction or wet weather.

m. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 4 a.m., except raccoon hunters may use ATVs during nighttime raccoon take seasons only. ATVs are prohibited from March 1 through August 31 except squirrel hunters are allowed to use ATV trails during the spring squirrel season on the WMA and except certain trails may be open during this time period to provide access for fishing or other purposes and some ATV trails will be open all year long on certain WMAs.

n. Caution—many LDWF-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads.

o. Hunters are allowed to retrieve their own downed deer and hogs with the aid of an ATV except on Thistlethwaite and Sherburne WMAs under the following conditions.

i. No firearms or archery equipment is in possession of the retrieval party or on the ATV.

ii. The retrieval party may consist of no more than one ATV and one helper.

iii. ATVs may not be used to locate or search for wounded game or for any other purpose than retrieval of deer and hogs once they have been legally harvested and located.

iv. UTV's may not be used to retrieve downed deer or hogs.

10. Commercial Activities

a. Hunting Guides/Outfitters: No person or group may act as a hunting guide, outfitter or in any other capacity for which they are paid or promised to be paid directly or indirectly by any other individual or individuals for services rendered to any other person or persons hunting on any WMA, regardless of whether such payment is for guiding, outfitting, lodging or club memberships.

b. Except for licensed activities otherwise allowed by law, commercial activities are prohibited without a permit issued by the Secretary of the LDWF.

c. Commercial Fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Gill nets or trammel nets and the take or possession of grass carp are prohibited on Spring Bayou WMA. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines allowed on Dewey Wills WMA north of LA 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Three Rivers WMA. Commercial fishing is prohibited on Salvador/Timken, Ouachita and Pointe-aux-Chenes WMAs EXCEPT commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal and Wonder Lake. No commercial fishing activity shall impede navigation and no unattended vessels or barges will be allowed. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

11. WMAs Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

12. Resident Small Game (squirrel, rabbit, quail, mourning dove, woodcock, snipe, rail and gallinule). Same as outside except closed during modern firearm either-sex deer seasons on certain WMAs (See WMA schedule) and except non-toxic shot must be used for rail and gallinule. Consult regulations pamphlet. Unless otherwise specified under a specific WMA hunting schedule, the use of dogs for rabbit and squirrel hunting is prohibited. Spring squirrel season with or without dogs: first Saturday of May for 9 days. Consult regulations pamphlet for specific WMAs.

13. Waterfowl (ducks, geese and coots). Consult regulations pamphlet. Hunting after 2 p.m. prohibited on all WMAs except for Atchafalaya Delta, Biloxi, Lake Boeuf, Pass-a-Loutre, Pointe-aux-Chenes, Salvador/Timken and Wisner WMAs. Consult specific WMA regulations for shooting hours on these WMAs.

14. Archery. Consult regulations pamphlet.

15. Hogs. Consult regulations pamphlet for specific WMA regulations. Feral hogs may be taken during any legal hunting season, except during the spring squirrel season, on designated WMAs by properly licensed hunters using only guns or bow and arrow legal for specified seasons in progress. Hunters may harvest hogs during the month of March on Pass-a-Loutre WMA only by using shotguns with shot no larger than BB lead or F steel, or .22 caliber rimfire firearms. Hogs may not be taken with the aid of dogs, except feral hogs may be taken with the aid of dogs on Bodcau, Dewey Wills, Jackson-Bienville, Pearl River, Red River and Three Rivers WMAs (consult Bodcau, Dewey Wills, Jackson-Bienville, Pearl River, Red River and Three Rivers WMAs regulations) by permit from either the Minden, Pineville, Baton Rouge, or Ferriday Offices and all hogs must be killed immediately and may not be transported live under any conditions and hunters may use centerfire pistols in addition to using guns allowed for season in progress.

Additionally, feral hogs may be taken on Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes and Salvador WMAs from February 16 through March 31 with shotguns loaded with buckshot or slugs.

16. Outlaw Quadrupeds and Birds. Consult regulations pamphlet. During hunting seasons specified on WMAs, except the turkey and spring squirrel seasons, take of outlaw quadrupeds and birds, with or without the use of electronic calls, is allowed by properly licensed hunters and only with guns or bows and arrows legal for season in progress on WMA. However, crows, blackbirds, grackles and cowbirds may not be taken before September 1 or after January 1.

17. WMAs Hunting Schedule and Regulations

a. Acadiana Conservation Corridor

b. Alexander State Forest. From December through February all hunters must check daily with the Office of Forestry for scheduled burning activity. No hunting or other activity will be permitted in burn units the day of the burning. Call 318-487-5172 or 318-487-5058 for information on burning schedules. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreation areas.

c. Atchafalaya Delta. Water control structures are not to be tampered with or altered by anyone other than employees of the LDWF at any time. ATVs, ATCs and motorcycles prohibited except as permitted for authorized WMA trappers. Mudboats or air-cooled propulsion engines greater than 36 horsepower are prohibited on the WMA.

d. Attakapas

e. Bayou Macon. All night activities prohibited except as otherwise provided.

f. Bayou Pierre

g. Bens Creek

h. Big Colewa Bayou. All nighttime activities prohibited.

i. Big Lake

j. Biloxi

k. Bodcau

l. Boeuf

m. Buckhorn

n. Camp Beauregard. Daily military clearance required for all recreational users. Registration for use of self-clearing permit required once per year. All game harvested must be reported on self-clearing checkout permit. Retriever training allowed on selected portions of the WMA. Contact the region office for specific details. No hunting in restricted areas.

o. Clear Creek (formerly Boise-Vernon)

p. Dewey W. Wills. Crawfish: 100 pounds per person per day.

q. Elbow Slough. Steel shot only for all hunting. All motorized vehicles prohibited.

r. Elm Hall. No ATVs allowed.

s. Floy Ward McElroy

t. Fort Polk. Daily military clearance required to hunt or trap. Registration for use of self-clearing permit required once per year. New special regulations apply to ATV users.

u. Grassy Lake. Commercial Fishing: Permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor at Spring Bayou headquarters or Opelousas Region Office. No hunting in restricted area.

v. Jackson-Bienville. Beginning September 1, 2004, ATVs are allowed only on non-public maintained gravel roads and marked ATV trails.

w. Joyce. Swamp Walk—adhere to all WMA rules and regulations. No loaded firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.

x. Lake Boeuf. Hunting allowed until 12 noon on all game. All nighttime activities prohibited.

y. Lake Ramsay. Foot traffic only—all vehicles restricted to Parish Roads.

z. Little River

aa. Loggy Bayou

bb. Manchac. Crabs—no crab traps allowed. Attended lift nets are allowed.

cc. Maurepas Swamp. No loaded firearms or hunting allowed within 100 yards of nature trail.

dd. Ouachita. Waterfowl Refuge—north of LA 15 closed to all hunting, fishing and trapping and ATV use during duck season including early teal season. Crawfish—100 pounds per person per day limit. Night crawfishing prohibited. No traps or nets left overnight. Commercial Fishing—closed. All nighttime activities prohibited except as otherwise provided.

ee. Pass-a-Loutre. Commercial Fishing—same as outside. Commercial mullet fishing open only in: South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay, Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the LDWF Pass-a-Loutre WMA map. ATVs, ATCs and motorcycles prohibited on this area. Oyster harvesting is prohibited. Mudboats or air-cooled propulsion engines greater than 36 horsepower are prohibited on the WMA.

ff. Pearl River. All roads closed 8 p.m. to 4:30 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting will be closed when the river stage at Pearl River reaches 16.5 feet except waterfowl hunting south of Hwy. 90. No hunting in the vicinity of Nature Trail. Observe "No Hunting" signs. Rifle range open Friday, Saturday and Sunday with a fee.

gg. Peason Ridge. Daily military clearance required to hunt or trap. Registration for use of self-clearing permit required once per year. Special federal regulations apply to ATV users.

hh. Pointe-aux-Chenes. Hunting until 12 noon on all game, except for mourning dove hunting and youth lottery deer hunt as specified in regulation pamphlet. Point Farm: Gate will be open all weekends during month of February. No motorized vessels allowed in the drainage ditches. Recreational Fishing—shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) maximum shall be allowed. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Oyster harvesting is prohibited. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may

be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the WMA and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. All boats powered by engines having horsepower ratings above 25 h.p. are not allowed in the Grand Bayou, Montegut and Pointe-aux-Chenes water management units. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue and Grand Bayou Blue unless authorized by the LDWF. All other motorized vehicles, horses and mules are prohibited unless authorized by the LDWF.

ii. Pomme de Terre. Commercial Fishing: permitted Monday through Friday, except closed during duck season. Commercial fishing permits available from area supervisor, Opelousas Region Office or Spring Bayou headquarters. Sport Fishing—same as outside except allowed only after 2 p.m. only during waterfowl season. Crawfish—March 15-July 31, recreational only, 100 lbs. per boat or group daily.

jj. Red River. Recreational crawfishing allowed on Yakey Farms wetland restoration projects February 1 to the last day of February, 100 pounds per person per day, maximum of five wire traps per person. No traps or nets left overnight. No motorized watercraft allowed.

kk. Russell Sage. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided. Internal combustion engines and craft limited to 10 h.p. rating or less in the Greentree Reservoirs.

NOTE: All season dates on Chauvin Tract (U.S. 165 North) same as outside, except still hunt only and except deer hunting restricted to archery only. All vehicles including ATVs prohibited.

ll. Sabine

mm. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east.

nn. Salvador/Timken. Hunting until 12 noon only for all game. All nighttime activities prohibited, including frogging. Recreational Fishing—shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) maximum may be taken for bait. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none of the lines are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the WMA and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Boats powered by internal combustion engines having horsepower ratings above 25 h.p. are permitted only in oil company access canals, Louisiana Cypress Canal, the Netherlands Pond including the West Canal, Lakes—"Baie Des Chactas" and "Baie du Cabanage" and the Rathborne Access ditch. Use of mudboats powered by internal combustion engines with four cylinders or less is permitted in interior ditches from first Saturday in September through January and may be further permitted. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. ATVs, ATCs and motorcycles prohibited on this area.

oo. Sandy Hollow. Bird Dog Training—consult regulation pamphlet. Wild birds only (use of pen-raised birds prohibited). Bird Dog Field Trials: Permit required from Baton Rouge Region Office. Horseback Riding—self-clearing permit required. Organized trail rides prohibited. Riding allowed only on designated roads and trails depicted on WMA map. Horses and mules are specifically prohibited during turkey and gun season for deer except as allowed for bird dog field trials. No horses and mules on green planted areas.

pp. Sherburne. Crawfishing: Recreational crawfishing only on the South Farm Complexes. Crawfish harvest limited to 100 pounds per vehicle or boat per day. No traps or nets left overnight. No motorized watercraft allowed on farm complex. Commercial crawfishing not allowed. Retriever training allowed on selected portions of the WMA. Contact the region office for specific details. Vehicular traffic prohibited on east Atchafalaya River levee within Sherburne WMA boundaries. Rifle and Pistol Range open daily. Skeet ranges open by appointment only, contact Hunter Education Office. No trespassing in restricted area behind ranges.

NOTE: Atchafalaya National Wildlife Refuge, and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne WMA will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area.

qq. Sicily Island Hills

rr. Soda Lake. No motorized vehicles allowed. Bicycles allowed. All trapping and hunting prohibited except archery hunting for deer and falconry.

ss. Spring Bayou. Commercial Fishing: permitted Monday through Friday except slat traps and hoop nets permitted any day and except gill or trammel nets or the take or possession of grass carp are prohibited. Permits available from area supervisor or Opelousas Region Office. Closed until after 2 p.m. during waterfowl season. Sport Fishing: Same as outside except allowed only after 2 p.m. during waterfowl season. Crawfish: recreational only. No hunting allowed in headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and regulations posted at camp site. A fee is assessed for use of this campsite. Water skiing allowed only in Old River and Grand Lac.

tt. Tangipahoa Parish School Board. No horseback riding during gun season for deer or turkey. ATVs are not allowed.

uu. Thistlethwaite. All motorized vehicles restricted to improved roads only. All users must enter and leave through main gate only. No entry into restricted areas.

vv. Three Rivers

ww. Tunica Hills. All vehicles restricted to Parish roads. Access to restricted areas is unauthorized. Refer to WMA map. Camping limited to tents only.

xx. Union. All nighttime activities prohibited except as otherwise provided.

yy. West Bay

zz. Wisner

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:1611 (July 2005), LR 32:1251 (July 2006), LR 33:1382 (July 2007), LR 34:1429 (July 2008), LR 35:

Public hearing will be held at the following locations: March 10 beginning at 6:30 p.m. at the LDWF Region Office, 9961 Highway 80, Minden; March 17 beginning at 6:30 p.m. at the Ruston Civic Center, N. Trenton Street, Ruston; March 11 beginning at 6 p.m. at the Alexandria City Hall Building, Murray Street, Alexandria; March 11 beginning at 7 p.m. at the Winnsboro City Court Building, 1308 Cornell Street, Winnsboro; March 10 beginning at 6:30 p.m. at the LSU Ag Center, 7101 Gulf Highway, Lake Charles; March 12 beginning at 6 p.m. at the Houma Municipal Auditorium, 880 Verret Street, Houma; March 19 beginning at 6 p.m. at the Yambilee Festival Building, 1939 W. Landry, Opelousas; March 19 beginning at 6:30 p.m. at LDWF Headquarters Building, 2000 Quail Drive, Baton Rouge; and March 18 beginning at 6:30 p.m. at the Slidell City Auditorium, 2056 Second Street, Slidell. Also comments will be accepted at regularly scheduled Wildlife and Fisheries Commission Meetings from March through May. Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., Thursday, May 7, 2009 to: Randy Myers, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000.

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.

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).

Robert J. Samanie, III
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: General and Wildlife Management Area Hunting

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This rule amends permanent hunting regulations for the state at large as well as for Wildlife Management Areas. The establishment of hunting regulations is an annual process. Aside from staff time, no implementation costs to state governmental units are anticipated. Enforcement of the proposed rule will be carried out using existing staff and funding levels. Local governmental units will not be impacted.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

State hunting license fee collections are 9.0-10.0 million dollars annually. Additionally, hunting and related activities generate approximately $62 million in state and local tax revenues annually (Southwick Associates, 2007). Failure to adopt rule changes would result in no hunting seasons being established and a potential loss of some of these revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Over 270,000 hunters and numerous businesses that provide goods and services to hunters are directly affected by this proposal. Hunting in Louisiana generates approximately $594 million in revenue annually through the sale of outdoor related equipment, associated items and trip-related expenditures (Southwick Associates, 2007). Failure to adopt rule changes would result in no hunting seasons being established and a potential loss of commerce associated with these activities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting in Louisiana provides an estimated 13,084 jobs (Southwick Associates, 2007). Not establishing hunting seasons might have a negative and direct impact on these jobs.

Wynnette Kees	Robert E. Hosse
Fiscal Officer	Staff Director
0902#030	Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Invasive Noxious Aquatic Plants (LAC 76:VII.1101)

The Department of Wildlife and Fisheries, Office of Fisheries hereby advertises their intent to amend the rules to control, eradicate, and prevent the spread or dissemination within the state of Louisiana all invasive noxious aquatic plants that pose a threat to the wildlife or fisheries resources of the state. Intended amendments to the Prohibited Invasive Noxious Aquatic Plant list include reorganization of the list, update species names, deletion of two species and the addition of eight species.

Title 76
WILDLIFE AND FISHERIES
Part VII. Fish and Other Aquatic Life
Chapter 11. Invasive Noxious Aquatic Plants
§1101. Invasive Noxious Aquatic Plants

A. Definitions. The following words and phrases for purposes of these regulations shall have the meaning ascribed to them in this Section, unless the context wherein the particular word or phrase is used clearly indicates a different meaning.

Department—the Louisiana Department of Wildlife and Fisheries or an authorized employee of the Department.

Invasive Noxious Aquatic Plant Permit—the official document that identifies the terms of and allows for the importation, transportation or possession of any of the listed prohibited aquatic plants.

Listed Plant—any of the listed invasive noxious aquatic plants.

Permittee—person or organization that possesses a valid permit to possess, import or transport invasive noxious aquatic plants. A permittee may represent himself, a business, corporation or organization. The permittee is responsible for compliance with all stipulations in the permit.

Secretary—the Secretary of the Louisiana Department of Wildlife and Fisheries.

B. Importation and Transportation of Invasive Noxious Aquatic Plants; Permit Required

1. No person shall at any time import or cause to be transported into the jurisdiction of the state of Louisiana, from any other state or country any of the invasive noxious aquatic plants identified below, without first obtaining an Invasive Noxious Aquatic Plant permit from the department and complying with all rules, regulations, and conditions associated therein. Prohibited invasive noxious aquatic plants:

a. *Aeschynomene fluitans* (giant sensitive fern);

b. *Casuarina spp.* (Australian pine);

c. *Egeria densa* (Brazilian elodea);

d. *Eichhornia azurea* (rooting water hyacinth);

e. *Elodea canadensis* (elodea);

f. *Hydrilla verticillata* (hydrilla);

g. *Hygrophila polysperma* (Indian swampweed);

h. *Ipomoea aquatica* (water spinach);

i. *Lagarosiphon major and Lagarosiphon muscoides* (African elodea);

j. *Landoltia punctata* (giant duckweed);

k. *Limnophila sessiliflora* (Asian marshweed);

l. *Lythrum salicaria* (purple loosestrife);

m. *Marsilea minuta and Marsilea mutica* (water clovers);

n. *Melaleuca quinquenervia* (kapok tree);

o. *Monochoria hastata and Monochoria vaginalis* (false pickerelweeds);

p. *Myriophyllum spicatum* (Eurasian watermilfoil);

q. *Najas marina* (marine naiad) and *Naja minor* (slender naiad);

r. *Nymphoides cristata, Nymphoides indica, and Nymphoides peltata* (little floating hearts);

s. *Ottelia alismoides* (duck lettuce);

t. *Panicum repens* (torpedograss);

u. *Pistia stratiotes* (water lettuce);

v. *Rotala rotundifolia* (roundleaf toothcup);

w. *Salvinia spp.* (salvinia);

x. *Trapa natans* (water chestnut);

y. *Solanum tampicense* (aquatic soda apple);

z. *Urochloa mutica* (paragrass).

C. Permits may be issued by the Secretary of the Department of Wildlife and Fisheries or his designee for the importation, transportation or possession of any invasive noxious aquatic plant for the purpose of conducting scientific investigations.

1. Application Requirements

a. Individuals wishing to import, transport, or possess any listed plant for the purpose of conducting scientific investigations in Louisiana must first request an Invasive Noxious Aquatic Plant permit from the department through an application form furnished by the department.

b. Site visits will be made to inspect the facility and determine if all possible safeguards have been taken to prevent escape into the natural habitat.

c. The department shall ensure that the applicant is furnished with a copy of the terms and conditions pertaining to the importation, transportation or possession of any of the listed plants.

d. The secretary or his designee shall notify the applicant in writing as to whether or not the permit has been granted and if not, the reasons therefore. In the event of disapproval, applicants may re-apply after meeting department requirements.

2. Terms and Conditions of Permit

a. Permits are not transferable from person to person or from site location to site location.

b. Specimens of the listed plant(s) shall be handled deliberately, cautiously, and in controlled settings to avoid contamination of state habitats.

c. Specimens shall be processed and grown within the confines of controlled facilities (growth chambers, greenhouses, laboratories, etc.).

d. Reproductive parts of plants (seeds, tubers, roots, etc.) that are collected in the field shall be transported in double zip lock bags such that the reproductive part cannot escape en route.

e. A U.S. Department of Agriculture (USDA) permit shall be required to import and possess specimens of prohibited plants from other countries and such plants shall be sent through a USDA inspection center at a port of entry as described by the USDA permit.

f. Before processing, the plants or plant parts shall be stored in a locked office or laboratory. Only qualified individuals shall have access to these materials.

g. Any part of the plant used for molecular work shall be subjected to a departmentally approved procedure that will render the plant material incapable of further growth or reproduction.

h. Specimens to be used for environmental studies (e.g., climate, shading, etc.) shall be grown in pots within the confines of growth chambers or greenhouses.

i. After the experimental work is completed, all plant materials, and the soil within the growth pots, and the pots shall be sterilized in some manner (e.g., autoclaved) to kill any remaining seeds or living plant material to render the plant material incapable of further growth or reproduction.

j. All collections by and shipments to or from the permittee shall be reported to the department one week prior to said collections or shipments. Information to be included shall be the type of material (whole plant, leaves, seeds, etc.) and the quantity collected or shipped.

k. The disposition of the plant material at the conclusion of the experimental work shall be reported to the department.

l. Personnel from the department shall have the authority to inspect the facility and operation with 24 hours notice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:328 (C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Fisheries, LR 33:536 (March 2007), amended LR 35:

Family Impact Statement

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries 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).

Interested persons may submit written comments on the proposed amendment to Gary Tilyou, Administrator, Inland Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000 no later than Thursday, April 2, 2009.

Robert J. Barham
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Invasive Noxious Aquatic Plants

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Implementation of the proposed rule will be carried out using existing staff and funding levels. No increase or decrease in costs is anticipated to implement the proposed rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no effect on revenue collections of State and Local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule organizes and modifies the list of prohibited invasive, noxious aquatic plants in Louisiana. All Louisiana residents including boaters, commercial fishermen, anglers, private pond owners, etc. benefit from limiting the spread of harmful invasive, noxious aquatic plants in water bodies of the state. Each year millions of dollars are spent in Louisiana to control invasive, noxious aquatic plants. These plants limit access to water body areas where recreational and commercial activities could take place and pose a threat to the wildlife or fisheries resources of the state.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule is anticipated to have no effect on competition and employment in the public and private sectors.

Wynnette Kees
Deputy Undersecretary
0901#029

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Resident Game Hunting Season (LAC 76:XIX.101 and 103)

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76
WILDLIFE AND FISHERIES
Part XIX. Hunting And WMA Regulations
Chapter 1. Resident Game Hunting Season
§101. General

A. The Resident Game Hunting Season regulations are hereby adopted by the Wildlife and Fisheries Commission. A complete copy of the regulation pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004), LR 31:1627 (July 2005), LR 32:1253 (July 2006), LR 33:1399 (July 2007), LR 1447 (July 2008), LR 35:

§103. Resident Game Birds and Animals

A. Shooting Hours. One-half hour before sunrise to one-half hour after sunset.

B. Consult regulation pamphlet for seasons or specific regulations on wildlife management areas or specific localities.

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	OPENS: 3rd Saturday of November CLOSES: Last Day of February	10	20
Rabbit and Squirrel	OPENS: 1st Saturday of October CLOSES: Last Day of February	8	16
Squirrel*	OPENS: 1st Saturday of May for 23 days	3	6
Deer	See Schedule	1 antlered and 1 antlerless (when legal)	6/season (3 antlered deer & 3 antlerless deer)

*NOTE: Spring squirrel season is closed on the Kisatchie National Forest, National Wildlife Refuges, U.S. Army Corps of Engineers property. Some State Wildlife Management Areas will be open, check WMA season schedule.

C. Deer Hunting Schedule

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last Sun. of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
2	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: Next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: Last Sat. of Oct. CLOSES: Tues. before 2nd Sat. of Dec. in odd numbered years and on Wed. during even numbered years EXCEPT when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1st Sat. of Dec.	OPENS: Wed. before the 2nd Sat. of Dec. in odd numbered years and on Thurs. during even numbered years EXCEPT when there are 5 Sats. in Nov., then it will open on the Wed. before the 1st Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years
3	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day OPENS: 1st Sat. of Dec. CLOSES: After 37 days	
4	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after 2nd Sat. of Jan. CLOSES: Mon. after 3rd Sat. of Jan.	OPENS: 3rd Sat. of Nov. CLOSES: Sun. after 2nd Sat. of Jan.	
5	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. (BUCKS ONLY) OPENS: Day after Christmas Day CLOSES: Jan. 1st (BUCKS ONLY)	OPENS: Day after Thanksgiving Day CLOSES: Sun. after 2nd Sat. of Dec.	
6	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last Sun. of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan.
7	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: 1st Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Nov.	OPENS: 3rd Sat. of Oct. CLOSES: Fri. before 1st Sat. of Nov. OPENS: 2nd Sat. of Nov. CLOSES: Sun. after Thanksgiving Day	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
8	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day	OPENS: 1st Sat. of Dec. CLOSES: After 37 days.

D. Modern Firearm Schedule (Either Sex Seasons)

Parish	Area	Modern Firearm Either-sex Days
East Carroll	Area 1	Antlerless deer may be harvested during entire deer season on private lands (all segments included), east of mainline Mississippi River Levee and south and east of La. 877 from West Carroll Parish line to La. 580, south of La. 580 to U.S. 65, west of U.S. 65 to Madison Parish line.
East Carroll	Area 4 portion	Opens 3rd Saturday of November for 2 days and opens Friday after Thanksgiving Day for 3 days, west of mainline Mississippi River Levee and north and west of La. 877 from West Carroll Parish line to La. 580, north of La. 580 to U.S. 65, east of U.S. 65 to Madison Parish line.
West Carroll	Area 5	Opens Friday after Thanksgiving Day for 3 days.

E. Farm Raised White-tailed Deer on Supplemented Shooting Preserves: Archery, Firearm, Primitive Firearms: October 1-January 31 (Either-Sex).

F. Exotics on Supplemented Shooting Preserves: Either Sex, no closed season.

G. Spring Squirrel Hunting

1. Season Dates: Opens 1st Saturday of May for 23 days.

2. Closed Areas: Kisatchie National Forest, National Wildlife Refuges, and U.S. Army Corps of Engineers property and all WMAs except as provided in Paragraph 3 below.

3. Wildlife Management Area Schedule: Opens 1st Saturday of May for 9 days on all WMAs except Fort Polk, Peason Ridge, Camp Beauregard, Pass-a-Loutre and Salvador. Dogs are allowed during this season for squirrel hunting. Feral hogs may not be taken on Wildlife Management Areas during this season.

4. Limits: Daily bag limit is 3 and possession limit is 6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:109(B) and R.S. 56:141(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), amended LR 30:1494 (July 2004), LR 31:1627 (July 2005), LR 32:1254 (July 2006), LR 33:115 (January 2007), LR 33:1399 (July 2007), LR 34:1447 (July 2008), LR 35:

Public hearing will be held at the following locations: March 10 beginning at 6:30 PM at the LDWF Region Office, 9961 Highway 80, Minden; March 17 beginning at 6:30 PM at the Ruston Civic Center, N. Trenton Street, Ruston; March 11 beginning at 6:00PM at the Alexandria City Hall Building, Murray Street, Alexandria; March 11 beginning at 7:00 PM at the Winnsboro City Court Building, 1308 Cornell Street, Winnsboro; March 10 beginning at 6:30 PM at the LSU Ag Center, 7101 Gulf Highway, Lake Charles; March 12 beginning at 6:00 PM at the Houma Municipal Auditorium, 880 Verret Street, Houma; March 19 beginning at 6:00 PM at the Yambilee Festival Building, 1939 W. Landry, Opelousas; March 19 beginning at 6:30 PM at LDWF Headquarters Building, 2000 Quail Drive, Baton Rouge; and March 18 beginning at 6:30 PM at the Slidell City Auditorium, 2056 Second Street, Slidell. Also comments will be accepted at regularly scheduled Wildlife and Fisheries Commission Meetings from March through May. Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., Thursday, May 7, 2009 to Mr. Randy Myers, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000.

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.

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).

Robert J. Samanie, III
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Resident Game Hunting Season

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Establishment of hunting regulations is an annual process. Aside from staff time, no implementation costs to state governmental units are anticipated. Enforcement of the proposed rule will be carried out using existing staff and funding levels.

Local governmental units will not be impacted.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

State hunting license fee collections are 9.0-10.0 million dollars annually. Additionally, hunting and related activities generate approximately $62 million in state and local tax revenues annually (Southwick Associates, 2007). Failure to adopt rule changes would result in no hunting seasons being established and a potential loss of some of these revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Over 270,000 hunters and numerous businesses that provide goods and services to hunters are directly affected by

this proposal. Hunting in Louisiana generates approximately $594 million in revenues annually through the sale of outdoor related equipment, associated items and trip-related expenditures (Southwick Associates, 2007). Failure to adopt rule changes would result in no hunting seasons being established and a potential loss of commerce associated with these activities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting in Louisiana provides an estimated 13,084 jobs (Southwick Associates, 2007). Not establishing hunting seasons might have a negative and direct impact on these jobs.

Wynette Kees	Robert E. Hosse
Fiscal Officer	Staff Director
0902#031	Legislative Fiscal Office

Potpourri

POTPOURRI

Department of Agriculture and Forestry
Horticulture Commission

Landscape Architect Registration Exam

The next landscape architect registration examination will be given June 8-9, 2009, beginning at 7:45 a.m. at the College of Design Building, Louisiana State University Campus, Baton Rouge, LA. The deadline for sending the application and fee is as follows.

New Candidates:	March 6, 2009
Re-Take Candidates:	March 27, 2009
Reciprocity Candidates:	May 8, 2009

Further information pertaining to the examinations may be obtained from Craig Roussel, Director, Horticulture Commission, P.O. Box 3596, Baton Rouge, LA 70821-3596, phone (225) 952-8100.

Any individual requesting special accommodations due to a disability should notify the office prior to March 6, 2009. Questions may be directed to (225) 952-8100.

Mike Strain, DVM
Commissioner

0902#027

POTPOURRI

Department of Agriculture and Forestry
Horticulture Commission

Retail Floristry Examination

The next retail floristry examinations will be given April 27-May 1, 2009, at 9:30 a.m. in the Nelson Memorial Building, Louisiana State University Campus, Baton Rouge, LA. The deadline for sending in application and fee is March 13, 2009. No applications will be accepted after March 13, 2009.

Further information pertaining to the examinations may be obtained from Craig Roussel, Director, Horticulture Commission, Box 3596, Baton Rouge, LA 70821-3596, phone (225) 952-8100.

Any individual requesting special accommodations due to a disability should notify the office prior to March 13, 2009. Questions may be directed to (225) 952-8100.

Mike Strain, DVM
Commissioner

0902#022

POTPOURRI

Department of Environmental Quality
Office of Environmental Assessment
Air Quality Division

Annual Emissions Inventory Data Submittals
(LAC 33:III.919 and 5107) (0902Pot1)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with LAC 33:III.919.D and 5107, the secretary gives notice that the deadline for submittal of the Annual Criteria Pollutant Emissions Inventory Data and Annual Toxic Air Pollutant Emissions Inventory Data, including the discharge report, for calendar year 2008 has been extended to June 30, 2009, through an Administrative Notice dated January 21, 2009.

The Louisiana Department of Environmental Quality has implemented a project to update and enhance the existing emissions inventory reporting system. Due to circumstances beyond ERIC, the system will not be ready to receive data in time for users to meet all of the requirements associated with the March 31, 2009, reporting deadlines as outlined in LAC 33:III.919 and 5107.

Therefore, the Administrative Notice dated January 21, 2009, has extended the deadline for submitting calendar year 2008 emission point level data and the Criteria Pollutant Emissions Certification Statement certifying facility criteria pollutant emission totals for calendar year 2008 emissions from March 31, 2009, to June 30, 2009.

Additionally, the Administrative Notice dated January 21, 2009, has extended the deadline for submitting calendar year 2008 toxic air pollutant emissions data and the Toxic Air Pollutant Emissions Certification Statement certifying facility toxic air pollutant emission totals from March 31, 2009, to June 30, 2009. This deadline extension also applies to submittals of the discharge report required by LAC 33:III.5107.B.5.

This change in the submittal schedule for emission inventory data is for reporting of calendar year 2008 data only. Allowing the time extension for facilities to submit emission inventory data will not have a negative impact on data availability. The new system has been designed such that emission inventory data will be readily available for assessment and dissemination.

Again, for calendar year 2008 emissions inventory reporting, the department requires that the emission point level data and the Criteria Pollutant Emissions Certification Statement certifying facility criteria pollutant emission totals and the toxic air pollutant emissions data and the Toxic Air Pollutant Emissions Certification Statement, including the discharge report, certifying facility toxic air pollutant emission totals, be submitted by June 30, 2009.

A copy of the Administrative Notice can be found online at www.deq.louisiana.gov/portal/tabid/109/Default.aspx. For more information regarding this notice, you may contact Vivian Aucoin at (225) 219-3575 or Jackie Heber at (225) 219-3486.

Herman Robinson, CPM
Executive Counsel

0902#071

POTPOURRI

Department of Environmental Quality
Office of the Secretary

Declaratory Ruling
No. DR-08-003
(0902Pot3)

Subject: Proper interpretation of LAC 33:VII.508.B with respect to the affidavits necessary for any reduction of the rule's buffer zone requirement

Under the authority of the Louisiana Environmental Quality Act, La. R.S. 30:2001 et seq., and in accordance with LAC 33:I.1125.A, the Secretary of the Louisiana Department of Environmental Quality (LDEQ) hereby issues this Declaratory Ruling regarding the proper interpretation of Louisiana Administrative Code, Title 33, Part VII, Section 508.B (LAC 33:VII.508.B) with respect to the reduction of the rule's buffer zone requirement.

Background

By letter dated August 12, 2008, IESI Corporation (IESI) requested a Declaratory Ruling regarding LAC 33:VII.508.B's requirements for a reduction in the 50-foot or 200-foot buffer zone for solid waste non-processing transfer stations. In particular, IESI has requested that the LDEQ's ruling address whether a reduction in the buffer zone requires a waiver/affidavit from all adjoining property owners or only all owners of the property where the buffer requirement is not met. The applicable language of LAC 33:VII.508.B states:

> A reduction in the buffer zone requirement shall be allowed only with the permission, in the form of a notarized affidavit, of all adjoining landowners. A copy of the notarized affidavit waiving the 200-foot or 50-foot buffer zone requirement shall be entered in the mortgage and conveyance records of the parish or parishes in which the adjoining landowners' properties are located.

On December 1, 2008, the Northwest St. Tammany Civic Association (NWSTCA) also submitted a request for a Declaratory Ruling regarding the same issues raised in IESI's Petition.

Pursuant to LAC 33:I.1135.A, the NWSTCA's Petition was consolidated with the Petition submitted by IESI and this ruling is dispositive of the issues raised in both petitions.

Analysis

Given its wording, there are two potential interpretations of LAC 33:VII.508.B. One of these is that the regulation envisions "all" property owners, even those where the buffer zone meets or exceeds the 50-foot or 200-foot requirements, acquiescing to any reduction in the buffer zone. While this result may appear plausible from a casual reading of the regulation, it was never intended, and, as explained below, will lead to unworkable consequences. Instead, a second more limited interpretation is correct. Properly interpreted, the rule is viewed as applying only to those adjoining landowners where the buffer requirements are not met. Pursuant to this interpretation, the regulation ensures only that all owners of any piece(s) of property where the buffer is not met sign-off on any reduction in the buffer zone requirements.

The current text of the regulation is more easily understood by examining the prior version of the rule. Before its amendment in April of 2008, the rule stated:

> A reduction in the buffer zone requirement shall be allowed only with the permission, in the form of a notarized affidavit, of the adjoining landowner. A copy of the notarized affidavit waiving the 200-foot or 50-foot buffer zone requirement shall be entered in the mortgage and conveyance records of the parish in which the adjoining landowner's property is located.

It is readily apparent that this regulation was directed at only those properties where the buffer was not met, and it envisioned only a single affidavit from "the" adjoining landowner. However, the regulation failed to anticipate those circumstances where more than one person maintained an ownership interest in a particular piece of property. This proved problematic for the LDEQ and was addressed in the April 2008 amendment of the rule. The problem with the original wording of the regulation is also recognized in Section II of the Fiscal and Economic Impact Statement Worksheet that accompanied the (2008) proposed rule. Here, the LDEQ noted:

> Landowners that are neighbors to certain solid waste management facilities, and private and public owners and operators of non-processing transfer stations transferring nonputrescible solid waste, will benefit from the proposed rule. Less land will need to be purchased to comply with a 50-foot buffer zone, resulting in a savings in cost for the facility and less property loss for adjoining landowners. A provision that has been problematic for the department because it could be read as requiring only one adjoining landowner to sign an affidavit in order for a solid waste management facility to be allowed a decreased buffer zone will be clarified.

Thus, the amendment of the rule sought only to clarify all adjoining landowners of the property where the buffer was not met sign off on any reduction.

Given that there may be some confusion created by the current text of the current regulation, the LDEQ finds it is necessary to interpret the 2008 modifications in light of their intent. Such an inquiry into intent is necessary to avoid the unreasonable consequences that flow from too literal a reading of the rule. For example, reading the rule to require that every adjoining landowner sign off on a reduction in the buffer will force a facility to obtain a waiver of the 50-foot or 200-foot buffer from landowners who already benefit from a buffer that far exceeds these requirements. Further, too literal a reading would result in any reduction in the buffer being universal, applying to even those landowners where the regulatory buffer standard is met. This would force those landowners where the regulatory buffer is met to either oppose any reduction or surrender their right to the regulatory buffer that they would otherwise enjoy. Such an onerous result would make siting facilities difficult and provide absolutely no environmental benefit. Using the rules governing statutory interpretation as a guide, such absurd consequences should be avoided. See**:** SWAT 24 *Shreveport Bossier, Inc. v. Bond*, 00-1695 (La. 6/29/01) 808 So.2d. 294;

Moreau v. Avoyelles Parish School Bd., 04-1613 (La.App. 3 Cir. 3/9/05), 8979 So.2d 875.

Conclusion

The waiver requirement of LAC 33:VII.508.B was designed to address only those properties where the regulatory 50-foot or 200-foot buffer requirements are not met. Accordingly, to satisfy the requirements of the regulation, the LDEQ finds that IESI must obtain waivers only from the owners of property where the applicable regulatory buffer zone requirements are not met. However, any such waiver must be in the form of an affidavit from all persons having ownership interest in such properties. In addition, because it recognizes that some confusion has resulted from the current wording of the regulations, the LDEQ will initiate rule-making to further clarify the buffer zone requirements found in the solid waste regulations.

In accordance with LAC 33:I.1149.B.3, this declaratory ruling shall be published in the *Louisiana Register*.

Please note that, pursuant to LAC 33:I.1145 and La. R.S.30:2050.21, an aggrieved person may appeal this Declaratory Ruling to the 19th Judicial District Court, Parish of East Baton Rouge. A petition for review must be filed in the district court within 30 days of notice of the action.

Date: January 15, 2009
Signed: Harold Leggett, Ph.D.
Secretary

For more information contact Elliott Vega, Office of the Secretary, Legal Affairs Division, at (225) 219-3985.

Herman Robinson, CPM
Executive Counsel

0902#070

POTPOURRI

Department of Natural Resources
Office of Conservation

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
David Divine Production	Caddo Pine Island	S	P T Alexander	002	22861
BSFI Western E & P, Inc.	Wilmer	L	L Tusc Sud; Lk Superior Plg Fw	001	78493

James H. Welsh
Commissioner

0902#035

POTPOURRI

Department of Natural Resources
Office of the Secretary
Fishermen's Gear Compensation Fund

Loran Coordinates

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 9 claims in the amount of $27,846.67 were received for payment during the period January 1, 2009 - January 31, 2009.

There were 9 claims paid and 0 claims denied.

Latitude/Longitude Coordinates of reported underwater obstructions are:

2901.020	8913.919	Plaquemines
2910.871	9028.092	Terrebonne
2915.426	9012.782	Lafourche
2918.159	8931.684	Plaquemines
2920.607	8955.854	Plaquemines
2936.844	9115.036	St. Mary
2937.660	9007.353	Jefferson
2940.183	9016.445	Lafourche
2940.935	9010.713	Jefferson

A list of claimants and amounts paid can be obtained from Gwendolyn Thomas, Administrator, Fishermen's Gear Compensation Fund, P.O. Box 44277, Baton Rouge, LA 70804 or you can call (225)342-0122.

Scott A. Angelle
Secretary

0902#026

POTPOURRI

Department of Social Services
Office of Community Services

SSBG Supplemental Funds—Intended Use Report

The Department of Social Services (DSS) announces opportunities for public review of the state's pre-expenditure report on intended uses of Social Services Block Grant (SSBG) Supplemental funds for the January 9, 2009, through September 30, 2010. The proposed amendment to the SFY 2008-2009 SSBG Intended Use Report has been developed in compliance with the requirements of Section 2004 of the Social Security Act (SSA), as amended and includes information on the types of activities to be supported and the categories or characteristics of individuals to be served through use of the state's allocation of SSBG funds. Section 2004 of the SSA further requires that the SSBG pre-expenditure report shall be "made public within the state in such manner as to facilitate comment by any

person." This proposed intended use report was submitted to the Administration for Children and Families, Office of Community Services on February 17, 2009, as per federal requirements, prior to conducting a public hearing with the provision that the intended use report is subject to change pending public review. The DSS, as the designated state services agency, will administer programs funded under the SSBG in accordance with applicable statutory requirements and federal regulations. The DSS/Office of Community Services (OCS) will be responsible for provision of social services, by direct delivery and vendor purchase, through use of SSBG Supplemental expenditures. The Intended Use Report describes the uses of a Supplemental Appropriation for disaster relief. These are federal funds from the Department of Defense Act (HR 2638) for states most severely affected and for expenses related to the consequences of disasters in the United States in calendar year 2008.

Post expenditure reports for the SSBG program for SFY 2004-2005 and 2005-2006 are included in the previous year's SSBG Final Intended Use Report for SFY 2007-2008. These reports, as well as the SSBG Supplemental intended use plan, are available for public review on line at: www.dss.state.la.us Free copies are available by telephone request to (225) 342-3910 or by writing to the Assistant Secretary, Attention: Planning and Accreditation Section, P.O. Box 3318, Baton Rouge, LA 70821.

Interested persons will have the opportunity to provide recommendations on the proposed SSBG Supplemental Intended Use Report at a public hearing scheduled for 10:00 a.m., March 4, 2009, at the Department of Social Services, 627 North Fourth Street, Room 1-127, Baton Rouge, LA. Written comments must be received by the close of business, February 26, 2009.

Kristy H. Nichols
Secretary

0902#087

CUMULATIVE INDEX
(Volume 35, Number 2)

2009	
Pages	**Issue**
1-183	January
184-384	February

EO—Executive Order
PPM—Policy and Procedure Memoranda
ER—Emergency Rule
R—Rule
N—Notice of Intent
CR—Committee Report
GR—Governor's Report
L—Legislation
P—Potpourri

AGRICULTURE AND FORESTRY

Commissioner, Office of
Agritourism, 204R
Horticulture Commission
Landscape architect registration exam, 378P
Retail Floristry Examination, 378P
Structural Pest Control Commission
Administration, 205R
Applications, 205R
Examinations, 205R

ECONOMIC DEVELOPMENT

Boxing and Wrestling Commission
Boxing and wrestling standards, 53R
Business Development, Office of
Economic Development Award Program (EDAP), 9ER, 272N
Economic Development Loan Program (EDLOP), 9ER, 272
Entertainment Industries Development
Entertainment Industry Tax Credit Programs
Digital media, 95N
Workforce Development and Training Program, 21ER, 289N
Economic Development Corporation
Economic Development Award Program (EDAP), 9ER, 272N
Economic Development Loan Program (EDLOP), 9ER, 272N
Workforce Development and Training Program, 21ER, 289N
Workforce Training Award Program, 54R
Secretary, Office of
Governor's Economic Development Rapid Response Program, 5ER, 285 N

EDUCATION

Elementary and Secondary Education, Board of
Bulletin 104—Louisiana Pre K-12 Educational Technology Standards, 98N
Bulletin 118—Statewide Assessment Standards and Practices, 57R
End-of-Course tests, 214R
LEAP alternate assessment, 208R
Testing, 216R
Bulletin 124—Supplemental Educational Services SES Provider Responsibilities, 294N
Bulletin 741—Louisiana Handbook for School Administrators
Compulsory Attendance, 295N
Guidelines for Expulsions, 296N
Other Reports, 297N
Placement of Students, 297N
Staff Misconduct, 298N
Teacher Bill of Rights, 300N
Written Policies and Procedures, 301N
Bulletin 746—Louisiana Standards for State Certification of School Personnel
Math for professionals, 220R
Mild/moderate, 221R
Orientation and mobility, 101N
Out-of-state certificate, 101N
Practitioner licenses, 221R
Professional level certificates, 222R
State as a provider, 222R
Bulletin 1508—Pupil Appraisal Handbook, 102N
Standing Executive Committees, 223R
Student Financial Assistance Commission
Student Financial Assistance, Office of
Loan forgiveness Program, 224R
Scholarship/Grant Programs, 227R
Initial and continuous enrollment, 185ER
Go Grant, 132N
Post-secondary institutions, 185ER
Tuition Trust Authority
Student Financial Assistance, Office of
START Saving Program, 235R
Deposits, 186ER

ENVIRONMENTAL QUALITY

Office of Environmental Assessment
Air Quality Division
Annual Emissions Inventory Data Submittals, 378P
Secretary, Office of the
Declaratory Ruling No. DR-08-003, 379P
Legal Affairs Division
Asbestos penalties, 62R
Biosolids, 311N
Concentrated Animal Feeding Operations, 302N
Lead penalties, 62R
Permit actions in hurricane impacted areas, 179P
Solid Waste Buffer Zones, 309N
Sewage Sludge, 311N
Transportation conformity, 133N

EXECUTIVE ORDERS

BJ 08-112 DOTD Disaster Relief Guidelines for Vehicles, Trucks and Loads—Rescinds and Supersedes Order No. BJ 2008-106, 1EO
BJ 08-113 Executive Branch—Ethical Standards—Supersedes Executive Order No. BJ 08-01, 2EO

EXECUTIVE ORDERS (continued)
BJ 08-114 Executive Department—Expenditure Reduction, 3EO
BJ 09-01 Carry-Forward Bond Allocation 2008, 184EO

FIREFIGHTERS RETIREMENT SYSTEM
Claims for survivor benefits, 334N

GOVERNOR
Administration, Division of
Community Development, Office of
Community Water Enrichment Fund, 135N
Office of Facility Planning and Control
Uniform public work bid form, 335N
Group Benefits, Office of
EPO, 66R
PPO, 66R
Racing Commission
Claiming rule, 137N
Corrupt and prohibited practices, 25ER
Entries, 26ER
Permitted medication, 137N
Architectural Examiners, Board of
Examination and Practical Experience, 64R
Certified Public Accountants, Board of
Peer review, 235R
Practice Monitoring Programs, 235R
Crime Victims Reparations Board
Reparations eligibility, 65R
Coastal Protection and Restoration Authority, Office of
Fiscal year 2010 annual plan, 179P
Elderly Affairs, Office of
Membership requirements, 186ER
Law Enforcement and Administration of Criminal Justice, Commission on
Peace officer training, 238R
Public Defender Board
Trial court performance standards, 139N

HEALTH AND HOSPITALS
Dentistry, Board of
Requirements, licenses, permits, 67R
Licensed Professional Counselors, Board of
Licensure requirements, 200ER
Medical Examiners, Board of
Certification, 240R
Licensure, 240R
Podiatrists, 240R
Nursing, Board of
Registered Nurses
Disciplinary proceedings, 151N, 340N
Alternative, 151N, 339N
License renewal, 153N, 342N
Peripherally inserted central catheter, 152N, 341N
Public Health, Office of
Expedited partner therapy, 249R
Secretary, Office of the
Aging and Adult Services, Office of
Home/Community Based Services Waiver
Elderly and disabled adult, 29ER, 187ER
New Opportunity Waiver (NOW), 188ER
Personal care services, 32ER, 199ER
Citizens with Developmental Disabilities, Office of
Home/Community Based Services Waivers
Children's Choice, 26ER
New Opportunities Waiver (NOW), 28ER
Health Services Financing, Bureau of
Dental services rate increase, 34ER
Early and Periodic Screening, Diagnosis and Treatment Program
Dental program reimbursement, 35ER
EarlySteps Reimbursement Rate Increase, 69R
Electronic reporting requirements, 245R
Emergency preparedness, 245R
Facility need review
Bed approval criteria, 37ER, 155N
Home and community-based waivers
Disabled elderly adults, 187ER
NOW, 188ER
Home Health Program
Durable medical equipment, 189ER
Hospice
Long term care payment, 190ER
Hospital services
Inpatient, 191ER
Non-Rural/Non State
Hemophilia blood products, 38ER, 156N
Small rural, 192ER
Intermediate care facilities
Developmental disabilities, 193ER
Medicaid eligibility
Youth aging out of foster care, 194ER
Medicaid Eligibility-Family Opportunity Act Medicaid Program, 69R
Medical Transportation Program
Emergency Aircraft Transportation and Rotor Winged Ambulance Rate Increase, 70R
Mental Health Rehabilitation Program, 195ER
Minimum licensing standards
Emergency medical transportation services, 180P
Multi-systematic therapy, 38ER, 245R
Nursing Facilities
Leave of absence days, 196ER
Minimum licensing standards
Emergency preparedness, 41ER, 248R
Outpatient hospital services
Private hospitals, 197ER
Small rural hospitals, 42ER
State-owned hospitals, 198ER
Personal care services, 199ER
Professional Services Program
Children's Immunizations, 70R
Prosthetics and Orthotics
Provider Accreditation, 71R
Rural Health Clinics, 44ER
State children's health insurance, 72R
Targeted case management, 73R, 199ER
Veterinary Medicine, Board of
Veterinary practice, 244R

DEPARTMENT OF INSURANCE

Office of the Commissioner
Regulation 97—Vehicle Tracking Systems, 344N

NATURAL RESOURCES

Conservation, Office of
Ground water management, 249R
Orphaned oilfield sites, 180P, 380P

Secretary, Office of
Certification of land conservation organizations, 73R
Fishermen's Gear Compensation Fund
Loran coordinates, 180P, 380P

PUBLIC SAFETY AND CORRECTIONS

Corrections Services
Drug-Free Workplace, 345N
Offender records, 85R
Telephone policy, 87R
Sex offender supervised release, 252R

Gaming Control Board
Application, 82R
Gaming, 82R, 83R
License, 82R, 84R
Permits, 84R
Storage, 84R
Retrieval, 84R

State Fire Marshal, Office of
Fire sprinkler systems, 157N
Fire hoses, 157N

REVENUE

Alcohol and Tobacco Control, Office of
Regulation IX—Prohibition of Certain Unfair Business Practices, 89R

Policy Services Division
Individual income tax filing extensions, 45ER, 169N, 181P
New markets tax credit cap, 44ER
Tax matters person, 255R

SOCIAL SERVICES

Community Services, Office of
Daycare services, 170N, 202ER
SSBG Supplemental Funds—Intended Use Report, 380P

Family Support, Office of
2008 Act requirements, 46ER
Day care centers caring for sick children, 348N
Electronic benefits, 171N
Jobs for America's Graduates Louisiana Program, 202ER
Passport denial, 270R
State plan, 270R
Substance Abuse Testing, 353N
TANF initiatives,
Caseload reduction report, 181P
Legal Access and Visitation, 355N
SES access and visitation, 47ER

TRANSPORTATION AND DEVELOPMENT
LOGO signing, 271R

TREASURY
State Employees' Retirement System
Active member vacancies, 271R

WILDLIFE AND FISHERIES

Wildlife and Fisheries Commission
Domesticated Aquatic Organisms, 357N
General and Wildlife Management Area Hunting, 358N
King Mackerel, 47ER
Invasive Noxious Aquatic Plants, 372N
Red Snapper, 48ER
Reef Fish, 48ER
Resident Game Hunting Season, 374N
Sawfish, 50ER
Shark, 50ER
Coastal, 49ER, 203ER
Shrimp, 202ER
Spanish Lake, 173N
Turkey, 90R, 91R
Bag limit, 90R