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This public document was published at a total cost of $3,350. Five hundred copies of this public document were published in this monthly printing at a cost of $3,350. The total cost of all printings of this document including reprints is $3,350. 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 by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

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Policy and Procedure Memoranda

POLICY AND PROCEDURE MEMORANDA

Office of the Governor
Division of Administration
Office of State Travel

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

The following shows the amended text in PPM 49. This supersedes all prior issues of PPM 49 published in the Louisiana Register. This revised PPM 49 also supersedes and replaces PPM 49 which had been designated as LAC 4:V.Chapter 15.

Title 4
ADMINISTRATION
Part V. Policy and Procedure Memoranda
Chapter 15. General Travel Regulations—PPM Number 49

§1501. Authorization and Legal Basis

A. In accordance with the authority vested in the Commissioner of Administration by Section 231 of Title 39 of the Revised Statutes of 1950 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950-968 as amended, notice is hereby given of the revision of Policy and Procedures Memorandum No. 49, the state general travel regulations, effective July 1, 2009. These amendments are both technical and substantive in nature and are intended to clarify certain portions of the previous regulations or provide for more efficient administration of travel policies. These regulations apply to all state departments, boards and commissions created by the legislature or executive order and operating from funds appropriated, dedicated, or self-sustaining; federal funds; or funds generated from any other source.

B. Legal Basis (R.S. 39:231.B)—"The commissioner, with the approval of the governor, shall prescribe rules defining the conditions under which each of various forms of transportation may be used by state officers and employees and used by them in the discharge of the duties of their respective offices and positions in the state service and he shall define the conditions under which allowances will be granted for all other classes of traveling expenses and the maximum amount allowable for expenses of each class."

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

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1252 (June 2000), LR 27:802 (June 2001), LR 28:1125 (June 2002), LR 29:822 (June 2003), LR 30:1111 (June 2004), LR 31:1183 (June 2005), LR 32:938 (June 2006), LR 33:966 (June 2007), repromulgated LR 33:1314 (July 2007), amended LR 34:1299 (July 2008), LR 35:1192 (July 2009).

§1502. Definitions

A. For the purposes of this PPM, the following words have the meaning indicated.

Authorized Persons—

a. advisors, consultants, contractors and other persons who are called upon to contribute time and services to the state who are not otherwise required to be reimbursed through a contract for professional, personal, or consulting services in accordance with R.S. 39:1481 et seq.;

b. members of boards, commissions, and advisory councils required by federal or state legislation or regulation. Travel allowance levels for all such members and any staff shall be those authorized for state employees unless specific allowances are legislatively provided;

c. the department head or his designee is allowed to deem persons as an authorized traveler for official state business only.

NOTE: College/University Students must be deemed authorized travelers to be reimbursed for state business purposes. A centralized file must be kept containing all of these approvals.

Conference/Convention—is herein defined as a meeting (other than routine) for a specific purpose and/or objective. Non-routine meetings can be defined as a seminar, conference, convention, or training. Documentation required is a formal agenda, or program, or letter of invitation, or registration fee. Participation as an exhibiting vendor in an exhibit /trade show also qualifies as a conference. For a hotel to qualify for conference rate lodging, requires that the hotel is hosting or is in "conjunction with hosting" the meeting. In the event the designated conference hotel(s) have no room availability, a department head may approve to pay actual hotel cost not to exceed the conference lodging rates for other hotels located near the conference hotel.

Contract Airfare—these airfares are only for use by authorized travelers on official state business. Competitive bid airfares that are fully refundable, non-penalty tickets. Contract price is firm for last seat availability.

Controlled Billed Account (CBA)—credit account issued in an agency's name (no plastic card issued). These accounts are direct liabilities of the state and are paid by each agency. CBA accounts are controlled through an authorized approver(s) to provide a means to purchase airfare and registration only. Each department head determines the extent of the account's use.

Corporate Travel Card—credit cards issued in an employee's name to be used for official business travel expenses. Corporate Travel Cards are individual liability cards, which must be paid in full each month by the cardholder. Charges to these accounts are never the liability of the state.

Emergency Travel—under extraordinary circumstances where the best interests of the state require that travel be undertaken not in compliance with these regulations, approval after the fact by the Commissioner of Administration may be given if appropriate documentation is

presented promptly. Each department shall establish internal procedures for authorizing travel in emergency situations.

Extended Stays—of any assignment made for a period of 31 or more consecutive days at a place other than the official domicile.

Higher Education Entities—entities listed under Schedule 19 Higher Education of the General Appropriations Bill.

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

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

Lowest Logical Airfare—airfares available to the public. In general, these types of airfares are non-refundable, penalty tickets. Penalties could include restrictions such as advanced purchase requirements, weekend stays, etc. Prices will increase as seats are sold. When schedule changes are required for lowest logical tickets, penalty fees are added.

Official Domicile—every state officer, employee, and authorized person, except those on temporary assignment, shall be assigned an official domicile:

a. except where fixed by law, official domicile of an officer or employee assigned to an office shall be, at a minimum, the city limits in which the office is located. The department head or his designee should determine the extent of any surrounding area to be included, such as parish or region. As a guideline, a radius of at least 30 miles is recommended. The official domicile of an authorized person shall be the city in which the person resides, except when the department head has designated another location (such as the person's workplace);

b. a traveler whose residence is other than the official domicile of his/her office shall not receive travel and subsistence while at his/her official domicile nor shall he/she receive reimbursement for travel to and from his/her residence;

c. the official domicile of a person located in the field shall be the city or town nearest to the area where the majority of work is performed, or such city, town, or area as may be designated by the department head, provided that in all cases such designation must be in the best interest of the agency and not for the convenience of the person.

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

Passport—a document identifying an individual as a citizen of a specific country and attesting to his or her identity and ability to travel freely.

Per Diem—a flat rate paid in lieu of travel reimbursement for people on extended stays.

Receipts/Document Requirements—supporting documentation must be retained according to record retention laws. It shall be at the discretion of each agency to determine where the receipts/documents will be maintained.

State Employee—employees below the level of state officer

State Officer—

a. state elected officials;

b. department head as defined by Title 36 of the Louisiana Revised Statutes (secretary, deputy secretary, under secretary, assistant secretary, and the equivalent positions in higher education and the office of elected officials).

Suburb—an immediate or adjacent location (overflow of the city) to the higher cost areas which would be within approximately 30 miles of the highest cost area.

Temporary Assignment—any assignment made for a period of less than 31 consecutive days at a place other than the official domicile.

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

Travel Routes—the most direct and usually traveled route must be used by official state travelers.

Traveler—a state officer, state employee, or authorized person when performing authorized travel.

Visa—a document or, more frequently, a stamp in a passport authorizing the bearer to visit a country for specific purposes and for a specific length of time.

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

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1252 (June 2000), LR 27:802 (June 2001), LR 28:1125 (June 2002), LR 29:822 (June 2003), LR 30:1111 (June 2004), LR 31:1183 (June 2005), LR 32:938 (June 2006), LR 33:966 (June 2007), repromulgated LR 33:1314 (July 2007), amended LR 34:1299 (July 2008), LR 35:1192 (July 2009).

§1503. General Specifications

A. Department Policies

1. Department heads may establish travel regulations within their respective agencies, but such regulations shall not exceed the maximum limitations established by the Commissioner of Administration. Three copies of such regulations shall be submitted for prior review and approval by the Commissioner of Administration. One of the copies shall highlight any exceptions /deviations to PPM-49.

2. Department and agency heads will take whatever action necessary to minimize all travel to carry on the department mission.

3. Contracted Travel Services. The state has contracted for travel agency services which use is mandatory for airfares unless exemptions have been granted by the Division of Administration prior to purchasing airfare tickets. The state also encourages the use of the contracted travel agency to make reservations for hotel and vehicle accommodations, but hotel and vehicles are not a mandatory requirement.

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

5. Authorization to Travel

a. All non-routine travel must be authorized and approved in writing by the head of the department, board, or commission from whose funds the traveler is paid. A

department head may delegate this authority in writing to one designated person. Additional persons within a department may be designated with approval from the Commissioner of Administration. A file shall be maintained on all approved travel authorizations.

b. Annual travel authorizations are no longer a mandatory requirement of PPM-49 for routine travel; however, an agency can continue to utilize this process if determined to be in your department's best interests. A travel authorization is still required for non-routine meetings, conferences and out-of-state travel.

B. Funds for Travel Expenses

1. Persons traveling on official business will provide themselves with sufficient funds for all routine travel expenses that cannot be covered by the corporate travel card. Advances of funds for travel shall be made only for extraordinary travel and should be punctually repaid when submitting the Travel voucher covering the related travel, not later than the fifteenth day of the month following the completion of travel.

2. Exemptions: At the agency's discretion, cash advances may be allowed for:

a. employees whose salary is less than $30,000/year;

b. employees who accompany and/or are responsible for students on group or client travel;

c. new employees who are infrequent travelers or have not had time to apply for and receive the card;

d. employees traveling for extended periods, defined as 31 or more consecutive days;

e. employees traveling to remote destinations in foreign countries, such as jungles of Peru or Bolivia;

f. advanced ticket / lodging purchase;

g. registration for seminars, conferences, and conventions;

h. incidental costs not covered by the corporate travel card, i.e., taxi fares, tolls, registration fees; conference fees may be submitted on a preliminary request for reimbursement when paid in advance;

i. any ticket booked by a traveler 30 days or more in advance and for which the traveler has been billed, may be reimbursed by the agency to the traveler on a preliminary expense reimbursement request. The traveler should submit the request with a copy of the bill or invoice. Passenger airfare receipts are required for reimbursement;

j. employees who infrequently travel or travelers that incur significant out-of-pocket cash expenditures.

3. Expenses Incurred on State Business. Traveling expenses of travelers shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by the agency and must be within the limitations prescribed herein.

4. CBA (Controlled Billed Account) issued in an agency's name is to be used for airfare and registration. Other credit cards issued in the name of the state agency are not to be used for the purpose of securing transportation, lodging, meals, or telephone and telegraph service, unless prior written permission has been obtained from the Commissioner of Administration.

5. No Reimbursement When No Cost Incurred by Traveler. This includes but is not limited to reimbursements for any lodging and/or meals furnished at a state institution or other state agency, or furnished by any other party at no cost to the traveler. In no case will a traveler be allowed mileage or transportation when he/she is gratuitously transported by another person.

C. Claims for Reimbursement

1. All claims for reimbursement for travel shall be submitted on state Form BA-12, unless exception has been granted by the Commissioner of Administration, and shall include all details provided for on the form. It must be signed by the person claiming reimbursement and approved by his/her immediate supervisor. The purpose for extra and unusual travel must be stated in the space provided on the front of the form. In all cases the date and hour of departure from and return to domicile must be shown.

2. Except where the cost of air transportation, conference, or seminar is invoiced directly to the agency/department, all expenses incurred on any official trip shall be paid by the traveler and his travel voucher shall show all such expenses in detail to the end that the total cost of the trip shall be reflected by the travel voucher. If the cost of air transportation is paid directly by the agency/department, a notation will be indicated on the travel voucher indicating the date of travel, destination, amount, and the fact that it has been paid by the agency/department. The traveler's copy of the passenger receipt is required.

3. In all cases, and under any travel status, cost of meals and lodging shall be paid by the traveler and claimed on the travel voucher for reimbursement, and not charged to the state department, unless otherwise authorized by the department head or his designee. A centralized file must be kept containing all of these approvals.

4. Claims should be submitted within the month following the travel, but preferably held until a reimbursement of at least $10 is due. Department heads at their discretion may make the 30 day submittal mandatory on a department wide basis.

5. Any person who submits a claim pursuant to these regulations and who willfully makes and subscribes to any claim which he/she does not believe to be true and correct as to every material matter, or who willfully aids or assists in, or procures, counsels or advises the preparation or presentation of a claim, which is fraudulent or is false as to any material matter shall be guilty of official misconduct. Whoever shall receive an allowance or reimbursement by means of a false claim shall be subject to severe disciplinary action as well as being criminally and civilly liable within the provisions of state law.

6. Agencies are required to reimburse travel in an expeditious manner. In no case shall reimbursements require more than 30 days to process from receipt of complete, proper travel documentation.

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

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1253 (June 2000), LR 27:803 (June 2001), LR 28:1126 (June 2002), LR 29:823 (June 2003), LR 30:1112 (June 2004), LR 31:1184 (June 2005), LR 33:966 (June 2007), repromulgated LR 33:1315 (July 2007), amended LR 34:1300 (July 2008), repromulgated LR 35:1193 (July 2009).

§1504. Methods of Transportation

A. Cost-Effective Transportation. The most cost-effective method of transportation that will accomplish the purpose of the travel shall be selected. Among the factors to be considered should be length of travel time, employee's salary, cost of operation of a vehicle, cost and availability of common carrier services, etc. Common carrier shall be used for out-of-state travel unless it is documented that utilization of another method of travel is more cost-efficient or practical and approved in accordance with these regulations.

B. Air

1. Private Owned or Charter Planes. Before travel by privately-owned or by chartered aircraft is authorized for individual's travel by a department head, the traveler shall certify that: 1) at least one hour of working time will be saved by such travel; and 2) no other form of transportation, such as commercial air travel or a state plane, will serve this same purpose.

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

b. Reimbursement for use of a chartered or un-chartered privately owned aircraft under the above guidelines will be made on the following basis:

i. at the rate of $1.07 cents per mile; or

ii. at the lesser of state contract rate or coach economy airfare. If there are extenuating circumstances requiring reimbursement for other than listed above, approval must be granted by the Commissioner of Administration.

c. When common carrier services are unavailable and time is at a premium, travel via state aircraft shall be investigated, and such investigation shall be documented and readily available in the department's travel reimbursement files. Optimum utilization will be the responsibility of the department head.

2. Commercial Airlines. (receipts required) All state travelers are to purchase commercial airline tickets through the state contracted travel agency (see front cover for contract travel agency contact numbers). This requirement is mandatory unless approval is granted from the State Travel Office. (In the event a traveler seeks approval to go outside the travel agency, they shall submit their request through their agency travel program administrator, who will determine if the request should be submitted to the Office of State Travel.) While the use of the contract travel agency is mandatory, the state traveler has options for the type of airfare ticket purchased. This office strongly encourages use of lowest logical airfares, not state contract fares. You should ask the contracted travel agency to check for the lowest logical rates based on your personal needs. The state always supports purchasing the "best value" ticket. Therefore once all rates are received, the traveler must compare cost and options to determine which fare would be the "best value" for their trip. To make this determination, the traveler must ask the question: Is there a likelihood my itinerary could change or be cancelled? Depending on the response, you must determine if the costs associated with changing a non-refundable ticket (usually around $150) would still be the best value. Another factor to assist having a travel agent search the lowest fare is being able to advise the agent if you are flexible in either your dates or time of travel. By informing the travel agent of your "window of time" for your departure and return will assist them to search for the best price.

a. Travelers are to seek airfares allowing an ample amount of lead time prior to departure date. The lead-time should be at least 14 days in advance of travel dates to ensure the lowest fares are available. Generally, the earlier a ticket is purchased, provides for lower airfares.

b. State contract airfare tickets are not available for personal, companion or spouse travel. This is a requirement of the airlines and our failure to monitor the use of these contract airfares could cause their cancellation. Therefore, persons booking tickets for non-official business using contract rates will be subject to disciplinary action as well as payment of the difference between contract airfare and full coach fares.

c. Commercial air travel will not be reimbursed in excess of lowest logical or state contract air rate when it has been determined to be the best value (receipts required). The difference between contract or coach/economy class rates and first class or business class rates will be paid by the traveler. Upgrades at the expense of the state are not permitted, without the approval of the Commissioner of Administration. If space is not available in less than first or business class air accommodations in time to carry out the purpose of the travel, the traveler will secure a certification from the airline indicating this fact. The certification is required for travel reimbursement.

d. The policy regarding airfare penalties are the state will pay for the airfare and/or penalty incurred for a change in plans or cancellation when the change or cancellation is required by the state or other unavoidable situations approved by the agency's department head. Justification for the change or cancellation by the traveler's department head is required on the travel voucher.

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

f. A lost airline ticket is the responsibility of the person to whom the ticket was issued. The airline charge of searching and refunding lost tickets will be charged to the traveler. The difference between the prepaid amount and the amount refunded by the airlines must be paid by the employee.

g. If companion fares are purchased for a state employee and non-state employee, the reimbursement to the state employee will be the amount of the lowest logical fare.

h. Traveler is to use the lowest logical airfare/state contract whether the plane is a prop or a jet.

i. Employees may retain promotional items, including frequent flyer miles, earned on official state travel. However, if an employee makes travel arrangements that favor a preferred airline/supplier to receive promotional items/points and this circumvents purchasing the most economical means of travel, they are in violation of this travel policy. Costs for travel arrangements subject to this violation are non-reimbursable.

j. When making airline reservations for a conference, let the travel agent know that certain airlines have been designated as the official carrier for the

conference. In many instances, the conference registration form specifies that certain airlines have been designated as the official carrier offering discount rates, if available. If so, giving this information to our contracted agencies could result in them securing that rate for your travel.

C. Motor Vehicle. No vehicle may be operated in violation of state or local laws. No traveler may operate a vehicle without having in his/her possession a valid U.S. driver's license. Safety restraints shall be used by the driver and passengers of vehicles. All accidents, major and minor, shall be reported first to the local police department or appropriate law enforcement agency. An accident report form, available from the Office of Risk Management (ORM) of the Division of Administration, should be completed as soon as possible and returned to ORM, together with names and addresses of principals and witnesses. Any questions about this should be addressed to the Office of Risk Management of the Division of Administration. These reports shall be in addition to reporting the accident to the Department of Public Safety as required by law.

1. State-Owned Vehicles

a. No person may be authorized to operate or travel in a fleet vehicle unless that person is a classified or unclassified employee of the state of Louisiana; any duly appointed member of a state board, commission, or advisory council; and any other person who has received specific approval from the department head or his designee to operate or travel in a fleet vehicle on official state business. A centralized file must be kept containing all of these approvals.

b. All purchases made on state gasoline credit cards must be signed for by the approved traveler making the purchase. The license number, the unit price, and quantity of the commodity purchased must be noted on the delivery ticket by the vendor. Items incidental to the operation of the vehicle may be purchased via state gasoline credit cards only when away from official domicile on travel status. In all instances where a credit card is used to purchase items or services which are incidental to the operation of a vehicle, a copy of the credit ticket along with a written explanation of the reason for the purchase will be attached to the monthly report mentioned in this subsection. State-owned credit cards will not be issued to travelers for use in the operation of privately owned vehicles.

c. Travelers in state-owned automobiles who purchase needed repairs and equipment while on travel status shall make use of all fleet discount allowances and state bulk purchasing contracts where applicable. Each agency/department shall familiarize itself with the existence of such allowances and/or contracts and location of vendors by contacting the Purchasing Office, Division of Administration.

d. The travel coordinator/officer/user of each state-owned automobile shall submit a monthly report to the department head, board, or commission indicating the number of miles traveled, odometer reading, credit card charges, dates, and places visited.

e. State-owned vehicles may be used for out-of-state travel only if permission of the department head has been given prior to departure. If a state-owned vehicle is to be used to travel to a destination more than 500 miles from its usual location, documentation that this is the most cost-effective means of travel should be readily available in the department's travel reimbursement files.

f. Unauthorized persons should not be transported in state vehicles. Approval of exceptions to this policy may be made by the traveler's supervisor if he determines that the best interest of the state will be served and if the passenger (or passenger's guardian) signs a statement acknowledging the fact that the state assumes no liability for any loss, injury, or death resulting from said travel.

2. Personally Owned Vehicles

a. When two or more persons travel in the same personally owned vehicle, only one charge will be allowed for the expense of the vehicle. The person claiming reimbursement shall report the names of the other passengers.

b. A mileage allowance shall be authorized for travelers approved to use personally-owned vehicles while conducting official state business. Mileage shall be reimbursable on the basis of $0.52 per mile.

c. Mileage shall be computed by one of the following options:

i. on the basis of odometer readings from point of origin to point of return;

ii. by using a website mileage calculator or a published software package for calculating mileage such as Tripmaker, How Far Is It, Mapquest, etc.. Employee is to print the page indicating mileage and attach it with their travel expense form.

d. An employee shall never receive any benefit from not living in his/her official domicile. In computing reimbursable mileage to an authorized travel destination from an employee's residence outside the official domicile, the employee is always to claim the lesser of the miles from their official domicile or from their residence. If an employee is leaving on a non-work day or leaving significantly before or after work hours, the department head may determine to pay the actual mileage from the employee’s residence.

e. The department head or his designee may approve an authorization for routine travel for an employee who must travel in the course of performing his/her duties; this may include domicile travel if such is a regular and necessary part of the employee's duties, but not for attendance at infrequent or irregular meetings, etc., within the city limits where his/her office is located, the employee may be reimbursed for mileage only.

f. Reimbursements will be allowed on the basis of $0.52 per mile to travel between a common carrier/terminal and the employees point of departure, i.e., home, office, etc., whichever is appropriate and in the best interest of the state.

g. When the use of a privately-owned vehicle has been approved by the department head for out-of-state travel for the travelers convenience, the traveler will be reimbursed for in-route expenses on the basis of $0.52 per mile only. The total cost of the mileage may not exceed the cost of travel by using the lesser of 1) State Contract airfare or 2) lowest logical airfare obtained at least 14 days prior to the trip departure date. The traveler is personally responsible for any other expenses in-route to and from destination which is inclusive of meals and lodging. If a traveler, at the request of the department, is asked to take their personally owned vehicle out-of-state for a purpose that will benefit the

agency, then the department head may on a case-by-case basis determine to pay a traveler for all/part of in-route travel expenses. File should be justified accordingly.

h. When a traveler is required to regularly use his/her personally owned vehicle for agency activities, the agency head may request authorization from the Commissioner of Administration for a lump sum allowance for transportation or reimbursement for transportation (mileage). Request for lump sum allowance must be accompanied by a detailed account of routine travel listing exact mileage for each such route. Miscellaneous travel must be justified by at least a three-month travel history to include a complete mileage log for all travel incurred, showing all points traveled to or from and the exact mileage. Requests for lump sum allowance shall be granted for periods not to exceed one fiscal year.

i. The traveler shall be required to pay all operating expenses of the vehicle including fuel, repairs, and insurance.

3. Rented Motor Vehicles (Receipts Required)

a. In-State Vehicle Rental. The state has contracted for in-state vehicle rentals which use is mandatory unless it is documented that the vendor does not have the appropriate size fleet in stock for the date of use.

b. Out-of-State Vehicle Rental. For vehicle rentals outside of Louisiana, the state does not provide contracts. However, the state has received price offers that will be available from multiple vehicle rental companies listed in the Louisiana Travel Guide. When a traveler is approved to rent a vehicle for out-of-state use, they may select a vendor listed in the guide or seek a lower rate.

c Approvals. Written approval of the department head or his designee prior to departure is required for the rental of vehicles. Such approval may be given when it is shown that vehicle rental is the only or most economical means by which the purposes of the trip can be accomplished. In each instance, documentation showing cost effectiveness of available options must be readily available in the reimbursement files.

d. Vehicle Rental Size. Only the cost of a compact model is reimbursable, unless 1) non-availability is documented, 2) the vehicle will be used to transport more than two persons or 3) the cost of a larger vehicle is no more than the rental rate for a compact. When a larger vehicle is an option as stated in 1) or 2) above, the upgraded vehicle shall be the next smallest size necessary to accommodate the number of persons traveling.

e. Personal Rental Days. Any personal rental days on a vehicle rented for official state business is not reimbursable and shall be deducted.

f. Gasoline (Receipts Required). The state's preference is to purchase gasoline at reasonable cost from a local gasoline station prior to returning the rental. Pre-paid fuel options are only to be allowed when the traveler can document that the pre-purchased amount was necessary and that the amount charged by the rental company is reasonable in relation to local gasoline cost.

g. Insurance for Vehicle Rentals within the 50 United States. Insurance billed by car rental companies (i.e., CDW and LDW) is not reimbursable for travel within the 50 United States. Insurance coverage for rental vehicles is provided by the Office of Risk Management. Should a collision occur while on official state business, the accident should be reported to the Office of Risk Management, as soon as possible.

h. Insurance for Vehicles Rentals outside the 50 United States. (receipts required) The Office of Risk Management (ORM) recommends that the appropriate insurance (liability and physical damage) provided through the car rental company be purchased when the traveler is renting a vehicle outside the 50 United States. With the approval of the department head required insurance costs may be reimbursed for travel outside the 50 United States only.

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

a. Collision Damage Waiver (CDW)—should a collision occur while on official state business, the cost of the deductible should be paid by the traveler and a reimbursement claimed on a travel expense voucher. The accident should also be reported to the Office of Risk Management;

b. Loss Damage Waiver (LDW);

c. Auto tow Protection (ATP)—*approval of Department Head;

d. Supplementary Liability Insurance (SLI)—* if required by the rental company;

e. Theft and/or Super Theft Protection (coverage of contents lost during a theft or fire)—*if required by the car rental company;

f. vehicle coverage for attempted theft or partial damage due to fire, *if required by the car rental company

2. The following are some of the insurance packages available by rental vehicle companies that are not reimbursable:

a. Personal Accident Insurance (PAC);

b. Emergency Sickness Protection (ESP):

i. Navigation Equipment (GPS System), rented not purchased, may only be reimbursed if an employee justifies the need for such equipment and with prior approval of the Department Head or his designee.

D. Public Ground Transportation. The cost of public ground transportation such as buses, subways, airport shuttle/limousines, and taxis are reimbursable when the expenses are incurred as part of approved state travel. Taxi reimbursement is limited to $15 per day without receipts; claims in excess of $15 per day require receipts to account for total daily amount claimed. At the agency's discretion, the department head may implement an agency wide policy requiring receipts for an amount less than $15 per day.

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

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October

1989), LR 16:965 (November 1990), LR 26:1254 (June 2000), LR 27:804 (June 2001), LR 28:1127 (June 2002), LR 29:824 (June 2003), LR 30:1113 (June 2004), LR 31:1185 (June 2005), LR 32:938 (June 2006), LR 33:966 (June 2007), repromulgated LR 33:1316 (July 2007), amended LR 34:1301 (July 2008), LR 35:1195 (July 2009).

§1505. State Issued Travel Credit Cards/CBA Accounts

A. Use. The State Travel Office contracts for an official state corporate travel card to form one source of payment for travel. If a supervisor recommends an employee be issued a state travel card, the employee should complete an application through their agency travel program administrator.

1. An employee's corporate travel card or agency CBA (Controlled Billed Accounts) must be used to purchase contract airfare. This is a mandatory requirement by the airlines in order to continue to receive discounted, non-penalty state contract airline tickets.

2. An employee's corporate travel card may also be used to purchase lowest logical airfare tickets and other travel related expenses such as food and lodging, but it is not mandatory.

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

B. Liability

1. The corporate travel card is the liability of the employee and not the state. Each monthly statement balance is due in full to the card-issuing bank. Travel card accounts that become delinquent are subject to being suspended or revoked. Those accounts will not be reinstated until such time the bank determines that employee to be credit-worthy. The state will have no tolerance to assist those employees that abuse their travel card privileges. Employees with delinquent payment may have their travel privileges revoked and/or subject to other disciplinary action.

2. The department/agency is responsible for cancellation of corporate travel cards for those employees terminating/retiring state service.

3. The department/agency's travel program administrator is responsible for completing a maintenance form to transfer an employee from one state agency to another. The employee may keep the same account number, but the agency change must be reported to the bank.

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

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1254 (June 2000), LR 27:804 (June 2001), LR 28:1127 (June 2002), LR 29:824 (June 2003), LR 30:1113 (June 2004), LR 31:1188 (June 2005), repromulgated LR 33:1319 (July 2007), amended LR 34:1304 (July 2008), repromulgated LR 35:1198 (July 2009).

§1506. Lodging and Meals

A. Eligibility

1. Official Domicile/Temporary Assignment. Travelers are eligible to receive reimbursement for travel only when away from "official domicile" or on temporary assignment unless exception is granted in accordance with these regulations. Temporary assignment will be deemed to have ceased after a period of 31 calendar days, and after such period the place of assignment shall be deemed to be his/her official domicile. He/she shall not be allowed travel and subsistence unless permission to extend the 31 day period has been previously secured from the Commissioner of Administration.

2. Extended Stays. For travel assignments approved by the Commission of Administration involving duty for extended periods (31 or more consecutive days) at a fixed location, the reimbursement rates indicated should be adjusted downward whenever possible. Claims for meals and lodging may be reported on a per diem basis supported by lodging receipt. Care should be exercised to prevent allowing rates in excess of those required to meet the necessary authorized subsistence expenses. It is the responsibility of each agency head to authorize only such travel allowances as are justified by the circumstances affecting the travel.

3. Single Day Travel

a. Meals are not eligible for reimbursements on single day travel. This means that when an authorized traveler of the state is in travel status where no overnight stay is required, no meals are eligible for reimbursement. Each department head or their designees are to determine the reasonableness of when an overnight stay is justified.

b. However, the department head will be allowed to authorize single day meal reimbursements on a case-by-case basis or by type(s) of single day travel when it is determined to be in the best interest of the department. In those cases the department must keep the approvals in the travel file and must be responsible to take appropriate steps to report the reimbursement as wages to the employee.

c. If a department head or their designee determines that single day meals will be provided for, they must follow the following allowances.

i The maximum allowance for meal reimbursement for single day travel will be $30.

(a). Breakfast and Lunch: ($20) The 12 hours travel duration must begin at or before 6 a.m.

(b). Lunch: ($12) Requires 12 hours duration in travel status.

(c). Lunch and Dinner: ($30) The 12 hour travel duration must end at or after 8 p.m.

4. Travel with Over Night Stay. Travelers may be reimbursed for meals according to the following schedule.

a. Breakfast—When travel begins at/or before 6 a.m. on the first day of travel or extends beyond 9 a.m. on the last day of travel, or for any intervening days.

b. Lunch—When travel begins at/or before 10 a.m. on the first day of travel or extends beyond 2 p.m. on the last day of travel, or for any intervening days.

c. Dinner—When travel begins at/or before 4 p.m. on the first day of travel or extends beyond 8 p.m. on the last day of travel, or for any intervening days.

5. Alcohol—reimbursement for alcohol is prohibited.

B. Exceptions

1. Routine Lodging Overage Allowances (Receipts required). Department head or his designee have the authority to approve actual costs for routine lodging provisions on a case by case basis, not to exceed 50 percent over PPM-49 current listed rates. Justification must be maintained in the file to show that attempts were made with hotels in the area to receive the state/best rate. In areas

where the governor has declared an emergency, a department head or his/her designee will have the authority to approve actual routine and conference lodging provisions on a case by case basis not to exceed 75 percent over PPM-49 current listed rates. Each case must be fully documented as to necessity (e.g., proximity to meeting place) and cost effectiveness of alternative options. Documentation must be readily available in the department's travel reimbursement files.

2. Actual Expenses for State Officers (Receipts or other supporting documents are required for each item claimed). State officers and others so authorized by statute (see definition under *state officer*) or individual exception will be reimbursed on an actual expense basis for meals and lodging except in cases where other provisions for reimbursement have been made by statute. Request shall not be extravagant and will be reasonable in relation to the purpose of travel. State officers entitled to actual expense reimbursements are only exempt from meals and lodging rates; they are subject to the time frames and all other requirements as listed in the travel regulations.

C. Meals and Lodging Allowances

1. Meal Allowance—includes Tax and Tips. Receipts are not required for routine meals within these allowances. Number of meals claimed must be shown on travel voucher. For meal rates, the inclusion of suburbs (see definition of *suburb*) shall be determined by the department head on a case-by-case basis. See tier pricing below. Partial meals such as continental breakfasts or airline meals are not considered meals. If meals of state officials on actual exceed these allowances, receipts are required.

2. Routine Lodging Allowance. Employees will be reimbursed lodging rate, plus tax and any mandatory surcharge. (Receipts are required) For lodging rates, the inclusion of suburbs (see definition of *suburb*) shall be determined by the department head on a case-by-case basis. When two or more employees on official state business share a lodging room, the state will reimburse the actual cost of the room; subject to a maximum amount allowed for an individual traveler times the number of employees. Department head approval must be provided to allow lodging expenses to be direct billed to an agency.

3. Conference Lodging Allowance. Employees will be reimbursed lodging rate, plus tax and any mandatory surcharge. (Receipts are required) Department head or his designee have the authority to approve the actual cost of conference lodging, for a single occupancy standard room, when the traveler is staying at the designated conference hotel. If there are multiple designated conference hotels, the lowest designated conference hotel should be utilized, if available. In the event the designated conference hotel(s) have no room availability, a department head may approve to pay actual hotel cost not to exceed the conference lodging rates for other hotels located near the conference hotel. This allowance does not include agency hosted conference lodging allowances; see §1510 for these allowances.

4. No reimbursements are allowed for functions not relating to a conference, i.e., tours, dances, golf tournaments, etc.

TIER I	
Breakfast	$8
Lunch	$12
Dinner	$18
Total	$38
Lodging Area	**Routine Lodging**
In-State Cities (except as listed)	$70
Baton Rouge-EBR	$101
Covington/Slidell-St.Tammany	$96
Lake Charles-Calcasieu	$80
Lafayette	$86

TIER II	
Breakfast	$10
Lunch	$14
Dinner	$24
Total	$48
Lodging Area	**Routine Lodging**
New Orleans -Orleans, St. Bernard, Jefferson and Plaquemines Parishes (July 1-Sept.30)	$101
New Orleans – Orleans, St. Bernard, Jefferson and Plaquemines Parishes (Oct 1– June30)	$140
Out-Of-State (Except Cities Listed in Tier III & IV)	$85

TIER III	
Breakfast	$12
Lunch	$16
Dinner	$24
Total	$52
Lodging Area	**Routine Lodging**
Austin,TX; Atlanta, GA; Cleveland, OH; Dallas/Fort Worth, TX; Denver, CO; Detroit, MI; Ft. Lauderdale, FL; Galveston, TX; Hartford, CT; Houston, TX; Kansas City, MO; Las Vegas, NV; Los Angeles, CA; Miami, FL; Minneapolis/St. Paul, MN; Nashville, TN; Oakland, CA; Orlando, FL; Philadelphia, PA; Phoenix, AZ; Pittsburgh, PA; Portland, ME; Portland, OR, Sacramento, CA; San Antonio, TX; San Diego, CA; St. Louis, MO; Tampa, FL; Wilmington, DE; all of Alaska or Hawaii; Puerto Rico; Virgin Island; American Samoa; Guam	$135

TIER IV	
Breakfast	$13
Lunch	$18
Dinner	$29
Total	$60
Lodging Area	**Routine Lodging**
Baltimore, MD; San Francisco, CA; Seattle, WA	$175
Alexandria, VA; Arlington,VA; Boston, MA; New York City, NY; Washington DC	$225
Chicago, IL and International Cities	$200

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

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1256 (June 2000), LR 27:807 (June 2001), repromulgated LR 27:1495 (September 2001), LR 28:1130 (June 2002), LR 30:1116 (June 2004 LR 31:1189 (June 2005), LR 32:939 (June 2006), LR 33:967 (June 2007), repromulgated LR 33:1320 (July 2007), amended LR 34:1305 (July 2008), LR 35:1198 (July 2009).

§1507. Parking and Related Parking Expenses

A. Parking at the Baton Rouge Airport. The state's current contract rate is $3.50 per day (no receipts required) for parking in the indoor parking garage as well as the outside, fenced parking lot at the airport. Documentation required to receive the contract price is either a parking coupon, State ID or a travel itinerary issued by the state contracted travel agency designating the employee is on "official state business". At the agency discretion an employee may be paid actual expenses up to $5 per day with a receipt.

B. Parking at the New Orleans Airport. The state's current contract rate is $6 per day and $36 weekly at Park 'N Fly (no receipts required). Documentation required to receive the contract price is your agency issued photo I.D., a business card, state issued corporate card or a travel itinerary issued by the state contracted travel agency designating the employee is on "official state business". At the agency discretion an employee may be paid actual expenses up to $8 per day with a receipt.

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

D. Tips for valet parking not to exceed, $2 per day.

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

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1257 (June 2000), LR 27:808 (June 2001), repromulgated LR 27:1496 (September 2001), repromulgated LR 27:1496 September 2001, LR 28:1130 (June 2002), LR 30:1117 (June 2004), LR 31:1190 (June 2005), LR 33:968 (June 2007), repromulgated LR 33:1321 (July 2007), amended LR 34:1307 (July 2008), LR 35:1200 (July 2009).

§1508. Reimbursement for Other Expenses (These charges are while in travel status only.)

A. The following expenses incidental to travel may be reimbursed:

1. Communications Expenses

a. For official state business—all costs (receipts required for over $3).

b. For domestic overnight travel—up to $3 in personal calls upon arrival at each destination and up to $3 for personal calls every second night after the first night if the travel extends several days.

c. For international travel—up to $10 in personal calls upon arrival at each destination and up to $10 for personal calls every second night after the first night if the travel extends several days.

d. Internet access charges for official state business from hotels or other travel locations are treated the same as business telephone charges. A department may implement a stricter policy for reimbursement of Internet charges. (Receipts required)

B. Charges for Storage and Handling of State Equipment (Receipts required)

C. Baggage Tips

1. Hotel Allowances—not to exceed $3 tip per hotel check-in and $3 tip per hotel checkout, if applicable.

2. Airport Allowances—not to exceed $3 tip for airport outbound departure trip and $3 tip for inbound departure trip.

D. Luggage Allowances (Receipt Required). A department head or his designee may approve reimbursement to a traveler for airline charges for first checked bag for a business trip of five days or less and for a second bag for a 6-10 day business trip and/or any additional baggage which is business related and required by the department. The traveler must present a receipt to substantiate these charges.

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

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

b. the excess baggage consists of organization records or property.

E. Registration fees at conferences (meals that are a designated integral part of the conference may be reimbursed on an actual expense basis with prior approval by the department head).

F. Laundry Services. Employees on travel for more than 7 days up to 14 days are eligible for $20 of laundry services, and for more than 14 days up to 21 days an additional $20 of laundry services, and so on. Receipts are required for reimbursement.

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

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1258 (June 2000), LR 27:808 (June 2001), LR 28:1131 (June 2002), LR 30:1118 (June 2004), LR 31:1190 (June 2005), LR 32:941 (June 2006), repromulgated LR 33:1322 (July 2007), amended LR 34:1307 (July 2008), LR 35:1200 (July 2009).

§1509. Special Meals

A. Reimbursement designed for those occasions when, as a matter of extraordinary courtesy or necessity, it is appropriate and in the best interest of the state to use public funds for provision of a meal to a person who is not otherwise eligible for such reimbursement and where reimbursement is not available from another source.

1. Visiting dignitaries or executive-level persons from other governmental units, and persons providing identified gratuity services to the state. This explicitly does not include normal visits, meetings, reviews, etc., by federal or local representatives.

2. Extraordinary situations are when state employees are required by their supervisor to work more than a 12-hour weekday or 6-hour weekend (when such are not normal working hours to meet crucial deadlines or to handle emergencies).

B. All special meals must have prior approval from the Commissioner of Administration or, for Higher Education, the entity head or his designee in order to be reimbursed, unless specific authority for approval has been delegated to a department head for a period not to exceed one fiscal year with the exception in Subsection C, as follows.

C. A department head may authorize a special meal within allowable rates listed under Meals—Tier 1, to be served in conjunction with a working meeting of departmental staff.

D. In such cases, the department will report on a semi-annual basis to the Commissioner of Administration all special meal reimbursements made during the previous six months. For Higher Education, these reports should be sent to the respective Institution of Higher Education management board. These reports must include, for each special meal, the name and title of the person receiving reimbursement, the name and title of each recipient, the cost of each meal and an explanation as to why the meal was in the best interest of the state. Renewal of such delegation will depend upon a review of all special meals authorized and paid during the period. Request to the commissioner for special meal authorization must include, under signature of the department head:

1. name and position/title of the state officer or employee requesting authority to incur expenses and assuming responsibility for such;

2. clear justification of the necessity and appropriateness of the request;

3. names, official titles or affiliations of all persons for whom reimbursement of meal expenses is being requested;

4. statement that allowances for meal reimbursement according to these regulations will be followed unless specific approval is received from the Commissioner of Administrator to exceed this reimbursement limitation;

a. all of the following must be reviewed and approved by the department head or their designee prior to reimbursement:

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

ii. subtraction of cost of any alcoholic beverages;

iii. copy of prior written approval from the Commissioner of Administration.

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

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1258 (June 2000), LR 27:809 (June 2001), LR 28:1132 (June 2002), LR 30:1118 (June 2004), LR 31:1191 (June 2005), repromulgated LR 1322 (July 2007), amended LR 34:1307 (July 2008), LR 35:1200 (July 2009).

§1510. Agency Hosted Conferences

A. State Sponsored Conferences. An agency must solicit three competitive quotes in accordance with the governor's Executive Order for small purchase.

B. Conference Lunch Allowance. Lunch direct billed to an agency in conjunction with an in-state sponsored conference is to be within the following rates plus mandated gratuity.

Lunch In-State excluding New Orleans	$20
Lunch—New Orleans	$25

Any other meals require special approval in accordance with PPM49 §1509. Special meal must have prior approval from the Commissioner of Administration.

C. Conference Refreshment Allowance. Cost for break allowances for meeting, conference or convention are to be within the following rates.

1. Catering—served on properties where catering is not required: not to exceed $2 per person, per morning and/or afternoon sessions.

2. Catering—served on properties that require catered services: not to exceed $4.50 plus mandated gratuity per person, per morning and/or afternoon sessions.

D. Conference Lodging Allowances. Lodging rates may not exceed $20 above the current listed routine lodging rates listed for the area in which the conference is being held.

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

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1256 (June 2000), LR 27:807 (June 2001), repromulgated LR 27:1495 (September 2001), LR 28:1130 (June 2002), LR 30:1116 (June 2004), LR 31:1191 (June 2005), LR 32:941 (June 2006), repromulgated LR 33:1323 (July 2007), amended LR 34:1308 (July 2008), LR 35:1201 (July 2009).

§1511. International Travel

A. International travel must be approved by the Commissioner of Administration or, for Higher Education, the entity head or his designee prior to departure, unless specific authority for approval has been delegated to a department head. Requests for approval must be accompanied by a detailed account of expected expenditures (such as room rate/date, meals, local transportation, etc.), and an assessment of the adequacy of this source to meet such expenditures without curtailing subsequent travel plans.

B. International travelers will be reimbursed the Tier IV area rates for meals and lodging, unless U.S. State Department rates are requested and authorized by the Commissioner of Administration prior to departure. Itemized receipts are required for reimbursement of meals and lodging claimed at the U.S. State Department rates.

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

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312

(October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1258 (June 2000), LR 27:809 (June 2001), LR 28:1132 (June 2002), LR 30:1119 (June 2004), LR 31:1192 (June 2005), repromulgated LR 33:1323 (July 2007), amended LR 34:1308 (July 2008), LR 35:1201 (July 2009).

§1512. Waivers

A. The Commissioner of Administration may waive in writing any provision in these regulations when the best interest of the state will be served.

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

HISTORICAL NOTE: Written by the Office of the Governor, Division of Administration, November 1, 1972, promulgated LR 1:179 (April 1975), amended LR 1:338 (August 1975), LR 2:312 (October 1976), LR 5:93 (May 1979), LR 8:405 (August 1980), LR 7:7 (January 1981), LR 8:406 (August 1982), LR 15:820 (October 1989), LR 16:965 (November 1990), LR 26:1259 (June 2000), LR 27:809 (June 2001), LR 28:1132 (June 2002), LR 30:1119 (June 2004), LR 31:1192 (June 2005), repromulgated LR 33:1323 (July 2007), amended LR 34:1308 (July 2008), repromulgated LR 35:1202 (July 2009).

Angele Davis
Commissioner

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry
Agricultural Finance Authority

Louisiana Farm and Agribusiness Recovery and Loan Program (LAC 7:III.101, 701-715)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 3:266, the Louisiana Agricultural Finance Authority declares an emergency to exist and adopts by emergency process these regulations for the Louisiana Farm and Agribusiness Recovery and Loan Program.

Louisiana's agricultural and timber industries are a vital part of Louisiana's overall economy and are worth approximately $9.5 billion to Louisiana's economy every year.

In 2008, Hurricanes Gustav and Ike did approximately $1 billion of damage to the agricultural and timber industries of this state. Much of the damage resulted from the destruction of crops, livestock, timber, and other agricultural products. Because of these losses, a substantial number of agricultural producers and agribusinesses were left without sufficient income to pay off crop and other agricultural loans or to obtain financing for the 2009 crop year. The financial crisis in 2008 and 2009 and the reluctance of financial institutions to provide loans have exacerbated the severe shortage of capital and credit available for investment in agriculture.

Money for loans and grants to agricultural producers and agribusinesses suffering losses as a result of Hurricanes Gustav and Ike has become available and must be distributed as soon as possible. Delaying the distribution of this money until permanent rules and regulations can be promulgated will cause the money to be unavailable for the 2009 crop year. Failure to utilize this money quickly will disrupt the livelihood of agricultural producers, agribusinesses and the related businesses that depend on them. Failure to timely utilize the money will substantially eliminate or reduce the amount of crops, livestock, and other agricultural products, planted, produced, harvested or processed in 2009; thereby further increasing the losses to agricultural producers, agribusiness, and the economy of this state.

The losses caused by the two hurricanes, the effect these losses have on the ability of agricultural producers and agribusinesses to obtain financing, the severe shortage of capital and credit available for investment in agriculture, and the potential loss of more of this state's agricultural producers, agribusinesses, and agricultural revenues creates an imminent peril to the public health, safety, and welfare of the citizens of this state; thereby requiring the promulgation of these emergency rules and regulations.

This Emergency Rule becomes effective upon the signature of the commissioner and shall remain in effect for 120 days, unless renewed or until the permanent rules and regulations become effective.

Title 7
AGRICULTURE AND ANIMALS
Part III. Agricultural Finance
Chapter 1. General Provisions
§101. Definitions

A. The words and terms defined in R.S. 3:263 are applicable to this Part.

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

Agribusiness—a person, other than an agricultural producer, who engages in agriculture or provide support activities, products, or services to an agricultural producer and such products or services are directly related to the production and harvesting of crops and livestock.

Agricultural—the adjective form of *agriculture* as defined in R.S. 3:263(2).

Agricultural Producer—a person engaged in agriculture for the planting, growing, harvesting, or production of an agricultural product in its natural state and who primarily assumes the production and market risks associated with such activities.

Agricultural Product—any agronomic, aquacultural, floricultural, horticultural, maricultural, silvicultural, or viticultural crop, livestock, or product.

* * *

Farm—the total of all areas of land, water, or both in Louisiana, used by an agricultural producer to produce or harvest one or more agricultural products, regardless of whether the area or areas are located in more than one parish.

* * *

Livestock—any animal except dogs and cats, bred, kept, maintained, raised, or used for profit, that is used in agriculture, aquaculture, agritourism, competition, recreation, or Silviculture, or for other related purposes or used in the production of crops, animals, or plant or animal products for market. This definition includes but is not limited to cattle, buffalo, bison, oxen, and other bovine; horses, mules, donkeys, and other equine; goats; sheep; swine; chickens, turkeys, and other poultry; domestic rabbits; imported exotic deer and antelope, elk, farm-raised white-tailed deer, farm-raised ratites, and other farm-raised exotic animals; fish, turtles, and other animals identified with aquaculture which are located in artificial reservoirs or enclosures that are both on privately owned property and constructed so as to prevent, at all times, the ingress and egress of fish life from public waters; any commercial crawfish from any crawfish pond; and any hybrid, mixture, or mutation of any such animal.

* * *

AUTHORITY NOTE: Promulgated in accordance with R. S. 3:266.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Louisiana Agricultural Finance Authority, LR 10:866 (November 1984); amended by the Agricultural Finance Authority, LR 35:

Chapter 7. Louisiana Farm and Agribusiness Recovery and Loan Program

§701. Louisiana Farm and Agribusiness Recovery and Loan Program; Establishment of; Purpose; Limitations; Terms

A. The Louisiana Farm and Agribusiness Recovery and Loan Program is established.

B. The Louisiana Farm and Agribusiness Recovery and Loan Program provides loans, grants, or a combination thereof to agricultural producers or agribusinesses for the purpose of aiding in the recovery from the 2008 hurricanes, Gustav and Ike, and to subsequently provide Louisiana agricultural producers and agribusinesses additional financial resources for recovery from any future disasters and for the maintenance and growth of agriculture in Louisiana.

C. The limits on loans and grants from the Louisiana Farm and Agribusiness Recovery and Loan Program are as follows.

1. Agricultural producers may receive from $10,000 up to a maximum of $100,000. The amount provided shall be a combination of an 80 percent loan and 20 percent grant.

2. Agribusinesses may receive from $10,000 up to a maximum of $250,000 in the form of a direct loan.

D. The general terms under which disbursements will be made are as follows.

1. Interest at the rate of 1½ percent interest per annum will be charged on the unpaid balance of all loans made under this program.

2. The maximum term of any loan shall be 10 years.

3. Any grant given in combination with a loan shall be subject to being repaid if the loan plus interest is not paid in full or if the loan goes into default.

4. Normal and customary terms of loans regarding notices, defaults, late fees, attorney fees, and other matters customarily spelled out in a promissory note or other negotiable instrument. Such terms, as authorized by LAFA, shall be in the negotiable instrument approved by LAFA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Agricultural Finance Authority, LR 35:

§703. Eligibility of Applicant

A. An agricultural producer experiencing a 2008 storm related loss shall be eligible to receive money from the Louisiana Farm and Agribusiness Recovery and Loan Program upon meeting the following requirements.

1. The farm upon which a loss occurred must be located in Louisiana.

2. Active agricultural operations must have been ongoing before the 2008 storms occurred and continue to be ongoing thereafter.

3. A minimum annual gross revenue of $25,000 from the agricultural operations must have been received in 2007 or in 2008 prior to the storms.

4. Suffered a minimum storm related loss of $10,000.

5. Employed one or more person (including owner) full time during the previous year.

B. An agribusiness experiencing a 2008 storm related loss shall be eligible to receive money from the Louisiana Farm and Agribusiness Recovery and Loan Program upon meeting the following requirements.

1. The agribusiness must be physically located in Louisiana.

2. Active agribusiness operations must have been ongoing before the 2008 storms occurred and continue to be ongoing from the time active agribusiness operations could resume after the storms up to the date of application.

3. A minimum annual gross revenue of $25,000 from the agribusiness operations must have been received in 2007 or in 2008 prior to the storms.

4. Employed at least two full time employees (including owner) in 2008, prior to the storms and support at least two other indirect jobs in this state.

5. Experienced a 20 percent decline in gross agribusiness revenue for the period of time in 2008 after the storms occurred as compared to gross agribusiness revenue for the same time period in 2007 or experienced a combined tangible property loss and revenue loss of $10,000 or more.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Agricultural Finance Authority, LR 35:

§705. Application Procedure and Forms

A. The application period shall be publicly announced or published in a manner that fairly puts agricultural producers and agribusinesses on notice of the Louisiana Farm and Agribusiness Recovery and Loan Program and the start and end of the application period.

B. Only application forms prepared by LAFA for this purpose may be used.

C. Every applicant for a loan or grant shall submit the following documents to LAFA.

1. The completed application form signed by the agricultural producer or agribusiness, if a sole proprietorship. If the agricultural producer or agribusiness is not a sole proprietorship then the application form must be signed by all owners or by a duly authorized representative. The authorization of a representative to sign on behalf of an agricultural producer or agribusiness must be shown by a power of attorney, corporate resolution or other expression of authority that is consistent with the legal form of the agricultural producer or agribusiness.

2. Proof of identity of the signer of the application. One or more of the following may be used as proof of identity: birth certificate, government issued photo identification or other documentation acceptable to the agricultural loan committee.

3. Proof of address of the farm or agribusiness. One or more of the following may be used as proof of address: copy of utility bill, Louisiana tax return from the previous year, lease agreement, business license, USDA Farm Service Administration (FSA) certification, or other documentation acceptable to the agricultural loan committee.

4. Proof of ownership of the farm or agribusiness. One or more of the following may be used as proof of ownership: tax returns with appropriate schedules, stock certificates with proof of total number of shares, or other documentation acceptable to the agricultural loan committee.

5. Proof of employees. One or more of the following may be used as proof of employees: Federal form 941, Louisiana unemployment tax records, internal payroll register, or other documentation acceptable to the agricultural loan committee.

6. Proof of revenue. One or more of the following may be used as proof of gross revenues: Federal tax returns with appropriate schedules, actual revenue receipts, or other documentation acceptable to the agricultural loan committee.

7. The agricultural loan committee may require an applicant to supply; tax returns with appropriate schedules, insurance claim forms, settlement sheets, FSA declarations, receipts for replacement, or other documentation when such documentation is needed by the agricultural loan committee in deciding whether to approve or deny an application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Agricultural Finance Authority, LR 35:

§707. Approval of Application

A. The applicant must provide all required information at least 10 working days prior to the meeting of the agricultural loan committee where the application will be considered, unless partial submission is allowed by LAFA's staff or the committee.

B. The agricultural loan committee, based on circumstances, may require terms and conditions that are not included in other loan/grants to be in a particular loan/grant so long as such terms and conditions are consistent with these regulations.

C. The agricultural loan committee may authorize LAFA's director to negotiate additional terms and conditions for a specific loan/grant within the parameters established by these regulations and the instructions of the agricultural loan committee.

D. The agricultural loan committee shall review each loan application and approve or deny the application, after consideration of the application, supporting documentation, comments of the applicant, and staff recommendations. However, the agricultural loan committee may defer action on an application to obtain additional information.

E. Within three business days after an application has been acted upon by the agricultural loan committee notice of the decision shall be sent to the applicant. Notification may be by U.S. mail, private commercial courier, hand delivery, fax, e-mail, or other electronic means. However, whatever the means of notification used must be designed to verify receipt of the notification by the applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Agricultural Finance Authority, LR 35:

§709. Agricultural Loan Committee; Establishment of; Purpose; Membership; Quorum

A. The agricultural loan committee is hereby established to consider and act on applications for loans or grants, or a combination of both made pursuant to this Part.

B. The agricultural loan committee shall consist of the following seven members:

1. the Commissioner of Agriculture and Forestry or his designee;

2. the Chancellor of the LSU AgCenter or his designee;

3. the Chancellor of the Southern University AgCenter or his designee;

4. the President of the Louisiana Farm Bureau Federation or his designee;

5. the Assistant Commissioner of Agriculture & Forestry, Office of Management and Finance or his designee;

6. one member at large appointed by the Commissioner of Agriculture and Forestry;

7. the Director of LAFA or his designee.

C. Four members of the agriculture loan committee shall constitute a quorum.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Agricultural Finance Authority, LR 35:

§711. Disbursement of Funds

A. After the agricultural loan committee has approved an application the proceeds of the loan/grant shall be disbursed by LAFA's staff upon the signing of the loan or grant documents by the applicant and LAFA's director.

B. If the total amount of proceeds to be disbursed under the Louisiana Farm and Agribusiness Recovery and Loan Program exceeds the amount of available money then the amount received by each approved applicant shall be reduced on a pro-rata basis.

AUTHORITY NOTE: Promulgated in accordance with RS. 3:266.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Agricultural Finance Authority, LR 35:

§713. Use of Loan and Grant Proceeds

A. Loan and grant proceeds may be used to:

1. pay current year expenses that are related to the preparation, planting, management and harvesting the current year crop as specified;

2. pay down or pay off existing crop production loans, if a financial institution has committed itself to furnish sufficient funding for preparing, planting, managing and harvesting the current year crop;

3. pay operating expenses (rent, insurance, utilities, etc.);

4. purchase inventory;

5. pay or refinance more expensive business-related debt to improve cash flow.

B. Loan and grant proceeds may not be used for:

1. acquisition of buildings or land;

2. new construction or reconstruction;

3. refinancing of State Bridge Loans;

4. payments of tax arrearages, government fines or penalties;

5. political or religious activities;

6. buying out any stockholder or equity holder in a business;

7. buying out or reimbursing any family member;

8. investing in instruments or investments for the sole purpose of a return on investment; or

9. a loss or expense for which insurance benefits has been or is to be paid or for which financial assistance has been or is to be provided from any other source, whether public or private.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Agricultural Finance Authority, LR 35:

§715. Delinquencies and Defaults

A. A loan shall become delinquent if the full monthly or periodic payment is not received within 10 calendar days following the due date or the loan is otherwise in default for non-compliance with any other provision of the loan.

1. Written notification of a delinquency shall be sent to the borrower giving the borrower the opportunity to cure the cause for the delinquency within 30 days from the date of the notice plus payment of any late fee.

2. If the delinquency is due to late payment, the director of LAFA, when he determines that such payment arrangements are justified by the circumstances, may make payment arrangements with the borrower to cure the delinquency before reporting the loan to the LAFA Board as a delinquent loan.

3. If the delinquency is not timely cured, the delinquent loan shall be reported to the LAFA Board, which may review and take action on the delinquent loan at any meeting of the board.

B. Upon review, the LAFA Board may direct that a loan be maintained in delinquent status and set the terms and time by which the payments may be brought up to date or the delinquency cured, or the board may declare the loan to be in default and that the entire amount due on the loan accelerated in accordance with the terms of the loan.

1. If a loan is continued as delinquent the LAFA Board shall establish the terms and time by which the borrower may bring the loan out of delinquency and into good standing and the borrower shall be notified of such terms and time.

2. If a loan is declared to be in default, notice of the default and a demand for full payment of all sums due, including the amount of any portion of the loan that may be forgiven as a grant, shall be sent to the borrower along with a request for full payment within 10 business days from the sending of the notice.

C. If a loan is continued as delinquent and the borrower does not accept the terms and time set by the board of if the borrower does not timely comply with the terms, the loan shall automatically go into default without further action of the board. Upon default, a demand for payment shall be made and if payment is not timely made the loan shall be turned over for collection, as provided for in these regulations.

D. If full payment is not received by the deadline given in the notice of default the loan, including the amount of any portion of the loan that may be forgiven as a grant, shall be turned over to an attorney for collection in accordance with the terms of the loan.

E. Any notice required by these regulations or by the terms of any loan may be sent by certified United States mail, return receipt requested; by any commercial courier who requires a receipt of delivery; or by hand delivery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Agricultural Finance Authority, LR 35:

Mike Strain, DVM
Commissioner

0907#043

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry
Board of Animal Health

Trichomoniasis (LAC 7:XXI.101, 121, and 339)

In accordance with the emergency provisions of the Administrative Procedure Act, specifically R.S. 49:953(B), and under the authority of R.S. 3:2093, 3:2095, and 3:2097 the Louisiana Board of Animal Health declares an emergency to exist and adopts by emergency process the attached regulations for the reporting of trichomoniasis in cattle, restrictions on the entry of bulls into Louisiana, the testing of bulls for trichomoniasis and the movement of bulls testing positive for trichomoniasis.

Trichomoniasis is a venereal disease of cattle caused by *Tritrichomonas foetus*, a protozoal parasite. Trichomoniasis causes early embryonic death of the fetus, usually in the first 30 to 90 days of pregnancy, but may cause late term abortion. The parasite is carried by bulls and is passed to cows during breeding. The parasite is almost impossible to detect in cows and is difficult to detect in bulls. The parasite may be transmitted from the cow to her calf during birthing.

Infected herds have had up to a 55 percent decrease in the number of calves being born. The financial losses caused by trichomoniasis are substantial. The Louisiana cattle industry has approximately 420,000 breeding age cows and 25,600 bulls. Based on this number of cows the calving rate is approximately 85 percent, for a total of 544,000 calves a year. A breeding cow will sell, on average, for approximately $1,200 and a breeding bull will sell, on average for approximately $2,000. A calf will sell, on average, for $500. A cow or bull sold for slaughter will bring, on average, $500. If Louisiana's cattle become infected statewide with trichomoniasis it is conservatively estimated that 50 percent of the cows and bulls will be infected and that the calving rate will decrease to a 50 percent birthing rate. Based on this estimate the Louisiana cattle industry would lose $112,000,000 from unborn calves, $22,400,000 from the sale of infected breeding cows for slaughter rather than as a breeder, and $19,200,000 from the sale of infected bulls for slaughter, rather than as a breeding bull. The cost for replacing the infected cows and bulls with cows and bulls capable of breeding immediately would be $38,400,000 for replacement cows and $25,600,000 for replacement bulls. The cost for testing bulls is a minimum of $100. The vaccine for cows is approximately $10 for the vaccination and $5 for each yearly booster. Thus the cost of testing all bulls in the state would be $2,560,000. The vaccination for cows would cost $6,400,000 initially and $3,200,000 yearly thereafter based on 640,000 breeding cows per year. As an example, the owners of a Louisiana herd of 3000 cattle infected with trichomoniasis has suffered over $1,000,000 in one year in financial losses from the cost of testing, destruction of infected bulls and cows, replacement animals, and reductions in the calf crop.

The threat posed by trichomoniasis is real and immediate and creates an imminent peril to the public welfare of the

citizens of this state, the viability of Louisiana's cattle industry and to the health and safety of the cattle in this state, thereby requiring the promulgation of these emergency regulations. This Emergency Rule was originally promulgated on March 18, 2009 and published in the *Louisiana Register* at LR 35:613 (April 2009). They are being renewed upon the signature of the commissioner and shall remain in effect for 120 days from July 13, 2009, unless renewed or until the permanent rules and regulations become effective.

Title 7
AGRICULTURE AND ANIMALS
Part XXI. Diseases of Animals

§101. Definitions

* * *

APHIS—the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

* * *

Bull—an uncastrated male of domestic cattle.

Breeding Bull—a bull less than 24 months of age in which there is no presence of both permanent central incisor teeth in wear if the bull has been commingled with breeding females; a bull less than 24 months of age in which there is the presence of both permanent central incisor teeth in wear; and a bull that is 24 months of age or older.

Virgin Bull—a bull less than 24 months of age in which both permanent central incisor teeth in wear are not present and that has never been commingled with breeding females.

* * *

Commissioner—the commissioner of agriculture and forestry.

* * *

Department—the department of agriculture and forestry

* * *

Slaughter Permit—an official document issued by an authorized agent of the department, a representative of APHIS veterinary services, or an accredited veterinarian that is required to accompany any animal that is a reactor, or suspect or exposed to a disease, and the animal is required to be taken to slaughter. The slaughter permit shall list the tag number of all reactors, the official ear tag number of all suspect or exposed animals, the owner's name and address, the origin and destination locations, number of animals covered, and the purpose of the movement. If a change in destination becomes necessary, a new permit shall be issued by authorized personnel. No diversion from the destination on the permit is allowed.

* * *

Trichomoniasis—a venereal disease of cattle caused by *Tritrichomonas foetus*, a protozoal parasite

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AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:230 (March 1985), amended LR 11:615 (June 1985), LR 12:289 (May 1986), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 12:498 (August 1986), LR 14:217 (April 1988), LR 15:811 (October 1989), LR 16:391 (May 1990), LR 17:29 (January 1991), LR 18:840 (August 1992), LR 23:949 (August 1997), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1677 (September 1998), LR 28:1170 (June 2002), amended by the Department of Agriculture and Forestry, Board of Animal Health, LR 34:2336 (November 2008), LR 35:

§121. Requiring the Reporting of Contagious Diseases

A. All veterinarians practicing veterinary medicine in this state shall report any of the diseases listed in this Section to the state veterinarian within 24 hours after making a diagnosis or tentative diagnosis of any such disease. The report may be made by telephone, fax, or electronic mail. The reportable diseases are: classical swine fever (hog cholera), anthrax, vesicular conditions, all equine encephalomyelitis conditions, transmissible spongiform encephalopathies (including chronic wasting disease, scrapie, bovine spongiform encephalopathy), pseudorabies (Aujeszky's Disease), tuberculosis, Brucellosis, rabies, strangles (*Streptococcus equi equi)*, equine herpes virus 1, equine viral arteritis, spring viremia of carp, viral hemorrhagic septicemia, Newcastle disease and other paramyxovirus infections, avian influenza (highly pathogenic), ornithosis (chlamydiosis, psittacosis), Salmonellas (pullorum disease or fowl typhoid), infectious laryngotracheitis (other than vaccine induced), trichomoniasis, any disease classified by USDA as a foreign animal disease, or any other disease condition which may seriously threaten the any animal population of this state.

B. - E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, R.S. 3:2094 and R.S. 3:2095.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:234 (March 1985), amended LR 11:615 (June 1985), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 15:813 (October 1989), LR 16:391 (May 1990), LR 23:197 (February 1997), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 28:1170 (June 2002), LR 29:1460 (August 2003), amended by the Department of Agriculture and Forestry, Board of Animal Health, LR 34:2337 (November 2008), LR 35:

§339. Trichomoniasis Testing and Movement Requirements for Cattle

A. No bull that has tested positive for trichomoniasis shall be brought into this state for any purpose whatsoever.

B. No bull may be brought into this state without being accompanied by a negative test for trichomoniasis except for the following animals:

1. exhibition and rodeo bulls that are temporarily in the state only for the purpose of the event and will be leaving the state after the event;
2. bulls consigned to go directly to slaughter; and
3. virgin bulls.

C. A bull that is brought into this state without being accompanied by a negative test for trichomoniasis shall not be comingled with any cow unless the bull is tested and found to be negative for trichomoniasis prior to comingling.

D. All bulls, except exhibition and rodeo bulls, brought into this state shall be identified by one or more of the following means prior to importation:

1. brucellosis ear tag;
2. official 840 radio frequency identification device (RFID);
3. official 840 flap or bangle tag;
4. official individual animal breed registry brand;
5. official individual animal breed registry tattoo; or an
6. official state of origin Trichomoniasis tag.

E. Virgin bulls, other than exhibition and rodeo bulls, brought into this state shall, in addition to any other required documentation, be accompanied by a certification of virgin status signed by the owner of the bull, or the owner's representative or a duly authorized veterinarian. The certification shall include the bull's individual identification. If the owner seeking to import the virgin bull into this state acquired the bull from a breeder or another owner then a certification of virgin status signed by the breeder and each prior owner of the bull, or their representative must also accompany the bull.

F. The requirements for testing bulls for trichomoniasis, whether in this state or to be imported into this state, are as follows.

1. All samples to be submitted for testing for Trichomoniasis shall be drawn by a certified accredited veterinarian.

2. The testing of samples shall be performed at an official laboratory or by a certified accredited veterinarian, qualified to test for trichomoniasis.

3. Three separate official culture tests, each conducted not less than one week apart, or one Polymerase Chain Reaction test (PCR) shall be performed, no more than 30 days prior to entry of the bull into this state. Test samples shall not be pooled. A bull undergoing the three separate official culture tests must test negative on each such test to be considered free of trichomoniasis.

4. A positive result on any test shall immediately cause the bull to be classified as a trichomoniasis infected bull subject to the restrictions set out in these regulations.

5. A PCR test to confirm the presence of trichomoniasis may be requested in the event of a positive result on a test, but the request for the confirmatory test must be made within 5 days of notification of the positive test result.

a. If the confirming PCR test comes back negative then the bull is considered negative for trichomoniasis and may be moved as a negative bull.

b. If the confirming PCR test comes back positive then the bull shall be considered to be infected and subject to the restrictions set out in these regulations.

6. Bulls being tested for trichomoniasis shall be kept separate from female cattle at all times during the entire test period and from the completion of the test until importation into this state.

7. All test results for trichomoniasis, whether negative or positive, shall be reported to the state veterinarian within 24 hours after receipt of the results. When a positive test result is received the treating veterinarian shall consult with the state veterinarian on the first business day after receipt of the test results to determine a plan of action regarding the animal testing positive.

D. Bulls in Louisiana testing positive for trichomoniasis shall be subject to the following restrictions.

1. If a confirming PCR test is timely requested then the bull testing positive shall be segregated from all other cattle until the PCR test results are received.

2. A bull that has tested positive for trichomoniasis for which no confirming PCR test has been timely requested or which is confirmed by the PCR test to be infected with trichomoniasis shall be immediately isolated from and kept isolated from all other cattle, except for other known infected bulls and shall not be moved except as provided in these regulations.

3. An infected bull shall be moved directly to slaughter, or sold directly for slaughter through a livestock market, within 30 days from receipt of the positive results of the original test or the results of the confirming PCR test, whichever is later.

a. Movement of an infected bull shall be under a VS 1-27 permit issued by the testing veterinarian or the state veterinarian or his representative.

b. The VS 1-27 permit shall accompany the bull upon movement of the animal.

4. If an infected bull has been in a herd with other breeding bulls then the other breeding bulls shall automatically be under quarantine until they have tested negative for trichomoniasis.

a. All of the other breeding bulls shall be immediately separated from, and kept separate from, all female cattle and from all virgin bulls or other breeding bulls that have tested negative for trichomoniasis.

b. Each breeding bull that has been in a herd with an infected bull shall be tested for trichomoniasis.

c. Two PCR tests conducted at least seven days apart or three separate official culture tests, each conducted not less than one week apart, shall be performed on each bull. Test samples shall not be pooled. Each test conducted on a bull must show a negative result before the tested bull can be declared to be free of trichomoniasis.

d. A bull that has tested negative shall be immediately removed from all of the other bulls that have not been tested, or for which the test results have not been received and shall be free of the hold or do not remove order.

e. A positive result on any test shall immediately cause the tested bull to be classified as a trichomoniasis infected bull subject to the restrictions set out in these regulations.

f. A PCR test to confirm the presence of Trichomoniasis may be requested in the event of a positive result on a culture test, but the request for the confirmatory test must be made within 5 days of notification of the positive test result.

i. If the confirming PCR test comes back negative then negative then the bull is considered negative for trichomoniasis and may be moved as a negative bull.

ii. If the confirming PCR test comes back positive then the bull shall be considered to be infected and subject to the restrictions set out in these regulations.

E. A virgin bull or breeding bull that has tested negative for trichomoniasis but which has been comingled with cows that come from a known trichomoniasis infected herd shall not be moved to a herd not known to be infected or comingled with cows from such a herd unless the bull has been tested for trichomoniasis and has negative test results.

F. A violation of these regulations shall subject the violator to the following actions.

1. Imposition by the board of a maximum $1,000 civil penalty for each violation, with each day being a separate violation, as provided by R.S. 3:2093 if the violation does not involve the bringing of infected bulls into this state or the transportation of infected bulls through or within this state.

2. Imposition by the board of a maximum $5,000 civil penalty for each violation, with each day being a separate violation, as provide by R.S. 3:2097, if the violation involves the bringing of infected bulls into this state or the transportation of infected bulls through or within this state.

3. Criminal prosecution under R.S. 3:2097 if the violation involves the bringing of infected bulls into this state or the transportation of infected bulls through this state, or within this state without a VS-127; conviction of which subjects the violator to a fine of not less that $5,000 but not more that $25,000, or imprisonment, with or without hard labor, for not less than 1 year but not more than 10 years, or both.

4. Criminal prosecution under R.S. 14:133 if the violation involves the filing of a false public record; conviction of which subjects the violator to a fine of not more than $5,000, or imprisonment for not more than 5 years with or without hard labor, or both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093, 3:2095, and 3:2097.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Board of Animal Health, LR 35:

Mike Strain, DVM
Commissioner

0907#042

DECLARATION OF EMERGENCY

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Sewage Sludge and Biosolids Use or Disposal
(LAC 33:IX.7301)(WQ078E)

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, which allow the Department of Environmental Quality to use emergency procedures to establish rules, and of R.S. 30:2011 and 2074, which allow the department to establish standards, guidelines, and criteria, to promulgate rules and regulations, and to issue compliance schedules, the secretary of the department hereby declares that an emergency action is necessary in order to prevent the unauthorized disposal of sewage sludge in treatment works treating domestic sewage and other areas unprepared to receive the waste stream.

This Emergency Rule will allow the department to implement the registration of the transporters of sewage sludge as required by Act 56 of the 2008 Legislative session and effective on July 1, 2009. The potential for unauthorized dumping of sewage sludge presents a potential health risk to the public and the environment in areas of the state that are underdeveloped for receiving the waste. The Emergency Rule provides for proper regulation of sewage sludge for better protection of human health and environment.

The rule allows the department to approve the registrations of transporters of sewage sludge who meet the requirements for registration except that they have designated receiving facilities that have not yet been permitted by the Office of Environmental Services, Water Permits Division. The rule gives the unpermitted facilities four months to submit applications to LDEQ. This change will give the department the ability to ensure that transporters haul to permitted facilities, thereby preventing the unauthorized disposal of sewage sludge.

This Emergency Rule is effective on July 1, 2009, and shall remain in effect for a maximum of 120 days. For more information concerning WQ078E, you may contact the Regulation Development Section at (225) 219-3985

Adopted this 1st day of July, 2009.

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. - F.1.e.ii. …

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. However, the Office of Environmental Services shall conditionally approve the registration of a transporter naming a receiving facility not permitted to receive sewage sludge or mixtures thereof, provided that all other registration requirements have been met. This conditional approval may be revoked if the Office of Environmental Services has not received a completed permit application from the named receiving facility by October 28, 2009, or if the named receiving facility notifies the Office of Environmental Services that it will not accept sewage sludge from a transporter. All transporters shall maintain a daily log or record of activities containing the following information regarding the sewage sludge and/or grease mixed with sewage sludge:

F.2.a.i. - 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 35:927 (May 2009), LR 35:

Harold Leggett, Ph.D.
Secretary

0907#006

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Disproportionate Share Hospital Payments
Non-Rural Community Hospitals
(LAC 50:V.2701)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:V.2701 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, Office of the Secretary, Bureau of Health Services Financing repromulgated all of the Rules governing the disproportionate share hospital (DSH) payment methodology in LAC 50:V.Chapters 25 and 27 *(Louisiana Register*, Volume 34, Number 4). The department amended the April 20, 2008 Rule governing DSH payments to revise the provisions governing non-rural community hospitals and federally mandated statutory hospitals to clarify that hospitals qualifying as a non-rural community hospital in state fiscal year 2007-08 may also qualify in the federally mandated statutory hospital category and to revise the definition of a non-rural community hospital (*Louisiana Register*, Volume 34, Number 11).

House Bill (HB) 879 of the 2009 Regular Session of the Louisiana Legislature directed the department to reallocate any remaining funds from the fiscal year 2009 DSH appropriation to non-rural community hospitals and issue a supplemental payment to these hospitals for their uncompensated care costs. In compliance with HB 879, the Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend the provisions governing disproportionate share hospital payments to provide for a supplemental payment to non-rural community hospitals.

This action is being taken to promote the public health and welfare of uninsured individuals and to ensure their continued access to health care by assuring that hospitals are adequately reimbursed for furnishing uncompensated care. It is estimated that the implementation of this Emergency Rule will increase expenditures in the Medicaid Program by $37,000,000 for state fiscal year 2008-09.

Effective June 26, 2009, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing disproportionate share hospital payments to non-rural community hospitals.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Medical Assistance Program—Hospital Services

Subpart 3. Disproportionate Share Hospital Payments

Chapter 27. Qualifying Hospitals

§2701. Non-Rural Community Hospitals

A. …

B. DSH payments to a public, non-rural community hospital shall be calculated as follows.

1. Each qualifying public, non-rural community hospital shall certify to the Department of Health and Hospitals its uncompensated care costs. The basis of the certification shall be 100 percent of the hospital's allowable costs for these services, as determined by the most recently filed Medicare/Medicaid cost report. The certification shall be submitted in a form satisfactory to the department no later than October 1 of each fiscal year. The department will claim the federal share for these certified public expenditures. The department's subsequent reimbursement to the hospital shall be in accordance with the qualifying criteria and payment methodology for non-rural community hospitals included in Act19 and HB 879 of the 2009 Regular Session of the Louisiana Legislature, and may be more or less than the federal share so claimed. Qualifying public, non-rural community hospitals that fail to make such certifications by October 1 may not receive Title XIX claim payments or any disproportionate share payments until the department receives the required certifications.

C. - C.4. …

D. Private, non-rural community hospitals located in all other parts of the state shall be reimbursed as follows.

1. If the hospital's qualifying uninsured cost is less than 3.5 percent of total hospital cost, the payment shall be 30 percent of qualifying uninsured cost.

2. If the hospital's qualifying uninsured cost is equal to or greater than 3.5 percent of total hospital cost, but less than 6.5 percent, the payment shall be 50 percent of qualifying uninsured cost.

3. If the hospital's qualifying uninsured cost is equal to or greater than 6.5 percent of total hospital cost, but less than or equal to 8 percent, the payment shall be 80 percent of qualifying uninsured cost.

4. If the hospital's qualifying uninsured cost is greater than 8 percent of total hospital cost, the payment shall be 90 percent of qualifying uninsured cost for the portion in excess of 8 percent of total hospital cost and 80 percent of qualifying uninsured cost for the portion equal to 8 percent of total hospital cost.

D.5. - F. …

G. In the event that the total payments calculated for recipient hospitals qualifying under §2701.D. are anticipated to exceed the total amount appropriated, the department shall reduce payments on a pro rata basis in order to achieve a total cost that is not in excess of the amounts appropriated for this purpose. The $104,000,000 appropriation for the non-rural community hospital pool shall be effective only for state fiscal year 2009 and distributions from the pool shall be considered nonrecurring.

H. - J. …

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:655 (April 2008), amended LR 34:2402 (November 2008), 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 all 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

0907#007

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Facility Need Review—Home and Community-Based Service Providers
(LAC 48:I.12501-12505 and 12523)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 48:I.12501-12505 and adopts §12523 in the Medical Assistance Program as authorized by R.S. 36:254 and 40:2116. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(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 provisions governing the inclusion of adult residential care providers in the Facility Need Review Program and reorganized Chapter 125 of Title 48 of the *Louisiana Administrative Code* (*Louisiana Register*, Volume 34, Number 12). The department promulgated an Emergency Rule to amend the December 20, 2008 Rule to adopt provisions governing the inclusion of licensed home and community-based service (HCBS) providers in the Facility Need Review Program (*Louisiana Register*, Volume 35, Numbers 4 and 5). The department now amends the April 13, 2009 Emergency Rule to clarify provisions governing changes in the location of facilities and changes in ownership.

This action is being taken to promote the health and welfare of recipients by assuring their access to home and community-based services rendered by appropriately regulated and licensed providers. It is estimated that implementation of this Emergency Rule will have no programmatic costs for state fiscal year 2009-2010.

Effective July 20, 2009, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the facility need review process to include licensed home and community-based service providers.

Title 48
PUBLIC HEALTH—GENERAL
Part 1. General Administration
Subpart 5. Health Planning
Chapter 125. Facility Need Review
Subchapter A. General Provisions
§12501. Definitions

A. Definitions. When used in this Chapter the following terms and phrases shall have the following meanings unless the context requires otherwise.

* * *

Home and Community Based Service (HCBS) Providers—those agencies, institutions, societies, corporations, facilities, person or persons, or any other group intending to provide or providing respite care services, personal care attendant (PCA) services, or supervised independent living (SIL) services, or any combination of services thereof, including respite providers, SIL providers, and PCA providers.

* * *

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:806 (August 1995), amended LR 25:1250 (July 1999), LR 28:2190 (October 2002), LR 30:1023 (May 2004), LR 32:845 (May 2006), LR 34:2611 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:

§12503. General Information

A. The Department of Health and Hospitals will conduct a facility need review (FNR)to determine if there is a need for additional facilities, beds or units to enroll to participate in the Title XIX Program for the following facility types:

1. nursing facilities;
2. skilled nursing facilities;
3. intermediate care facilities for persons with developmental disabilities.

B. 42 CFR Part 442.12(d) allows the Medicaid agency to refuse to execute a provider agreement if adequate documentation showing good cause for such refusal has been compiled (i.e. when sufficient beds are available to serve the Title XIX population). The Facility Need Review Program will review applications for additional beds, units and/or facilities to determine whether good cause exists to deny participation in the Title XIX Program to prospective providers of those services subject to the FNR process.

C. The department will also conduct a FNR for the following provider types to determine if there is a need to license additional units, providers or facilities:

1. adult residential care providers or facilities; or
2. home and community-based service providers, as defined under this Chapter.

D. The department shall be responsible for reviewing proposals for facilities, beds, units, and agencies submitted by health care providers seeking to be licensed or to participate in the Medicaid Program. The secretary or his designee shall issue a decision of approval or disapproval.

1. The duties of the department under this program include, but are not limited to:

a. determining the applicability of these provisions to all requests for approval to enroll facilities, beds, or units in the Medicaid Program or to license facilities, units, providers or agencies;

b - d. …

E. No nursing facility, skilled nursing facility, or ICF-DD bed, nor provider units/beds shall be enrolled in the Title XIX Program unless the bed has been approved through the FNR Program. No adult residential care provider or home and community-based services provider may be licensed by the department unless the facility, unit or agency has been approved through the FNR Program.

1. - 4. Repealed.

F. Grandfather Provision. An approval shall be deemed to have been granted under this program without review for NFs, ICFs-DD and/or beds that meet one of the following descriptions:

1. all valid Section 1122 approved health care facilities/beds;
2. all valid approvals for health care facilities/beds issued under the Medicaid Capital Expenditure Review Program prior to the effective date of this program;

3. all valid approvals for health care facilities issued under the Facility Need Review Program; or

4. all nursing facility beds which were enrolled in Medicaid as of January 20, 1991.

G. Additional Grandfather Provision. An approval shall be deemed to have been granted under FNR without review for HCBS providers and ICFs-DD that meet one of the following conditions:

1. HCBS providers which were licensed by January 31, 2009 or had a completed initial licensing application submitted to the department by June 30, 2008; or

2. existing licensed ICFs-DD that are converting to the proposed Residential Options Waiver.

H. Exemptions from the facility need review process shall be made for:

1. a nursing facility which needs to be replaced as a result of destruction by fire or a natural disaster, such as a hurricane; or

2. a nursing facility and/or facility building owned by a government agency which is replaced due to a potential health hazard.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:808 (August 1995), amended LR 28:2190 (October 2002), LR 30:1483 (July 2004), LR 34:2612 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:

§12505. Application and Review Process

A. FNR applications shall be submitted to the Bureau of Health Services Financing, Health Standards Section, Facility Need Review Program. Application shall be submitted on the forms (on 8.5 inch by 11 inch paper) provided for that purpose, contain such information as the department may require, and be accompanied by a nonrefundable fee of $10 per bed or unit. The nonrefundable application fee for an HCBS provider shall be a flat fee of $150.00. An original and three copies of the application are required for submission.

1.- 3.e.i. …

ii. acknowledgement that failure to meet the time-frames established in this Chapter will result in automatic expiration of the FNR approval for the ARCP units.

B. - B.3.b. …

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

HISTORICAL NOTE: Repealed and repromulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:812 (August 1995), amended LR 34:2612 (December 2008), LR 35:

Subchapter B. Determination of Bed, Unit, Facility or Agency Need

§12523. Home and Community-Based Service Providers

A. No HCBS provider shall be licensed to operate unless the FNR Program has granted an approval for the issuance of an HCBS provider license. Once the FNR Program approval is granted, an HCBS provider is eligible to be licensed by the department, subject to meeting all of the requirements for licensure.

B. The service area for proposed or existing HCBS providers is the DHH region in which the provider is or will be licensed.

C. Determination of Need/Approval

1. The department will review the application to determine if there is a need for an additional HCBS provider in the geographic location for which the application is submitted.

2. The department shall grant FNR approval only if the FNR application, the data contained in the application, and other evidence effectively establishes the probability of serious, adverse consequences to recipients' ability to access health care if the provider is not allowed to be licensed.

3. In reviewing the application, the department may consider, but is not limited to, evidence showing:

a. the number of other HCBS providers in the same geographic location and region servicing the same population; and

b. allegations involving issues of access to health care and services.

4. The burden is on the applicant to provide data and evidence to effectively establish the probability of serious, adverse consequences to recipients' ability to access health care if the provider is not allowed to be licensed. The department shall not grant any FNR approvals if the application fails to provide such data and evidence.

D. Applications for approvals of licensed providers submitted under these provisions are bound to the description in the application with regard to the type of services proposed as well as to the site and location as defined in the application. FNR approval of licensed providers shall expire if these aspects of the application are altered or changed.

E. FNR approvals for licensed providers are non-transferrable and are limited to the location and the name of the original licensee.

1. An HCBS provider undergoing a change of location must submit a new application and obtain the approval of the department's FNR Program for the new location.

2. An HCBS provider undergoing a change of ownership shall submit a new application to the department's FNR Program. FNR approval for the new owner shall be granted upon submission of the new application and proof of the change of ownership, which must show the seller's or transferor's intent to relinquish the FNR approval.

3. FNR Approval of a licensed provider shall automatically expire if the provider is moved or transferred to another party, entity or location without application to and approval by the FNR program.

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

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), 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

0907#071

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Inpatient Hospital Services
Non-Rural, Non-State Hospitals—Supplemental Payments
(LAC 50:V.Chapter 9)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:V.Chapter 9 and adopts §961 and §963 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.

In compliance with Act 18 of the 2007 Regular Session of the Louisiana Legislature, the department amended the provisions governing the reimbursement methodology for non-rural, non-state (private) hospitals to increase the Medicaid reimbursement rates paid for inpatient hospital services, including non-rural, non-state acute care hospitals, long term hospitals, hospital intensive neurological rehabilitation units, free-standing psychiatric hospitals and distinct part psychiatric units (*Louisiana Register,* Volume 34, Number 5). In May 2008, the department also amended these provisions 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 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 and to avoid a budget deficit in the medical assistance programs, the bureau promulgated an Emergency Rule which amended the provisions governing the reimbursement methodology for inpatient hospital services to reduce the reimbursement rates (*Louisiana Register,* Volume 35, Number 2). In anticipation of expenditures in the Medical Vendor Program exceeding the funding allocated in the General Appropriations Act for state fiscal year 2010, the bureau promulgated an Emergency Rule to further reduce the reimbursement rates paid for inpatient hospital services (*Louisiana Register*, Volume 35, Number 5).

House Bill (HB) 879 of the 2009 Regular Session of the Louisiana Legislature directed the department to issue a supplemental payment to hospitals that demonstrated substantial financial and operational challenges in the aftermath of Hurricanes Katrina, Rita, Gustav and Ike. In compliance with HB 879, the Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend the provisions governing the reimbursement methodology for inpatient hospital services to provide a supplemental Medicaid payment to non-rural, non-state hospitals.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation in the Hospital Services Program and ensuring recipient access to providers of these medically necessary services. It is estimated that the implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately $176,000,000 for state fiscal year 2009-10.

Effective July 1, 2009, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing inpatient hospital services provided by non-rural, non-state hospitals.

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.

E. Effective for dates of service on or after May 1, 2009, the prospective per diem rate paid to acute care hospitals

shall be reduced by 7.16 percent of the per diem rate on file as of April 30, 2009.

1. Payments to small rural hospitals as defined in R.S. 40:1300.143 shall be exempt from this reduction.

F. Hospitals Impacted by Hurricane Katrina (Region 1). Effective for dates of service on or after July 1, 2009, a quarterly supplemental payment will be issued to qualifying non-rural, non-state acute care hospitals for services rendered from July 1, 2009 through December 31, 2010. Maximum aggregate payments to all qualifying hospitals in this group (along with those in §963.A and outpatient supplemental payments) will not exceed $170,000,000.

1. Qualifying criteria. In order to qualify for the supplemental payment, the non-rural, non-state acute care hospital must be located in DHH Administrative Region 1 (New Orleans) and identified in the July 17, 2008 United States Government Accountability Office report as a hospital that has demonstrated substantial financial and operational challenges in the aftermath of Hurricane Katrina.

2. Each eligible hospital shall receive quarterly supplemental payments which in total do not exceed a specified individualized hospital limit. Payments will be distributed based on Medicaid paid claims data from state fiscal year 2008 service dates. Payments will end on December 31, 2010 or when the hospital specific cap is reached, whichever occurs first.

G. Other Hospitals Impacted by Hurricanes Katrina and Rita. Effective for dates of service on or after July 1, 2009, a quarterly supplemental payment will be issued to qualifying non-rural, non-state acute care hospitals for services rendered from July 1, 2009 through December 31, 2010. Maximum aggregate payments to all qualifying hospitals in this group (along with §959.D and §963.B payments) will not exceed $10,000,000.

1. Qualifying criteria. Non-rural, non-state acute care hospitals that do not qualify for payment under §953.F provisions may receive a supplemental payment if the hospital is located in either the New Orleans or Lake Charles metropolitan statistical area (MSA), had at least 1,000 paid Medicaid days for state fiscal year 2008 service dates and is currently operational.

2. Each eligible hospital shall receive quarterly supplemental payments which in total do not exceed $1,200,000 per hospital for the 18 month period.

a. Payments will be distributed as follows using Medicaid paid days for state fiscal year 2008 service dates.

i. Qualifying hospitals with greater than 7,500 paid Medicaid days for state fiscal year 2008 service dates will be paid $60 per Medicaid paid day.

ii. Qualifying hospitals with greater than 1,000, but less than or equal to 7,500 paid Medicaid days for state fiscal year 2008 service dates will be paid $130 per Medicaid paid day.

b. Payments will end on December 31, 2010 or when the $1,200,000 limit is reached, whichever occurs first.

H. Hospitals Impacted by Hurricanes Gustav and Ike. Effective for dates of service on or after July 1, 2009, a quarterly supplemental payment will be issued to qualifying non-rural, non-state acute care hospitals for services rendered from July 1, 2009 through December 31, 2010. Maximum aggregate payments to all qualifying hospitals in this group (along with §959.E and §963.C payments) will not exceed $7,500,000.

1. Qualifying criteria. Non-rural, non-state public hospitals that do not qualify for payment under §953.F or §953.G may receive a supplemental payment if the hospital is located in either DHH Administrative Region 2 (Baton Rouge) or 3 (Thibodaux), had at least 1,000 paid Medicaid days for state fiscal year 2008 service dates and is currently operational.

2. Each eligible hospital shall receive quarterly supplemental payments which in total do not exceed $1,200,000 per hospital for the 18 month period.

a. Payments will be distributed as follows using Medicaid paid days for state fiscal year 2008 service dates.

i. Qualifying hospitals with greater than 20,000 paid Medicaid days for state fiscal year 2008 service dates will be paid $60 per Medicaid paid day.

ii. Qualifying hospitals with greater than 2,500, but less than or equal to 20,000 paid Medicaid days for state fiscal year 2008 service dates will be paid $105 per Medicaid paid day.

iii. Qualifying hospitals with greater than 1,000, but less than or equal to 2,500 paid Medicaid days for state fiscal year 2008 service dates will be paid $225 per Medicaid paid day.

b. Payments will end on December 31, 2010 or when the $1,200,000 limit is reached, whichever occurs first.

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 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.

C. Effective for dates of service on or after May 1, 2009, the prospective per diem rate paid to long term hospitals for inpatient services shall be reduced by 7.16 percent of the per diem rate on file as of April 30, 2009.

D. Hurricane Impacted Hospitals. Effective for dates of service on or after July 1, 2009, a quarterly supplemental

payment will be issued to qualifying long term hospitals for services rendered from July 1, 2009 through December 31, 2010. Maximum aggregate payments to all qualifying hospitals in this group (along with §961.A payments) will not exceed $500,000.

1. Qualifying criteria. In order to qualify for the supplemental payment, the long term hospital must have had at least 100 paid Medicaid days for state fiscal year 2008 service dates and must be located in one of the following DHH administrative regions:

a. Region 1 (New Orleans);
b. Region 2 (Baton Rouge);
c. Region 3 (Thibodaux);
d. Region 5 (Lake Charles); or
e. Region 9 (Mandeville).

2. Each eligible hospital shall receive quarterly supplemental payments at the rate of $40 per Medicaid paid day for state fiscal year 2008 service dates. Payments will end on December 31, 2010 or when the $500,000 maximum payment limit for this group is reached, whichever occurs first.

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.

C. Effective for dates of service on or after May 1, 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 7.16 percent of the rate on file as of April 30, 2009.

D. Free-Standing Psychiatric Hospitals Impacted by Hurricanes Katrina and Rita. Effective for dates of service on or after July 1, 2009, a quarterly supplemental payment will be issued to qualifying free-standing psychiatric hospitals for services rendered from July 1, 2009 through December 31, 2010. Maximum aggregate payments to all qualifying hospitals in this group (along with §953.G and §961.A payments) will not exceed $10,000,000.

1. Qualifying criteria. Non-rural, non-state free-standing psychiatric hospitals that do not qualify for payment under §953.F provisions may receive a supplemental payment if the hospital is located in either the New Orleans or Lake Charles metropolitan statistical area (MSA), had at least 1,000 paid Medicaid days for state fiscal year 2008 service dates and is currently operational.

2. Each eligible hospital shall receive quarterly supplemental payments which in total do not exceed $1,200,000 per hospital for the 18 month period.

a. Payments will be distributed as follows using Medicaid paid days for state fiscal year 2008 service dates.

i. Qualifying hospitals with greater than 7,500 paid Medicaid days for state fiscal year 2008 service dates will be paid $60 per Medicaid paid day.

ii. Qualifying hospitals with greater than 1,000, but less than or equal to 7,500 paid Medicaid days for state fiscal year 2008 service dates will be paid $130 per Medicaid paid day.

b. Payments will end on December 31, 2010 or when the $1,200,000 limit is reached, whichever occurs first.

E. Free-Standing Psychiatric Hospitals Impacted by Hurricanes Gustav and Ike. Effective for dates of service on or after July 1, 2009, a quarterly supplemental payment will be issued to qualifying free-standing psychiatric hospitals for services rendered from July 1, 2009 through December 31, 2010. Maximum aggregate payments to all qualifying hospitals in this group (along with §953.H and §961.C payments) will not exceed $7,500,000.

1. Qualifying criteria. Non-rural, non-state free-standing psychiatric hospitals that do not qualify for payment under §953.F or §953.G may receive a supplemental payment if the hospital is located in either DHH Administrative Region 2 (Baton Rouge) or 3 (Thibodaux), had at least 1,000 paid Medicaid days for state fiscal year 2008 service dates and is currently operational.

2. Each eligible hospital shall receive quarterly supplemental payments which in total do not exceed $1,200,000 per hospital for the 18 month period.

a. Payments will be distributed as follows using Medicaid paid days for state fiscal year 2008 service dates.

i. Qualifying hospitals with greater than 20,000 paid Medicaid days for state fiscal year 2008 service dates will be paid $60 per Medicaid paid day.

ii. Qualifying hospitals with greater than 2,500, but less than or equal to 20,000 paid Medicaid days for state fiscal year 2008 service dates will be paid $105 per Medicaid paid day.

iii. Qualifying hospitals with greater than 1,000, but less than or equal to 2,500 paid Medicaid days for state fiscal year 2008 service dates will be paid $225 per Medicaid paid day.

b. Payments will end on December 31, 2010 or when the $1,200,000 limit is reached, whichever occurs first.

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:

§961. Inpatient Hospital Rehabilitation Services

A. Hurricane Impacted Hospitals. Effective for dates of service on or after July 1, 2009, a quarterly supplemental payment will be issued to qualifying non-rural, non-state hospitals for rehabilitation services rendered from July 1, 2009 through December 31, 2010. Maximum aggregate payments to all qualifying hospitals in this group (along with §955.D payments) will not exceed $500,000.

1. Qualifying criteria. In order to qualify for the supplemental payment, the hospital intensive neurological rehabilitation care unit must have had at least 100 paid Medicaid days for state fiscal year 2008 service dates and must be located in one of the following DHH administrative regions:

a. Region 1 (New Orleans);
b. Region 2 (Baton Rouge);
c. Region 3 (Thibodaux);
d. Region 5 (Lake Charles); or
e. Region 9 (Mandeville).

2. Each eligible rehabilitation unit shall receive quarterly supplemental payments at the rate of $40 per Medicaid paid day for state fiscal year 2008 service dates. Payments will end on December 31, 2010 or when the $500,000 maximum payment limit for this group is reached, whichever occurs first.

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:

§963. Public Hospitals

A. Hospitals Impacted by Hurricane Katrina (Region 1). Effective for dates of service on or after July 1, 2009, a quarterly supplemental payment will be issued to qualifying non-rural, non-state public hospitals for services rendered from July 1, 2009 through December 31, 2010. Maximum aggregate payments to all qualifying hospitals in this group (along with §953.F and outpatient supplemental payments) will not exceed $170,000,000.

1. Qualifying criteria. In order to qualify for the supplemental payment, the non-rural, non-state public hospital must be located in DHH Administrative Region 1 (New Orleans) and identified in the July 17, 2008 United States Government Accountability Office report as a hospital that has demonstrated substantial financial and operational challenges in the aftermath of Hurricane Katrina.

2. Each eligible hospital shall receive quarterly supplemental payments which in total do not exceed a specified individualized hospital limit. Payments will be distributed based on Medicaid paid claims data from state fiscal year 2008 service dates. Payments will end on December 31, 2010 or when the hospital specific cap is reached, whichever occurs first.

B. Other Hospitals Impacted by Hurricanes Katrina and Rita. Effective for dates of service on or after July 1, 2009, a quarterly supplemental payment will be issued to qualifying non-rural, non-state public hospitals for services rendered from July 1, 2009 through December 31, 2010. Maximum aggregate payments to all qualifying hospitals in this group (along with §953.G and §959.D payments) will not exceed $10,000,000.

1. Qualifying criteria. Non-rural, non-state public hospitals that do not qualify for payment under §961.A provisions may receive a supplemental payment if the hospital is located in either the New Orleans or Lake Charles MSA, had at least 1,000 paid Medicaid days for state fiscal year 2008 service dates and is currently operational.

2. Each eligible hospital shall receive quarterly supplemental payments which in total do not exceed $1,200,000 per hospital for the 18 month period.

a. Payments will be distributed as follows using Medicaid paid days for state fiscal year 2008 service dates.

i. Qualifying hospitals with greater than 7,500 paid Medicaid days for state fiscal year 2008 service dates will be paid $60 per Medicaid paid day.

ii. Qualifying hospitals with greater than 1,000, but less than or equal to 7,500 paid Medicaid days for state fiscal year 2008 service dates will be paid $130 per Medicaid paid day.

b. Payments will end on December 31, 2010 or when the $1,200,000 limit is reached, whichever occurs first.

C. Hospitals Impacted by Hurricanes Gustav and Ike. Effective for dates of service on or after July 1, 2009, a quarterly supplemental payment will be issued to qualifying non-rural, non-state public hospitals for services rendered from July 1, 2009 through December 31, 2010. Maximum aggregate payments to all qualifying hospitals in this group (along with §953.H and §959.E payments) will not exceed $7,500,000.

1. Qualifying criteria. Non-rural, non-state public hospitals that do not qualify for payment under §961.A or §961.B may receive a supplemental payment if the hospital is located in either DHH Administrative Region 2 (Baton Rouge) or 3 (Thibodaux) and had at least 1,000 paid Medicaid days for state fiscal year 2008 service dates.

2. Each eligible hospital shall receive quarterly supplemental payments which in total do not exceed $1,200,000 per hospital for the 18 month period.

a. Payments will be distributed as follows using Medicaid paid days for state fiscal year 2008 service dates.

i. Qualifying hospitals with greater than 20,000 paid Medicaid days for state fiscal year 2008 service dates will be paid $60 per Medicaid paid day.

ii. Qualifying hospitals with greater than 2,500, but less than or equal to 20,000 paid Medicaid days for state fiscal year 2008 service dates will be paid $105 per Medicaid paid day.

iii. Qualifying hospitals with greater than 1,000, but less than or equal to 2,500 paid Medicaid days for state fiscal year 2008 service dates will be paid $225 per Medicaid paid day.

b. Payments will end on December 31, 2010 or when the $1,200,000 limit is reached, whichever occurs first.

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 all 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

0907#008

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Nursing Facilities—Reimbursement Methodology
Rate Determination (LAC 50:VII.1305)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:VII.1305 in the Medical Assistance Program as authorized by R.S. 46:2742.B.7, Senate Bill 247 of the 2009 Regular Session of the Louisiana Legislature 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, Office of the Secretary, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for nursing facilities by increasing the reimbursement paid to providers to implement a wage enhancement for direct care staff employed with the nursing facility (*Louisiana Register*, Volume 33, Number 10).

Senate Bill (SB) 247 of the 2009 Regular Session of the Louisiana Legislature directed the Department to establish provisions which provide for the periodic rebasing of nursing facility rates utilizing the most current cost reports. In compliance with SB 247, the department proposes to amend the provisions governing the reimbursement methodology for nursing facilities to implement periodic rebasing of the nursing facility rates. This action is being taken to promote the health and well-being of nursing facility residents by assuring that nursing facility providers receive reimbursement commensurate with actual cost of providing care to assure their continued participation in the Medicaid Program. It is estimated that implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately $102,797,774 for state fiscal year 2009-10.

Effective July 3, 2009, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for nursing facilities to implement periodic rebasing of the nursing facility rates.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part VII. Long Term Care Services
Subpart 1. Nursing Facilities
Chapter 13. Reimbursement
§1305. Rate Determination

A. …

B. For dates of service on or after January 1, 2003, the Medicaid daily rates shall be based on a case-mix price-based reimbursement system. Rates shall be calculated from cost report and other statistical data.

1. Effective July 3, 2009, and at a minimum, every second year thereafter, the base resident-day-weighted median costs and prices shall be rebased using the most recent four month or greater unqualified audited or desk reviewed cost reports that are available as of the April 1, prior to the July 1, rate setting. The department, at its discretion, may rebase at an earlier time.

a. For rate periods between rebasing, an index factor shall be applied to the base resident-day weighted medians and prices.

C. - E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1791 (August 2002), amended LR 31:1596 (July 2005), LR 32:2263 (December 2006), LR 33:2203 (October 2007), amended 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), 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

0907#011

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Nursing Facilities—Reimbursement Rate Reduction
(LAC 50:VII.1305 and 1309)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50:VII.1305 and §1309 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. In the event the department projects that expenditures in the Medical Vendor Program may exceed the funding allocated in the General Appropriations Act, 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 of funding appropriated by the legislature. Notwithstanding any law to the contrary, the secretary may 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 amended the provisions governing the reimbursement methodology for

nursing facilities by increasing the reimbursement paid to providers to implement a wage enhancement for direct care staff employed with the nursing facility (*Louisiana Register,* Volume 33, Number 10).

In anticipation of projected expenditures in the Medical Vendor Program exceeding the funding allocated in the General Appropriations Act, the department has determined that it is necessary to reduce the reimbursement rates paid to non-state nursing facilities. This action is being taken in order to avoid a budget deficit in the medical assistance programs.

Taking the 7.56 percent reduction in per diem rates in state fiscal year 2010 into consideration, 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 $58,055,047 for state fiscal year 2009-2010.

Effective July 3, 2009, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for non-state nursing facilities to reduce the reimbursement rates.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part VII. Long Term Care Services
Subpart 1. Nursing Facilities
Chapter 13. Reimbursement
§1305. Rate Determination

A. - D.1.h.Example. …

i. For dates of service on or after July 3, 2009, the facility-specific direct care rate will be adjusted in order to reduce the wage enhancement from $4.70 to a $1.30 wage enhancement prior to the case-mix adjustment for direct care staff. The $1.30 wage enhancement will be included in the direct care component of the floor calculations. It is the intent that this wage enhancement be paid to the direct care staff.

i. Effective with the next rebase, on or after July 1, 2010, the wage enhancement will be eliminated.

D.2. - 4.b. …

5. Adjustment to the Rate. Adjustments to the Medicaid daily rate may be made when changes occur that will eventually be recognized in updated cost report data (such as a change in the minimum wage, a change in FICA or a utility rate change). These adjustments would be effective until the next rebasing of cost report data or until such time as the cost reports fully reflect the change.

6. Budget Shortfall. In the event the department is required to implement reductions in the nursing facility program as a result of a budget shortfall, a budget reduction category shall be created. Without changing the parameters established in these provisions, this category shall reduce the statewide average Medicaid rate by reducing the reimbursement rate paid to each nursing facility using an equal amount per patient day.

a. Effective for dates of service on or after July 3, 2009, the reimbursement paid to non-state nursing facilities shall be reduced by 7.56 percent of the per diem rate on file as of July 2, 2009.

E. …

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1791 (August 2002), LR 31:1596 (July 2005), LR 32:2263 (December 2006), LR 33:2203 (October 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:

§1309. State-Owned or Operated and Non-State, Government-Owned or Operated Facilities

A. - B.2. …

C. Effective for dates of service on and after July 3, 2009, the reimbursement paid to non-state, government-owned and operated nursing facilities shall be reduced by 7.56 percent of the per diem rate on file as of July 2, 2009.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 46:2742, and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1793 (August 2002), amended LR 30:53 (January 2004), LR 31:1596 (July 2005), LR 32:2265 (December 2006), 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

0907#010

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Outpatient Hospital Services
Non-Rural, Non-State Hospitals
Supplemental Payments
(LAC 50:V.5315, 5515, 5715, 5915 and 6117)

The Department of Health and Hospitals, Bureau of Health Services Financing adopts LAC 50:V.5315, §5515, §5715, §5915 and §6117 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, Office of the Secretary, 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 rates 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 and to avoid a budget deficit in the medical assistance programs, the bureau promulgated an Emergency Rule to reduce the reimbursement paid to non-rural, non-state hospitals for outpatient services (*Louisiana Register*, Volume 35, Number 2). In anticipation of projected expenditures in the Medical Vendor Program exceeding the funding allocated in the General Appropriations Act, the bureau promulgated an Emergency Rule to further reduce the reimbursement rates paid to non-rural, non-state hospitals for outpatient services (*Louisiana Register*, Volume 35, Number 5).

House Bill (HB) 879 of the 2009 Regular Session of the Louisiana Legislature directed the department to issue a supplemental payment to hospitals that demonstrated substantial financial and operational challenges in the aftermath of Hurricanes Katrina, Rita, Gustav and Ike. In compliance with HB 879, the Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend the provisions governing the reimbursement methodology for outpatient hospital services to provide a supplemental Medicaid payment to non-rural, non-state public hospitals.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring sufficient provider participation in the Hospital Services Program and ensuring recipient access to providers of these medically necessary services. It is estimated that the implementation of this Emergency Rule will increase expenditures in the Medicaid Program by approximately $12,000,000 for state fiscal year 2009-10.

Effective July 1, 2009, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing outpatient hospital services provided by non-rural, non-state public hospitals.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 5. Outpatient Hospitals

Chapter 53. Outpatient Surgery

Subchapter B. Reimbursement Methodology

§5315. Non-Rural, Non-state Public Hospitals

A. Hurricane Katrina Impacted Hospitals. Effective for dates of service on or after July 1, 2009, a quarterly supplemental payment will be issued to qualifying non-rural, non-state public hospitals for outpatient surgical services rendered from July 1, 2009 through December 31, 2010. Maximum aggregate payments to all qualifying hospitals in this group including inpatient supplemental payments will not exceed $170,000,000.

1. Qualifying criteria. In order to qualify for the supplemental payment, the non-rural, non-state public hospital must be located in DHH Administrative Region 1 (New Orleans) and identified in the July 17, 2008 United States Government Accountability Office report as a hospital that has demonstrated substantial financial and operational challenges in the aftermath of Hurricane Katrina.

2. Each eligible hospital shall receive quarterly supplemental payments which in total do not exceed a specified individualized hospital limit. Payments will be distributed based on Medicaid paid claims data from state fiscal year 2008 service dates. Payments will end on December 31, 2010 or when the hospital specific cap is reached, whichever occurs first.

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:

Chapter 55. Clinic Services

Subchapter B. Reimbursement Methodology

§5515. Non-Rural, Non-State Public Hospitals

A. Hurricane Katrina Impacted Hospitals. Effective for dates of service on or after July 1, 2009, a quarterly supplemental payment will be issued to qualifying non-rural, non-state public hospitals for clinic services rendered from July 1, 2009 through December 31, 2010. Maximum aggregate payments to all qualifying hospitals in this group including inpatient supplemental payments will not exceed $170,000,000.

1. Qualifying criteria. In order to qualify for the supplemental payment, the non-rural, non-state public hospital must be located in DHH Administrative Region 1 (New Orleans) and identified in the July 17, 2008 United States Government Accountability Office report as a hospital that has demonstrated substantial financial and operational challenges in the aftermath of Hurricane Katrina.

2. Each eligible hospital shall receive quarterly supplemental payments which in total do not exceed a specified individualized hospital limit. Payments will be distributed based on Medicaid paid claims data from state fiscal year 2008 service dates. Payments will end on December 31, 2010 or when the hospital specific cap is reached, whichever occurs first.

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:

Chapter 57. Laboratory Services

Subchapter B. Reimbursement Methodology

§5715. Non-Rural, Non-State Public Hospitals

A. Hurricane Katrina Impacted Hospitals. Effective for dates of service on or after July 1, 2009, a quarterly supplemental payment will be issued to qualifying non-rural, non-state public hospitals for laboratory services rendered from July 1, 2009 through December 31, 2010. Maximum aggregate payments to all qualifying hospitals in this group including inpatient supplemental payments will not exceed $170,000,000.

1. Qualifying criteria. In order to qualify for the supplemental payment, the non-rural, non-state public hospital must be located in DHH Administrative Region 1 (New Orleans) and identified in the July 17, 2008 United States Government Accountability Office report as a hospital that has demonstrated substantial financial and operational challenges in the aftermath of Hurricane Katrina.

2. Each eligible hospital shall receive quarterly supplemental payments which in total do not exceed a specified individualized hospital limit. Payments will be

distributed based on Medicaid paid claims data from state fiscal year 2008 service dates. Payments will end on December 31, 2010 or when the hospital specific cap is reached, whichever occurs first.

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:

Chapter 59. Rehabilitation Services

Subchapter B. Reimbursement Methodology

§5915. Non-Rural, Non-State Public Hospitals

A. Hurricane Katrina Impacted Hospitals. Effective for dates of service on or after July 1, 2009, a quarterly supplemental payment will be issued to qualifying non-rural, non-state public hospitals for rehabilitation services rendered from July 1, 2009 through December 31, 2010. Maximum aggregate payments to all qualifying hospitals in this group including inpatient supplemental payments will not exceed $170,000,000.

1. Qualifying criteria. In order to qualify for the supplemental payment, the non-rural, non-state public hospital must be located in DHH Administrative Region 1 (New Orleans) and identified in the July 17, 2008 United States Government Accountability Office report as a hospital that has demonstrated substantial financial and operational challenges in the aftermath of Hurricane Katrina.

2. Each eligible hospital shall receive quarterly supplemental payments which in total do not exceed a specified individualized hospital limit. Payments will be distributed based on Medicaid paid claims data from state fiscal year 2008 service dates. Payments will end on December 31, 2010 or when the hospital specific cap is reached, whichever occurs first.

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:

Chapter 61. Other Outpatient Hospital Services

Subchapter B. Reimbursement Methodology

§6117. Non-Rural, Non-State Public Hospitals

A. Hurricane Katrina Impacted Hospitals. Effective for dates of service on or after July 1, 2009, a quarterly supplemental payment will be issued to qualifying non-rural, non-state public hospitals for outpatient hospital services other than clinical diagnostic laboratory services, outpatient surgeries and rehabilitation services rendered from July 1, 2009 through December 31, 2010. Maximum aggregate payments to all qualifying hospitals in this group including inpatient supplemental payments will not exceed $170,000,000.

1. Qualifying criteria. In order to qualify for the supplemental payment, the non-rural, non-state public hospital must be located in DHH Administrative Region 1 (New Orleans) and identified in the July 17, 2008 United States Government Accountability Office report as a hospital that has demonstrated substantial financial and operational challenges in the aftermath of Hurricane Katrina.

2. Each eligible hospital shall receive quarterly supplemental payments which in total do not exceed a specified individualized hospital limit. Payments will be distributed based on Medicaid paid claims data from state fiscal year 2008 service dates. Payments will end on December 31, 2010 or when the hospital specific cap is reached, whichever occurs first.

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 all 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

0907#012

DECLARATION OF EMERGENCY

Department of Health and Hospitals
Bureau of Health Services Financing

Targeted Case Management
Nurse Family Partnership Program
Reimbursement Rate Reduction
(LAC 50:XV.10701, 11101 and 11103)

The Department of Health and Hospitals, Bureau of Health Services Financing amends LAC 50.XV.10701 and 11101 under 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, Office of the Secretary, Bureau of Health Services Financing amended the provisions governing the reimbursement methodology for targeted case management (TCM) 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 and to avoid a budget deficit in the medical assistance programs, the bureau promulgated an Emergency Rule to amend the provisions governing the reimbursement methodology for TCM to reduce the reimbursement rates. This rate reduction was not applicable to Infants and Toddlers and Early and Periodic Screening, Diagnosis and Treatment case management (*Louisiana Register*, Volume 35, Number 2). In anticipation of projected expenditures in the Medical Vendor Program exceeding the funding allocated in the General Appropriations Act for state fiscal year 2010, the bureau promulgated an Emergency Rule to amend the February 1, 2009 Emergency Rule to further reduce the reimbursement rates paid for targeted case management services, including the TCM services provided in the Nurse Family Partnership Program (*Louisiana Register*, Volume 35, Number 5).

The Department of Health and Hospitals, Bureau of Health Services Financing now proposes to amend the provisions of the May 1, 2009 Emergency Rule to further reduce the reimbursement rates paid for TCM services provided in the Nurse Family Partnership Program. The bureau also proposes to restrict reimbursement of TCM services in the Nurse Family Partnership Program to prenatal and postnatal services only.

This action is being taken to avoid a budget deficit in the medical assistance programs and to assure that reimbursements for targeted case management services remain within budget allocations. It is estimated that implementation of this Emergency Rule will reduce expenditures in the Medicaid Program by approximately $2,932,390 for state fiscal year 2009-10.

Effective July 1, 2009, the Department of Health and Hospitals, Bureau of Health Services Financing amends the provisions governing targeted case management services provided in the Nurse Family Partnership Program.

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 who are participants in the New Opportunities Waiver; and

3. individuals with disabilities resulting from HIV.

F. Effective for dates of service on or after May 1, 2009, the reimbursement to non-state providers of case management services provided to the following targeted populations shall be reduced by 6.25 percent of the rates on file as of April 30, 2009:

1. participants in the Nurse Family Partnership Program;

2. individuals with developmental disabilities who are participants in the New Opportunities Waiver; and

3. individuals with disabilities resulting from HIV.

G. Effective for dates of service on or after July 1, 2009, the reimbursement for case management services provided to participants in the Nurse Family Partnership Program shall be reduced to $115.93 per visit.

1. Medicaid reimbursement shall be limited to prenatal and postnatal services only. Case management services provided to infants and toddlers shall be excluded from reimbursement under the Nurse Family Partnership Program.

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

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

Chapter 111. Nurse Family Partnership Program
§11101. Introduction

A. - B. …

C. Case management services rendered in the Nurse Family Partnership Program shall be limited to prenatal and postnatal services only.

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 30:1041 (May 2004), amended LR 31:2028 (August 2005), LR 34:1036 (June 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:

§11103. Recipient Qualifications

A. - B. …

C. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1041 (May 2004), amended LR 31:2028 (August 2005), LR 34:1037 (June 2008), amended 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

0907#009

DECLARATION OF EMERGENCY

Department of Social Services
Office of Family Support

TANF—LA 4 Public Pre-Kindergarten
(LAC 67:III.5585)

The Department of Social Services, Office of Family Support, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to adopt LAC 67:III, Subpart 12 Chapter 55, Section 5587, LA 4 Public Pre-Kindergarten Program as a new TANF Initiative.

Pursuant to House Bill 1 of the 2009 Regular Session of the Louisiana Legislature, the agency is adopting the LA 4 Public Pre-Kindergarten Program to provide high quality early childhood education for low-income, 4-year olds to be provided in participating public school districts. This program intends to provide high quality early childhood education to foster an interest in learning, increase literacy levels and increase the likelihood of developing responsible behavior. This rule is effective July 1, 2009, and shall remain in effect for a period of 120 days.

The authorization for emergency action in this matter is and is contained in House Bill 1 of the 2009 Regular Session of the Louisiana Legislature.

Title 67
SOCIAL SERVICES
Part III. Office of Family Support
Subpart 15. Temporary Assistance for Needy Families (TANF) Initiatives
Chapter 55 TANF Initiatives
§5585. LA 4 Public Pre-Kindergarten Program

A. Effective July 1, 2009, the Office of Family Support shall enter into a contract with the Department of Education for the LA 4 Public Pre-kindergarten Program.

B. Services include providing high quality early childhood education for low income 4-year-olds in participating public school districts.

C. These services meet TANF goal 3, to prevent and reduce the incidence of out-of-wedlock pregnancies and TANF goal 4, to encourage the formation and maintenance of two-parent families by placing children in learning environments at the pre-school level to foster an interest in learning, increase literacy levels and increase the likelihood of developing responsible behavior.

D. Eligibility for services is limited to at risk families in which the child is one year younger than the eligible age for kindergarten and is eligible to receive free or reduced school lunch meals pursuant to the Federal Child Nutrition Program as documented by a completed application for such meals, whether or not such meals are sought.

E. Services are considered non-assistance by the agency.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; House Bill 1 of the 2009 Regular Session Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support LR 35:

Kristy H. Nichols
Secretary

0907#013

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

2009 Spring Inshore Shrimp Season
Closure—Portion 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 provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and a resolution adopted by the Wildlife and Fisheries Commission on May 7, 2009 which authorized the Secretary of the Department of Wildlife and Fisheries to close the 2009 Spring Inshore Shrimp Season in any portion of Louisiana's inside waters to protect small white shrimp if biological and technical data indicate the need to do so, or if enforcement problems develop, the secretary hereby declares:

The 2009 Spring Inshore Shrimp Season within Shrimp Management Zone 1 will close on Tuesday, June 30, at 6:00 a.m. except for that portion of Zone 1 including Lake Pontchartrain, Rigoletes Pass from the mouth of Lake Pontchartrain extending eastward to the western side of the CSX Railway Bridge, Chef Menteur Pass from the mouth of Lake Pontchartrain southeasterly to the mouth of Lake Borgne, that portion of Mississippi Sound beginning at a point on the Louisiana-Mississippi Lateral Boundary at latitude 30 degrees 09 minutes 39.6 seconds north and longitude 89 degrees 30 minutes 00.0 seconds west; thence due south to a point at latitude 30 degrees 05 minutes 00.0 seconds north and longitude 89 degrees 30 minutes 00.0 seconds west; thence southeasterly to a point on the western shore of Three-Mile Pass at latitude 30 degrees 03 minutes 00.0 seconds north and longitude 89 degrees 22 minutes 23.0 seconds west; thence northeasterly to a point on Isle Au Pitre at latitude 30 degrees 09 minutes 20.5 seconds north and longitude 89 degrees 11 minutes 15.5 seconds west, which is a point on the double–rig line as described in R.S. 56:495.1(A)2; thence northerly along the double–rig line to a point on the Louisiana-Mississippi Lateral Boundary at latitude 30 degrees 12 minutes 37.9056 seconds north and longitude 89 degrees 10 minutes 57.9725 seconds west; thence westerly along the Louisiana-Mississippi Lateral Boundary to the point of beginning, and the open waters of Breton and Chandeleur Sounds as described by the double-rig line.

Lake Pontchartrain, Chef Menteur Pass, Rigolets Pass, a portion of Mississippi Sound, the open waters of Breton and Chandeleur Sounds all located in Shrimp Management Zone 1 as well as all of Shrimp Management Zone 3 will remain open until further notice.

The State Territorial waters south of the Inside/Outside Shrimp Line, as described in R.S. 56:495, shall also remain open to shrimping.

The number, distribution and percentage of small juvenile white shrimp taken in biological samples within those portions of Zone 1 to be closed has rapidly increased in recent weeks and these waters are being closed to protect these developing shrimp.

Robert J. Barham
Secretary

0907#005

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

2009 Spring Inshore Shrimp Season Closure
Portion of Zone 1 and All of Zone 3

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 provides that the Wildlife and Fisheries

Commission shall fix no less than two open seasons each year for all or part of inside waters and a resolution adopted by the Wildlife and Fisheries Commission on May 7, 2009 which authorized the Secretary of the Department of Wildlife and Fisheries to close the 2009 Spring Inshore Shrimp Season in any portion of Louisiana's inside waters to protect small white shrimp if biological and technical data indicate the need to do so, or if enforcement problems develop, the Secretary hereby declares:

The 2009 spring inshore shrimp season within Shrimp Management Zone 1 will close on Saturday, July 11, 2009 at 6:00 a.m. except for that portion of Mississippi Sound beginning at a point on the Louisiana-Mississippi Lateral Boundary at latitude 30 degrees 09 minutes 39.6 seconds north and longitude 89 degrees 30 minutes 00.0 seconds west; thence due south to a point at latitude 30 degrees 05 minutes 00.0 seconds north and longitude 89 degrees 30 minutes 00.0 seconds west; thence southeasterly to a point on the western shore of Three-Mile Pass at latitude 30 degrees 03 minutes 00.0 seconds north and longitude 89 degrees 22 minutes 23.0 seconds west; thence northeasterly to a point on Isle Au Pitre at latitude 30 degrees 09 minutes 20.5 seconds north and longitude 89 degrees 11 minutes 15.5 seconds west, which is a point on the double–rig line as described in R.S. 56:495.1(A)2; thence northerly along the double–rig line to a point on the Louisiana-Mississippi Lateral Boundary at latitude 30 degrees 12 minutes 37.9056 seconds north and longitude 89 degrees 10 minutes 57.9725 seconds west; thence westerly along the Louisiana-Mississippi Lateral Boundary to the point of beginning, and the open waters of Breton and Chandeleur Sounds as described by the double-rig line. Shrimp Management Zone 3 will close on Saturday, July 11, 2009 at 6:00 a.m.

Effective with this closure, all State inside waters except for those waters described above will be closed to shrimping. State Territorial waters south of the Inside/Outside Shrimp Line, as described in R.S. 56:495(A), shall also remain open to shrimping.

The number, distribution and percentage of small juvenile white shrimp taken in biological samples within those additional portions of Zone 1 to be closed as well as in Zone 3 has rapidly increased in recent weeks and these waters are being closed to protect these developing shrimp.

Robert J. Barham
Secretary

0907#015

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Commercial Deepwater Grouper Season Closure

The commercial seasons for the harvest of deepwater groupers in Louisiana state waters will close effective 12:01 a.m. on June 27, 2009. The deepwater grouper assemblage includes misty, snowy, yellowedge, Warsaw grouper, and speckled hind. The Secretary has been informed that the commercial seasons for deepwater groupers in the Federal waters of the Gulf of Mexico off the coast of Louisiana will close at 12:01 a.m. on June 27, 2009, and will remain closed until 12:01 a.m. January 1, 2010.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the Secretary of the Department by the Commission in its resolution of January 8, 2009 to modify opening and closing dates of 2009 commercial reef fish seasons in Louisiana state waters when he is informed by the Regional Director of NOAA Fisheries that the seasons have been closed in adjacent Federal waters, and that NOAA Fisheries requests that the season be modified in Louisiana state waters, the Secretary hereby declares:

The commercial fisheries for deepwater groupers in Louisiana waters will close at 12:01 a.m. on June 27, 2009, and remain closed until 12:01 a.m., January 1, 2010. Effective with these closures, no person shall commercially harvest, possess, purchase, barter, trade, sell or attempt to purchase, barter, trade or sell deepwater groupers whether within or without Louisiana waters. Effective with the closures, no person shall possess deepwater groupers in excess of a daily bag limit, which may only be in possession during the open recreational season. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure providing that all commercial dealers possessing deepwater groupers taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

The secretary has been notified by NOAA Fisheries that the commercial deepwater grouper season in Federal waters of the Gulf of Mexico will close at 12:01 a.m. on June 27, 2009, and the seasons will remain closed until 12:01 a.m. January 1, 2010. Having compatible season regulations in State waters is necessary to provide effective rules and efficient enforcement for the fishery, to prevent overfishing of these species in the long term.

Robert J. Barham
Secretary

0907#001

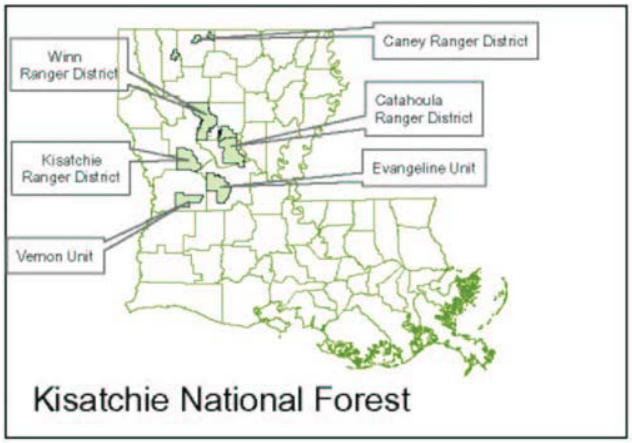
DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Kisatchie National Forest Hunting Season

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, and under the authority of R.S. 56:115, the Secretary of the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby adopts the following Emergency Rule.

The hunting season for Kisatchie National Forest during the 2009-2010 hunting season shall be as follows:



Kisatchie National Forest (KNF)

All Seasons for KNF are for 2009-10 only. Bag Limit = 1 deer of the appropriate sex per day up to the statewide seasonal limit of three antlered and three antlerless deer. All deer must be tagged as required by LDWF regulations. Hunting stand, blind, tripod, etc. regulations applicable to LDWF WMAs are in effect on KNF (refer to "Methods of Taking Game" section of 2009-2010 LDWF Wildlife Management Area Regulations).

Motorized travel off designated roads and trails and outside designated areas is prohibited on the entire KNF. Motor Vehicle Use Maps (MVUM) showing designated roads and trails and associated vehicles and travel seasons are available in all Forest Service offices and on the Kisatchie Web site *www.fs.fed.us/r8/kisatchie*. ATV travel is allowed between 1 hour before sunrise and 1 hour after sunset; nighttime ATV travel is prohibited. Game retrieval with an ATV is only allowed within designated 300-foot corridors within the National Wildlife Management Preserves (see MVUM). Camping corridors for highway-legal vehicles to drive within 100 feet of the road and camp are designated on the Caney District and in the National Red Dirt Wildlife Management Preserve.

Catahoula Ranger District (Grant & Rapides Parishes), Winn Ranger District (Winn, Grant & Natchitoches Parishes), Kisatchie Ranger District (Natchitoches Parish), Evangeline Unit of the Calcasieu Ranger District (Rapides Parish):

Deer hunting with dogs on the Catahoula Ranger District shall occur only north of La. 8, excluding the National Catahoula Wildlife Management Preserve. Deer hunting with dogs on the Evangeline Unit shall occur only in the portion of the unit located south of La. 121 from near McNutt southwesterly to Spring Creek, east of Spring Creek southeasterly to US 165, except dogs may be used in Palustris Experimental Forest. National Forest lands within the Evangeline Unit, Calcasieu Ranger District, described in still hunt only area shall be still hunt only.

Deer:

Oct. 24-25, either-sex, primitive firearms, still hunt only.
Oct. 31-Nov. 1, either-sex, still hunt only.
Nov. 2, bucks only, still hunt only
Nov. 7-8, 14-15, 21-26, bucks only, still hunt only.
Nov. 27, either-sex, still hunt only.
Nov. 28-29, bucks only, still hunt only.
Dec. 5-6, 12-13, buck only, still hunt only
Dec. 19-24, 26-27, bucks only, with or without dogs
Jan. 1-3, bucks only, still hunt only.
Jan. 8-10, bucks only, still hunt only.

Vernon Unit of the Calcasieu Ranger District (Vernon Parish, excluding Fort Polk WMA):

Oct. 24-25, either-sex, primitive firearms, still hunt only.
Oct. 31-Nov. 1, either-sex, still hunt only.
Nov. 2, bucks only, still hunt only
Nov. 7-8, 14-15, 21-26, bucks only, still hunt only.
Nov. 27-29 either-sex, still hunt only.
Dec. 5-6, 12-13, 19-24, 26-31, bucks only, still hunt only.
Jan. 1-3, bucks only, still hunt only.
Jan. 8-10, bucks only, still hunt only.

Caney Ranger District (Webster and Claiborne Parishes):

Deer—Same as outside including Youth Hunt (Area 2) except still hunt only. Either-sex entire season.

Other seasons on KNF:

Archery: Vernon Unit, Calcasieu Ranger District: Sept. 19-Jan. 15. Remainder of KNF: Oct. 1-Jan. 31. Either-sex deer may be taken at any time by archers during archery season except when bucks-only firearms seasons are in progress on KNF (archers must hunt only bucks during bucks-only firearm seasons).

All Other Small Game: Same as outside except closed to squirrel hunting during the spring season and waterfowl hunting ceases at 2 p.m.

Unmarked Hogs, Coyotes, Armadillos and Beavers: May be taken incidentally on any KNF hunt by properly licensed hunters with weapons legal for that hunt until the daily or seasonal bag limit of game is taken. The placing of seed, corn, wheat, salt, or other feed to constitute a lure or enticement for any species, including hogs, is prohibited on KNF. Hunting over such feed is prohibited on KNF. Moving deer or hogs with organized drivers and standers, drivers, or making use of noise or noise-making devices is prohibited.

Raccoons and opossums: May be hunted during daylight or nighttime from Oct. 1-Feb. 28 only. A licensed hunter may take raccoon or opossum, one per person per day, except during the trapping season when there shall be no limit. Night-time chase only: May 1–Sept. 30, Tuesdays and Thursdays only. No firearms allowed. Nighttime ATV travel is prohibited.

Crows, blackbirds, grackles, and cowbirds: May be taken September 1-January 1 only.

All hunters (including archers and small game hunters; excluding waterfowl and dove hunters) must display 400

square inches of hunter orange and wear a hunter orange cap during any firearm season for deer. Deer hunters hunting from concealed ground blinds during firearms season must display a minimum of 400 square inches of hunter orange above or around their blinds which is visible from 360 degrees. Rabbit, quail, and woodcock hunters must wear a hunter orange vest or cap outside the firearm seasons for deer. All persons afield during hunting seasons are encouraged to wear hunter orange. Hunting in or within 150 yards of a developed recreation site, campsite, any residence, or any building is prohibited.

Hunting-dog training from Mar. 1-Sept. 30 is allowed only in the following circumstances: dogs are within voice-command distance of handler; dogs are participating in night-time raccoon chases mentioned above; dogs are participating in licensed events conducted by nationally-recognized kennel clubs (KNF permit required – contact Forest Supervisor's office); dogs are under close control of hikers; and any dog on a leash. The training of deer dogs is prohibited year-round. No firearms allowed while training dogs.

National Catahoula Wildlife Management Preserve and National Red Dirt Wildlife Management Preserve. Owner - U.S. Forest Service: Catahoula Preserve - 36,000 Acres in Grant and Winn Parishes; Red Dirt Preserve - 38,000 Acres in Natchitoches Parish. Season Permit required from Forest Supervisor's office, Winn, Catahoula or Kisatchie Ranger District offices or *www.fs.fed.us/r8kisatchie/hunting/index.html* for all hunting. Additionally, weekend permits, available at the check stations, are required for deer gun hunts.

Deer:

Oct. 17-18, special youth hunt, either-sex, still hunt only. Weekend permit required. Youths between the ages of 8-17 inclusive 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. Also, special season for physically-challenged hunters with a LDWF Physically Challenged Hunt Permit, either-sex, still hunt only. Weekend permit required.

Oct. 24-25, primitive firearms, either-sex, still hunt only, weekend permit.

Oct. 31-Nov.1, either-sex, still hunt only, weekend permit.

Nov. 27, either-sex, still hunt only, weekend permit.

Nov. 28-29, bucks only, still hunt only, weekend permit.

Rabbit: Same as outside except beagles allowed for rabbit Jan. 9-Feb. 28 only. Only beagle hounds which do not exceed 15 inches at the front shoulder and which have recognizable characteristics of the breed may be used on the Wildlife Management Preserve.

Squirrel: Same as outside except squirrel hunting with dogs allowed Jan. 9-Feb. 28 only. Hunting parties may not include more than one dog. Closed to squirrel hunting during the spring season.

Raccoon (Nighttime): Dogs allowed Jan. 9-Feb. 28 only.

All Other Game: Consult KNF's Catahoula and Red Dirt Preserve Regulations issued by KNF. To obtain permits and information, visit website listed above or contact: KNF Forest Supervisor's Office, 2500 Shreveport Hwy., Pineville, LA 71360, telephone (318) 473-7160. Office hours 8 a.m. to 4:30 p.m.

A Declaration of Emergency is authorized by LSA R.S. 49:967D and 49:953B, and further is necessary because of recent discussions between the U.S. Forest Service and staff of the Department of Wildlife and Fisheries relative to hunting opportunities for deer dog hunters. Thus, season dates, bag limits and shooting hours must be established and presented immediately.

The aforementioned season dates, bag limits and shooting hours shall become effective August 30, 2009 and shall extend through one-half hour after sunset on December 27, 2009, and shall supplant and supersede those season dates, bag limits and shooting hours for Kisatchie National Forest previously adopted and which will be published in the July 20, 2009 *Louisiana Register*.

Robert J. Samanie, III
Chairman

0907#014

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Large Coastal Shark Commercial Fishery Closure

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the Secretary of the Department by the Commission in its rule LAC 76:VII.357.M.2 which allows the secretary authority to modify seasons to maintain consistency with the adjacent federal waters, and that such closure order shall close the season until the date projected for the re-opening of that fishery in the adjacent federal waters, the Secretary of the Department of Wildlife and Fisheries hereby declares:

Effective 11:59 p.m., June 30, 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 remain closed until further notice. This closure will not pertain to persons holding a Federal Shark Research Permit issued by NOAA Fisheries Service, when those persons are legally fishing under the regulations promulgated for that permit including

that a NMFS-approved observer is aboard the vessel. Nothing herein shall preclude the legal harvest of Large Coastal Sharks by legally licensed recreational fishermen during the open season for recreational harvest. Effective with this closure, no person shall commercially harvest, possess, purchase, exchange, barter, trade, sell or attempt to purchase, exchange, barter, trade or sell large coastal sharks, whether taken from within or without Louisiana waters, except for a Federal Shark Research Permit holder, when legally operating under that Permit. Also effective with the closure, no person shall possess Large Coastal Sharks in excess of a daily bag limit whether taken from within or without Louisiana waters, which may only be in possession during the open recreational season. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure, or from Federal Shark Research Permit holders, provided that all commercial dealers possessing Large Coastal Sharks taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

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 was closed at 11:30 p.m. local time on June 6, 2009, and will be closed until 30 days after promulgation of seasonal rules for the 2010 shark season. The season in Louisiana waters is currently closed and was scheduled to re-open on July 1, 2009 under rules promulgated in LAC 76:VII.357. Extending this closure is necessary to ensure that compatible regulations are in effect, and to increase effectiveness of enforcement operations.

Robert J. Barham
Secretary

0907#002

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Shrimp Season Closure—Zone 2

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 provides that the Wildlife and Fisheries Commission shall fix no less than two open seasons each year for all or part of inside waters and a resolution adopted by the Wildlife and Fisheries Commission on May 7, 2009 which authorized the Secretary of the Department of Wildlife and Fisheries to close the 2009 Spring Inshore Shrimp Season in any portion of Louisiana's inside waters to protect small white shrimp if biological and technical data indicate the need to do so, or if enforcement problems develop, the secretary hereby declares:

The 2009 spring inshore shrimp season within Shrimp Management Zone 2 will close on Monday, June 22, at 6:00 a.m. Zones 1 and 3 will remain open until further notice.

The State Territorial waters south of the Inside/Outside Shrimp Line, as described in R.S. 56:495, shall also remain open to shrimping.

The number, distribution and percentage of small juvenile white shrimp taken in biological samples within Zone 2 have rapidly increased in recent weeks and these waters are being closed to protect these developing shrimp.

Robert J. Barham
Secretary

0907#003

Rules

RULE

Department of Agriculture and Forestry
Horticulture Commission

Landscape Horticulturist
(LAC 7:XXIX.105, 107, 109, 113, 115 and 117)

In accordance with the Administrative Procedures Act, R.S. 49:950 et seq., and with the enabling statute, R.S. 3:3801, the Horticulture Commission amends regulations to consolidate the regulated professions of horticulturist and landscape contractor into one profession called Landscape Horticulturist. The legislature, by *Acts 2008, No. 63* of the 2008 regular session, combined the two professions into the landscape horticulturist profession. The amendments incorporate the consolidation by the legislature into existing regulations.

Title 7
AGRICULTURE AND ANIMALS
Part XXIX. Horticulture Commission

Chapter 1. Horticulture

§105. Qualifications for Examination and Licensure or Permitting

A. ...

B. All applicants for the landscape architect examination must meet one of the following qualifications:

1. - 1.f. …

g. and has completed an equivalent of one year internship under the direct supervision of a licensed landscape architect, landscape horticulturist, engineer, architect, or a licensed professional with a design or contracting firm;

2. has completed the equivalent of six years of practical experience under the direct supervision of a licensed landscape architect, landscape horticulturist, or environmental designer. Must present a minimum of six examples of work in at least three of the following areas:

B.2.a. - D.1. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801, 3:3807, and 3:3808.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:184 (April 1982), amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 14:7 (January 1988), LR 20:639 (June 1994), LR 26:2240 (October 2000), LR 35:1227 (July 2009).

§107. Application for Examination and Licensure or Permitting

A. - C.2. …

D. Arborist, Landscape Horticulturist, Landscape Irrigation Contractor, Utility Arborist, Wholesale Florist

1. Applicants who desire to take the examination for arborist, landscape horticulturist, landscape irrigation contractor, utility arborist, or wholesale florist may apply at any time, in person or by writing, to the commission's state office in Baton Rouge or to any district office of the Department of Agriculture and Forestry. Applicants who apply in person, will be allowed, whenever feasible, to complete the written application form at the initial visit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801, 3:3807, and 3:3808.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:184 (April 1982), amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 14:7 (January 1988), LR 18:249 (March 1992), LR 20:639 (June 1994), LR 23:854 (July 1997), LR 29:1460 (August 2003), LR 31:1053 (May 2005), LR 35:1227 (July 2009).

§109. Examination Fees

A. - B.2. …

C. Arborist, Landscape Horticulturist, Landscape Irrigation Contractor, Utility Arborist, Wholesale Florist

1. The fee for examination or re-examination for licensure as an arborist, landscape horticulturist, landscape irrigation contractor, utility arborist, or wholesale florist shall be $50.

D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801 and 3:3806.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:184 (April 1982) amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 14:8 (January 1988), LR 18:249 (March 1992), LR 20:640 (June 1994), LR 29:2297 (November 2003), LR 31:1053 (May 2005), LR 35:1227 (July 2009).

§113. Examination Schedule

A. - B.3. …

C. Arborist, Landscape Horticulturist, Landscape Irrigation Contractor, Utility Arborist, Wholesale Florist. Examinations for licensure as an arborist, landscape horticulturist, landscape irrigation contractor, utility arborist, or wholesale florist will be administered in the commission's state office in Baton Rouge and in district offices of the Department of Agriculture and Forestry upon request. Interested applicants may apply, in person or by writing, at the state office or the most convenient district office. A date for the examination will be established for each applicant.

D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801 and 3:3807.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Horticulture Commission, LR 8:185 (April 1982), amended LR 14:8 (January 1988), LR 18:250 (March 1992), LR 20:640 (June 1994), LR 31:1053 (May 2005), LR 35:1227 (July 2009).

§115. General Requirements for All Licensees or Permittee

A. - D.4. …

E. Licensees must display at least one of their license numbers on both sides of all vehicles that have advertisement or signs and are used for business purposes with lettering at least 2 inches high and legible at the distance of 25 feet. The number to be displayed shall be the last four digits of the license number preceded by two letters indicating the type of license as follows.

AR—Arborist
LH—Landscape Horticulturist
LA—Landscape Architect
IC—Landscape Irrigation Contractor
RF—Retail Florist
UA—Utility Arborist
WF—Wholesale Florist

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801 and 3:3808.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:185 (April 1982), amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 20:640 (June 1994), LR 21:548 (June 1995), LR 31:1053 (May 2005), LR 35:1227 (July 2009).

§117. Professional and Occupational Standards and Requirements

A. - C.3. …

D. Landscape Horticulturist

1. Any nursery stock used in landscaping, leased, or sold, or offered for use in landscaping, lease, or sale, shall be of high quality and free from injurious insects, diseases, and other pests. Nursery stock which is leased must be maintained in high quality and free from injurious insects, diseases, and other pests.

2. All plant beds must be properly prepared and must allow for proper drainage.

3. All recommendations and maintenance and planting practices must incorporate sound horticultural practices.

4. All sod installed, sold, or recommended shall be classified as provided in §115.D.

5. Recommendations and maintenance and planting practices shall meet the standards outlined in *The Louisiana Manual for the Environmental Horticulture Industry* published by the Louisiana Nursery and Landscape Association.

6. Landscape horticulturists who prepare drawings to indicate the planting and location and arrangement of plant materials by that landscape horticulturist shall place his name, the words "Landscape Horticulturist," and his license number on each drawing prepared by him. Drawings prepared by a landscape horticulturist may be used only by that landscape horticulturist and no one else in connection with the submission of a bid proposal.

7. Licensees must display their license at all times in a location accessible to the general public or any representative of the commission.

E. - E.8. …

9. Recommendations and pruning practices shall meet the standards outlined in the *Arborists' Certification Study Guide* published by the International Society of Arboriculture.

F. Repealed

G. - J.5.e. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801, and 3:3808.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:185, (April 1982), amended LR 9:410 (June 1983), LR 11:317 (April 1985), amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 14:8 (January 1988), LR 20:640 (June 1994), LR 27:1832 (November 2001), LR 31:1054 (May 2005), LR 32:78 (January 2006), LR 32:1010 (June 2006), LR 33:1854 (September 2007), LR 35:1228 (July 2009).

Mike Strain, DVM
Commissioner

0907#041

RULE

Department of Agriculture and Forestry
Horticulture Commission

Retail Florist Examination (LAC 7:XXIX.107 and 111)

In accordance with the Administrative Procedures Act, R.S. 49:950 et seq., and with the enabling statute, R.S. 3:3801, the Horticulture Commission has amended regulations to change the requirements for passing the retail florist examination from a required score of 70 on both the written and design segments of the examination to an average score of 70 percent between the written segment and the design segment of the examination. This action is being taken to assist the Horticulture Commission in the regulation of the retail florist profession.

Title 7
AGRICULTURE AND ANIMALS
Part XXIX. Horticulture Commission
Chapter 1. Horticulture

§107. Application for Examination and Licensure or Permitting

A. …

B. Retail Florist

1. Applicants who desire to take the examination for retail florist must file the completed application, together with the fee required under §109.A, at the commission's office in Baton Rouge. The application must be postmarked or received no later than 45 days preceding the scheduled examination date.

2. Any applicant for licensure as a retail florist who successfully completes either the written phase or one or more sections of the design phase of the examination but does not successfully complete both phases of the examination with an average passing score between the written and design phases will not be required to submit to re-examination in the phase which was successfully completed. The applicant may apply to retake only those phases or sections of the examination which was not successfully completed.

3. The examination for licensure as a retail florist must be successfully completed within three years after successful completion of one of the two phases of the examination. If three years or more have elapsed since the applicant successfully completed a phase of the examination, the applicant must apply, and pay the fee required under §109.A.1, to retake the entire examination.

C. - D.1. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801, 3:3807, and 3:3808.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:184 (April 1982),

amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 14:7 (January 1988), LR 18:249 (March 1992), LR 20:639 (June 1994), LR 23:854 (July 1997), LR 29:1460 (August 2003), LR 31:1053 (May 2005), LR 35:1229 (July 2009).

§111. Minimum Examination Performance Levels Required

A. The performance level for satisfactory completion of all examinations for licensure, except the examination for landscape architect and retail florist, shall be a minimum of 70 percent.

B. ...

C. The minimum performance level for satisfactory completion of both the written and design phases of the retail florist exam shall be an averaged score of 70 percent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3801 and 3:3807.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Horticulture Commission, LR 8:184 (April 1982), amended LR 20:153 (February 1994), LR 35:1229 (July 2009).

Mike Strain, DVM
Commissioner

0907#040

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—General Career, Technical Education and Technology Education (LAC 28:CXV.2377 and 2385)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 741—Louisiana Handbook for School Administrators*, §2377, "*General Career and Technical Education"* and §2385. "*Technology Education*". The amendment will add seven courses to the current Technical Education course offerings and will move the Engineering I, II course from General Career and Technical Education section to the Technology Education section for correct placement in the *Louisiana Administrative Code.* It is vital to update these course offerings in the Technical program of studies for Louisiana to be more aligned with national standards. It is necessary to Move Engineering I, II from LAC 28:CXV.2377 to LAC 28:CXV.2385 because this course is a Technical Education course, not a General Career and Technical Education course.

Title 28

Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

Chapter 23. Curriculum and Instruction

§2377. General Career and Technical Education

A. General Career and Technical Education course offerings shall be as follows.

Course Title(s)	Recommended Grade Level	Units
CTE Internship I	11-12	1
CTE Internship II	12	1
CTE Internship I	11-12	2
CTE Internship II	12	2
General Cooperative Education I	11-12	3
General Cooperative Education II	12	3
Education for Careers	9-12	1/2 -1
Teacher Cadet I	11-12	1
Teacher Cadet II	12	1
Advanced Television Broadcasting I	10-12	1-3
Advanced Television Broadcasting II	11-12	1-3
Digital Media I	10-12	1-3
Digital Media II	11-12	1-3
Oracle Internet Academy		
Database Design and Programming	11-12	1
Java Programming	11-12	1
Database Programming with PL/SQL	11-12	1
Finance Academy		
Economics and the World of Finance	11-12	1/2
Banking and Credit	11-12	1/2
Financial Planning	11-12	1/2
Securities	11-12	1/2
Insurance	11-12	1/2
International Finance	11-12	1/2
Introduction to Financial Services	11-12	1/2 - 1
Hospitality and Tourism Academy		
Introduction to Travel and Tourism	11-12	1/2
Travel and Tourism II	11-12	1/2
Travel Geography	11-12	1/2
Systems Applications	11-12	1/2
Economics for Travel and Tourism	11-12	1/2
Information Technology Academy		
Introduction to Information Technology	11-12	1/2
Digital Networks	11-12	1/2
Advanced Web Tools	11-12	1/2
Databases	11-12	1/2
Introduction to the Internet	11-12	1/2
Logic for Programming	11-12	1/2
STAR I	11-12	1
STAR II	12	1
Entrepreneurship	11-12	1

B. General Cooperative Education courses shall be limited to students who meet the specific prerequisites and requirements of one of the specialized cooperative education programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1299 (June 2005), amended LR 32:546 (April 2006), LR 32:1415 (August 2006) LR 33:278 (February 2007), LR 33:2050 (October 2007), LR 34:1386 (July 2008), LR 34:2558 (December 2008), LR 35:1229 (July 2009).

§2385. Technology Education

A. Technology Education (formerly industrial arts) course offerings shall be as follows.

Course Title(s)	Recommended Grade Level	Units
Communication/Middle School	6-8	-
Construction/Middle School	6-8	-

Course Title(s)	Recommended Grade Level	Units
Manufacturing Technology/Middle School	6-8	-
Modular Technology/Middle School	6-8	-
Transportation Technology/Middle School	6-8	-
Advanced Electricity/Electronics	10-12	1
Advanced Metal Technology	10-12	1
Advanced Technical Drafting	10-12	1
Advanced Wood Technology	10-12	1
Architectural Drafting	10-12	1
Basic Electricity/Electronics	9-12	1
Basic Metal Technology	9-12	1
Basic Technical Drafting	9-12	1
Basic Wood Technology	9-12	1
Communication Technology	9-12	1
Construction Technology	10-12	1
Cooperative Technology Education	10-12	3
Energy, Power, and Transportation Technology	9-12	1
General Technology Education	9-12	1
Manufacturing Technology	9-12	1
Materials and Processes	10-12	1
Physics of Technology I	10-12	1
Physics of Technology II	11-12	1
Power Mechanics	9-12	1
Technology Education Computer Applications	9-12	1
Technology Education Elective I, II	9-12	1/2-3
Welding Technology	10-12	1
Industry-Based Certifications		
Process Technician I, II	11-12	1
ABC Carpentry I, II TE	11-12	1-3
ABC Electrical I, II TE	11-12	1-3
ABC Instrumentation Control Mechanic I, II	11-12	1-3
ABC Pipe Fitter I, II TE	11-12	1-3
ABC Welding Technology I, II TE	11-12	1-3
Introduction to Engineering Design	8 -12	1
Principles of Engineering	9-10	1
Digital Electronics	9-10	1
Aerospace Engineering	11-12	1
Civil Engineering and Architecture	11-12	1
Computer Integrated Manufacturing	11-12	1
Engineering Design and Development	11-12	1
Engineering Design I, II	11-12	1

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1300 (June 2005), amended LR 33:279 (February 2007), LR 35:1229 (July 2009).

Jeanette B. Vosburg
Acting Executive Director

0907#062

RULE

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—High School Graduation Requirements (LAC 28:CXV.2319)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 741—Louisiana Handbook for School Administrators*: §2319, High School Graduation Requirements. The changes to Bulletin 741, Section 2319, will allow students with disabilities who complete the Carnegie unit requirements and pass the required components of the LEAP Alternate Assessment, Level 2 (LAA 2) to earn a standard high school diploma. Only students with disabilities eligible under IDEA who meet the LAA 2 eligibility participation criteria may take the LAA 2. Federal No Child Left Behind (NCLB) at section 200.1(f)(2)(iv) requires a State to ensure that a student who takes an alternate assessment based on modified academic achievement standards is not precluded from attempting to complete the requirements, as defined by the state, for a regular high school diploma. Currently in our state, students taking the LAA2 are precluded from attempting to complete a standard high school diploma.

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 23. Curriculum and Instruction
§2319. High School Graduation Requirements

A. - A.3.d. …

B. In addition to completing a minimum of 23 Carnegie credits, students must pass the English language arts and mathematics components of the GEE or LEAP Alternate Assessment, Level 2 (LAA 2) and either the science or social studies portions of GEE or LAA 2 to earn a standard high school diploma. For students with disabilities who have passed two of the three required components of the GEE or LAA 2 and have exhausted all opportunities available through the end of the twelfth grade to pass the remaining required GEE or LAA 2 component, that GEE or LAA 2 component may be waived by the State Superintendent of Education if the Department of Education determines the student's disability significantly impacts his/her ability to pass the GEE or LAA 2 component.

1. Only students with disabilities eligible under IDEA who meet the LAA 2 participation criteria may take the LAA 2.

2. The English language arts and mathematics components of GEE or LAA 2 shall first be administered to students in the tenth grade.

3. The science and social studies components of the GEE or LAA 2 shall first be administered to students in the eleventh grade.

4. Remediation and retake opportunities will be provided for students that do not pass the GEE or LAA 2. Students shall be offered 50 hours of remediation each year in each content area they do not pass. Refer to *Bulletin 1566*: *Guidelines for Pupil Progression*, and the addendum to *Bulletin 1566: Regulations for the Implementation of Remedial Education Programs Related to the LEAP/CRT Program, Regular School Year.*

5. Students may apply a maximum of two Carnegie units of elective credit toward high school graduation by successfully completing specially designed courses for remediation.

a. A maximum of one Carnegie unit of elective credit may be applied toward meeting high school graduation requirements by an eighth grade student who has scored at the *Unsatisfactory* achievement level on either the English language arts and/or the mathematics component(s) of the eighth grade LEAP provided the student:

i. successfully completed specially designed elective(s) for LEAP remediation;

ii. scored at or above the *Basic* achievement level on those component(s) of the eighth grade LEAP for which the student previously scored at the *Unsatisfactory* achievement level.

C. Prior to or upon the student's entering the tenth grade, all LEAs shall notify each student and his/her parents or guardians of the requirement of passing GEE or LAA 2.

1. Upon their entering a school system, students transferring to any high school of an LEA shall be notified by that system of the requirement of passing GEE or LAA 2.

D. - J …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R. S. 17:183.2; R.S. 17: 395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 35:1230 (July 2009).

Jeanette B. Vosburg
Acting Executive Director

0907#063

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Introduction (LAC 28:CXXXI.741)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 746—Louisiana Standards for State Certification of School Personnel:* §741.Introduction. The policy regarding individuals who were enrolled in programs under the previous position specific administrative certification policy were given until December 31, 2008, to complete requirements to have those areas added to their teaching certificates. This change in policy will allow applicants who have completed all courses, testing requirements, and degree requirements until 12/31/2013 to accrue the five years of experience required for administrative certification. Current policy does not allow applicants for specific position administrative certification the option of completing years of experience to have these areas added to their teaching certificate. This change will allow these applicants five years to accrue the required experience.

Title 28
EDUCATION
Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel
Chapter 7. Administrative and Supervisory Credentials
Subchapter C. Administrative and Supervisory Endorsements Superseded by the Educational Leadership Certification Structure

§741. Introduction

A. The effective date for implementation of redesigned leadership programs is July 1, 2006. After June 30, 2006, universities cannot admit candidates into a leadership/administration program that has not undergone the redesign and review process. Since some individuals will already be in the process of working toward one of the older leadership certifications (e.g., Principal, Supervisor, Superintendent), those individuals will be given a transition time to complete all coursework. Consequently, some universities may be admitting students into a redesigned educational leadership program and at the same time allowing students to pursue coursework that meets old certification requirements. Individuals who have completed all courses, testing requirements, and degree requirements under the position specific policy prior to 12/31/08 will be allowed until 12/31/2013 to accrue the five years of experience for the administrative certifications listed below:

1. - 7. …

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 32:1825 (October 2006), amended LR 35:1231 (July 2009).

Jeanette B. Vosburg
Acting Executive Director

0907#101

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Teacher Leader Endorsement (LAC 28:CXXXI.711)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 746—Louisiana Standards for State Certification of School Personnel:* §711.Teacher Leader Endorsement (Optional). This revision of policy clarifies the types of roles, jobs, and responsibilities that a teacher may assume upon obtaining a Teacher Leader

endorsement. Current policy does not clarify the roles of teachers who are certified as Teacher Leaders, this change clarifies those responsibilities.

Title 28
EDUCATION
Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel
Chapter 7. Administrative and Supervisory Credentials
Subchapter A. The Educational Leadership Certification Structure—Effective July 1, 2006
§711. Teacher Leader Endorsement (Optional)

A. As part of the educational leader certification structure, there is an option for a teacher to become certified as a teacher leader. This optional endorsement allows principals the opportunity to afford leadership experiences to teachers at the school level and recruit potential educational leader candidates for their school districts. Teacher Leader is the certification authorization needed by those who fill school site leadership roles (e.g., serving as a school curriculum coordinator, chairperson or content teacher, serving as the School Improvement Team Chairperson, serving as the lead teacher in developing and scheduling a special activity at the school site, serving as the lead teacher in the school's preparation for a technical assistance visit etc.) This endorsement is valid for five years and is renewable every five years based upon successful completion and verification of 150 continuing learning units of professional development consistent with the Individual Professional Growth Plan (IPGP) over a five-year time period.

B. Eligibility requirements:

1. - 2.d. …

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 32:1824 (October 2006), amended LR 35:1232 (July 2009).

Jeanette B. Vosburg
Acting Executive Director

0907#064

RULE

Board of Elementary and Secondary Education

Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act—Admission and Release
(LAC 28:XLIII.464)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended *Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act* (R.S. 17:1941 et seq.):

Current regulations do not provide an adequate structure for addressing the denial of admission or continued enrollment to students at these facilities when the facilities' setting is inappropriate for those students. Although current regulations do allow a Board Special School to release a student when the student's IEP (Individualized Education Plan) team determines that the facility is not appropriate for the student, this determination is often limited to the school setting. Some students, however, may function in the school setting but the residential component is not appropriate for the student.

Title 28
EDUCATION
Part XLIII. Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act [R.S. 17:1941 et seq.]
Subpart 1. Regulations for Students with Disabilities
Chapter 4. Special School District (SSD) and BESE Special Schools (BSS)
Subchapter B. BESE Special Schools
§464. Admission and Release

A. - B.2.b.iii. …

c. when the student's IEP Team determines that the BSS is not appropriate for the student or when the BSS determines that the BSS residential setting is not appropriate for the student;

d. - e. …

3. A BSS may deny admission or continued enrollment to a student and release a student from a BSS if the BSS determines that the BSS program is inappropriate for the student's individual needs.

4. The BSS shall notify the appropriate LEA when a student who is still eligible for a free appropriate public education is released from BSS.

5. Students not admitted or denied continued admission under Paragraph 3 may apply for admission to the school in the future.

AUTHORITY NOTE: Promulgated in accordance with R.S.17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:2067 (October 2008), amended LR 35:1232 (July 2009).

Jeanette B. Vosburg
Acting Executive Director

0907#065

RULE

Board of Elementary and Secondary Education

Nonpublic Bulletin 741—Louisiana Handbook for Nonpublic School Administrators—Immunization
(LAC 28:LXXIX.1101)

In accordance with R.S. 49:950, et. seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education amended Nonpublic Bulletin 741, *Louisiana Handbook for Nonpublic School Administrators*: §1101. Immunization.

The changes are the result of legislation passed during the 2008 Regular Legislative Session.

Title 28
EDUCATION
Part LXXIX. Nonpublic Bulletin 741—Louisiana Handbook for Nonpublic School Administrators
Chapter 11. Health
§1101. Immunization

A. …

1. If an existing student-specific electronic data system exists, immunization compliance reports shall be electronically transmitted to the Department of Health and Hospitals, Office of Public Health according to specifications provided by the Department of Health and Hospitals.

B. …

C. Beginning with the 2009-2010 school year and thereafter, each person entering the sixth grade in any school within the state shall present satisfactory evidence of immunity to or immunization against vaccine preventable diseases according to a schedule approved by the Office of Public Health, Department of Health and Hospitals, or shall present evidence of an immunization program in progress.

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; R.S. 17:170(D); R.S. 17:170(A)(1).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3078 (December 2005), LR 35:1232 (July 2009).

Jeanette B. Vosburg
Acting Executive Director

0907#066

RULE

Student Financial Assistance Commission
Office of Student Financial Assistance

Scholarship/Grant Programs—Definitions
(LAC 28:IV.2103)

The Louisiana Student Financial Assistance Commission (LASFAC) has amended its Scholarship/Grant Program rules (R.S. 17:3091 et seq.). (SG09102R)

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, 2333 (November 2002), LR 29:126 (February 2003), LR 29:2373, 2373 (November 2003), LR 30:785 (April 2004), LR 30:1167 (June 2004), LR 31:1060 (May 2005), LR 33:440 (March 2007), LR 35:1233 (July 2009).

George Badge Eldredge
General Counsel

0907#021

RULE

Student Financial Assistance Commission
Office of Student Finanical Assistance

Scholarship/Grant Programs—LEAP Notification
(LAC 28:IV.1903)

The Louisiana Student Financial Assistance Commission (LASFAC) has amended its Scholarship/Grant Rules (R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1, R.S. 17:3048.1, R.S. 17:3048.5 and R.S. 17:3048.6). (SG09103R)

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, 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 35:1233 (July 2009).

George Badge Eldredge
General Counsel

0907#020

RULE

Tuition Trust Authority
Office of Student Financial Assistance

START Saving Program—Deposits
(LAC 28:VI.305)

The Louisiana Tuition Trust Authority has amended its START Saving Program rules (R.S. 17:3091 et seq.). (ST09104R)

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 35:236 (February 2009), LR 35:1234 (July 2009).

George Badge Eldredge
General Counsel

0907#022

RULE

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Abrasive Blasting (LAC 33:III.1327 and 1333)(AQ303)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.1327 and 1333 (Log #AQ303).

This rule will correct two instances of an American Society for Testing and Materials (ASTM) citation, which needs to be updated in order to reflect current ASTM method references. The citation for "ASTM standard D 75-87, reapproved 1992," should read "ASTM standard D 75-03." The basis and rationale for this rule are to keep the Louisiana air regulations accurate and current. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air
Chapter 13. Emission Standards for Particulate Matter (Including Standards for Some Specific Facilities)
Subchapter F. Abrasive Blasting
§1327. Blasting Operations

A. - A.1. …

2. Abrasives shall contain less than 10 percent (by weight) of fines that would pass through a No. 80 sieve as documented by the supplier. If supplier documentation is not provided for weight percent of fines in abrasive material, samples shall be taken according to ASTM standard ASTM D 75-03 before initial use.

A.3. - B.5. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:822 (May 2007), amended LR 35:1234 (July 2009).

§1333. Recordkeeping and Reporting

A. - A.4.a. …

b. if abrasive material is being reused, weight percent of fines as determined by sampling. For the purpose of determining weight percent of fines in abrasive material, samples shall be taken according to ASTM standard ASTM D 75-03;

A.5. - B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:824 (May 2007), amended LR 35:1234 (July 2009).

Herman Robinson, CPM
Executive Counsel

0907#035

RULE

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

General Subgrant Guidelines (LAC 22:III.4105)

In accordance with the provision of R.S. 15:1204, R.S. 14:1207, and R.S. 49:950 et seq., the Administrative Procedure Act, the Commission on Law Enforcement and Administration of Criminal Justice has amended rules and regulations relative to subgrants.

Title 22
CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
Part III. Commission on Law Enforcement and Administration of Criminal Justice
Subpart 3. General Subgrant Guidelines
Chapter 41. Procedures
§4105. General Provisions

A. - G. ...

H. Emergency Meetings

1. An emergency meeting of the Priorities Committee can be called when:

a. a disaster, crisis, or some other unforeseen event affecting all or part of the state of Louisiana, and the Louisiana Commission on Law Enforcement is unable to meet at its regularly scheduled time; or

b. a regular commission meeting has been cancelled by order of the chairman; or

c. action is needed by the commission between regularly scheduled meetings to ensure that all federal and state funds are used within the proper timeframe and provide for necessary matters attendant to the proper administration of agency programs; or

d. for any other emergency so deemed by the chairman of the commission. When an emergency meeting is called, the Priorities Committee will have the power to act as (for) the commission.

2. These provisions are applicable to the award of state or federal grants, increases to state or federal grants, allocation of state or federal funds, approval of federal sole source contracts, federal grant adjustments or any other situation where the subgrantee and the state of Louisiana will lose all or part of available federal or state funds unless awarded or contracted by a specific date that falls prior to the next regularly scheduled commission meeting.

3. Process for Calling an Emergency Meeting

a. The executive director notifies the chairman of the Louisiana Commission on Law Enforcement of the need for an emergency meeting.

b. The chairman of the Louisiana Commission on Law Enforcement, or in his absence, the executive director, calls an emergency meeting of the priorities committee by notifying the membership of the committee no less than 24 hours in advance of the called meeting time and date

c. The executive director develops a list of grants, subgrants, allocations, increases and/or contracts requiring approval by the Priorities Committee at the emergency meeting. This list shall serve as the complete agenda for the emergency meeting.

d. All matters approved by the Priorities Committee at an emergency meeting will be reported to the commission at their next regularly scheduled meeting. Decisions of the priorities committee while in the emergency meeting shall have the same force and effect as a decision of the Louisiana Commission on Law Enforcement.

e. Three of five priority committee members shall constitute a quorum for purposes of emergency meetings. The chairman of the commission shall be considered a committee member for purposes of establishing a quorum.

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 32:79 (January, 2006), amended LR 35:1235 (July 2009).

Judy A. Dupuy
Executive Director

0907#061

RULE

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

Peace Officer Training
(LAC 22:III.4703, 4707, and 4721)

In accordance with the provision of R.S. 40:2401 et seq., the Peace Officer Standards and Training Act, and R.S. 40:905 et seq., which is the Administrative Procedure Act, the Peace Officer Standards and Training Council has amended 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
§4703. Basic Certification

A. - A.1.c. …

2. Level 2 Certification for Basic Correctional Peace Officer

a. The student will complete a training course with a minimum of 218 hours and is limited to those peace officers whose duties are the care, custody, and control of inmates. The training course consists of corrections core curriculum plus a sufficient number of hours to obtain POST certification. POST Firearm certification for Level 2 students is required (effective March 26, 2001).

b. - c. …

3. Level 3 Certification for Jailer Training Officers

a. The student will complete a training course with a minimum of 90 hours and is limited to those correctional officers whose duties are the care, custody, and control of inmates. This course consists of the core correctional officer curriculum. POST Firearm certification for Level 3 students is not required.

B. - B.4 …

C.1. Students shall be required to pass the POST statewide written examination for peace officers as prescribed by state law. Seventy percent shall constitute a passing score. The time limit for completing the statewide written examination is 90 minutes unless specifically modified by the council.

2. In the event a student fails the written examination, one retest may be administered if the agency head requests it. However, the student must wait a minimum of 15 working days before the retest can be administered with a maximum

time limit of 30 working days. If the respective student fails the retest, the student shall be required to complete another basic training course and satisfy all POST requirements to obtain certification.

3. Oral testing on the statewide examination is prohibited.

D. To maintain firearm certification, an officer shall be required to requalify yearly on the POST firearms qualification course, demonstrating at least 80 percent proficiency. Scores shall be computed and verified by a POST certified firearms instructor. If the period between qualifying exceeds 18 months for any reason, the officer will be required to successfully complete a firearms course prescribed by the POST council conducted by a POST certified firearms instructor, unless the officer had been in the military for more than five years and was exercising their veteran reemployment rights.

E. …

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 1987), amended LR 25:663 (April 1999), LR 27:49 (January 2001), LR 28:475 (March 2002), LR 31:2008 (August 2005), LR 35:1235 (July 2009).

§4707. Out-of-State Transfers

A. - A.5. …

B. Out of state transfers with less than the minimum basic training course hours or a cumulative training equivalent (as determined by the Council) are required to complete an entire POST basic training course.

C. …

D. Out of state corrections training courses are not accepted toward certification of Basic Corrections Peace Officer (Level 2) or Jailer Training Officers (Level 3).

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 1987), amended LR 25:664 (April 1999), LR 35:1236 (July 2009).

§4721. Firearms Qualification

A. - A.1. …

B. Pre-Academy and Basic Firearms Qualification

1. - 1.b.…

2. On a 25-yard range equipped with POST-approved P-1 targets, the student given a pistol or revolver and 240 rounds of ammunition, will fire the POST firearms qualification course at least four times. Scores must be averaged and the student must:

B.2.a. - C.2. …

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 13:435 (August 1987), amended LR 25:664 (April 1999), LR 35:1236 (July 2009).

Judy Dupuy
Executive Director

0907#060

RULE

Office of the Governor
Office of Financial Institutions

Louisiana Money Transmitters
(LAC 10:XV.1101-1103)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, as provided under R.S. 6:126(A), and as authorized by R.S. 6:1038.1; and 6:1054, the Commissioner of the Office of Financial Institutions promulgates a Rule to provide for the administration and regulatory oversight of the Louisiana Sale of Checks and Money Transmission Act [R.S. 6:1031 et seq.]. The Rule establishes fees to cover anticipated regulatory costs.

Title 10
FINANCIAL INSTITUTIONS, CONSUMER CREDIT, INVESTMENT SECURITIES AND UCC
Part XV. Other Regulated Institutions
Chapter 11. Money Transmitters
§1101. Examinations and Visitations

A. Each individual, partnership, association, or corporation that is licensed to sell checks or money orders in Louisiana shall pay the following fees and charges to the Office of Financial Institutions for examinations and visitations by the Office of Financial Institutions, whether conducted solely by the Office of Financial Institutions or jointly with the regulator of such activity in other jurisdictions and whether conducted in Louisiana or at the licensee's offices outside Louisiana:

1. $50 per hour for each examiner who participates in the examination or visitation;

2. the actual cost of subsistence, lodging, and transportation for out-of-state examinations, not to exceed the amounts provided for in Division of Administration travel regulations in force at the time of such examination or visitation.

B. Pursuant to the authority granted under R.S. 6:121; 6:1038.1; and 6:1054, the following fee structure is hereby established to cover necessary costs associated with the administration of the Louisiana Sale of Checks and Money Transmission Act, R.S. 6:1031 et seq.

Description	Fee
Application for a temporary license.	$300
Application for the change in control of a licensee.	$200

C. The fees, charges, and expenses shall be paid by the examined licensee within 30 days after the Office of Financial Institutions mails its bill. Failure to pay within the allowed time shall be a basis for initiating proceedings to suspend the license, or the imposition of a penalty assessment of $50 for each day the fees, charges, and expenses remain unpaid, or both.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR

18:144 (February 1992), amended by the Office of the Governor, Office of Financial Institutions, LR 35:1237 (July 2009).

§1103. Statement of Anticipated Costs and Proceeds

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 6:121 (B)(1).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Financial Institutions, LR 18:144 (February 1992), repealed by the Office of the Governor, Office of Financial Institutions, LR 35:1237 (July 2009).

John Ducrest, CPA
Commissioner

0907#047

RULE

Department of Health and Hospitals
Board of Dentistry

Continuing Education Requirements for
Relicensure of Dentists, Dental Hygienists
(LAC 46:XXXIII.1611, 1613, and 1615)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Dental Practice Act, R.S. 37:751 et seq., and particularly R.S. 37:760(8), notice is hereby given that the Department of Health and Hospitals, Board of Dentistry hereby amends LAC 46:XXXIII.1611, 1613, and 1615. No preamble has been prepared. There will be no family impact in regard to issues set forth in R.S. 49:972.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XXXIII. Dental Health Profession
Chapter 16. Continuing Education Requirements

§1611. Continuing Education Requirements for Relicensure of Dentists

A. - B. ...

C. No more than 20 of the required 40 hours can be completed from the following:

1. - 2. ...

3. Repealed.

D. …

E. Past and present dentist members of the Louisiana State Board of Dentistry are allowed four hours of continuing dental education credit for each meeting of the American Association of Dental Examiners attended by said past or present dentist member.

F. No credit will be given for activities directed primarily to persons preparing for licensure in Louisiana.

G. Dentists who are on staffs of hospitals accredited by the Joint Commission on Accreditation of Health Care Organizations may receive continuing education credit for those continuing education courses provided by said hospital.

H. Dentists will be awarded three clinical credit hours for successful completion of Cardiopulmonary Resuscitation Course "C", Basic Life Support for Healthcare Providers as defined by the American Heart Association or the Red Cross Professional Rescue Course. When being audited for compliance with cardiopulmonary resuscitation course completion, a photocopy of the CPR card evidencing successful completion of the course for each year shall be appended to the form.

I. Dentists who successfully complete certification courses in advanced cardiac life support continuing education will be awarded up to 16 hours of clinical continuing dental education. However, dentists completing the shorter recertification course in advanced cardiac life support will be awarded 3 hours of clinical continuing dental education.

J. In order to renew permits for the administration of deep sedation, parenteral sedation, and enteral sedation, each licensee shall complete a board approved course pertinent to the level of their sedation permit no less than once every five years.

1. Recertification for deep sedation or general anesthesia as required by the American Association of Oral and Maxillofacial Surgeons every five years shall satisfy this requirement.

K. Dentists successfully completing the calibration training for the administration of the clinical licensing examination administered by the Council of Interstate Testing Agencies (CITA) may be awarded up to 20 hours of clinical continuing education per each renewal period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661 (June 1994), amended LR 21:569 (June 1995), LR 22:24 (January 1996), LR 22:1216 (December 1996), LR 23:1526 (November 1997), LR 24:1117 (June 1998), LR 25:510 (March 1999), LR 26:489 (March 2000), LR 30:2307 (October 2004), LR 32:244 (February 2006), LR 35:1237 (July 2009).

§1613. Continuing Education Requirements for Relicensure of Dental Hygienists

A. - B. ...

C. No more than 12 of the required 24 hours can be completed from the following:

1. - 2. ...

3. Repealed.

D. - G. ...

H. Dental hygienists who are on staffs of hospitals accredited by the Joint Commission on Accreditation of Health Care Organizations may receive continuing education credit for those continuing education courses provided by said hospital.

I. Dental hygienists will be awarded three clinical credit hours for successful completion of Cardiopulmonary Resuscitation Course "C", Basic Life Support for Healthcare Providers as defined by the American Heart Association or the Red Cross Professional Rescue Course. When being audited for compliance with cardiopulmonary resuscitation course completion, a photocopy of the CPR card evidencing successful completion of the course for each year shall be appended to the form.

J. ...

K. Dental hygienists successfully completing the calibration training for the administration of the clinical licensing examination administered by the Council of Interstate Testing Agencies (CITA) may be awarded up to 12 hours of clinical continuing education per each renewal period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8) and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:661 (June 1994), amended LR 21:570 (June 1995), LR 22:24 (January 1996), LR 22:1217 (December 1996), LR 23:1526 (November 1997), LR 24:1118 (June 1998), LR 25:510 (March 1999), LR 26:489 (March 2000), LR 30:2307 (October 2004), LR 32:245 (February 2006), LR 35:1238 (July 2009).

§1615. Approved Courses

A. - B.2.c.ii. ...

C. Clinical credit will be given to programs dealing with the mechanical delivery of dental services as well as those addressing biological and psychological aspects of therapy such as pharmacology, nutrition, behavioral modification, etc., which are pertinent to the restoration and maintenance of oral health.

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:760(8), and (13).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 20:662 (June 1994), amended LR 22:24 (January 1996), LR 24:1118 (June 1998), LR 35:1238 (July 2009).

C. Barry Ogden
Executive Director

0907#027

RULE

Department of Health and Hospitals
Office of Public Health

Management of Refuse, Infectious Waste, Medical Waste, and Potentially Infectious Biomedical Waste
(LAC 51:XXVII.301, 501 and 503)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., that the state health officer acting through the Department of Health and Hospitals, Office of Public Health, pursuant to the authority in R.S. 40:4(A)(2)(b)(ii) and R.S. 40:5, has amended Title 51, Part XXVII (Management of Refuse, Infectious Waste, Medical Waste, and Potentially Infectious Biomedical Waste) by effecting substantive changes as outlined below.

Title 51
PUBLIC HEALTH—SANITARY CODE
Part XXVII. Management of Refuse, Infectious Waste, Medical Waste, and Potentially Infectious Biomedical Waste

Chapter 3. Management of Infectious Waste, Medical Waste and Potentially Infectious Biomedical Waste

§301. Definitions
[formerly Chapter XXVII Part 2]

A. Unless otherwise specifically provided herein, the following words and terms used in this Part of the sanitary code are defined for the purposes thereof as follows.

* * *

Transporter—any person or firm who transports large quantities of potentially infectious biomedical waste or who transports any quantity of such waste generated by another. This definition shall not apply to municipal waste haulers who transport such waste disposed of in household waste under the provisions of §503.A.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(2)(b) and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1450 (June 2002), amended LR 35:1238 (July 2009).

Chapter 5. Requirements for Small Health Care and Medical Facilities, Household and Other Small Quantity Generators of Potentially Infectious Biomedical Waste [formerly paragraph 27:022]

§501. General Provisions
[formerly paragraph 27:022-1]

A. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(2)(b) and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1452 (June 2002), amended LR 35:1238 (July 2009).

§503. Home-Generated Sharps

A. [Formerly §501.D] Small quantities of potentially infectious biomedical waste generated as a result of self administered or non professional health care or veterinary care services in a household or other non health care facility may be disposed of in ordinary municipal waste without treatment, provided that such waste is packaged to assure no loss of contents, should the integrity of the original package be violated. This shall generally be interpreted to mean placing the original plastic bag or rigid disposal into a second bag or rigid disposal container. Sharps must be encased as specified in §1101 or placed in a sharps disposal container of standard manufacture or other similar container of a type approved by the state health officer. This sharps container should then be placed within another bag or rigid container containing a greater volume of non infectious waste.

B. On an annual basis, all persons who collect and transport public municipal household waste shall provide a copy of the Department of Health and Hospitals—Office of Public Health's (DHH-OPH) educational brochure to its clients to include the current DHH-OPH procedures for the proper handling, packaging, treatment and disposal of home generated sharps and medical wastes. Persons who collect municipal household waste shall direct clients to their own name and contact numbers on the brochure for client questions.

C. No later than January 31 of each year, persons who collect and transport municipal household wastes shall provide written certification to DHH-OPH that it has complied with Subsection B of this Section for the previous calendar year. A copy of the brochure and any additional information provided to each household in this effort shall accompany the certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(2)(b) and R.S. 40:5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 35:1238 (July 2009).

Alan Levine
Secretary

0907#069

RULE

Department of Health and Hospitals
Office of Public Health

Marine and Freshwater Animal Food Products
(LAC 51:IX. 305, 321 and 331)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., that the state health officer acting through the Department of Health and Hospitals, Office of Public Health, pursuant to the authority in R.S. 40:4(A)(6) and R.S. 40:5, has amended Title 51, Part IX (Marine and Fresh Water Animal Food Products), by effecting changes as outlined below. The change will result in code provisions which are consistent with the National Shellfish Sanitation Program (NSSP) 2007 Model Ordinance. The NSSP is the federal/state cooperative program recognized by the U.S. Food and Drug Administration (FDA) and the Interstate Shellfish Sanitation Conference (ISSC) for the sanitary control of shellfish produced and sold for human consumption.

Title 51
PUBLIC HEALTH—SANITARY CODE
Part IX. Marine and Fresh Water Animal Food Products
Chapter 3. Preparation and Handling of Seafood for Market

§305. Sewage Disposal on Shellfish Boats [formerly paragraph 9:007]

A. Owners and operators of all vessels in which persons are engaged in the handling of shellfish from the planting or growing grounds, shall provide their vessels with suitable receptacles, including tight fitting lids. These waste receptacles shall be properly labeled with the wording "FOR HUMAN WASTE ONLY" with the letter size being no less than 1and 1/2 inches and be of adequate size and type having a capacity of at least 2 gallons for each person on the boat, in which the extract, both solid and liquid, of person on the boats, shall be received. The contents of such receptacles shall be disposed of either by means of the sewerage system of a municipality, by incineration, or by burial in the ground at points sufficiently removed from the banks of streams or tidal waters to prevent the pollution of the waters thereof, or any other means of disposal authorized by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:4.A.(6),R.S.40:5(2)(3)(5)(7)(9)(15), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1302 (June 2002), amended LR 33:850 (May 2007), LR 35:1239 (July 2009).

§321. Shipping Shell-Stock Requirements [formerly paragraph 9:047]

A. - D. …

E. If shellstock is received either "sacked or in boxes" from a certified dealer and is not processed or repacked in any form, the product when reshipped to another certified dealer, wholesaler, or retailer, must have a label attached to the package, bearing the name and certification number of the reshipper.

F. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5(2)(3)(5)(7)(15), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1307 (June 2002), amended by the Department of Health and Hospitals, Office of Public Health, Center for Environmental Health Services, LR 34:445 (March 2008), LR 34:2175 (October 2008), LR 35:1239 (July 2009).

§331. Refrigeration Requirements for Shell-Stock Harvested for Shucking by a Certified Dealer during the Months January through December [formerly paragraph 9:052-2]

A. - A.2 …

3. Dealer/harvester tags utilized for shellstock harvested outside of the time-temperature matrix must be labeled "FOR SHUCKING BY A CERTIFIED DEALER OR POST-HARVEST PROCESSING ONLY".

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.A.(1), R.S. 40:5(2)(3)(5)(7)(15), and R.S. 40:5.3.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1309 (June 2002), amended LR 31:2896 (November 2005), LR 34:2175 (October 2008), LR35:1279 (July 2009).

Alan Levine
Secretary

0907#068

RULE

Department of Health and Hospitals
Office of Public Health

Safe Drinking Water Program
(LAC 51:XII.101, 355, 1101, 1103, 1113, 1115, 1117, 1119, 1123, 1125, 1127, 1129, 1133, 1135, 1137, 1139, 1141, 1903, and 1911)

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the state health officer, acting through the Department of Health and Hospitals, Office of Public Health (DHH-OPH), has amended Part XII (Water Supplies) of the Louisiana State Sanitary Code (LAC 51). These amendments are necessary in order that DHH-OPH may be able to maintain primacy (primary enforcement authority) from the United States Environmental Protection Agency (USEPA) over public water systems within Louisiana. USEPA requires state primacy agencies to adopt state rules and regulations which are no less stringent than the federal Safe Drinking Water Act's (42 U.S.C. §300f et seq.) primary implementing regulations (40 CFR Part 141).

The Rule herein is intended to amend and update DHH-OPH's existing rule for public water systems. The Safe Drinking Water Act Amendments of 1996 (Pub. L. 104-182/August 6, 1996) required the USEPA to issue updated rules relative to the regulation of radionuclides, arsenic, treatment of surface waters used to produce potable water, and to enact a new rule relative to filter backwash recycling. Subsequently, the USEPA amended the National Primary Drinking Water Regulations (40 CFR Part 141) on December 7, 2000 (65 FR 76745-76751) by promulgating a rule entitled "National Primary Drinking Water Regulations: Radionuclides; Final Rule". The December 7, 2000 federal radionuclide regulations became effective for Louisiana

public water systems at the federal level on December 8, 2003. Again, the USEPA amended the National Primary Drinking Water Regulations (40 CFR Part 141) on January 22, 2001 (66 FR 7060-7066) by promulgating a Rule entitled "National Primary Drinking Water Regulations: Arsenic; Final Rule". The January 22, 2001 federal arsenic regulation became fully effective for Louisiana public water systems at the federal level on January 23, 2006. Likewise, the USEPA amended the National Primary Drinking Water Regulations (40 CFR Part 141) on June 8, 2001 (66 FR 31103-31105) by promulgating a rule entitled "National Primary Drinking Water Regulations: Filter Backwash Recycling Rule; Final Rule". The June 8, 2001 federal filter backwash recycling regulation became effective for applicable Louisiana public water systems on the federal level on December 8, 2003. On the federal level, systems were required to be in full compliance by June 8, 2004 unless it received a capital improvement extension to physically relocate its recycle return location (if necessary). Again, the USEPA amended the National Primary Drinking Water Regulations (40 CFR Part 141) on January 14, 2002 (67 FR 1835-1843) by promulgating a rule entitled the "National Primary Drinking Water Regulations: Long Term 1 Enhanced Surface Water Treatment Rule; Final Rule". The January 14, 2002 federal Long Term 1 Enhanced Surface Water Treatment Rule became effective for applicable Louisiana public water systems [surface water systems (and ground water under the direct influence of surface water systems) serving less than 10,000 individuals] on March 15, 2002. Disinfection profiling and benchmarking were required to be performed in 2003 and 2004 with a final compliance deadline date of January 1, 2005.

This rulemaking amends the current state regulations relative to radionuclides and arsenic by adopting these newly amended federal radionuclides and arsenic regulations by reference. It is also the intent of this rulemaking to adopt state-equivalent rules of the new federal Long Term 1 Enhanced Surface Water Treatment Rule. The current Chapter 11 titled the Interim Enhanced Surface Water Treatment Rule is to be amended and its title renamed as the Long Term 1 Enhanced Surface Water Treatment Rule. Just as the state's current Interim Enhanced Surface Water Treatment Rule incorporated provisions from the original Louisiana Surface Water Treatment Rule (adopted in 1991), so too will the state's Long Term 1 Enhanced Surface Water Treatment Rule incorporate provisions from both the original Louisiana Surface Water Treatment Rule as well as from the state's Interim Enhanced Surface Water Treatment Rule (adopted in 2002). It is also the intent of this rulemaking to adopt state-equivalent rules of the new federal filter backwash recycling regulations by enacting Subchapter G (Recycle Provisions) into Chapter 11 (Long Term 1 Enhanced Surface Water Treatment Rule).

For the reasons set forth above, Part XII (Water Supplies) of the Louisiana State Sanitary Code (LAC 51:XII) has been amended as follows.

Title 51
PUBLIC HEALTH—SANITARY CODE
Part XII. Water Supplies

Chapter 1. General

§101. Definitions [formerly paragraph 12:001]

A. Unless otherwise specifically provided herein, the following words and terms used in this Part of the Sanitary Code, and all other Parts which are adopted or may be adopted, are defined for the purposes thereof as follows:

* * *

National Primary Drinking Water Regulations—

a. drinking water regulations promulgated by the U.S. Environmental Protection Agency pursuant to applicable provisions of title XIV of the Public Health Service Act, commonly known as the "Safe Drinking Water Act," 42 U.S.C.A. §300f, et seq., and as published in the July 1, 2005 edition of the *Code of Federal Regulations*, Title 40, Part 141 (40 CFR 141), less and except:

i. Subpart H—Filtration and Disinfection (40 CFR §§141.70-141.76);

ii. Subpart P—Enhanced Filtration and Disinfection—Systems Serving 10,000 or More People (40 CFR §§141.170-141.175); and

iii. Subpart T—Enhanced Filtration and Disinfection—Systems Serving Fewer Than 10,000 People (40 CFR §§141.500—571);

b. when "Subpart H", "Subpart P", or "Subpart T" is used within the actual text of the drinking water regulations cited in Subparagraph "a." of this Paragraph (definition), "LAC 51:XII.Chapter 11" shall be substituted therein.

* * *

AUTHORITY NOTE: The first source of authority for promulgation of the Sanitary Code is in R.S. 36:258(B), with more particular provisions found in Chapters 1 and 4 of Title 40 of the Louisiana Revised Statutes. This Part is promulgated in accordance with R.S. 36:254 (B)(7), R.S. 40:4 (A)(8), R.S. 40:5 (2)(3)(5)(6)(17)(20), and R.S. 40:1148.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1318 (June 2002), amended LR 28:2513 (December 2002), LR 30:1194 (June 2004), LR 30:2326 (October 2004), LR 35:1240 (July 2009).

Chapter 3. Water Quality Standards

§355. Mandatory Disinfection [formerly paragraph 12:021-1]

A. - B. …

C. Public water systems which use surface water or ground water under the direct influence of surface water shall meet the requirements of applicable Sections of the Long Term 1 Enhanced Surface Water Treatment Rule (LAC 51:XII.Chapter 11) as it pertains to CT and *Giardia*, *Cryptosporidium*, and virus removal/inactivation/disinfection requirements.

D. - E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1326 (June 2002), amended LR 28:2514 (December 2002), LR 35:1240 (July 2009).

Chapter 11. Long Term 1 Enhanced Surface Water Treatment Rule

Subchapter A. General Requirements and Definitions

§1101. General Requirements

A. For public water systems using surface water or groundwater under the direct influence of surface water (GWUDISW), this Chapter establishes or extends treatment technique requirements in lieu of maximum contaminant levels for the following microbial contaminants: *Giardia lamblia* (cysts), viruses, heterotrophic plate count bacteria, *Legionella*, turbidity, and *Cryptosporidium* oocysts.

B. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1335 (June 2002), amended LR 28:2514 (December 2002), LR 35:1241 (July 2009).

§1103. Definition of Terms

A. …

B. Definitions. Definitions contained in §101 of this Part shall also apply to this Chapter where the following special definitions apply.

* * *

Disinfection Profile—a summary of *Giardia lamblia* inactivation through the treatment plant. For any system that uses chloramines, ozone, or chlorine dioxide for primary disinfection, this term shall additionally include a summary of virus inactivation through the treatment plant.

* * *

Groundwater under the Direct Influence of Surface Water (GWUDISW)—any water beneath the surface of the ground with significant occurrence of insects or other macroorganisms, algae, or large diameter pathogens such as *Giardia lamblia* or *Cryptosporidium*, or significant and relatively rapid shifts in site specific water characteristics such as turbidity, temperature, conductivity or pH which closely correlate to climatological or surface water conditions. The DHH determination of direct influence may be based on an evaluation of site-specific measurements of water quality and/or documentation of well construction characteristics and geology with field evaluation.

* * *

IESWTR—Interim Enhanced Surface Water Treatment Rule.

* * *

Liquids from Dewatering Processes—a stream containing liquids generated from a unit used to concentrate solids for disposal.

LT1ESWTR—Long Term 1 Enhanced Surface Water Treatment Rule.

* * *

Spent Filter Backwash Water—a stream containing particles that are dislodged from filter media when water is forced back through the filter (backwashed) to clean the filter.

* * *

SWTR—Surface Water Treatment Rule.

SWTR Guidance Manual—U.S. EPA's Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources, March 1991 Edition.

Thickener Supernatant—a stream containing the decant from a sedimentation basin, clarifier or other unit that is used to treat water, solids, or semi-solids from the primary treatment processes.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8), R.S. 40:5(2)(3)(5)(6)(17)(20), and R.S. 40:1148.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1336 (June 2002), amended LR 28:2514 (December 2002), LR 30:1195 (June 2004), LR 35:1241 (July 2009).

Subchapter B. Treatment Technique Requirements and Performance Standards

§1113. Treatment Technique Requirements

A. - A.2. …

3. a total of 99 percent (2 Log) removal of *Cryptosporidium* oocysts through treatment processes including filtration;

4. the total reductions to be required by the DHH may be higher and are subject to the source water concentration of *Giardia lamblia*, viruses, and *Cryptosporidium*.

B. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1340 (June 2002), amended LR 28:2518 (December 2002), LR 35:1241 (July 2009).

§1115. Filtration Performance Standards

A. - A.4. …

B. Conventional filtration treatment shall be deemed to be capable of achieving at least 99.7 percent (2.5 Log) removal of *Giardia* cysts, 99 percent (2 Log) removal of *Cryptosporidium* oocysts, and 99 percent (2 Log) removal of viruses when in compliance with operation criteria (Subchapter D of this Chapter) and performance standards (§§1115 and 1119 of this Subchapter). Direct filtration treatment and diatomaceous earth filtration shall be deemed to be capable of achieving at least 99 percent (2 Log) removal of *Giardia* cysts, 99 percent (2 Log) removal of *Cryptosporidium* oocysts, and 90 percent (1 Log) removal of viruses when in compliance with operation criteria (Subchapter D of this Chapter) and performance standards (§§1115 and 1119 of this Subchapter). Slow sand filtration shall be deemed to be capable of achieving at least 99 percent (2 Log) removal of *Giardia* cysts, 99 percent (2 Log) removal of *Cryptosporidium* oocysts, and 99 percent (2 Log) removal of viruses when in compliance with operation criteria and performance standards.

1. Expected minimum removal credits for public water systems are listed in Table 2 of this Chapter along with the corresponding remaining minimum disinfection log inactivation required.

Table 2						
Treatment Methods						
Filtration Method	Expected Minimum Log Removals			Remaining Minimum Disinfection Log Inactivation Required		
	Giardia	*Crypto*	Virus	*Giardia*	*Crypto*	Virus
Conventional	2.5	2.0	2.0	0.5	-0-	2.0
Direct	2.0	2.0	1.0	1.0	-0-	3.0
Slow Sand	2.0	2.0	2.0	1.0	-0-	2.0
Diatomaceous Earth	2.0	2.0	1.0	1.0	-0-	3.0

2. The remaining minimum disinfection log inactivation shall not be less than what is required pursuant to Table 2.

C. Conventional Filtration Treatment or Direct Filtration Treatment shall comply with the following performance standards for each treatment plant.

1. The turbidity level of the filtered water shall be equal to or less than 0.3 NTU in at least 95 percent of the measurements taken each month.

2. Filtered water turbidity shall not exceed 1 NTU at any time.

D. - E.1. …

F. An alternative to the filtration technologies specified in §1115.A of this Chapter may be used provided the supplier demonstrates to the DHH that the alternative technology: provides a minimum of 99 percent *Giardia* cyst removal, a 99 percent virus removal, and a 99 percent (2 Log) *Cryptosporidium* oocyst removal, and meets the turbidity performance standards established in §1115.C of this Chapter. Such alternative filtration technology, in combination with disinfection treatment, shall be shown to consistently achieve a total of no less than 99.9 percent (3 Log) removal and/or inactivation of *Giardia lamblia* cysts and 99.99 percent (4 Log) removal and/or inactivation of viruses. The demonstration shall be based on the results from a prior equivalency demonstration or a testing of a full scale installation that is treating a water with similar characteristics and is exposed to similar hazards as the water proposed for treatment. A pilot plant test of the water to be treated may also be used for this demonstration if conducted with the approval of the DHH. The demonstration shall be presented in an engineering report prepared by a qualified engineer. Additional reporting for the first full year of operation of a new alternative filtration treatment process approved by the DHH, may be required at DHH discretion. The report shall include results of all water quality tests performed and shall evaluate compliance with established performance standards under actual operating conditions. It shall also include an assessment of problems experienced, corrective actions needed, and a schedule for providing needed improvements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8) and 40:5(2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1340 (June 2002), amended LR 28:2519 (December 2002), LR 30:1196 (June 2004), LR 35:1241 (July 2009).

§1117. Non-Filtering Systems

A. - B.1.b. …

c. Minimum Sampling Frequencies

Table 3	
Population	Samples/Week
≤ 500	1
501-3300	2
3301-10,000	3
10,001-25,000	4
> 25,000	5

B.1.d. - D.1.b. …

c. identify within each WHPA all potential anthropogenic sources of contaminants which may have any adverse effect on the health of persons, specifically with the goal of minimizing the potential for contamination of the source water by *Giardia lamblia* cysts, viruses, and *Cryptosporidium* oocysts;

1.d. - 7. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8) and 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1341 (June 2002), amended LR 28:2520 (December 2002), LR 35:1242 (July 2009).

§1119. Disinfection Performance Standards

A. - B.2. …

C. Determination of Inactivation by Disinfection. Minimum disinfection requirements shall be determined by DHH on a case-by-case basis but shall not be less than those required in Table 2 of §1115.B.1 of this Chapter. The desired level of inactivation shall be determined by the calculation of CT values; residual disinfectant concentration ("C") times the contact times ("T") when the pipe or vessel is in operation. Disinfectant contact time shall be determined by tracer studies.

1. - 4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8) and 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1341 (June 2002), amended LR 28:2522 (December 2002), LR 35:1242 (July 2009).

Subchapter C. Monitoring Requirements

§1123. Filtration Monitoring

A. - B.2. …

C. Combined Filter Effluent Turbidity Monitoring. To determine compliance with the performance standards

specified in §§1115 of this Chapter, each supplier using surface water or GWUDISW shall conduct continuous turbidity monitoring of representative samples of the combined filter effluent prior to clearwell storage during all times that the system is in operation. Combined filter effluent turbidity measurements shall be recorded every 15 minutes. The accuracy of the turbidity measurements from the continuous turbidity monitor shall be validated weekly in accord with §1107.D of this Chapter. If there is a failure in the continuous turbidity monitoring equipment, the system shall collect and analyze a grab sample every two hours in lieu of continuous monitoring, but for no more than five working days following the failure of the equipment. Failure to have the continuous monitoring equipment replaced or repaired and put back into continuous service following the five working days allowed herein shall be deemed to constitute a violation of this Chapter. Systems shall maintain the results of combined filter effluent turbidity monitoring for at least three years.

EXCEPTION: In the case of public water systems using surface water or GWUDISW and serving less than 10,000 individuals, if there is a failure in the continuous turbidity monitoring equipment, the system shall collect and analyze a grab sample every four hours in lieu of continuous monitoring, but for no more than five working days following the failure of equipment. Failure to have the continuous monitoring equipment replaced or repaired and put back into continuous service following the five working days allowed herein shall be deemed to constitute a violation of this Chapter. Systems shall maintain the results of combined filter effluent turbidity monitoring for at least three years.

C.1. - D. …

E. Individual Filter Turbidity Monitoring/Additional Actions

1. Monitoring Individual Filters for Turbidity. Public water systems using surface water or GWUDISW as its source of water supply and which utilizes conventional filtration treatment or direct filtration shall conduct continuous turbidity monitoring for each individual filter. Such systems shall record the results of individual filter monitoring every 15 minutes while the filter is in service. The accuracy of the turbidity measurements from the continuous turbidity monitor shall be validated weekly in accord with §1107.D of this Chapter. If there is a failure in the continuous turbidity monitoring equipment, the system shall conduct grab sampling every four hours in lieu of continuous monitoring, but for no more than five working days following the failure of equipment. Failure to have the continuous monitoring equipment replaced or repaired and put back into continuous service following the five working days allowed herein shall be deemed to constitute a violation of this Chapter. Systems shall maintain the results of individual filter monitoring for at least three years.

a. …

2. Triggered Actions Based on Individual Filter Results

a. For a public water system using surface water or GWUDISW and which serves at least 10,000 individuals, refer to §1135.E.1 of this Chapter for additional actions which may be triggered dependent upon the results of individual filter turbidity monitoring. Compliance deadlines for performing such additional actions are also contained in §1135.E.1 of this Chapter.

b. For a public water system using surface water or GWUDISW and which serves less than 10,000 individuals, refer to §1135.F.1 of this Chapter for additional actions which may be triggered dependent upon the results of individual filter turbidity monitoring. Compliance deadlines for performing such additional actions are also contained in §1135.F.1 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8) and 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1342 (June 2002), amended LR 28:2522 (December 2002), LR 35:1242 (July 2009).

§1125. Disinfection Monitoring

A. CT Parameters Monitoring. To determine compliance with disinfection inactivation requirements specified in Table 2 of §1115.B.1 of this Chapter, each supplier shall develop and conduct a monitoring program to measure those parameters that affect the performance of the disinfection process. This shall include but not be limited to:

A.1. - B. …

C. Small System Disinfectant Residual Monitoring at Plant. Suppliers serving fewer than 3,300 people may collect and analyze grab samples of the water being delivered to the distribution system for disinfectant residual determination each day in lieu of the continuous monitoring, in accordance with Table 4 of this Chapter, provided that any time the residual disinfectant falls below 0.2 mg/l free chlorine or 0.4 mg/l total chlorine, the supplier shall take a grab sample every two hours until the residual concentrations is equal to or greater than 0.2 mg/l free chlorine or 0.4 mg/l total chlorine.

Table 4 (Applicable to Systems Serving less than 3,300 Individuals)	
Disinfectant Residual Sampling	
System Population	Samples/Day
#500	1
501-1,000	2
1,001-2,500	3
2,501-3,300	4

D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8) and R.S. 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1342 (June 2002), amended LR 28:2523 (December 2002), LR 35:1243 (July 2009).

§1127. Disinfection Profiling

A. All public water systems using surface water or GWUDISW as its source of water supply and serving at least 10,000 individuals shall perform a disinfection profile of its disinfection practice on a continuous, daily basis. All public water systems using surface water or GWUDISW as its source of water supply and serving less than 10,000 individuals shall perform a disinfection profile of its disinfection practice on a continuous, weekly basis.

1. Any system that meets the criteria of Subsection A of this Section shall perform monitoring on each day [or, in the case of systems serving less than 10,000 individuals, once each week (on the same calendar day)] of operation to determine the total logs of inactivation of *Giardia lamblia* cysts, based upon the $CT_{99.9}$ (3-Log) values in Appendix E of the SWTR Guidance Manual, as appropriate, through the entire treatment plant. Any system that uses chloramines,

ozone, or chlorine dioxide for primary disinfection shall additionally calculate the total logs of inactivation of viruses for each day of operation, based upon the $CT_{99.99}$ (4-Log) values in Appendix E of the SWTR Guidance Manual. Systems with more than one point of disinfectant application shall conduct monitoring for each disinfection segment. The following parameters shall be monitored:

a. - b. …

c. the disinfectant contact time(s) ("T") at peak hourly flow at each residual disinfectant concentration sampling point using approved mathematical computations as outlined in Appendix C of the SWTR Guidance Manual or using the system's specific curve which is graphed as "Detention Time (T_{10} in minutes) vs. Flow (in MGD)" (as per the example shown in Figure C-4 of Appendix C of the SWTR Guidance Manual) to determine the contact time based upon flow, subject to the following additional requirements:

i. for systems serving 3,300 persons or more, the disinfectant contact time(s) is to be determined through the use of data developed from actual tracer studies conducted on the system (see Paragraph 1119.C.1). [Theoretical contact time(s) using baffling factors are not to be used for systems serving 3,300 persons or more.];

ii. for systems serving less than 3,300 persons, the disinfectant contact time(s) may be estimated through the use of data developed in a theoretical manner by determining pipeline capacities, treatment basin capacities, clearwell storage capacity, storage tank capacities, etc., and applying the appropriate geometry and baffling factor(s) (see Paragraph 1119.C.2)*;*

d. - e. …

B. In addition, systems subject to the requirements of Subsection A of this Section shall compute their daily or weekly (dependent upon system size, see Subsection A of this Section) total logs of inactivation utilizing a computer spread sheet format/formulas approved by DHH. The system shall retain printed disinfection profile data as daily or weekly (dependent upon system size, see Subsection A of this Section) individual spreadsheets (containing the monitoring data, CT computation, and total log inactivation data) and in monthly/yearly graphical profile form for review as part of sanitary surveys conducted by DHH.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8) and R.S. 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:2524 (December 2002), amended LR 35:1244 (July 2009).

§1129. Disinfection Practice Changes

A. - A.3. …

4. any disinfection practice modification which may lower the system's ability to comply with the required minimum log inactivation attributable to disinfection as listed in Table 2 of §1115.B.1 of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8) and R.S. 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:2525 (December 2002), amended LR 35:1244 (July 2009).

Subchapter E. Reporting

§1133. DHH Notification

A. The supplier shall notify DHH by telephone or other equally rapid means (see Subsection C of this Section) as soon as possible but no later than 24 hours whenever:

1. the turbidity of the combined filter effluent as monitored exceeds 1.0 NTU at any time for conventional filtration treatment or direct filtration treatment;

2. more than two (i.e., three) consecutive four hour monitoring periods of the combined filter effluent show an exceedance of 0.5 NTU for conventional filtration treatment or direct filtration treatment;

3. - 7. …

B. In accord with the requirement of §321 of this Part, the supplier shall notify DHH by telephone or other equally rapid means (see Subsection C of this Section) as soon as possible but no later than 48 hours whenever:

1. non-compliance with a combined filter effluent turbidity standard occurs during any one particular month, e.g., anytime a minimum number of individual turbidity measurements above the turbidity standard will cause the system to exceed its 5 percent monthly allowance. [For example, in a 30 calendar day month and a plant operating 24 hours per day a total of 180 combined filter effluent turbidity compliance measurements are to be taken per month. Whenever a total of 10 combined filter effluent compliance measurements have been found to exceed 0.3 NTUs, the system is in violation of its treatment technique requirement (10 ÷ 180 x 100 = 5.5 percent) and must notify DHH as soon as possible but not later than 48 hours of the violation.]

C. When the need arises to contact DHH during weekends, state holidays, and other times when DHH offices are closed, the public water system shall contact a DHH representative via Blackberry® (or equivalent smartphone) by e-mail communication to: "safe.water@la.gov". The e-mail message should provide the name of the public water system, the PWS ID # (for example, PWS ID # 1095009) which has been assigned to identify your water system, the name of the person sending the e-mail communication, and a telephone number (with area code) so that a DHH staff member can in turn speak with whoever sent the e-mail. [In most cases, it is expected that your own district or regional engineer will be returning the call (even when the office is closed) in order to consult directly with you on your problem or situation.]

AUTHORITY NOTE: Promulgated in accordance with R.S. 40: 4 (A)(8) and 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:2525 (December 2002), amended LR 35:1244 (July 2009).

§1135. Monthly Report

A. - B.3. …

4. For public water systems using surface water or GWUDISW which utilize conventional or direct filtration treatment, the monthly report shall advise whether or not combined filter effluent turbidity monitoring has been conducted continuously and whether or not the measurements were recorded every 15 minutes. The monthly

report shall also indicate the date and time when there is a failure in the continuous turbidity monitoring equipment or plant out of service as well as the date and time that such equipment/plant was placed back into service.

B.5. - D. …

E. Individual Filter Turbidity Results/Additional Actions—for Systems Serving at Least 10,000 Individuals

1. - 2.a. …

F. Individual Filter Turbidity Results/Additional Actions—for Systems Serving Less than 10,000 Individuals

1. For public water systems using surface water or GWUDISW which serve less than 10,000 individuals and utilizes conventional or direct filtration treatment, the monthly report shall advise whether or not individual filter turbidity monitoring has been conducted continuously and whether or not the measurements were recorded every 15 minutes. Such systems shall additionally report individual filter turbidity measurement results taken only if measurements demonstrate one or more of the following three exceedance conditions.

a. For any individual filter [or the turbidity of the combined filter effluent (CFE) for systems having only two filters and which monitor the CFE in lieu of monitoring each individual filter] that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart, the system shall report the filter number(s), the turbidity measurement(s), and the date(s) on which the exceedance occurred. In addition, the system shall report the cause or obvious reason (if known) for the exceedance.

b. For any individual filter [or the turbidity of the CFE for systems having only two filters and which monitor the CFE in lieu of monitoring each individual filter] that has a measured turbidity level of greater than 1.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of three consecutive months [unless a CPE as specified in Subparagraph c of this Paragraph was required], the system shall report the filter number(s), the turbidity measurement(s), and the dates on which the exceedances occurred. In addition, the system shall conduct a self-assessment of the filter within 14 days of the last exceedance date (the exceedance which occurred during the third straight month). The self-assessment shall consist of at least the following components: an in-depth evaluation of filter performance, including analysis of historical filtered water turbidity from the filter; development of a filter profile; identification and prioritization of factors limiting filter performance; evaluation of the applicability of corrections; and, preparation of a filter self-assessment report. The filter self-assessment report shall also include the date that the self-assessment was triggered and the date that the self-assessment was completed. Systems having only two filters and which monitor the CFE in lieu of monitoring each individual filter shall conduct a self- assessment on both filters.

c. For any individual filter [or the turbidity of the CFE for systems having only two filters and which monitor the CFE in lieu of monitoring each individual filter] that has a measured turbidity level of greater than 2.0 NTU in two consecutive measurements taken 15 minutes apart at any time in each of two consecutive months, the system shall arrange for the conduct of a comprehensive performance evaluation (CPE) by DHH or a third party approved by DHH no later than 60 days following the exceedance and have the evaluation completed and submitted to DHH no later than 120 days following the last exceedance date (the exceedance which occurred during the second straight month). For systems experiencing multiple exceedances, only one CPE is adequate until that CPE has been completed and the appropriate corrective actions taken. If a CPE has been completed by DHH or a third party approved by DHH within the 12 prior months or the system and DHH are jointly participating in an ongoing Comprehensive Technical Assistance (CTA) project at the system, a new CPE is not required.

i. This CPE shall be considered a compliance CPE; thus, either or both of the following shall be considered a violation(s) of this Chapter:

(a.) failure to respond in writing to performance-limiting factors identified in the CPE within 45 days after receipt of the report, indicating how and on what schedule the system will address performance-limiting factors noted in the report; or

(b.) failure to correct the performance-limiting factors identified in the CPE within a time schedule acceptable to DHH.

2. When the cause/obvious reason, self-assessment, or CPE has been triggered by the turbidity results of an individual filter [or the turbidity of the CFE for systems having only two filters and which monitor the CFE in lieu of monitoring each individual filter], the following additional information for such filter(s) shall be reported in the monthly report.

a. Data recorded relative to the occurrence of a failure in the continuous turbidity monitoring equipment for the affected individual filter(s) or filter out of service conditions, the identity of the individual filter(s), the date and time of such equipment failure or out of service conditions as well as the date and time that the equipment and/or filter(s) was placed back into service.

AUTHORITY NOTE: Promulgated in accordance with R.S 40: 4 (A)(8) and R.S. 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:2526 (December 2002), amended LR 35:1245 (July 2009).

§1137. Disinfection Profiling Report

A. Public water systems subject to the requirements of §1127.A of this Chapter shall submit to DHH a printed report on the initial 12 consecutive months of disinfection profiling data [including daily or weekly (dependent upon system size, see §1127.A), individual spreadsheets containing the monitoring data, CT computation, and total log inactivation data] and in monthly/yearly graphical profile form as required under §§1127 of this Chapter. For systems serving at least 10,000 individuals, this disinfection profiling report is due on no later than February 15, 2004. For systems serving less than 10,000 individuals which have not yet submitted a report to DHH, this disinfection profiling report is due on July 20, 2009.

B. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S 40: 4 (A)(8) and R.S. 40: 5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:2527 (December 2002), amended LR 35:1245 (July 2009).

Subchapter F. Public Notification

§1139. Consumer Notification

A. Treatment Technique/Performance Standard Violations. The supplier shall notify persons served by the system whenever there is a failure to comply with the treatment technique requirements specified in §§1113 or 1141 or the performance standards specified in §§1115, 1117, or 1119 of this Chapter. The notification shall be given in a manner approved by the DHH, and shall include the following mandatory language.

A.1. - E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:2527 (December 2002), amended LR 35:000 (March 2009), LR 35:1246 (July 2009).

Subchapter G. Filter Backwash Recycling

§1141. Recycling Provisions

A. Applicability. All public water systems having treatment plants which utilize surface water or GWUDISW that employ conventional filtration treatment or direct filtration treatment and that recycle spent filter backwash water, thickener supernatant, or liquids from dewatering processes must meet the requirements in Subsections B through D of this Section.

B. Reporting. A system must notify the Department of Health and Hospitals (DHH) in writing if the system recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes. This notification must include, at a minimum, the following information:

1. a plant schematic showing the origin of all flows which are recycled (including, but not limited to, spent filter backwash water, thickener supernatant, and liquids from dewatering processes), the hydraulic conveyance used to transport them, and the location where they are re-introduced back into the treatment plant;

2. typical recycle flow in gallons per minute (gpm), the highest observed plant flow experienced in the previous year (gpm), design flow for the treatment plant (gpm), and the DHH-approved operating capacity for the plant where the DHH has made such determinations.

C. Treatment Technique Requirement. Any system that recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes must return these flows through the processes of a system's existing conventional or direct filtration system as defined in §1103.B or at an alternate location approved by the DHH.

D. Recordkeeping. The system must collect and retain on file recycle flow information for review and evaluation by DHH as follows:

1. copy of the recycle notification and information submitted to the DHH under Subsection B of Section;

2. list of all recycle flows and the frequency with which they are returned;

3. average and maximum backwash flow rate through the filters and the average and maximum duration of the filter backwash process in minutes;

4. typical filter run length and a written summary of how filter run length is determined;

5. the type of treatment provided for the recycle flow;

6. data on the physical dimensions of the equalization and/or treatment units, typical and maximum hydraulic loading rates, type of treatment chemicals used and average dose and frequency of use, and frequency at which solids are removed, if applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8) and R.S. 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 35:1246 (July 2009).

Chapter 19. Public Notification Rule

§1903. Public Notification [formerly §313]

A. …

B. In addition, if a public water system fails to report required analytical data to the appropriate office designated by the state health officer within the applicable time limit(s) stipulated by the National Primary Drinking Water Regulations (as defined in this Part), the Louisiana Total Coliform Rule (Chapter 9 of this Part), the Long Term 1 Enhanced Surface Water Treatment Rule (Chapter 11 of this Part), the Stage I Disinfectants and Disinfection Byproducts Rule (Chapter 13 of this Part), or the Approved Chemical Laboratories/Drinking Water Rule (Chapter 15 of this Part), and such data (e.g., turbidity measurements, corrosion control chemical concentrations, etc.) is required to determine a maximum contaminant level or treatment technique requirement prescribed by this Code, the public water system shall be assessed a monitoring violation and must give appropriate public notification.

C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4 (A)(8) and 40:5 (2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 35:000 (March 2009), amended LR 35:1246 (July 2009).

§1911. Public Notice for Certain Violations of Specific Drinking Water Rules

A. …

B. Long Term 1 Enhanced Surface Water Treatment Rule. Also refer to §1139 of this Part.

C. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8) and 40:5(2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 35:000 (March 2009), amended LR 35:1246 (July 2009).

Alan Levine
Secretary

0907#070

RULE

Department of Health and Hospitals
Practical Nurse Examiners

Adjudication and Temporary Permits
(LAC 46:XLVII.306 and 1705)

The Board of Practical Nurse Examiners hereby amends LAC 46:XLVII.101 et seq., in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Practical Nursing Practice Act, R.S. 37:961-979. The amendments to §306 clarify current language in the Rule. The amendments to §306 do not change the meaning or intent of the Rule and will not change the way the Rule is

currently implemented or the way the Rule has been implemented in the past. The amendment to §1705 will allow a licensed practical nurse, who is working in Louisiana on an emergency temporary permit during a declared state of public health emergency, to receive a wage for nursing services rendered. This change is in order to help employers attract sufficient numbers of licensed practical nurse volunteers to work in Louisiana during a declared state of public health emergency.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLVII. Nurses: Practical Nurses and Registered Nurses
Subpart 1. Practical Nurses

Chapter 3. Board of Practical Nurse Examiners

§306. Adjudication Proceedings

A. - D. …

E. Unless precluded by law, informal disposition may be made of any case of adjudication by stipulation, agreed settlement, consent order, or default. A consent order or agreed settlement shall be presented to the board for approval before it becomes binding on the board.

F. - O. …

P. After the hearing is concluded, the hearing officer shall issue a report containing his/her findings of fact, conclusions of law and recommendations. This report shall be presented to the board in executive session and shall be considered privileged and confidential until and unless it is adopted in final form by the board.

Q. - U. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:978 and Acts 675 and 827, 1993.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 2:275 (September 1976), amended LR 3:193 (April 1977), LR 10:336 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1126 (October 1992), repromulgated LR 18:1259 (November 1992), amended LR 20:663 (June 1994), LR 26:2614 (November 2000), LR 28:2353 (November 2002), LR 30:1478 (July 2004), LR 34:1912 (September 2008), LR 35:1247 (July 2009).

Chapter 17. Licensure

§1705. Temporary Permit

A. - C. …

D. During a declared state of public health emergency, an emergency temporary permit may be issued to practical nurses licensed in another jurisdiction of the U.S. whose license is current, unrestricted and in good standing in such jurisdiction, provided that the practical nurse register with the board prior to providing practical nursing care. The emergency permit may be issued for 60 days or until termination of the state of public health emergency, whichever comes first. The permit may be extended for two additional 60 day periods.

E. - F. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:976.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:200 (April 1977), amended LR 10:341 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners, LR 18:1130 (October 1992), repromulgated LR 18:1263 (November 1992), amended LR 28:2355 (November 2002), LR 32:637 (April 2006), LR 33:93 (January 2007), amended LR 35:1247 (July 2009).

Claire Doody Glaviano
Executive Director

0907#018

RULE

Department of Insurance
Office of the Commissioner

Regulation 33—Medicare Supplemental Insurance Minimum Standards (LAC 37:XIII.Chapter 5)

Editor's Note: Section 503 is being repromulgated because of an error. The original Rule can be viewed in its entirety on page 1114 of the June 20, 2009 *Louisiana Register*.

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., has amended Regulation 33 regarding Medicare Supplemental Insurance Minimum Standards.

The National Association for Insurance Commissioners (NAIC) recently amended the NAIC model regulation on Medicare Supplemental Insurance Minimum Standards to reflect changes made under the Genetic Information Nondiscrimination Act (GINA) and the Medicare Improvement for Patients and Providers Act (MIPPA), and the Louisiana Department of Insurance is adopting these changes which affect the following Sections: LAC 37:XIII §503, §505, §510, §515, §516, §520, §521, §525, §535, §560, and §591. Sections 516, 521, and 591 are additions to the proposed regulation. Section 507 is repealed in its entirety.

Non-substantive language has been added to Sections 503, 515, 516, 520, 521, and 560 to clarify references to policies "issued for delivery on or after June 1, 2010." These technical clarifications are intended to permit the sale of Medicare policies with new benefit packages prior to June 1, 2010 provided such policies have an effective date on or after June 1, 2010. NAIC recently notified state regulators that the intent of these technical changes comports with federal law and such changes were inadvertently omitted from revisions made to the final NAIC Medicare Supplement Insurance Minimum Standards Model Act prior to its adoption. The department is hereby adopting these technical changes accordingly.

Title 37
INSURANCE
Part XIII. Regulations

Chapter 5. Regulation 33—Medicare Supplement Insurance Minimum Standards

§503. Definitions

A. …

* * *

Commissioner—the Commissioner of Insurance of the state of Louisiana.

* * *

Issuer—insurance companies, fraternal benefit societies, health care service plans, health maintenance organizations, and any other entity authorized to deliver or issue for delivery in this state Medicare supplement policies or

certificates. For purposes of §591.A.10.a. of this regulation, the term shall also include third party administrators, or any other person acting for or on behalf of such issuer.

* * *

Pre-Standardized Medicare Supplement Benefit Plan, Pre-Standardized Benefit Plan or Pre-Standardized Plan—a group or individual policy of Medicare supplement insurance issued prior to July 20, 1992.

1990 Standardized Medicare Supplement Benefit Plan, 1990 Standardized Benefit Plan or 1990 Plan—a group or individual policy of Medicare supplement insurance issued on or after July 20, 1992 and with an effective date for coverage prior to June 1, 2010 and includes Medicare supplement insurance policies and certificates renewed on or after that date which are not replaced by the issuer at the request of the insured.

2010 Standardized Medicare Supplement Benefit Plan, 2010 Standardized Benefit Plan or 2010 Plan—a group or individual policy of Medicare supplement insurance issued with an effective date for coverage on or after June 1, 2010.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:1111 (re-designated from R.S. 22:224 pursuant to Acts 2008, No. 415, effective January 1, 2009) and 42 U.S.C. 1395 et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 25:1102 (June 1999), repromulgated LR 25:1481 (August 1999), amended LR 29:2435 (November 2003), LR 31:2902 (November 2005), LR 35:1114 (June 2009), repromulgated LR 35:1247 (July 2009).

James J. Donelon
Commissioner

0907#019

RULE

Department of Public Safety and Corrections
Corrections Services

Offender Visitation (LAC 22:I.316)

In accordance with the provisions of the Administrative Procedures Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, has amended the contents of §316, Offender Visitation.

Title 22
CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
Part I. Corrections
Chapter 3. Adult Services
Subchapter A. General
§316. Offender Visitation

A. Purpose. To establish the secretary's policy regarding offender visitation and to set forth the procedures to be followed concerning offender visitation.

B. Applicability. Deputy Secretary, Chief of Operations, Assistant Secretary, Regional Wardens and Wardens. Each warden 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 content to all offenders, affected employees and visitors.

C. Policy. The department recognizes the importance of visitation in the maintenance of an offender's family ties; visitation is an integral component of institutional management. Visiting can improve public safety and encourage offender accountability. Authorized visitation is permitted by the department to facilitate an offender's institutional adjustment in accordance with the department's goals and mission. The visiting process shall be conducted in an atmosphere that is conducive for the safe, secure and orderly management and operation of the institution. Thus, the visiting process will not overly tax the institution's resources or its ability to maintain adequate control and supervision. In this matter, as in all others affecting institutional operations, safety and security are primary considerations.

1. Each warden shall be responsible for ensuring written information regarding visiting procedures is made available to offenders within 24 hours following the offender's arrival at the institution. At a minimum, the information shall include, but is not limited to, the following: address and phone number of the institution; directions to the institution; information regarding local transportation; days and hours of visitation; approved dress code; identification requirements; authorized items; rules for children and special visits.

D. Definitions

Attorney Visit—visit by an attorney or authorized representative, such as a paralegal assistant, law clerk and investigator whose credentials have been verified.

Disrespect—hostile, sexual, abusive, threatening language or gestures, verbal or written, towards or about another person by a visitor.

Disturbance—conduct or activity which unnecessarily interferes with visitation operations, and/or which advocates, encourages, promotes or otherwise creates or poses a threat to the safety, security, health and good order of the institution, and/or the safety and security of offenders, staff or visitors. A visitor commits a disturbance if the visitor advocates, creates, engages in, maintains or promotes an annoying condition or disorder characterized by unruly, noisy or violent conduct.

Employee—any person employed full-time, part-time or on temporary appointment by the department.

Excessive Contact—prolonged or frequent contact between a visitor and an offender that exceeds the brief embrace and kiss upon meeting and leaving and hand-holding. Excessive is not casual contact, but rather a pattern of contact beyond rule limits.

Family Member—includes the offender's identifiable parents, siblings, children, legal spouse, aunts, uncles, nieces, nephews, grandchildren and grandparents, including foster, in-law, and step-relationships or any others indicated on the offender's master prison record as having raised the offender.

Immediate Family Member—includes the offender's identifiable parents, siblings, children, legal spouse and any others indicated on the offender's master prison record as having raised the offender.

Intake Status—the 30-day period of time following delivery of an offender to the custody of the department. During this time, staff conducts intake processing of the offender including, but not limited to, medical and mental health assessments, custody classification and identification of programming needs and assignments.

Minor Child—anyone under the legal age of majority (17 years.)

Non-Contact Visit—a type of visitation whereby an offender and an approved visitor on the offender's visiting list are not permitted to be in physical contact during visitation and are generally separated by a physical barrier.

Picnic Visit—a type of visitation in an area of the institution set aside for picnicking.

Regular Visit—visitation whereby an offender and an approved visitor on the offender's visiting list are permitted to see and talk with each other on a scheduled basis for a reasonable period of time with limited physical contact, consisting of a brief embrace and kiss upon meeting and leaving, hand-holding and holding of children.

Sex Crime Involving a Minor Child—any conviction of a sexual crime committed, attempted or conspired in which a minor child was involved, victimized or was the intended victim.

Special Visits are as follows:

a. requests for special visits shall be submitted to the warden or designee as soon as possible;

b. visitation may be authorized by the warden or designee on a case-by-case basis to allow an offender to visit with a person who is not on the offender's approved visiting list, such as out-of-state family members or friends;

c. an extra visit by an offender and a person who is on the offender's approved visiting list that is permitted beyond the limits of the number of visits established by this regulation and institutional policy and procedures; and

d. a visit that is permitted at an hour and/or place at which visits are not normally permitted.

NOTE: Specialized Visiting is also authorized for hospitalized or terminally ill offenders.

E. Visiting Procedures. Visitation is a privilege and not a right and violation of rules may result in termination of the visit, loss of the offender's visiting privileges, banning of the visitor from entering the institution or its grounds and/or criminal charges as circumstances warrant.

1. Offender Eligibility

a. All offenders, except those offenders in intake status or as specifically provided herein, are eligible to apply for visits while confined in a departmental facility.

b. Visitation will not be allowed while an offender is in intake status. Once an offender is removed from intake status, visitation with immediate family members may be authorized by the receiving facility at the request of an offender.

c. Offenders who have a current or prior conviction for a sex crime involving a minor child family member, or who have a documented history of sex abuse with a minor child family member, are ineligible to visit with any minor child, including their own biological or step-child.

d. Offenders who have a current or prior conviction for a sex crime involving a minor child who is not a family member are ineligible to visit with any minor child. However, at the warden's discretion, such offenders may be authorized to visit with their own biological child. The legal guardian shall submit a written request and shall accompany the minor child during the visit. If approved by the warden, the visit may be contact or non-contact at the warden's discretion.

Exception: Special visits for offenders who have successfully completed or are participating satisfactorily in sex offender treatment may be considered by the warden. (Treatment staff who teach the sex offender class shall be involved in the decision-making process for this type of special visit.) The legal guardian shall submit a written request and shall accompany the minor child during the visit. If approved by the warden, the visit may be contact or non-contact at the warden's discretion.

2. Eligibility of Prospective Visitors

a. All persons, except as specifically prohibited in accordance with this regulation, are eligible to be considered for approval to visit an offender confined in a departmental facility upon application and request by the offender.

b. A person is ineligible to visit if the individual has been convicted of, and/or has criminal charges pending against him for the following crimes/criminal activities:

i. introduction and/or supplying, attempting or conspiring to introduce or supply contraband;

ii. possession, control or delivery of an explosive device or substance, including attempt or conspiracy to do the same; or

iii. assisting an offender in an escape or unlawful departure from a correctional facility, including an attempt or conspiracy.

c. Visits from the offender's direct victim(s) are prohibited.

d. A person who has been convicted of a felony, who has not been finally discharged from an institution or from probation or parole supervision for more than two years without an intervening criminal record shall be denied approval to be placed on an offender's visiting list. In addition, any person who in the previous five years had three or more felony charges (regardless of disposition) shall be considered ineligible to visit or, if already an approved visitor, shall have visiting privileges revoked.

e. All prospective visitors shall be screened for criminal history by one of the following approved methods:

i. request for a police check to local law enforcement agencies by utilizing the Police Questionnaire;

ii. CAJUN 2 inquiry;

iii. National Crime Information Center (NCIC); or

iv. Louisiana Computerized Criminal History (LACCH.)

f. While the use of LACCH is considered optimum, the warden retains the option of choosing the method of obtaining the police record that best meets the needs of the institution. Each institution shall honor the criminal history check of another institution.

g. Visitation by employees of the department is reserved for immediate family members only. Requests to visit an incarcerated family member shall be submitted to the requesting employee's warden or designee for consideration. A departmental employee or an ex-employee may be denied approval to visit if such denial is deemed by the warden or designee to be in the best interest of the institution.

h. Exceptions to the provisions of this Section, including the approval of former offenders as visitors, may be specifically authorized by the warden or designee.

3. Visiting Lists/Maximum Number of Approved Visitors

a. Offenders may be permitted a maximum of 10 approved visitors on their respective visiting lists. The Initial Request for Visitors Form shall be used by offenders to request visitors.

NOTE: At the discretion of the warden or designee, an offender participating in a special recognition program may be allowed to have up to a maximum of 15 approved visitors placed on his visiting list.

b. The name of each approved visitor shall appear on the offender's visiting list; however, legal advisors, one approved religious advisor and children under 14 years shall not be counted toward the maximum number of approved visitors, although their names must still appear on the list.

c. Except as noted in Paragraph E.1. relative to offenders who have a current or prior conviction for a sex crime, minor children may visit on any of the regular visiting days when accompanied by an adult visitor on the offender's approved visiting list. Both visitors must be visiting the same offender at the same time. Exceptions to being accompanied by an adult may be specifically authorized by the warden or designee, including, but not limited to, the following:

i. minor spouse;

ii. emancipated minors (Judgment of Emancipation required as proof); or

iii. minors visiting as part of approved institutional programs such as school groups, church groups, parenting groups, etc.

d. It is the offender's responsibility to provide the correct name, address, date of birth, race and sex of all prospective visitors. A record shall be maintained of approved visitors, as well as a confirmation of their actual visits.

e. All visiting records/information obtained on an offender by institutional staff shall be transferred with the offender when the offender is reassigned to another institution within the department. This includes transfers to work release programs. The offender's current visiting information shall be utilized by the work release program to allow for visitation.

4. Restrictions on Visiting

a. An offender may refuse to see a visitor; however, the offender will be required to sign a statement to that effect and the statement shall be filed in the offender's master prison record. Should the offender refuse to sign a statement, documentation of the refusal shall be placed in the offender's master prison record.

b. A person may be removed from the offender's approved visiting list at his own request.

c. Any person may be denied permission to visit during the time of a disturbance at the institution. All visiting shall be suspended during an emergency.

d. A visitor can be on only one offender's visiting list per institution unless that visitor is a family member of more than one offender. The burden of proof and documentation will be the responsibility of the offender and his family.

e. All visitors 15 years of age and older must have picture identification in order to visit an offender.

f. When an offender requests a visitor be added to his visiting list, it shall be the offender's responsibility to mail the Individual Questionnaire Form to the proposed visitor. By signing the questionnaire, the proposed visitor is agreeing to be on the offender's visiting list and to obey all institutional rules. The proposed visitor shall return the completed questionnaire to the institution's classification department for further processing. The information received from the questionnaire shall be used to run the criminal history check prior to final approval.

g. The institution shall develop and post procedures regarding the notification to visitors of their approval or disapproval.

h. Grandfather Clause

i. All approved visitors on an offender's visiting list on July 20, 2009, will remain approved (unless removed for cause.) If the offender has more than 10 approved visitors, the offender may not add or substitute an additional visitor without bringing their visiting list into compliance with this regulation.

5. Changing the Visiting List

a. Each offender shall be allowed to request changes (additions, deletions, substitutions) to his approved visiting list every four months.

b. A Request for Changes of Approved Visiting List Form shall be made available to offenders to request changes to their approved visiting list.

c. Offenders entering an institution with no established visiting record should be granted tentative approval to visit family members upon request of the offender. Some preliminary verification of relationship may be required. Exceptions must be approved by the warden or designee and be based upon legitimate security considerations.

d. Offenders transferring to another institution should be authorized to visit with their approved visitors at the receiving institution, unless it is demonstrated that the requirements/restrictions of this regulation were not previously adhered to in the approval process or unless the warden or designee at the receiving institution identifies the need to apply restrictions based upon current security considerations. (An offender shall be allowed to request a change in his visiting list when he first arrives at the receiving institution and at four-month intervals thereafter.)

6. Number, Duration and Conditions of Visits

a. Approved visitors should be allowed to visit the offender at least two times per month.

b. While a two-hour visit is optimum, each warden or designee retains the discretion to determine the duration of visits, as well as the days and hours on which they may occur. Available space and staff will determine visiting lengths.

c. Each warden or designee retains the discretion to determine the number of visitors who may visit an offender at one time. Family visiting and contact visits are to be permitted to the extent possible.

d. All visitors are to be informed in writing of the rules governing visiting. Rules will be conspicuously posted in the visiting areas.

e. Visitors are allowed to bring only enough cash money for vending machines and/or concessions into the visiting area. Any financial transactions including cash money, money orders (bank or postal) or cashier's checks for deposit into an offender's account will only be accepted at the visiting processing area.

Exception: Deposits into an offender's account at the Louisiana State Penitentiary may be accepted in the visiting room.

f. Any visit may be terminated if the offender or visitor violates the rules governing visiting.

g. Non-Contact Visits

i. The warden or designee may place a visitor on a non-contact visitation status for the safe and secure operation of the institution. Visitors placed on non-contact visitation status shall have their status reviewed every six months.

ii. Offenders who are housed in segregation or disciplinary units shall be placed on non-contact visitation status.

iii. Any offender who pleads guilty or has been found guilty of a disciplinary rule for one or more of the following reasons will be subject to non-contact visits for a minimum of six months:

(a). possession of any drug or drug paraphernalia;

(b). producing a positive or adulterated urine sample;

(c). refusal or substantial delay to provide a urine sample;

(d). introduction of contraband into the institution;

(e). positive breathalyzer test; or

(f). any major rule violation that occurs in the visitation area.

iv. Such restriction must be formally reviewed, at a minimum, every six months. Restriction of contact visiting is not a disciplinary penalty.

h. Where available, picnic visits are authorized as approved by the warden or designee. The warden or designee shall authorize foods that will be allowed for picnics.

7. Dress Code for Visitors

a. Visitors should be aware that visiting areas are designed to cultivate a family atmosphere for family and friends of all ages. Visitors should dress and act accordingly. The following apparel is considered inappropriate and shall result in the denial of visits:

i. clothing that is similar in appearance to the clothing worn by the unit's offender population;

ii. clothing that is similar in appearance to the clothing worn by correctional officers, i.e., camouflage, blue BDUs, etc.;

iii. transparent clothing;

iv. swimming suits;

v. skirts, shorts, skorts, culottes, and dresses shorter than 1 inch above the knee cap or those with revealing slits;

vi. strapless, tube and halter tops, tank tops and strapless dresses;

vii. tops that expose the midriff;

viii. blouses, shirts and dresses that are low cut;

ix. Spandex, Lycra or Spandex-like athletic pants, aerobic/exercise tights or leotards;

x. underwear cannot be exposed;

xi. clothing with revealing holes or tears one inch above the knee cap;

xii. clothing or accessories with obscene or profane writing, images or pictures;

xiii. gang or club-related clothing or insignia indicative of gang affiliation.

b. All visitors must wear shoes; house slippers and shower shoes are not allowed. Footwear must remain on feet at all times. These restrictions apply equally to men, women and children.

8. Suspension of Visiting Privileges

a. Any person may be refused approval to visit an offender and removed from an approved visiting list if the visitor does not comply with the rules of the institution. (Such removal may be temporary or permanent, depending upon the severity of the violation.)

b. Any person causing or participating in a disturbance or one that is disrespectful may be refused approval to visit an offender. If an offense is such that it is the warden or designee's desire to remove the visitor from the visitor list (either indefinitely or for a fixed period of time), the following procedures must be followed.

i. The warden or designee must notify the visitor in writing that he has been removed from all applicable visiting lists, the reason why and that the removal will be reviewed after a specified amount of time. The visitor shall also be notified that he may appeal the warden's decision to the secretary by sending a letter within 15 days of the date of the notice.

ii. If the visitor exercises this appeal right, the secretary or designee will review the appeal and investigate, as appropriate, within 30 days of notice. If necessary, a hearing will be scheduled and the visitor will be notified of the time, date and location of the hearing.

iii. The warden or designee may submit a report to the secretary setting forth any information that he feels may assist in making the decision. If a hearing is held, the secretary or designee may determine that the warden or designee should attend this hearing; in this case, the warden shall be so advised. Otherwise, the hearing shall consist of a meeting between the visitor and the secretary or designee and shall be preserved by minutes.

iv. The secretary shall render a written decision granting or denying the appeal and shall notify the visitor and the warden of the decision without undue delay. Brief reasons for the decision shall be given.

9. Treatment of Visitors

a. There shall be no discrimination in visiting. All visitors and offenders shall be provided equal opportunities in visiting in accordance with the offender's security classification and housing assignment.

b. Visitors shall be treated with courtesy at all times and shall not be subjected to unnecessary delay or inconvenience in accomplishing a visit.

c. Without warning, visitors are subject to a search of their vehicles, possessions and persons. This is necessary to preclude the introduction of weapons, ammunition, explosives, cell phones, alcohol, escape devices, drugs, drug paraphernalia or other forbidden items or contraband into the prison environment. All searches of visitors will be conducted in accordance with established rules and regulations.

d. All visitors with disabilities will have readily accessible facilities and will be reasonably accommodated as appropriate and to the extent possible within the context of the department's fundamental mission to preserve the safety

of the public, staff and offenders. Advance notice of the accommodation requested will be necessary to ensure its availability at the time of the visit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:833(A).

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of Adult Services, LR 5:2 (January 1979), amended LR 11:1096 (November 1985), repromulgated LR 29:2851 (December 2003), amended by the Department of Public Safety and Corrections, Corrections Services, LR 32:406 (March 2006), LR 35:1248 (July 2009).

James M. Le Blanc
Secretary

0907#051

RULE

Department of Revenue
Policy Services Division

Electronic Filing Requirements—Dedicated Funds Distribution (LAC 61:III.1513-1523)

Under the authority of R.S. 47:1511 and 47:1520 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, adopts LAC 61:III.1513, 1515, 1517, 1519, 1521, and 1523 to mandate electronic filing for certain taxes that are dedicated and require distribution to specific state and local funds.

Title 61
REVENUE AND TAXATION
Part III. Administrative Provisions and Miscellaneous
Chapter 15. Electronic Filing and Payments—Dedicated Funds Distribution

§1513. Automobile Rental Tax Return, Form R-1329—Electronic Filing Requirement

A. R.S. 47:551 imposes a state tax of 2 1/2 percent and a local tax of 1/2 of 1 percent on the gross proceeds from automobile rental contracts.

B. The Department of Revenue is required to collect the 3 percent automobile rental tax and to provide the 1/2 percent local tax collection amount for distribution to the local tax authorities.

C. Effective with the July 2009 filing period, dealers who collect the automobile rental tax will be required to file the automobile rental tax return, form R-1329, electronically with the Department of Revenue using the electronic format prescribed by the department.

D. Failure to comply with this electronic filing requirement will result in the assessment of a penalty of $100 or 5 percent of the tax, whichever is greater, as provided by R.S. 47:1520(B).

1. If it is determined that the failure to comply is attributable, not to the negligence of the taxpayer, but to other cause set forth in written form and considered reasonable by the secretary, the secretary may remit or waive payment of the whole or any part of the penalty.

2. If the penalty exceeds $25,000, it may be waived by the secretary only after approval by the Board of Tax Appeals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, 47:1520, and 47:551.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 35:1252 (July 2009).

§1515. Tax Increment Financing District Sales Tax Returns, Form R-1029—Electronic Filing Requirement

A. R.S. 33:9038.34 authorizes certain local governmental subdivisions or entities to issue revenue bonds payable from revenues generated by economic development projects with a pledge and dedication of the sales tax increments to be used as a guaranty of any shortfall, or at the option of the local governmental subdivision or tax recipient entity, payable directly from an irrevocable pledge and dedication of up to the full amount of sales tax increments, in an amount to be determined by the local governmental subdivision or tax recipient entity, to finance or refinance all or any part of an economic development project as described in R.S. 33:9038.31 et seq.

B. Effective with the July 2009 filing period, dealers located in a tax increment financing district where the state sales tax increment is dedicated to finance or refinance an economic development project as authorized by R.S. 47:9038.34 or a joint venture or cooperative endeavor for a public purpose as authorized by R.S. 33:9038.35 will be required to file the Sales Tax return, Form R-1029, electronically with the Department of Revenue using the electronic format prescribed by the department.

C. Failure to comply with this electronic filing requirement will result in the assessment of a penalty of $100 or 5 percent of the tax, whichever is greater, as provided by R.S. 47:1520(B).

1. If it is determined that the failure to comply is attributable, not to the negligence of the taxpayer, but to other cause set forth in written form and considered reasonable by the secretary, the secretary may remit or waive payment of the whole or any part of the penalty.

2. If the penalty exceeds $25,000, it may be waived by the secretary only after approval by the Board of Tax Appeals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, 47:1520, and R.S. 33:9038.34.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 35:1252 (July 2009).

§1517. Hotel and Motel Sales Tax Return, Form R-1029DS—Electronic Filing Requirement

A. Acts 1966, No. 556; Acts 1991, No. 624; Acts 1992, No. 1099; Acts 1993, No. 640; Acts 1995, No. 1191 authorize the Louisiana Stadium and Exposition District to collect a tax of 4 percent of the gross proceeds from hotel and motel room rentals in the parishes of Orleans and Jefferson as defined in R.S. 47:301(8). Acts 1978, No. 305; Acts 1980, No. 99; Acts 1987, No. 390; Acts 2002 1st Ex. Sess., No. 72 authorize the New Orleans Exhibition Hall Authority to collect a tax of 3 percent on the gross proceeds from hotel and motel room rentals in Orleans parish as defined in R.S. 47:301(8).

B. The Department of Revenue is required to collect the 4 percent room occupancy tax and distribute it to the Louisiana Stadium and Exposition District. The Department of Revenue is also required to collect the 3 percent room occupancy tax and distribute it to the New Orleans Exhibition Hall Authority.

C. Effective with the July 2009 filing period, dealers who collect the Louisiana Stadium and Exposition District room occupancy tax or the New Orleans Exhibition Hall Authority room occupancy tax will be required to file the Hotel and Motel Sales Tax return, Form R-1029DS, electronically with the Department of Revenue using the electronic format prescribed by the department.

D. Failure to comply with this electronic filing requirement will result in the assessment of a penalty of $100 or 5 percent of the tax, whichever is greater, as provided by R.S. 47:1520(B).

1. If it is determined that the failure to comply is attributable, not to the negligence of the taxpayer, but to other cause set forth in written form and considered reasonable by the secretary, the secretary may remit or waive payment of the whole or any part of the penalty.

2. If the penalty exceeds $25,000, it may be waived by the secretary only after approval by the Board of Tax Appeals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, 47:1520, and Acts 1966, No. 556; Acts 1991, No. 624; Acts 1992, No. 1099; Acts 1993, No. 640; Acts 1995, No. 1191.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 35:1252 (July 2009).

§1519. New Orleans Exhibition Hall Authority Additional Room Occupancy Tax and Food and Beverage Tax Return, Form R-1325—Electronic Filing Requirement

A. Acts 1978, No. 305; Acts 1980, No. 99; Acts 1987, No. 390; Acts 2002 1st Ex. Sess., No. 72 authorize the New Orleans Exhibition Hall Authority to collect an additional tax of varying rates, depending on the capacity of the establishment, on hotel and motel room rentals in Orleans parish as defined in R.S. 47:301(8). Acts 1987, No. 390 authorizes the New Orleans Exhibition Hall Authority to collect a tax of varying rates, depending on the gross sales of food and beverages of the establishment during the preceding calendar year, on the sales of food and beverages sold or served in Orleans parish or at any airport or air transportation facility owned by the City of New Orleans.

B. The Department of Revenue is required to collect the additional room occupancy tax and the food and beverage tax and distribute it to the New Orleans Exhibition Hall Authority.

C. Effective with the July 2009 filing period, dealers who collect the New Orleans Exhibition Hall Authority additional room occupancy tax or the food and beverage tax will be required to file the New Orleans Exhibition Hall Authority Additional Hotel Room Occupancy Tax and Food and Beverage Tax return, Form R-1325, electronically with the Department of Revenue using the electronic format prescribed by the department.

D. Failure to comply with this electronic filing requirement will result in the assessment of a penalty of $100 or 5 percent of the tax, whichever is greater, as provided by R.S. 47:1520(B).

1. If it is determined that the failure to comply is attributable, not to the negligence of the taxpayer, but to other cause set forth in written form and considered reasonable by the secretary, the secretary may remit or waive payment of the whole or any part of the penalty.

2. If the penalty exceeds $25,000, it may be waived by the secretary only after approval by the Board of Tax Appeals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, 47:1520, and Acts 1978, No. 305; Acts 1980, No. 99; Acts 1987, No. 390; Acts 2002 1st Ex. Sess., No. 72.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 35:1253 (July 2009).

§1521. Louisiana State and Parish and Municipalities Beer Tax Return, Form R-5621—Electronic Filing Requirement

A. R.S. 26:492 authorizes parishes and municipalities to impose a tax on beverages of low alcoholic content of not more than $1.50 per standard barrel of 31 gallons.

B. The Department of Revenue is required to collect the parish and municipalities beer tax and distribute it to the local tax authorities.

C. Effective with the July 2009 filing period, dealers who collect the parish and municipalities beer tax will be required to file the Louisiana State and Parish and Municipalities Beer Tax return, Form R-5621, electronically with the Department of Revenue using the electronic format prescribed by the department.

D. Failure to comply with this electronic filing requirement will result in the assessment of a penalty of $100 or 5 percent of the tax, whichever is greater, as provided by R.S. 47:1520(B).

1. If it is determined that the failure to comply is attributable, not to the negligence of the taxpayer, but to other cause set forth in written form and considered reasonable by the secretary, the secretary may remit or waive payment of the whole or any part of the penalty.

2. If the penalty exceeds $25,000, it may be waived by the secretary only after approval by the Board of Tax Appeals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, 47:1520, and R.S. 26:492.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 35:1253 (July 2009).

§1523. Hotel/Motel Sales Tax Return, Form R-1029H/M—Electronic Filing Requirement

A. R.S. 47:302, 321, 331 and R.S. 51:1286, collectively, impose a 4 percent tax on the gross receipts from hotel and motel room rentals.

B. The Department of Revenue is required to collect the sales tax on hotel and motel room rentals and distribute it to various funds as indicated by R.S. 47:302.2 et seq., R.S. 47:322.1 et seq. and R.S. 47:332.1 et seq.

C. Effective with the July 2009 filing period, dealers who collect the state sales tax on hotel and motel room rentals will be required to file the Hotel/Motel Sales Tax return, Form R-1029H/M electronically with the Department of Revenue using the electronic format prescribed by the department.

D. Failure to comply with this electronic filing requirement will result in the assessment of a penalty of $100 or 5 percent of the tax, whichever is greater, as provided by R.S. 47:1520(B).

1. If it is determined that the failure to comply is attributable, not to the negligence of the taxpayer, but to other cause set forth in written form and considered

reasonable by the secretary, the secretary may remit or waive payment of the whole or any part of the penalty.

2. If the penalty exceeds $25,000, it may be waived by the secretary only after approval by the Board of Tax Appeals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511, 47:1520, R.S. 47:302.2 et seq., R.S. 47:322.1 et seq. and R.S. 47:332.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 35:1253 (July 2009).

Cynthia Bridges
Secretary

0907#050

RULE

Department of Revenue
Policy Services Division

Property Used in Interstate Commerce
(LAC 61:I.4420)

Under the authority of R.S. 47:305.50, R.S. 47:337.2, R.S. 47:337.9, 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.4420 to provide guidance to taxpayers concerning the sales and use tax exemptions provided by Act 209 of the 2007 Regular Session of the Louisiana Legislature.

Act 209 retains the existing exemption from sales tax for trucks with a gross weight of 26,000 pounds or more and associated trailers if the trucks are used at least 80 percent of the time in interstate commerce. Act 209 amends R.S. 47:305.50 to provide that the determination of whether a truck is used at least 80 percent in interstate commerce shall be based solely on the actual mileage of such truck; however, no truck shall have more than 20 percent Louisiana intrastate miles.

Act 209 amends R.S. 47:305.50 to provide that the sales and use taxes imposed by the state or any of its political subdivisions shall not apply to the purchase, use, or lease of a qualifying truck or purchase, use or lease of a qualifying trailer purchased, imported, or leased, with or without qualifying truck, for use with a qualifying truck.

Act 209 also provides that during a gubernatorially declared state of emergency and if a taxpayer's emergency or relief related efforts undermine the taxpayer's ability to comply with the provisions of R.S. 47:305.50, then the secretary shall waive requirements contained in R.S. 47:305.50.

This Rule sets forth the requirements relative to the exemption from state and local sales and use taxes for trucks and trailers and provides for administration of audits and documents a taxpayer must retain to document eligibility for the tax exemption and for waiver of the eligibility requirements contained in R.S. 47:305.50 during a gubernatorially declared state of emergency.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue
Chapter 44. Sales and Use Tax Exemptions
§4420. Property Used in Interstate Commerce

A. R.S. 47:305.50(A)(1) provides an exemption from state and local sales and use taxes for trucks with a gross weight of 26,000 pounds or more and for trailers, if such trucks and trailers are used at least 80 percent of the time in interstate commerce and are subject to the jurisdiction of the United States Department of Transportation. R.S. 47:305.50 allows certain taxpayers to register such trucks and trailers and contract carrier buses with the Office of Motor Vehicles of the Department of Public Safety and Corrections (OMV) without paying state or local sales or use tax. R.S. 47:305.50 provides an exemption from state and local sales and use taxes for the purchase, use or lease of qualifying trucks and qualifying trailers, both of which have been purchased, used, imported or leased. To qualify for the exemption, the taxpayer's activities must be subject to the jurisdiction of the United States Department of Transportation, and the taxpayer must certify to the OMV that the property will be used at least 80 percent of its actual mileage in interstate commerce. The Department of Revenue and the OMV provide forms on which to make these certifications.

B. Any taxpayer who claims the exemption in provided in R.S. 47:305.50(A)(1) must maintain records of the use of the property in order to document the actual mileage. This exemption is for trucks with a gross weight of 26,000 pounds or more and for trailers, if such trucks and trailers are used 80 percent of the time in interstate commerce and are subject to the jurisdiction of the U.S. Department of Transportation. The determination of whether a truck is used 80 percent of the time in interstate commerce must be based upon the actual mileage of such truck. It is required that a truck cannot have more than 20 percent Louisiana intrastate miles.

1. If the documentation indicates that the property was not used during the one-year period following the date of its purchase for the required 80 percent or more of its actual mileage in interstate commerce, the taxpayer will not qualify for the exemption and state and local sales or use tax will be due on the amount paid for the property at the rate that was applicable on the date the property was purchased, plus interest from the date the property was purchased to the date of the tax payment. The state sales or use tax must be reported on a sales tax return provided by the Department of Revenue and paid to the Department of Revenue by the twentieth day of the month following the end of the one-year period in which the taxpayer fails to qualify for the exemption. The local sales or use tax must be reported and paid to the proper local taxing authority in accordance with their ordinances and the Uniform Local Sales Tax Code.

a. Calculation of interstate mileage does not include commercial truck transportation that begins at a point of origin in a state other than Louisiana to a destination in the same state. Guidance for the sales and use tax exemption

eligibility of trucks used in other states has been set forth in Department of Revenue, Revenue Ruling 05-004. Revenue Ruling 04-05 offers guidance as well, because it sets forth the parameters in which intrastate movement of goods would be considered interstate commerce/

b. Interstate mileage is based on the actual mileage of the truck and must be proven through documentation such as with driver's logs, motor carrier bills of lading, expense bills, and other documentation reflecting the origin and destination points of items transported.

2. If, during any of the following one-year periods, the documentation indicates that the property was not used for the required 80 percent or more of its actual mileage in interstate commerce, the taxpayer will no longer qualify for the exemption. If this occurs, state and local sales or use tax will be due on the lesser of the purchase price or fair market value of the property on the first day of the one-year period that it does not meet the 80 percent test. The tax will be calculated based on the rate in effect on the first day of the one-year period in which the taxpayer no longer qualifies for the exemption, plus interest from the date the tax is due to the date of tax payment. The state sales or use tax must be reported on a sales tax return provided by the Department of Revenue and paid to the Department of Revenue by the twentieth day of the month following the end of the one-year period in which the taxpayer no longer qualifies for the exemption. The local sales or use tax must be reported and paid to the proper local taxing authority in accordance with their ordinances and the Uniform Local Sales Tax Code.

C. If the taxpayer fails to provide proper documentation, it will be presumed that the taxpayer does not qualify for the exemption and state and local sales or use tax will be due in accordance with Subsection B above.

D. R.S. 47:305.50(A)(2) provides an exemption from state and local sales and use taxes on the purchase, use or lease of a qualifying truck. The exemption also applies to the purchase, use or lease of a qualifying trailer, which has been purchased, imported or leased, with or without a qualifying truck, for use with a qualifying truck. The definition of qualifying truck and qualifying trailer are set forth as follows.

1. A Qualifying Truck meets the following requirements:

a. registered as a Class I vehicle, which is one carrying or transporting freight, merchandise or other property, and shall have a registered gross weight of at least 80,000 pounds in accordance with R.S. 47:462. Gross weight is the weight of a vehicle or vehicle combination without the load on all axles, including the steering axle plus the weight of any load thereon as provided by R.S. 47:451;

b. subject to the jurisdiction of the U.S. Department of Transportation;

c. will be or is registered with apportioned plates through the International Registration Plan, or will be issued or is issued a special permit according to provisions of R.S. 32:387(J) from the Department of Transportation and Development. In cases of issuance of a special permit under R.S. 32:387(J), the qualifying truck shall engage in no less than 200 intermodal container moves per year, regardless of whether or not the moves require a special permit. In the year of acquisition, sale, disposal or destruction of the qualifying truck, the number of intermodal container moves per year shall be prorated for the portion of the year the truck was owned, operated, or owned and operated by the taxpayer. R.S. 32:382(J) governs vehicles hauling prepackaged products in international trade originating from or destined to an intermodal facility, which such products are containerized in a manner that they cannot be subdivided.

2. A Qualifying Trailer is one subject to the jurisdiction of the U.S. Department of Transportation.

E. To obtain prior approval to audit or investigate, an auditor shall submit a written justification, which may be submitted via email, to the secretary. This approval is required to:

1. audit or investigate for the purpose of determining the correct amount of the tax exemption;

2. an audit or investigation of a place of business and the books, records, papers, vouchers, accounts and documents of any taxpayer;

3. approval from the secretary is not necessary for political subdivisions to audit, examine, or investigate to determine the correct amount of tax exemption.

F. During a state of emergency declared by the governor, if the declared emergency or related relief efforts undermines the ability of a taxpayer, who is eligible for the exemption and the provisions under R.S. 47:305.50, to comply with this statute, then secretary shall waive the requirements. However, a waiver of the requirements should not affect the secretary's ability to begin or conduct an audit or investigation.

G. The terms "trucks" and "trailers" shall have the meaning ascribed to the terms truck, trailer, road tractor, semi trailer, tandem truck, tractor and truck-tractor as defined in R.S. 47:451.

H. The weights referred to in R.S. 47:305.50 are "gross vehicle weight ratings" (GVWR), as determined by vehicle manufacturers. Manufacturers' determinations of GVWR are usually indicated on plates or decals affixed to vehicles at the time of their manufacture.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.50, R.S. 47:337.2, R.S. 47:337.9, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 29:188 (February 2003), amended LR 31:97 (January 2005), LR 35:1254 (July 2009).

Cynthia Bridges
Secretary

0907#049

RULE

Department of Revenue
Policy Services Division

Sales and Use Tax Exemptions (LAC 61:I.4405)

Under the authority of R.S. 47:305.5 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.4405 by repealing the Section in its entirety. R.S. 47:305.5, the sales tax exemption statute, was repealed by Act 352 of the 2005 Regular Session of the Legislature. R.S. 47:305.5 had provided a sales tax exemption from the imposition of state and local sales and use taxes for materials, supplies or

products for use in connection with any phase of the construction of the Toledo Bend Dam Project. By the time of the repeal of R.S. 47:305.5, the Toledo Bend Dam Project had been completed for some time, and the exemption contained in the statute had become obsolete.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue
Chapter 44. Sales and Use Tax Exemptions
§4405. Materials and Supplies Used in the Construction of the Toledo Bend Dam Project

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:305.5.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 13:107 (February 1987), repealed LR 35:1256 (July 2009).

Cynthia Bridges
Secretary

0907#048

RULE

Department of Social Services
Office of Community Services

Daycare Services (LAC 67:V.2301 and 2303)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Department of Social Services (DSS), Office of Community Services (OCS), has amended LAC 67, Part V, Subpart 4, Daycare Services, Chapter 23, Daycare, §§2301 and 2303.

This 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.

Further, DSS/OCS has repealed LAC 67, Part V, Subpart 4, Chapter 23, §2303, Criminal Record Checks, in its entirety. This function is no longer performed by the Office of Community Services.

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

A. - D. ...

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 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 35:961 (May 2009), LR 35:1256 (July 2009).

§2303. Criminal Record Checks

Repealed.

AUTHORITY NOTE: Promulgated in Accordance with R.S.15:587.1

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 17:1225 (December 1991), repealed LR 35:1256 (July 2009).

Kristy N. Nichols
Secretary

0907#059

RULE

Department of Social Services
Office of Community Services

Developmental and Socialization Activities
Program for Foster Children (LAC 67:V. 3507)

In accordance with the provision of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Social Services, Office of Community Services, has repealed the LAC 67:V, Subpart 5, Foster Care, Chapter 35, Payments, Reimbursements, and Expenditures, §3507, Developmental and Socialization Activities for Foster Children.

Title 67
SOCIAL SERVICES
Part V. Office of Community Services
Subpart 5. Foster Care
Chapter 35. Payments, Reimbursables, and Expenditures
§3507. Developmental and Socialization Activities for Foster Children Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231, R.S. 36:474, R.S. 36:476 and 477, and R.S. 46:51.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 31:484 (February 2005), amended LR 32:644 (April 2006), repealed LR 35:1256 (July 2009).

Kristy N. Nichols
Secretary

0907#056

RULE

Department of Social Services
Office of Family Support

Jobs for America's Graduates TANF (LAC 67:III.5591)

The Department of Social Services, Office of Family Support, in accordance with the Administrative Procedure Act, has amended LAC 67:III.5591, Jobs for America's Graduates Louisiana (JAG-LA) Program a TANF Initiative.

The Department of Social Services has expanded 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.

This Rule was effective February 3, 2009, by a Declaration of Emergency published in the February 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
§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 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 35:1257 (July 2009).

Kristy H. Nichols
Secretary

0907#057

RULE

Department of State
Elections Division

Polling Place Accessibility for the Elderly and Individuals with Disabilities (LAC 31:I.Chapter 1)

Under the provisions of the R.S. 18:533 and R.S. 36:742, the Administrative Procedure Act (R.S. 49:950 et seq.), the "Voting Accessibility for the Elderly and Handicapped Act" (42 U.S.C. §1973ee et seq.), and the "Help America Vote Act of 2002" (Public Law 107-252), the Secretary of State hereby adopts guidelines for parish governing authorities to utilize in determining if a polling place is accessible for the elderly and individuals with disabilities. In addition, the guidelines offer parish governing authorities examples of temporary solutions which can be utilized to make a polling place accessible.

Title 31
ELECTIONS
Part I. Election Process
Chapter 1. Polling Place Accessibility for the Elderly and Individuals with Disabilities
§101. Definitions

A. For the purpose of this rule, the definitions detailed below shall apply.

Accessible Parking—a place specially designated by the International Symbol for Accessibility and other markings with dimensions as specified in LAC 31:I.105.A.1.a.i.

Accessible Polling Place—the combination of the various elements of the built environment that is free of physical barriers, as prescribed herein, which allows parking, entrance to, egress from, and use of polling place facilities by the elderly and individuals with disabilities for the purpose of voting.

Blend to a Common Level—the meeting of two or more surfaces free from abrupt level changes over 1/2 inch. Level changes between 1/4 and 1/2 inch must be beveled with a slope no greater than 1:2. Level changes up to 1/4 inch require no change.

Circulation Route—a continuous path of travel from the curb or parking area to the polling place building, into and through the polling place building to the voting area, and includes both horizontal and vertical travel.

Curb—the inside boundary of the street, driveway, or parking lot.

Elderly—any person who is 65 years of age or older.

Exterior Circulation Route—that part of a circulation route from the curb or parking area to the point of entry to the polling place building or facility.

Individual with Disabilities—any person who has a temporary or permanent physical disability.

Interior Circulation Route—that part of a circulation route from the point of entry to the polling place building through the polling place building to the voting area.

Passenger Loading Zone—a place specially provided outside of the vehicular traffic flow designed for the drop-off or pick-up of passengers from vehicles.

Temporarily Accessible—modifications or improvements that are not permanent to various elements of the existing built environment as prescribed herein which allow parking, entrance to, egress from, and use of polling place facilities by the elderly and individuals with disabilities for the purpose of voting and registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:533, R.S. 36:742, 42 U.S.C. §1973ee et seq., and Public Law 107-252.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 35:1258 (July 2009).

§103. Determination of Accessibility

A. It is the responsibility of the parish governing authority to select an accessible building or facility to be used as a polling place.

B. The parish governing authority shall visit each polling place to be used on election day and for early voting. The parish governing authority must complete an accessibility survey on an official form provided by the Department of State for every polling place building or facility to determine whether the polling place is accessible, temporarily accessible, or inaccessible based on the accessibility criteria set forth herein. At the end of the survey form, the parish governing authority shall certify that the polling place is accessible or has been made temporarily accessible prior to the use of the polling place for an election.

C. The original completed survey shall be filed with the Department of State. A copy of the survey shall be retained by the parish governing authority for the period the site is used as a polling place.

D. The Secretary of State or designee reserves the right to conduct on-site inspections of polling places.

E. If an existing polling place fails to satisfy the accessibility criteria set forth herein and cannot be temporarily modified in a reasonable manner, it shall be deemed inaccessible by the parish governing authority and shall not be used unless an exemption is granted by the secretary of state pursuant to §109 of this Chapter.

F. When a proclamation has been adopted to move a polling place, the parish governing authority shall provide the department with a completed accessibility survey form and certification that the new polling place location is accessible. The Secretary of State will not accept the polling place change without a completed accessibility survey and certification.

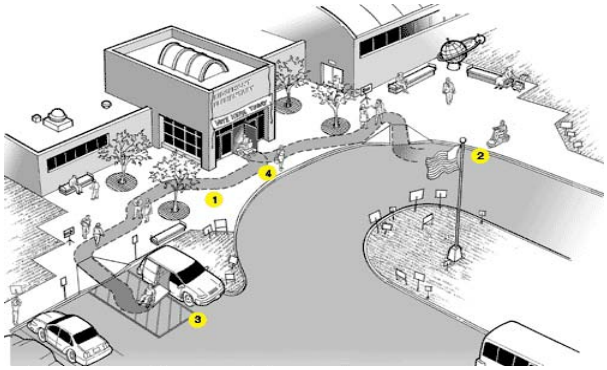
AUTHORITY NOTE: Promulgated in accordance with R.S. 18:533, R.S. 18:534, R.S. 18:535, R.S. 18:536, R.S. 36:742, 42 U.S.C. §1973ee et seq., and Public Law 107-252.

HISTORICAL NOTE: Promulgated by the Department of State, Election Division, LR 35:1258 (July 2009).

§105. Guidelines for Accessibility

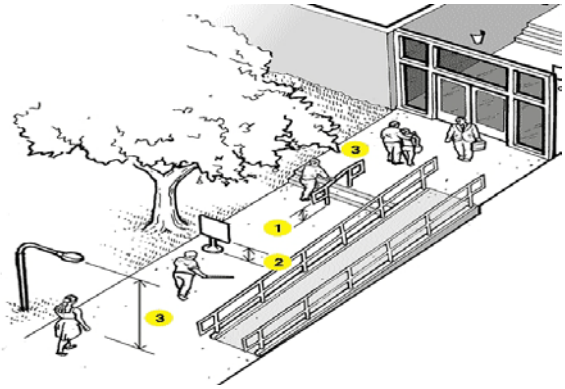
A. To be accessible to the elderly and individuals with disabilities, the polling place must have at least one circulation route that encompasses an exterior circulation route, ramps, entrances, doors, doorways, an interior circulation route, and may include elevators which meet the following criteria.

1. Exterior Circulation Routes. There shall be at least one path of travel at least 36 inches wide within the boundary of the site that shall have no steps, abrupt changes or slopes greater than 1:12 from the public transportation stops, accessible parking areas, accessible passenger loading zones, and public streets and sidewalks to an accessible entrance of the polling place building or facility. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public.



Notes for this illustration of an accessible entrance to a polling place with accessible parking and an accessible drop-off area:

1. Accessible route.
2. Accessible drop-off area.
3. Accessible parking with van accessible parking space.
4. Accessible entrance to polling places.



Notes for this illustration of an accessible entrance for individuals who are visually impaired or blind:

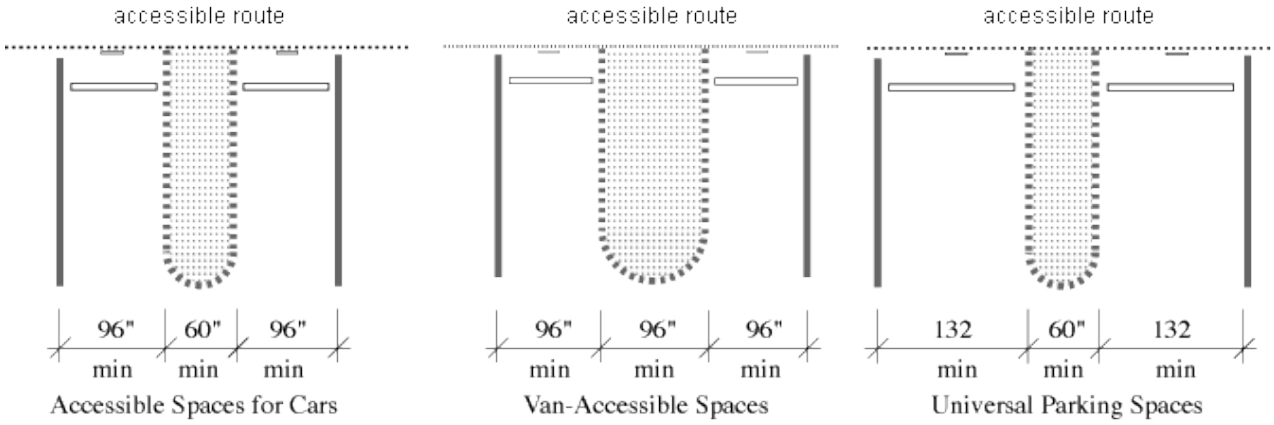
1. The bottom of the handrail extensions turn down so a person who is visually impaired or blind can detect the hazard before running into it.
2. Signs or other objects in the pedestrian route can be a hazard if the bottom is more than 27 inches but less than 80 inches above the route.
3. Objects that overhang the pedestrian route must be at least 80 inches above the route.

a. Accessible Parking

i. If parking areas are provided as part of the premises used as a polling place by voters, the polling place shall have accessible parking spaces specifically designated for individuals with disabilities located as close as possible to an accessible entrance, as described below, an access aisle located parallel and adjacent to the accessible parking space, and an accessible path of travel to the polling place building or facility. An accessible parking space must be signed with the International Symbol for Accessibility that is clearly visible over the hood of a vehicle.

Total Spaces for Polling Place	Required Minimum Number of Accessible Spaces
1 - 25	One van or universal accessible space w/access aisle
26 - 50	One van or universal accessible space w/access aisle + one car, van, or universal accessible space w/access aisle
51 - 75	One van or universal accessible space w/access aisle + two car, van, or universal accessible spaces w/access aisles
76 - 100	One van or universal accessible space w/access aisle + three car, van, or universal accessible spaces w/access aisles
101 - 150	One van or universal accessible space w/access aisle + four car, van, or universal accessible spaces w/access aisles
151 - 200	One van or universal accessible space w/access aisle + five car, van, or universal accessible spaces w/access aisles
201 - 300	One van or universal accessible space w/access aisle + six car, van, or universal accessible spaces w/access aisles
301 - 400	One van or universal accessible space w/access aisle + seven car, van, or universal accessible spaces w/access aisles
401 - 500	Two van or universal accessible spaces w/access aisle + seven car, van, or universal accessible spaces w/access aisle
501 - 1000	2% of total shall be accessible spaces, with 1 van or universal accessible space for every 8 accessible parking spaces

All three examples illustrated below show two accessible spaces with an accessible aisle and route.



ii. The accessible parking and access aisle should be relatively level with no more than a 1:50 slope.

iii. At least one van accessible or universal parking space with an adjacent access aisle must be provided. The access aisle should connect directly to an accessible route that leads to an accessible entrance. The accessible aisle must be relatively level, clear of gravel or mud, and the surface must be in good condition without wide cracks or broken pavement. If an accessible route crosses a curb, a curb ramp must be provided.

iv. If the total number of parking spaces for a polling place requires only one accessible parking space, it must be either a van-accessible parking space or a universal parking space.

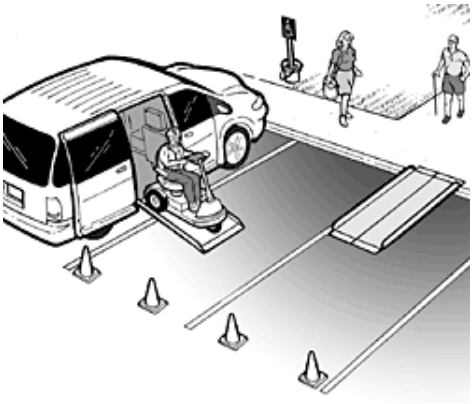
v. A van-accessible space shall be at least 96 inches wide with an adjacent access aisle that shall also be at least 96 inches wide.

vi. A universal parking space shall be at least 132 inches wide with an adjacent access aisle that shall be at least 60 inches wide.

vii. The vertical clearance for the vehicle route to the van-accessible or universal parking space, the parking space, access aisle and exit route shall be at least 98 inches in height.

viii. If the total number of parking spaces for a polling place require more than one accessible parking space, then one parking space must be a van-accessible or universal parking space and the other may be a van-accessible, universal, or car accessible parking space. A car accessible parking space shall be at least 96 inches wide with an adjacent access aisle that shall also be at least 60 inches wide. Accessible parking spaces may share an adjacent access aisle provided that the access aisle is at least 60 inches wide.

ix. If general parking is provided on the premises, but no spaces are designated as accessible parking, then a temporary accessible parking space must be created by combining existing adjoining parking spaces to make an accessible parking space and access aisle subject to the provisions set forth above in Clauses i-viii. The temporary accessible parking shall be marked off with cones or other temporary elements.



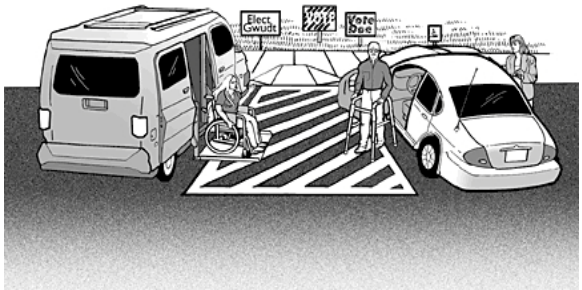
Three standard parking spaces are converted into an accessible parking space with an access aisle. Cones mark the access aisle and a temporary curb ramp with edge protection connects to an accessible route to the polling place.

x. Polling places that only provide street parking must clearly mark and sign an accessible parking space located as close as possible to an accessible route and polling place entrance. Either a curb-cut or ramp which connects directly to an accessible route must be provided.

xi. An accessible parking area which uses a portion of the general parking area as part of the exterior circulation accessible route that connects the accessible aisle to the accessible entrance must clearly delineate the access route which traverses the parking lot as a crosswalk.

xii. Accessible polling places can sometimes only be reached by traveling on gravel or other surfaces that are inhospitable to wheelchairs, walkers, and cane users. In these situations, an access aisle must be made accessible through the use of securely placed non-slip plywood, decking, or matting of sufficient thickness, which smoothes out the surface of the access aisle.

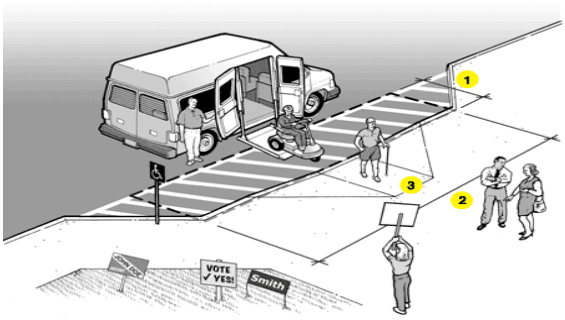
xiii. If general parking is not provided, every effort shall be made to set aside and/or reserve a temporary parking area for voters with disabilities.



Notes for this illustration: Van-accessible parking spaces serve both cars and vans. A 96" access aisle is needed so a wheelchair lift may be lowered from the van onto the level surface.

b. Accessible Passenger Loading Zones

i. A passenger loading zone is not required, but if one is provided, it must be an accessible loading zone that is located parallel and adjacent to an access aisle. The loading zone may be located at street level or on the sidewalk. The loading zone accessible aisle must be relatively level, clear of gravel or mud, and the surface must be in good condition without wide cracks or broken pavement. The loading zone access aisle shall connect directly to an accessible route either by a curb ramp or temporary curb ramp.



Accessible Passenger Drop-off and Loading Area

1. Access aisle depth at least 5 feet.
2. Access aisle length is at least 20 feet.
3. Curb ramp connects access aisle to the accessible entrance to the polling place.

ii. An accessible passenger loading zone which uses a portion of the general parking area as part of the exterior circulation accessible route that connects the accessible aisle to the accessible entrance must clearly delineate the access route which traverses the parking lot as a crosswalk.

iii. The accessible parking and access aisle should be relatively level with no more than a 1:50 slope.

iv. A loading zone access aisle must be at least 60 inches deep and 20 feet in length.

v. Accessible polling places can sometimes only be reached by traveling on gravel or other surfaces that are inhospitable to wheelchairs, walkers, and cane users. An access aisle may be made accessible through the use of securely placed non-slip plywood, decking, or matting of sufficient thickness, which smoothes out the surface of the access aisle.

vi. The vertical clearance for the vehicle route to the loading zone area, the drop off area, access aisle, and exit route shall be at least 114 inches in height.

c. Walkways and Sidewalks

i. The minimum clear width of walkways and sidewalks shall be at least 36 inches and may narrow briefly to 32 inches wide for up to 2 feet in length where utility poles, post-mounted signs, furniture, and doorways are located along an accessible route.

ii. Walkways and sidewalks shall be of a continuing common surface, not interrupted by changes in level of more than 1/4 inch, unless the changes are beveled; but not more than 1/2 inch, even if beveled and shall be beveled with a slope no greater than 1:12. All surfaces shall be firm and stable.

iii. Walkways with gradients steeper than 1:20 shall be considered as a ramp and must conform to the requirements of LAC 31:I.105(A)(2). Ramps on walkways shall not be steeper than 1:12.

iv. Walkways with sustained gradients of no greater than 1:20 shall have level areas of at least 60 inches long at 50 foot intervals for the purpose of rest.

v. All walkways, sidewalks, and accessible routes from a polling place drop-off place or parking area must be cleared of any object which protrudes more than 4 inches from the side and which is greater than 27 inches but less than 80 inches off of the ground. If an object cannot be moved, then a cane detectable barrier must be placed below the object within the detectable range of 27 inches or less.

vi. The undersides of exterior stairs must be enclosed or protected with a temporary or permanent cane-detectable barrier.

vii. Wherever walkways and sidewalks intersect with other walkways and sidewalks, parking lots, driveways, or streets, the surfaces shall blend to a common level.

viii. Accessible polling places can sometimes only be reached by traveling on gravel or other surfaces that are inhospitable to wheelchairs, walkers, and cane users. In these situations, walkways and sidewalks must be made accessible through the use of securely placed non-slip plywood, decking, or matting of sufficient thickness, which smoothes out the surface of the walkways or sidewalks.

2. Accessible Ramps and Temporary Accessible Ramps

a. All ramps constructed or temporarily installed in a polling place building or facility shall meet the requirements of this standard. If possible, alternative design solutions to ramps should be provided because of the substantial energy demands required to negotiate them by those in wheelchairs, plus the difficulties encountered by amputees and others with gout problems on ascent and descent ramps shall allow unrestricted traffic flow and be free of hazards.

b. Any part of a circulation path shall be considered a ramp if it has a slope that is greater than 1:20 and the rise for any run shall not exceed 30 inches long regardless of the slope. The following table gives allowable slopes and maximum lengths.

Allowable Slope	Maximum Rise in a Single Ramp	Maximum Length of a Single Ramp Segment
1:12	2' - 6"	30' - 0"
1:16	2' - 6"	40' - 0"
1:20	2' - 6"	50' - 0"

c. A level landing area that is at least 60 inches by 60 inches must be provided where a ramp changes directions.

d. All portions of a ramp way shall have identical slopes except for the level landing areas.

e. No ramp shall exceed a slope of 1:12. However, for ramps to be constructed on existing interior or exterior areas or buildings or facilities where space limitations prohibit the use of a 1:12 slope, the slope may be 1:10 for a 6 inch rise or 1:8 for a 3 inch rise.

f. If there is a vertical drop off, an edge protection will be required to stop wheelchairs from falling off the side.

g. All ramps with a rise greater than 6 inches shall have handrails mounted between 34 and 38 inches above the ramp surface on both sides. Handrails shall be continuous along the ramp segment. If the ramp has a second lower rail sufficient to prevent an individual from slipping off the ramp, no edge protection is needed for the ramp.

h. Ramps shall have a minimum clear width measured between the handrails of 36 inches.

i. Ramps shall have level platforms at the bottom and the top of each run that are at least 60 inches long and at least as wide as the ramp. Intermediate platforms between each ramp segment shall be at least 60 inches in length. See above Table (LAC 31:105.A.2.b) for the maximum allowable lengths of ramp segments.

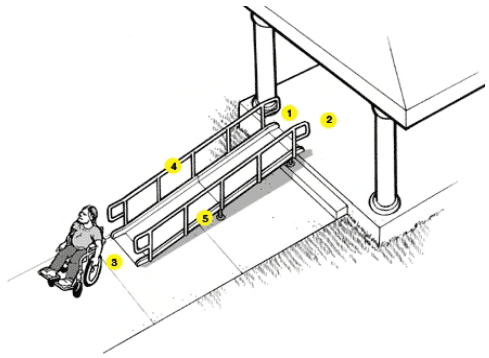
j. Intermediate turning platforms shall be a minimum of 60 inches in length and 60 inches wide to allow wheelchair maneuvering through 180 degrees.

k. If doors open out onto the ramp platform, a level area at least 5 feet deep and 5 feet wide shall be provided.

l. The ramp surface shall be slip resistant.

m. No objects shall be hung from above or the sides of a ramp way that project~~s~~ lower than 90 inches from the surface of the ramp or landing. Below this height, no object shall project into a ramp way other than the handrails.

n. A portable temporary ramp may be used if steps are higher than 1/2 inch and are not accessible to wheelchair users.



Notes for this illustration of a ramp:

1. At least 36 inches between handrails.
2. Top landing part of walk.
3. Bottom landing part of walk.
4. Handrail height 34 to 38 inches.
5. Edge protection.

3. Entrances, Doors, and Doorways

a. At least one entrance and exit to the polling place building and its interior rooms shall be accessible, and shall be located on an accessible route as described above. The accessible entrance to the polling place should be identified and marked using the International Symbol for Accessibility. Accessible entrance signs are included in the precinct supply

packages on election day for the election to be posted at the accessible entrance on election day. Inaccessible entrances shall be marked with the same signs indicating the direction to the nearest accessible entrance.

b. The floor on the inside and outside of each doorway shall preferably be level, but may slope no more than 1:50.

c. Entrances shall have a minimum clear width of 32 inches. This dimension shall be measured from the face of the door to the face of the door stop. Where double doors are used, at least one leaf shall allow a 32 inches clear opening.

d. The minimum space between two hinged doors in a series shall be the width of the door swinging into the space plus 48 inches. Door swings of doors in series shall open in the same direction. Single doors hung in series shall be hinged at the same side.

e. At vestibules where doors are at right angles to each other, the dimension between the wall with the in swinging door and the facing wall shall be 78 inches. The minimum dimension in the other direction shall be 60 inches.

f. If the above specification cannot be satisfied, then one of the two doors shall be securely fastened in an open position during the hours when the polling place is open.

g. If there are security reasons why the accessible entrance door must remain closed or locked, a wireless doorbell system can be used notifying the poll worker to open the door for the elderly or individual with disabilities. If a wireless doorbell system is used, a sign should be posted instructing the voter to ring for immediate assistance and access.

h. The maximum height of thresholds at exterior and interior doors shall not be more than 1/4 inch, unless beveled. Thresholds which are greater than 1/4 inch but not more than 1/2 inch high must be beveled or replaced with a new beveled threshold that is not more than 1/2 inch high.

i. Doors should be operable without movements requiring a tight grasp, complex hand movements, or the exertion of great force. In addition, for doors that have hardware that cannot be manipulated by a closed fist, retrofit kits may be used to render the door accessible.

j. To be accessible, the width of a door should be at least 32 inches. If the width of a doorway is affected by its hinges, door widening hinges can be used to widen a door up to 2 inches.

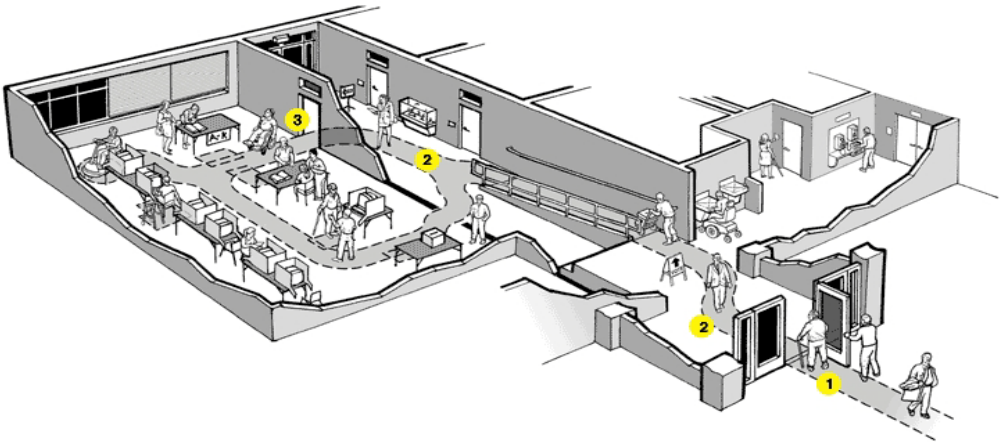
4. Interior Circulation Routes

a. There shall be an accessible, convenient, and clear path of travel from an accessible entrance to the voting area within the polling place.

b. The voting area in the polling place building or facility shall be served from an accessible entrance by at least one path of travel that does not have stairs or escalators.

c. The minimum clear width of halls, corridors, passageways, and aisles shall be 36 inches wide and may narrow briefly to 32 inches wide where the route passes through doors or next to furniture and building elements.

d. No rigid or hard objects shall project into the space above the path of travel unless the dimension from the bottom edge of the object to the walk surface is at least 80 inches above the floor.



Notes for accessible interior circulation at the polling place from the accessible entrance to the voting area.

1. Accessible entrance.
2. Accessible route connects the accessible entrance with the voting area.
3. Accessible door to the voting area.

5. Elevators. If elevators are necessary to access the voting area, the elevators shall be on an accessible route and shall comply with the American National Standard Safety Code for Elevators, Dumb-Waiters, Escalators and Moving Walks, ANSI A117.1 1980.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18:533, R.S. 36:742, 42 U.S.C. §1973ee et seq., Public Law 107-252, 28 CFR Part 36 (4.1.2), 28 CFR Part 34 (4.6), and 28 CFR Part 34 (A.4.6).

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 35:1258 (July 2009).

§107. Guidelines for Polling Places

A. The guidelines set forth herein are only guidelines for physical accessibility of polling places and cannot be construed to authorize or require conduct prohibited under any of the following laws, or to supersede, restrict, or limit the application of such laws:

1. the Voting Rights Accessibility for the Elderly and Handicapped Act (42 U.S.C. §1973ee et seq.);

2. the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and ensuing regulations; and

3. the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) and ensuing regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18: 533, R.S. 36:742, 42 U.S.C. §1973ee et seq., and Public Law 107-252.

HISTORICAL NOTE: Promulgated by the Department of State, Election Division, LR 35:1262 (July 2009).

§109. Exemption Procedures

A. If the present polling place building or facility cannot reasonably be made either permanently accessible or temporarily accessible for election day by the owner or the parish for use on election day, and the parish governing authority cannot locate any other building or facility in the precinct area for use as a polling place on election day that meets these accessibility rules or it is not feasible to move the polling place to an accessible building or facility outside of the precinct, then the parish governing authority may request an exemption for use of the non-accessible polling place.

B. A request for an exemption shall be in writing to the Secretary of State, and shall include the following:

1. an accessibility survey for the present polling place for which the exemption is being sought, identifying all of the deficiencies of the building or facility;

2. a description of all efforts made to relocate the polling place to an accessible building;

3. a description of what continued efforts will be made by the parish to achieve compliance during the period that the exemption is in effect;

4. a statement of the approximate length of time needed to meet the compliance requirements; and

5. the signature of the presiding official of the parish governing authority; and

6. any document(s) supporting the parish's request for the exemption shall be included in the request.

C. The Secretary of State may grant an exemption to the accessibility requirements for a requested polling place in the case of an emergency as provided under R.S. 18:401 et seq., or upon a showing in writing by the parish governing authority that a polling place cannot reasonably be made either permanently accessible or temporarily accessible for an election for non-emergency reasons.

D. Any granted exemption to a polling place is valid for only one election cycle which includes all primary and general elections, unless otherwise stated by the Secretary of State.

E. For any polling place which receives an exemption hereunder, the parish governing authority shall certify to the Secretary of State, in writing, that reasonable notice was given to all eligible voters in the precinct that their polling place is not accessible but that they may vote either at the registrar of voter's office during early voting, or at an alternate accessible polling location on election day as directed by the registrar of voters. The address of the alternate accessible location shall be specified in the notice. Reasonable notice shall include posting of public notice at the parish courthouse and at the non-accessible polling place, mailing of notice no later than 21 days to all eligible voters prior to an election, and advertisement in the official parish journal or the local newspaper of general circulation, telephone, television, and/or radio at the cost of the parish governing authority.

F. A certification of exemption from these accessibility requirements may be requested by the parish to the Secretary of State by telephone or other electronic means, provided it is followed up in writing as soon as practicable as provided for herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18: 533, R.S. 36:742, 42 U.S.C. 1973ee et seq., and Public Law 107-252.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 35:1263 (July 2009).

§111. Repeal Prior Rules and Regulations

A. All rules and regulations adopted by the Department of Elections and Registration in April 1986 are hereby repealed in their entirety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 18: 533, R.S. 36:742, 42 U.S.C. 1973ee et seq., and Public Law 107-252.

HISTORICAL NOTE: Promulgated by the Department of State, Elections Division, LR 35:1263 (July 2009).

Jay Dardenne
Secretary of State

0907#067

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Domesticated Aquatic Organisms (LAC 76:VII.905)

Editor's Note: This Rule is being repromulgated because of an error upon submission. The original Rule can be viewed in its entirety on page 1139 of the June 20, 2009 *Louisiana Register*.

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission hereby repromulgates a Rule which establishes a procedure for adding a new species to the list of domesticated aquatic organisms. The Rule is being reprinted to correct a submission error.

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 or without 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 35:1139 (June 2009), repromulgated LR 35:1263 (July 2009).

Robert J. Barham
Secretary

0907#033

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

General and Wildlife Management Area Hunting
(LAC 76:XIX.111)

The Wildlife and Fisheries Commission does 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. 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 two 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 age 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 (including any material used as corner posts) is defined as natural branches that are 2 inches or less in diameter. 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, and Salvador/Timken 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

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 35:1264 (July 2009).

Robert J. Barham
Secretary

0907#031

RULE

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 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 34: 1447 (July 2008), LR 35:1278 (July 2009).

§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.

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
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 35:1280 (July 2009).

Robert J. Barham
Secretary

0907#032

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry
Office of Agriculture and Environmental Sciences

Daily Risk Position Report
(LAC 7:XXVII.123, 141 and 143)

In accordance with the Administrative Procedures Act, R.S. 49:950 et seq., and with the enabling statute, R.S. 3:3405, the Louisiana Agricultural Commodities Commission (commission), proposes to amend regulations regarding the monthly submission of the daily risk position report by grain dealers.

The requirement of a monthly submission of a grain dealer's daily risk position report has become burdensome to the grain industry. The initial intention of the requirement for a grain dealer to submit a daily risk position report was to monitor a grain dealer's net worth position versus their risk position on a monthly basis. However, in order to achieve an accurate analysis, a grain dealer would have to keep a constant updated financial statement reflecting their net worth on a monthly basis rather than an annual basis. Maintaining a constant updated financial statement would be costly and burdensome on the grain dealer. Therefore, it has been determined by the commission that the requirement for the submission of the daily risk position report imposes an unnecessary hardship on the industry and should be repealed.

These rules are enabled by R.S. 3:3405 and 3:3419.

Title 7
AGRICULTURE AND ANIMALS
Part XXVII. Agricultural Commodity Dealer and Warehouse Law
Chapter 1. Louisiana Agricultural Commodities Commission

§123. Requirements Applicable to All Grain Dealers

A. - I. …

J. Each grain dealer shall adopt and post in a prominent place a policy for sampling and grading grain within 72 hours from the time the grain is delivered to the grain dealer.

K. No grain dealer license shall be issued unless the grain dealer staff includes a certified grain sampler and grader.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3405, R.S. 3:3411, R.S. 3:3413 and R.S. 3:3419.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agricultural Commodities Commission, LR 9:301 (May 1983), amended LR 10:75 (February 1984), LR 12:287 (May 1986), LR 35:0000 (July 2009).

§141. Records Required to be Maintained

A. - A.7. …

8. settlement of distribution sheets;
9. weight sheets;
10. perpetual inventory record;
11. insurance file, including copies of monthly reports to carriers;
12. record of all assessments collected and remitted;
13. copies of all outstanding contracts;
14. copies of all outstanding notes and mortgages affecting the business;
15. a sample of each lot of grain which contains damage in excess of 7 1/2 percent shall be:
    a. maintained for five days from the original grade date; and
    b. maintained in separate containers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3405, R.S. 3:3414.3, and R.S. 3:3419.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 9:309 (May 1983), amended LR 12:288 (May 1986), amended by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:625 (April 1998), LR 35:0000 (July 2009).

§143. Reports Required

A. …

B. No later than the fifteenth day of each month each warehouse shall file a copy of his daily inventory report for the preceding month with the commission.

B.1. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3405 and R.S. 3:3419.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 9:310 (May 1983), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Agricultural Commodities Commission, LR 19:1302 (October 1993), LR 35:0000 (July 2009).

Family Impact Statement

The impact of the proposed action regarding the rules and regulations set out in the Notice of Intent on family formation, stability, and autonomy has been considered. It is estimated that the proposed action will have no significant effect on the:

1. stability of the family;
2. authority and rights of parents regarding the education and supervision of their children;
3. functioning of the family;
4. family earnings and family budget;
5. behavior and personal responsibility of children; or
6. ability of the family or a local government to perform the function as contained in the proposed Rule.

Interested persons may submit written comments, data, opinions, and arguments, whether for, against, or regarding these proposed regulations. Written submissions are to be directed to Kyra Holden, Assistant Director, Louisiana Agricultural Commodities Commission, Department of Agriculture and Forestry, 5825 Florida Boulevard, Baton Rouge, LA 70806 and must be received no later than 4 p.m. on August 26, 2009. No preamble regarding these proposed regulations is available.

Mike Strain, D.V.M.
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Daily Risk Position Report

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no implementation costs or savings to state or local governmental units as a result of these proposed rule changes. The proposed rule change deletes the requirement that grain dealers both maintain a daily risk position report and file such report on a monthly basis with the Louisiana Agricultural Commodities Commission. Initially, the risk position report was intended as a tool to assist the department in monitoring a grain dealer's net worth position versus risk position. However, the effectiveness of the report is contingent upon a grain dealer constantly updating financial statements on a monthly basis to correctly reflect net worth. Most grain dealers typically do not have the resources to constantly update their financial statements, so the report does not provide the benefit for which it was intended.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed administrative rule change, to eliminate the maintenance and reporting requirements for the risk position report, will provide an indeterminable economic benefit to grain dealers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed amendments are not anticipated to have an effect on competition and employment.

Craig Gannuch	Robert E. Hosse
Assistant Commissioner	Staff Director
0907#044	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System
(LAC 28:LXXXIII.603, 611, 1601, 1603, 1901, 1903, 2101, 3101-3111, and 4909)

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 111—The Louisiana School, District, and State Accountability System*: §603, Determining a Cohort for a Graduation Index, §611, Documenting a Graduation Index, §3101, Appeals/Waivers and Data Certification Processes, §3105, General Guidelines—Parent/School-Level Requests, §3107, General Guidelines—Local Board of Education—Level Requests, §3109, Criteria for Appeal, §3111, Criteria for Waiver, §1601, Entry into and Exit from Academically Unacceptable School Status, §1603, Requirements for Academically Unacceptable Schools, §1901, District Level Tasks, §1903, District Support at Each Level, §2101, State Support at Each Level, and §4909, Additional State Support. Act 478 of the 1997 Regular Legislative Session called for the development of an accountability system for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The state's accountability system is an evolving system with different components that are required to change in response to state and federal laws and regulations.

Proposed changes in Bulletin 111, Chapter 6 provide detail of how the cohort is determined for a Graduation Index and how a Graduation Index is documented.

Proposed changes in Bulletin 111, Chapter 31 address the timeframe of the Appeal/Waiver and Data Certification Process impacting schools and guidelines to submit the proper documentation related to the Accountability System.

Proposed changes in Bulletin 111, Chapters 16, 19, 21, and 49 establish reasonable guidelines to remove content relative to Distinguished Educators and Turnaround Specialists from the Accountability Policy. These changes were submitted to BESE upon the recommendation of the Accountability Advisory Commission.

Title 28
EDUCATION
Part LXXXIII. Bulletin 111—The Louisiana School, District, and State Accountability System
Chapter 6. Graduation Index
§603. Determining a Cohort for a Graduation Index

A. A cohort of students is all students who entered 9th grade for the first time at a given school in a given academic year.

B. …

C. Students who exit a school system in less than four years for legitimate reasons shall not be included in the cohort's graduation index calculations.

1. Exit Codes 7, 8, 9, 10, 12, 14, 16, 20, 21, 27, 28, 29, and 30 from §611 are legitimate.

2. Students that LEAs exit from a school using certain codes (08, 09, 15, 21) must subsequently appear in the Student Information System or they shall be considered dropouts.

D. - G. …

H. Students with disabilities whose IEPs state that they will take longer than 4 years to earn a regular diploma shall be added to the cohort with which they complete/graduate provided they are less than 22 years of age at the beginning of the academic year.

I. All students (excluding those defined in C), regardless of entry or exit dates, are included in the state-level cohort.

J. Students who exit K-12 education and enroll in adult education shall earn points for their school only if a GED is awarded by October 1 of the following academic year.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1024 (June 2006), amended LR 33:424 (March 2007), LR 33:2031 (October 2007), LR 35:

§611. Documenting a Graduation Index

A. - D. …

E. The authenticity of exit code documentation is determined by the LDE.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1024 (June 2006), amended LR 35:639 (April 2009), LR 35:

Chapter 16. Academically Unacceptable Schools and Subgroup Component Failure

§1601. Entry into and Exit from Academically Unacceptable School Status

A. - F. …

G. Academically Unacceptable Schools

Academically Unacceptable Schools			
Level	**Remedy**	**Title 1**	**Non-Title 1**
AUS 1 (Year 1) (notified Aug. 1)	Revised School Improvement Plan to open academic year	x	x
	School Choice	x	x
	Scholastic Audit	x	x
	Write a new SIP for the remainder of the current year and the next two years based on Audit findings. {*SIP must incorporate remedies from AUS 2 and 3}	x	x
AUS 2 (Year 2)	Implement SIP based on Scholastic Audit …	x	x
	Title 1 Schools - Offer Supplemental Educational Services	x	
	Non-Title 1 Schools - Add from Corrective Action List		x
	Quarterly Implementation Reports	x	x
AUS 3 (Year 3)	Add from Corrective Action List (all schools)	x	x
	Develop Reconstitution Plan	x	x
AUS 4 (Year 4)	Submit Reconstitution Plan (Type 5 Charter School Proposals are submitted at the same time)	x	x
AUS 5 (Year 5)	Implement Reconstitution Plan	x	x
AUS 6 (Year 6)	Implement Reconstitution Plan	x	x
AUS 6+ (more than 6 years)	Eligible for RSD	x	x

*To establish continuity in the SIP that addresses the scholastic audit—the SIP that is to get the school out of trouble before AUS 4—schools must plan to move to AUS 2 and AUS 3 over the following two years. This prevents extensive revisions to a plan in order to implement SES in AUS 2 or to add a "corrective action" in AUS 2 or 3.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2595 (December 2007), amended LR 35:

§1603. Requirements for Academically Unacceptable Schools

A. - C.4. …

5. Repealed

D. Schools entering AUS Level 3 (AUS3) must:

1. add a remedy from the corrective action list (all schools); and

2. develop a reconstitution plan (see D below).

E. - H. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 33:2596 (December 2007), amended LR 35:

Chapter 19 School Improvement, Academically Unacceptable Schools and Subgroup Component Failure: District and State Level Tasks

§1901. District Level Tasks

A. - A.6. …

B. Districts with schools in AUS 2 and/or SI2 must:

1. continue to adhere to the requirements of schools as described in §1901 and Chapter 16;

2. offer supplemental educational services for Title I schools;

3. assist schools with any additional requirements from the corrective action list in Chapter 16.

C. - F. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2748 (December 2003), amended LR 31:1515 (July 2005), LR 33:2598 (December 2007), LR 35:

§1903. District Support at Each Level

A. District's responsibilities for school(s) in School Improvement 3:

1. continue to adhere to the requirements of schools in school improvement as described in §1901;

2. offer supplemental educational services for Title I schools.

B. District's responsibilities for schools in School Improvement 4:

1. continue to adhere to the requirements of SI 3;

2. assist schools with an additional requirement from corrective action list:

a. replace school staff;

b. implement new curriculum;

c. decrease management authority;

d. contract an outside expert;

e. extend the school year or school day;

f. restructure.

C. - D.1. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2748 (December 2003), amended LR 30:2745 (December 2004), LR 31:1516 (July 2005), LR 35:

Chapter 21. State-Level School Improvement, Academically Unacceptable Schools and Subgroup Component Failure Tasks

§2101. State Support at Each Level

A. - A.9. …

10. SBESE shall approve or disapprove reconstitution plans;

11. SBESE shall approve or disapprove alternate governance plans;

12. SBESE shall approve or disapprove "focused reconstitution" plans;

13. monitor the implementation of all schools' reconstitution/alternate governance plans.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2748 (December 2003), amended LR 30:2745 (December 2004), LR 31:1516 (July 2005), LR 32:1027 (June 2006), LR 33:2598 (December 2007), LR 35:

Chapter 31. Data Correction and Appeal/Waivers Procedure

§3101. Appeals/Waivers and Data Certification Processes

A. An appeal/waiver procedure and a data certification process have been authorized by the State Board of Elementary and Secondary Education (SBESE) and shall be used to address unforeseen and aberrant factors and to correct inaccurate accountability data impacting schools in Louisiana.

1. Beginning with the 2008-09 academic year, in compliance with the requirement in the *No Child Left Behind Act* of 2001 that a school shall have an opportunity to review school level data prior to being identified as an Academically Unacceptable School or failing the subgroup component, the LDE shall establish a data certification period for all schools/LEAs to correct any inaccurate accountability data.

a. The LDE shall provide a period (or periods) of not less than 30 calendar days for final review, correction, and verification of accountability data to be used in the calculation of the Growth School Performance Score, the proficiency rates compared to the Annual Measurable Objectives, and the 4-year cohort graduation rate

b. The data shall include assessment data from the prior spring administration and attendance, exit, and graduation data from the prior academic year.

c. The LDE shall establish a 2 year transition period for the correction of graduation cohort data due to the longitudinal nature of the data. Following the transition, all exit and incentive point data must be corrected during the year following its collection.

d. The LDE will provide training to district level staff on an annual basis.

2. All data correction must occur during the designated data certification period.

3. Each LEA must collect supporting documentation for every data element that is corrected and maintain the documentation on file for at least seven years.

4. Each school district shall create and implement a district data certification procedure that requires the site-based administrator at each accountable school to review all accountability data during the data certification period.

a. Each site-based administrator shall sign a statement certifying that the school accountability data is accurate.

b. Each local superintendent shall sign a statement certifying that the district accountability data is accurate.

c. The signed statements in Subparagraphs a and b above shall be filed in the LEA for a minimum of seven years.

B. The LDE shall review all data corrections during the certification period and grant approval of those proven valid. The LDE may request documentation to support the validity of the changes.

C. The appeal/waiver procedure is created to address issues when the literal application of accountability policy does not consider certain unforeseen and unusual circumstances.

1. All appeal/waiver requests must be submitted to the LDE within 15 working days of the fall accountability release.

2. The LDE shall review appeal/waiver requests and make recommendations to the SBESE at the Student/School Performance and Support Committee meeting during first regularly scheduled BESE sessions following 75 calendar days after the fall accountability release. Within this interval, the LDE shall notify LEAs of its recommendations and allow them to respond in writing. The LDE's recommendations and LEA responses will be forwarded to SBESE for final disposition.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2751 (December 2003), amended LR 30:1620 (August 2004), repromulgated LR 30:1996 (September 2004), amended LR 30:2257 (October 2004), LR 31:2422 (October 2005), LR 35:

§3105. General Guidelines—Parent/School-Level Requests

A. Parents or individual schools seeking an appeal or waiver on issues relating to Louisiana's District and School Accountability System shall file their requests, regardless of the type, through the local superintendent, or appointed representative as authorized by the local governing board of education.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2752 (December 2003), amended LR 35:

§3107. General Guidelines—Local Board of Education-Level Requests

A. The local superintendent or official representative of each local governing board of education shall complete the LDE's Appeals/Waivers Request Form and provide supporting documentation to the Division of School Standards, Accountability, and Assistance no later than 15 working days after the official release of the fall accountability results.

B. Data corrections shall not be grounds for an appeal or waiver request as all data corrections shall be made prior to the release regardless of the source of any errors.

1. Requests concerning either the inclusion or exclusion of special education student scores in the calculations of a school's SPS and growth target, except as outlined in Bulletin 111, shall not be considered by the LDE.

C. Supporting documentation for appeal/waiver requests should clearly outline the unforeseen and unusual factors that generate the requests. The local school system shall be responsible for supplying the LDE with information necessary for recalculating the school's SPS and/or subgroup component results per LDE's instructions.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2752 (December 2003), amended LR 30:2258 (October 2004), LR 31:1516 (July 2005), LR 35:

§3109. Criteria for Appeal

A. LEA superintendents shall notify the LDE in writing of any changes to existing school configurations and newly opened schools no later than the 15 day appeal/waiver window during the first year of the reconfiguration and school opening. All school closures must be reported at the end of the schools' last academic year of operation.

B. Appeal recalculations shall be made using the information provided to the LDE in the following instances.

1. At least 10 percent of the students eligible for spring testing transferred into the school after October 1 of the same academic year from schools within the district (see §517).

a. Recalculations based on intra-district transfer shall exclude all such students from the growth calculation and the prior baseline calculation.

b. Any transfers resulting from school and district decisions shall not be included in recalculations (transfers to alternative programs, discipline centers, dropout prevention programs, pre-GED skills options programs, etc.).

c. Only changes in the Growth SPS and the Growth Label will be reflected on the School Report Cards.

d. No changes shall be made on the new Baseline SPS or the Performance Label.

2. A school's (inclusive of those paired or shared) enrollment has significantly changed by 50 percent or more from the previous academic year as a result of redistricting by the local governing board of education.

C. LEAs may petition the SBESE in instances not addressed by policy or in instances when the policy is unclear.

D. An appeal shall be filed by the LEA in order to receive monetary rewards for any eligible closed school.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2752 (December 2003), amended LR 30:1620 (August 2004), repromulgated LR 30:1997 (September 2004), amended LR 31:1517 (July 2005), LR 31:2423 (October 2005), LR 35:

§3111. Criteria for Waiver

A. Factors beyond the reasonable control of the local governing board of education and also beyond the reasonable control of the school exist.

B. A school lacks the statistically significant number of testing and/or graduation cohort members necessary to calculate the SPS and has no systematic "feeding" pattern into another school by which data could be "shared" because the school is:

1. - 6. …

7. Repealed

C. - C.1. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2752 (December 2003), amended LR 31:1517 (July 2005), LR 31:2423 (October 2005), LR 35:

Chapter 49. School District Academically in Crisis

§4909. Additional State Support

Repealed.

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

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

I. 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? No.

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., September 8, 2009 to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Jeanette B. Vosburg
Acting Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 111—The Louisiana School, District, and State Accountability System

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Proposed changes in Bulletin 111, Chapter 6 provide detail of how the cohort is determined for a Graduation Index and how a Graduation Index is documented.

Proposed changes in Bulletin 111, Chapter 31 address the timeframe of the Appeal/Waiver and Data Certification Process impacting schools and guidelines to submit the proper documentation related to the Accountability System.

Proposed changes in Bulletin 111, Chapters 16, 19, 21, and 49 establish reasonable guidelines to remove content relative to Distinguished Educators and Turnaround Specialists from the Accountability Policy. These changes were submitted to BESE upon the recommendation of the Accountability Advisory Commission.

There are no estimated implementation costs (savings) to state or local governmental units as a result of these changes.

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 estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Beth Scioneaux	H. Gordon Monk
Deputy Superintendent	Legislative Fiscal Officer
0907#086	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 120—Adult Education Data Quality and Procedures
(LAC 28:CXVII.101, 301-309, 501, and 701-707)

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 120—Adult Education Data Quality and Procedures*: §101. *Introduction*, §301. *Standardized Assessments*, §303. *Approved Assessments*, §305. *Placement in an Educational Functioning Level*, §307. *Follow-up Assessments*, §309. *Special Populations*, §501. *NRS Core and Secondary Measures*, §701. *Data Accuracy and Entry*, §703. *Quarterly Reporting*, §705. *State Approved Adult Education Data System*, and §707. *Resolving Data Analysis Problems and Deviations*. A summary of the proposed revisions to *Bulletin 120–Adult Education Data Quality and Procedures* are:

Revised the Division title from Division of Family, Career and Technical Education to Division of Dropout Prevention, Adult and Family Services.

Added Program Performance requirements.

Revised approved assessments to reflect current USDE approved assessment updates.

Included NRS approved assessment ranges.

Added accommodation information to comply with NRS and OVAE requirements.

Included training requirements such as timelines and responsibilities of the state and local agencies.

The proposed revisions to *Bulletin 120–Adult Education Data Quality and Procedures* will ensure that the Department guidelines are aligned with the USDE National Reporting System for Adult Education.

Title 28
EDUCATION
Part CXVII. Bulletin 120—Adult Education Data Quality and Procedures

Chapter 1. General Provisions

§101. Introduction

A. The Louisiana Department of Education, Division of Dropout Prevention, Adult and Family Services developed *Bulletin 120—Adult Education Data Quality and Procedures* to assist local adult education programs in meeting the reporting requirements of the National Reporting System (NRS) for Adult Education. This bulletin is designed to:

A.1. - B.4. …

C. The Louisiana Department of Education, Division of Dropout Prevention, Adult and Family Services and the National Reporting System for Adult Education are committed to assisting local adult education programs in improving the quality and utility of program data. Questions regarding this bulletin or this Part CXVII should be directed to the Louisiana Department of Education, Division of Dropout Prevention, Adult and Family Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3066 (December 2005), amended LR 34:605 (April 2008), LR 35:

Chapter 3. Assessment and Student Placement

§301. Standardized Assessments

A. NRS policies require local adult education programs to assess and place students at an educational functioning level (EFL) upon intake and at least one other time during the program year. Standardized assessments used to place students or demonstrate educational growth must be both valid and normed for adult students. The initial assessments are to be administrated at intake or the first 12 hours of attendance.

B. Each local director is responsible for training instructors, paraprofessionals, and volunteers in the proper procedures for administering NRS approved assessments. All staff members involved in gathering, analyzing, compiling, and reporting NRS data shall participate in professional development training as specified in the State Plan, Section 12.1. The state also provides opportunities throughout the year for instructors to become certified in the administration of the approved assessments. The training is administered by the local program supervisor or director and sessions are scheduled annually plus on an as needed basis for new personnel.

C. In order to provide professional development opportunities for all local providers, the state staff will conduct three regional meetings and one state conference annually. These conferences include seminars and workshops on assessment policies and procedures, accommodations for assessing students with disabilities, NRS policy, data collection procedures, definitions of measures, and specific training for conducting assessments used in the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3066 (December 2005), LR 35:

§303. Approved Assessments

A. - B.2. …

3. Wonderlic (to be used at the Low Intermediate Basic Education, High Intermediate Basic Education and Low Adult Secondary Education levels only).

B.4. - C.2. …

3. Test for Adult Basic Education – Complete Language Assessment System – English (TABE CLAS-E)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3066 (December 2005), amended LR 34:605 (April 2008), LR 35:

§305. Placement in an Educational Functioning Level

A. Upon administration of an approved assessment, at intake or within the first 12 hours of attendance, local programs are to place students at an educational functioning level. The TABE Locator test is administered prior to the full assessment. Charts developed from the *NRS Implementation Guidelines*, shall be used for determining the appropriate EFL for a student. These charts are included in the instructor manual pertaining to this Part CXVII and are located on the Adult Education website at www.louisianaschools.net.

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3067 (December 2005), amended LR 34:605 (April 2008), LR 35:

§307. Follow-up Assessments

A. NRS reporting policies state that programs use a different form of the same test for the follow-up (post-test) assessment for a student. Both the pre-test and post-test shall be administered and scored according to the test directions provided by the publisher. Test publisher guidelines are available on the Adult Education website www.louisianaschools.net for approved assessments. Post-tests shall be administered after the student has:

A.1. - B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3067 (December 2005), amended LR 34:605 (April 2008), LR 35:

§309. Special Populations

A. Assessments for special populations are administered with appropriate accommodations as specified by the publisher of the approved assessment. Test publisher accommodation guidelines for approved assessments are available on the Adult Education website www.louisianaschools.net. Accommodations for adult learners who self-disclose a disability documented by a qualified professional and are eligible for accommodations under the provisions of Section 504 of the Americans with Disabilities Act (ADA) may be granted appropriate testing accommodations. Adult Education programs must document that adult learners were given the opportunity to self-disclose any disability during the student orientation process.

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3067 (December 2005), amended LR 34:605 (April 2008), LR 35:

Chapter 5. Adult Education Core Measures

§501. NRS Core and Secondary Measures

A. - B. …

C. Programs must meet a minimum of 50 percent of the federally-approved performance benchmarks as measured by NRS Tables 4 and 5 annually.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3067 (December 2005), amended LR 34:606 (April 2008), LR 35:

Chapter 7. Data Reporting

§701. Data Accuracy and Entry

A. …

* * *

B. The Louisiana Department of Education requires that local programs submit a designation of distance learner for students enrolled in the adult education program, by participating in state-approved curricula and following a state-approved model for distance education. A list of state-approved curricula utilized for distance learning can be obtained on the Adult Education website at www.louisianaschools.net.

1. The student must be designated as a distance education learner if the majority of the student's attendance hours are in distance education. NRS approved proxy contact hours include:

a. Clock Time Model, which assigns contact hours based on the elapsed time that a learner is connected to, or engaged in an online or stand alone software program. Student hours are taken from the activity statistics provided in the software.

b. Teacher Verification Model, which assigns a fixed number of hours of credit for each completed assignment based on teacher determination of the extent to which a learner engaged in, or completed, the assignment. Telephone call and email contact are allowable in this model; however a contact log containing the date of contact, student name, topic discussed, and length of contact. The contact log must be filed with student attendance records.

c. Learner Mastery Model, which assigns a fixed number of hours of credit based on the learner passing a test on the content of each lesson. Learners work with the curriculum and materials and when they feel they have mastered the material, take a test. A high percentage of correct answers (70 percent) earns the credit hours attached to the material.

2. Students must have at least 12 onsite contact hours with the program.

B.3. - B.4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3068 (December 2005), amended LR 34:606 (April 2008), LR 35:

§703. Quarterly Reporting

A. The Louisiana Department of Education, Division of Dropout Prevention, Adult and Family Services requires that local programs enter data at least monthly during a program year. City or parish supervisors or program directors are responsible for timely entry into the state approved adult education data management system of local program data and ensuring its accuracy. Department of Education staff will review data for errors and contact supervisors or program directors to discuss needed corrections to local program data at least quarterly. Local program data, for the

prior month should be entered by the tenth day of each month.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3068 (December 2005), amended LR 34:606 (April 2008), LR 35:

§705. State Approved Adult Education Data System

A. The Louisiana Department of Education mandates that adult education programs, which it funds, must use the state approved Adult Education Data System. Local programs are responsible for covering the costs of implementing and maintaining the system with a portion of their local grant funds. Staff from the Louisiana Department of Education and staff from the state approved adult education data management system are committed to improving data quality by providing professional development workshops each year. The program supervisor or director will ensure that all program staff involved in gathering, analyzing, compiling, and reporting data for NRS will attend, at a minimum, an annual inservice meeting addressing the following topics: NRS and accountability policies; data collection process; definitions of performance measures; conducting pre and post assessments; and using data for improvement. While the above information can serve as a refresher for returning staff each year, it must also be included as part of the required inservice for new staff throughout the year. Adult Education staff shall participate in professional development training as specified in the State Plan, Section 12.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3069 (December 2005), amended LR 34:607 (April 2008), LR 35:

§707. Resolving Data Analysis Problems and Deviations

A. Upon receipt of data submitted by local programs, the Louisiana Department of Education, Division of Prevention, Adult and Family Services staff review program data quarterly for errors. It is the responsibility of the local program supervisor or director to conduct the initial review of the data, using the diagnostic features of the state approved adult education data management system and other instructions provided by department staff.

B. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, Adult Education Services, LR 31:3069 (December 2005), amended LR 34:607 (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,a mended, 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 via the U.S. Mail until 4:30 p.m., September 8, 2009 to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Jeanette B. Vosburg
Acting Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 120—Adult Education Data Quality and Procedures

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The estimated costs to implement Bulletin 120–*Adult Education Data Quality and Procedures* will be approximately $1200, which includes printing costs so that the bulletin may be distributed to local adult education programs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated effects on revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits that will directly affect persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The Louisiana Adult Education Data Quality and Procedures will assist local adult education programs in meeting the reporting requirements of the National Reporting System (NRS) for Adult Education. The aforementioned framework is designed to assist local adult education programs with the processes of gathering student data, inputting data into the state approved adult education database system, reporting data on program performance and reviewing data to plan for and facilitate program improvement in an effort to strengthen the skills of the state's workforce.

Beth Scioneaux
Deputy Superintendent
0907#087

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Adult Education Programs
(LAC 28:CXV.2701, 2703, 2705, 2707, 2709, and 2711)

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*: §2701. Program Administration, §2703. Requirements for Students, §2705. Requirements for Taking the GED Test, §2707. Requirements for Passing the GED Test, §2709. Requirements for GED Retesting, and §2711. Issuance of Equivalency Diplomas. The Department of Education has revised *Bulletin* 741—*Louisiana Handbook for Public School Administrators* to better align with the USDE National Reporting System for Adult Education and to provide guidance to LEAs for the Act 59 Age Waiver request. A summary of the proposed revisions to *Bulletin* 741—*Louisiana Handbook for Public School Administrators* are:

- Revise the Division title from Division of Family, Career and Technical Education to Division of Dropout Prevention, Adult and Family Services.
- Define family and economic hardship for the *Act 59 Age Waiver*.
- Revise approved assessments to reflect current USDE approved assessment updates and test publisher's guidelines.
- Change the data reporting requirements from quarterly to monthly.

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators—Adult Education Programs
Chapter 27. Adult Education Programs

§2701. Program Administration

A. - B.1.a.i. …

ii. Comprehensive Adult Student Assessment System (CASAS);

iii. WorkKeys (May be used only at the High Intermediate Basic Education and Adult Secondary Education Educational Functioning Level);

iv. Wonderlic (May be used at the Low Intermediate Basic Education, High Intermediate Basic Education and Low Adult Secondary Education levels only).

B.1.b. - B.1.b.ii. …

iii. Test for Adult Basic Education—Complete Language Assessment System—English (TABE CLAS-E)

2. Data must be entered at least monthly during a program year. City or parish supervisors or program directors are responsible for timely entry into the state approved adult education data management system of local program data and ensuring its accuracy. Department of Education staff will review data for errors and contact supervisors or program directors to discuss needed corrections to local program data at least quarterly. Local program data, for the prior month should be entered by the tenth day of each month.

B.3.…

a. attended for 60-100 hours based upon test publisher's guidelines for the amount of time needed for a student to show a meaningful gain; or

B.3.b. …

c. completed an Individualized Prescription of Instruction for the area being used for NRS reporting purposes and in accordance with test publisher's guidelines.

NOTE: Refer to the Louisiana State Plan for Adult Education and R.S. 17:14 for administration of the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1305 (June 2005), amended LR 35:

§2703. Requirements for Students

A. - B.1.e. …

i. Family and/or economic hardship is defined as student who acts as a caregiver or must work to support the family due to a parent's death or illness, or needs to be removed from an existing home environment.

B.2. - B.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1306 (June 2005), amended LR 35:

§2705. Requirements for Taking the GED Test

A. - A.3.e. …

i. Family and/or economic hardship defined as student who acts as a caregiver or must work to support the family due to a parent's death or illness, or needs to be removed from an existing home environment.

A.4. - B.1. …

2. Individuals between 17-18 years of age or 16 years of age with an approved age waiver may qualify for the GED Test by taking the Official Half-Length GED Practice Test and scoring a minimum of 410 on each part, with an average score of 450.

3. - 5. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1306 (June 2005), amended LR35:

§2707. Requirements for Passing the GED Test

A. - B. …

C. The student shall score a minimum of 410 on each section and an overall average standard score of 450 on all five tests.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1306 (June 2005), amended LR 35:

§2709. Requirements for GED Retesting

A. - D. …

E. The student shall score a minimum of 410 on each of the retested sections and an overall average standard score of 450 on all five tests.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1306 (June 2005), amended LR 35:

§2711. Issuance of Equivalency Diplomas

A. …

B. A Louisiana resident who successfully completes the GED Test at an official out-of-state GED testing center may be entitled to receive an equivalency diploma, provided that an official copy of the GED Test results are submitted for review to the Division of Dropout Prevention, Adult and Family Services in the DOE and provided that the student meets all other qualifications to receive an equivalency diploma.

C. - G. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:14; R.S. 17:7(5)(C).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1307 (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 via the U.S. Mail until 4:30 p.m., September 8, 2009, to Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Jeanette B. Vosburg
Acting Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—Adult Education Programs

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The estimated costs to implement Bulletin 741–Louisiana Handbook for School Administrators will be approximately $1,000, which includes printing costs so that the bulletin may be distributed to local adult education programs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated effects on revenue collections for state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits that will directly affect persons or non-governmental groups. The personnel operating Adult Education programs will be required to become familiar with the changes and clarifications to Bulletin 741, but there will be no cost or economic benefit to those persons.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The Louisiana Handbook for School Administrators will assist local adult education programs in meeting the reporting requirements of the National Reporting System (NRS) for Adult Education. The aforementioned framework is designed to assist local adult education programs by providing guidance in correctly obtaining information required for the Act 59 age waiver request. This will allow programs to provide necessary adult education services to a group of adults most in need, thus strengthening the skills of the state's workforce.

Beth Scioneaux
Deputy Superintendent
0907#082

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Approval for Alternative School/Programs Evaluation of Alternative School/Programs
(LAC 28:CXV.2903 and 2905)

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*: §2903.Approval For Alternative School/Programs and §2905.Evaluation of Alternative School/Programs. The proposed revision is technical in nature to bring BESE policy into alignment with current state law that requires that BESE approve all alternative schools and/or programs.

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators—Approval for Alternative School/Programs Evaluation of Alternative School/Programs
Chapter 29. Alternative Schools and Programs
§2903. Approval for Alternative School/Programs

A. Alternative schools/programs shall comply with prescribed policies and standards for regular schools except for those deviations granted by BESE.

B. Approval to operate an Alternative School/Program shall be obtained from BESE.

1. An LEA choosing to implement a new Alternative School/Program shall submit an application to the Division of Dropout Prevention, Adult and Family Services by on or before the date prescribed by the DOE.

2. The DOE will provide BESE with a listing of alternative schools/programs recommended for approval in June of each year.

C. An approved alternative school/program shall be described in the LEA's Pupil Progression Plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:100.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1308 (June 2005), amended LR 35:

§2905. Evaluation of Alternative School/Programs

A. Each LEA annually shall evaluate each alternative school/program. The evaluation shall be based upon the standards for approval of alternative schools/programs and shall include testing of basic skills for student participants. The process of evaluation shall also include teacher, parent, and student input from the alternative school. The annual report shall be made to the DOE on or before the date prescribed by the DOE.

NOTE: Refer to the Alternative Education Handbook for program operation guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:100.5.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1308 (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? No.

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., September 8, 2009, to Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Jeanette B. Vosburg
Acting Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—Approval for Alternative School/Programs Evaluation of Alternative School/Programs

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revision is technical in nature to bring the Board of Elementary and Secondary Education (BESE) into alignment with current state law, which requires that BESE approve all alternative schools and or programs. There will be no implementation costs (savings) to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections by state/local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no estimated costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
0907#085

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Carnegie Credit for Middle School Students (LAC 28:CXV.2321)

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*: §2321. Carnegie Credit for Middle School Students. This policy revision adds Introduction to Business Computer Applications to the list of courses which middle school students may take for high school Carnegie credit. This policy revision is being revised so that middle school students can take this course for high school credit. This course is a prerequisite for many career/tech courses.

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 23. Curriculum and Instruction
§2321. Carnegie Credit for Middle School Students

A. Students in grades five through eight are eligible to receive Carnegie credit for courses in the high school program of studies in mathematics, science, social studies, English, foreign language, keyboarding/keyboarding applications, Introduction to Business Computer Applications, or computer/technology literacy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1293 (June 2005), amended LR 33:430 (March 2007), LR 33:2601 (December 2007), LR 34:609 (April 2008), LR 34:2031 (October 2008), LR 35:443 (March 2009), 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 via the U.S. Mail until 4:30 p.m., September 8, 2009 to Nina A. Ford, State Board of Elementary and Secondary Education, P. O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Jeanette B. Vosburg
Acting Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators
Carnegie Credit for Middle School Students

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This policy revision adds Introduction to Business Computer Applications to the list of courses which middle school students may take for high school Carnegie credit. There will be no effect on costs or savings to state or local governmental units.

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
Deputy Superintendent
0907#091

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for Nonpublic School Administrators
Credit Recovery (LAC 28:LXXIX.2120)

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 *Nonpublic Bulletin 741—Louisiana Handbook for Nonpublic School Administrators*: §2120, "Credit Recovery." This policy revision allows nonpublic high schools to offer credit recovery classes. These classes allow students to recover credit for courses they failed at a reduced amount of time. The policy includes the requirements for these classes. This policy revision is intended to help prevent dropouts and assist in helping students graduate on time.

Title 28
EDUCATION
Part LXXIX. Nonpublic Bulletin 741—Louisiana Handbook for Nonpublic School Administrators
Chapter 21. Curriculum and Instruction
Subchapter C. Secondary Schools
§2120. Credit Recovery

A. Credit recovery refers to instructional programs for students who have failed courses taken previously.

B. Schools may develop credit recovery programs which are self-paced and competency-based.

1. Students earning Carnegie credit in a credit recovery course must have previously taken and failed the course.

2. Students shall not be required to meet attendance requirements in §901.C for credit recovery courses, provided students have met attendance requirements when they took the course previously or the students' combined attendance during the previous course and the credit recovery course meet the attendance requirements. Schools shall not be required to meet the instructional time requirements in §703 for credit recovery courses.

3. Credit recovery courses taught in a classroom setting using computer software programs designed for credit recovery must be facilitated by a qualified teacher.

a. Additional instruction to cover content not included in the software programs shall be provided by a teacher properly qualified in the content area.

4. For a student to earn Carnegie credit in a credit recovery course, the student must take the final exam established by the school for that course and meet the minimum requirements for passing the course according to the school's grading policy.

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:

Family Impact Statement

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 via the U.S. Mail until 4:30 p.m., September 8, 2009, to: Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Jeanette B. Vosburg
Acting Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741—Louisiana Handbook for Nonpublic School Administrators—Credit Recovery

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This policy revision allows nonpublic high schools to offer credit recovery classes. These classes allow students to recover credit for courses they failed at a reduced amount of time. The policy includes the requirements for these classes. There will be no costs to state governmental units.

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)

Nonpublic schools may choose to purchase computer programs for credit recovery, but it is not required.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
0907#081

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—General Career and Technical Education (LAC 28:CXV.2377)

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*: §2377. General Career and Technical Education. The proposed changes will remove Teacher Cadet I and II from General Career and Technical Education course offerings and change other course titles to bring current Career and Technical course offerings in line with National Academy Foundation course names and credit value. The action is being proposed to update Career and Technical course offerings. In updating these course offerings our Career and Technical program of studies will be aligned with National Academy Foundation course names and credits. It will remove Cadet I and II which has been replaced by STAR I and II.

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 23. Curriculum and Instruction
§2377. General Career and Technical Education

A. General Career and Technical Education course offerings shall be as follows.

Course Title(s)	Recommended Grade Level	Units
CTE Internship I	11-12	1
CTE Internship II	12	1
CTE Internship I	11-12	2
CTE Internship II	12	2
General Cooperative Education I	11-12	3
General Cooperative Education II	12	3
Education for Careers	9-12	1/2 -1
Advanced Television Broadcasting I	10-12	1-3
Advanced Television Broadcasting II	11-12	1-3
Digital Media I	10-12	1-3
Digital Media II	11-12	1-3
Oracle Internet Academy		
Database Design and Programming	11-12	1
Java Programming	11-12	1
Database Programming with PL/SQL	11-12	1
Finance Academy		
Business Economics	11-12	1/2
Financial Services	11-12	1/2
Financial Planning	11-12	1/2
Ethics in Business	11-12	1/2
Insurance	11-12	1/2
Business in a Global Economy	11-12	1/2
Principles of Finance	11-12	1/2 - 1
Principles of Accounting	11-12	1/2
Managerial Accounting	11-12	1/2
Advanced Finance	11-12	1/2
Hospitality and Tourism Academy		
Principles of Hospitality and Tourism	11-12	1/2
Customer Service	11-12	1/2
Sports Entertainment and Event Management	11-12	1/2
Geography and World Cultures	11-12	1/2
Sustainable Tourism	11-12	1/2
Hospitality Marketing	11-12	1/2
Information Technology Academy		
Principles of Information Technology	11-12	1/2
Computer Networking	11-12	1/2
Web Design	11-12	1/2
Databases Design	11-12	1/2
Computer Systems	11-12	1/2
Introduction to Programming	11-12	1/2
Digital Video	11-12	1/2
STAR I	11-12	1
STAR II	12	1
Entrepreneurship	11-12	1

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1299 (June 2005), amended LR 32:546 (April 2006), LR 32:1415 (August 2006) LR 33:278 (February 2007), LR 33:2050 (October 2007), LR 34:1386 (July 2008), LR 34:2558 (December 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 via the U.S. Mail until 4:30 p.m., September 8, 2009, to Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Jeanette B. Vosburg
Acting Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—General Career and Technical Education

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revision will change Career and Technical Education course offerings. It is estimated that there will be no additional implementation costs to state or local governmental units except for an estimated $168 for printing the Bulletin 741 amendment in the *Louisiana Register*. The LEA may choose to offer new courses to students that may require updating course offerings or other counseling brochures. LEAs choosing to offer the new courses may need to purchase items such as new textbooks, instructional materials or equipment. Each LEA will make its determination.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections by state/local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Secondary Career and Technical students will be the population affected by the changes. Students will be able to participate in courses that will prepare them for the workplace, meeting industry employee requirements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Employers could have a larger, trained and qualified pool from which to select employees.

Elizabeth Scioneaux
Deputy Superintendent
Management and Finance

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

0907#083

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Health Occupations (LAC 28:CXV.2381)

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*: §2381. Health Occupations. The proposed amendment will change the following recommended grade levels in Health Occupations: (1) Emergency Medical Technician (EMT)—Basic course from a 10-12 recommended grade level to a recommended 12th grade level; and (2) First Responder course from a 9-12 recommended grade level to a recommended grade level of 10-12.

The action is being proposed to change the recommended grade levels at which students can take the two courses because students must: (1) be at least 16 years of age to enter the First Responder course; and (2) be at least 17 years of age to enter the Emergency Medical Technical (EMT)—Basic course, as well as a graduating senior.

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 23. Curriculum and Instruction
§2381. Health Occupations

A. Health Occupations course offerings shall be as follows.

Course Title(s)	Recommended Grade Level	Units
AHEC of a Summer Career Exploration	9-12	1/2
Allied Health Services I	10-12	1-2
Allied Health Services II	10-12	1-2
Cooperative Health Occupations	11-12	3
Dental Assistant I	10-12	1-2
Dental Assistant II	11-12	2-3
Emergency Medical Technician—Basic	12	2
First Responder	10 -12	1/2-2
Health Occupations Elective I, II	9-12	1/2-3
Health Science I	11-12	1-2
Health Science II	12	1-2
Introduction to Emergency Medical Technology	10-12	2
Introduction to Health Occupations	9-12	1

Course Title(s)	Recommended Grade Level	Units
Introduction to Pharmacy Assistant	10-12	1
Medical Assistant I	10-12	1-2
Medical Assistant II	11-12	1-2
Medical Assistant III	12	1-2
Medical Terminology	9-12	1
Nurse Assistant	10-12	2-3
Patient Care Technician	12	3
Pharmacy Technician	12	1-2
Sports Medicine I	10-12	1/2
Sports Medicine II	11-12	1/2
Sports Medicine III	11-12	1

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1300 (June 2005), amended LR 33:279 (February 2007), LR 33:1615 (August 2007), LR 33:2051 (October 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 via the U.S. Mail until 4:30 p.m., September 8, 2009 to Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Jeanette B. Vosburg
Acting Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—Health Occupations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revision will change the recommended grade level for Emergency Medical Technician—Basic and First Responder courses in Health Occupations. It is estimated that there will be no additional implementation costs (savings) to state or local governmental units except for an estimated $168 for printing the amendment of Bulletin 741 in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections by state/local governmental units.

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 or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated that there will be no effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
0907#092

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—High School Graduation Requirements and Mathematics
(LAC 28:CXV.2319 and 2353)

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* §2319, High School Graduation Requirements and §2353, Mathematics. This revision adds Applied Algebra and Applied Geometry to the Mathematics Program of Studies. Applied Algebra I may be taken in place of Algebra I and Applied Geometry may be taken in place of Geometry for students following the LA Core 4 or Basic Core curricula. These courses were added to provide more relevance to the mathematics curriculum.

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 23. Curriculum and Instruction
§2319. High School Graduation Requirements

A. - E.1. …

2. For incoming freshmen in 2008-2009 and beyond who are completing the Louisiana Basic Core Curriculum, the minimum course requirements for graduation shall be the following.

English	4 units
Shall be English I, II, and III, and English IV or Senior Applications in English	
Mathematics	**4 units**
Algebra I (1 unit), Applied Algebra I (1 unit), or Algebra I-Pt. 1 and Algebra I-Pt. 2 (2 units) Geometry or Applied Geometry The remaining units shall come from the following: Algebra II, Financial Mathematics, Math Essentials, Advanced Math—Pre-Calculus, Advanced Math—Functions and Statistics, Pre-Calculus, Calculus, Probability and Statistics, Discrete Mathematics, or a locally initiated elective approved by BESE as a math substitute.	

Science	3 units
Shall be the following: 1 unit of Biology 1 unit from the following physical science cluster: Physical Science, Integrated Science, Chemistry I, Physics I, Physics of Technology I 1 unit from the following courses: Aerospace Science, Biology II, Chemistry II, Earth Science, Environmental Science, Physics II, Physics of Technology II, Agriscience II, Anatomy and Physiology, an additional course from the physical science cluster, or a locally initiated elective approved by BESE as a science substitute. • Students may not take both Integrated Science and Physical Science • Agriscience I is a prerequisite for Agriscience II and is an elective course.	
Social Studies	**3 units**
Shall be American History, 1/2 unit of Civics or AP American Government, 1/2 unit of Free Enterprise; and 1 of the following: World History, World Geography, Western Civilization, or AP European History.	
Health Education	**1/2 unit**
Physical Education	**1 1/2 units**
Shall be Physical Education I and Physical Education II, or Adapted Physical Education for eligible special education students. A maximum of 4 units of Physical Education may be used toward graduation. NOTE: The substitution of JROTC is permissible.	
Electives	**8 units**
TOTAL	24 units

3. For incoming freshmen in 2008-2009 and beyond who are completing the Louisiana Core 4 Curriculum, the minimum course requirements shall be the following.

English	4 units
Shall be English I, II, III, and English IV	
Mathematics	**4 units**
Algebra I (1 unit), Applied Algebra I (1 unit), or Algebra I-Pt. 2 Geometry or Applied Geometry Algebra II The remaining unit shall come from the following: Financial Mathematics, Math Essentials, Advanced Math—Pre-Calculus, Advanced Math—Functions and Statistics, Pre-Calculus, Calculus, Probability and Statistics, Discrete Mathematics, or a locally-initiated elective approved by BESE as a math substitute	
Science	**4 units**
Shall be the following: 1 unit of Biology 1 unit of Chemistry 2 units from the following courses: Physical Science, Integrated Science, Physics I, Physics of Technology I, Aerospace Science, Biology II, Chemistry II, Earth Science, Environmental Science, Physics II, Physics of Technology II, Agriscience II, Anatomy and Physiology, or a locally initiated elective approved by BESE as a science substitute. • Students may not take both Integrated Science and Physical Science • Agriscience I is a prerequisite for Agriscience II and is an elective course. A student completing a Career and Technical Area of Concentration may substitute a BESE/Board of Regents approved IBC-related course from within the student's Area of Concentration for the 4th required science unit	
Social Studies	**4 units**
Shall be the following 1/2 unit of Civics or AP American Government 1/2 unit of Free Enterprise 1 unit of American History 1 unit from the following: World History, World Geography, Western Civilization, or AP European History 1 unit from the following: World History, World Geography, Western Civilization, AP European History, Law Studies, Psychology, Sociology, Civics (second semester—1/2 credit) or African American Studies. A student completing a Career and Technical Area of Concentration may substitute a BESE/Board of Regents approved IBC-related course from within the student's Area of Concentration for the 4th required social studies unit.	
Health Education	**1/2 unit**
Physical Education	**1 1/2 units**
Shall be Physical Education I and Physical Education II, or Adapted Physical Education for eligible special education students. A maximum of four units of Physical Education may be used toward graduation. NOTE: The substitution of JROTC is permissible.	
Foreign Language	**2 units**
Shall be 2 units in the same foreign language or 2 Speech courses	
Arts	**1 unit**
1 unit Fine Arts Survey or 1 unit of Art (§2333), Dance (§2337), Music (§2355), Theatre Arts (§2333), or Applied Arts. A student completing a Career and Technical Area of Concentration may substitute a BESE/Board of Regents approved IBC-related course from within the student's area of concentration for the required applied arts unit.	
Electives	**3 units**
TOTAL	24 units

F. - J. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4; R. S. 17:183.2; R.S. 17: 395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 35:

§2353. Mathematics

A. Effective for 2008-2009 incoming freshmen, four units of mathematics shall be required for graduations. All students must complete the following:

1. Algebra I (1 unit), Applied Algebra I (1 unit), or Algebra I-Pt. 1 and Algebra I-Pt. 2 (2 units)

2. Geometry or Applied Geometry. The remaining units shall come from the following:

a. Algebra II, Financial Mathematics, Math Essentials, Advanced Math-Pre-Calculus, Advanced Math-Functions and Statistics, Pre-Calculus, Calculus, Probability and Statistics, Discrete Mathematics, or a locally-initiated elective approved by BESE as a math substitute.

B. Effective for 2005-2006 to 2007-2008 incoming freshmen, three units of mathematics shall be required for graduation. All students must complete one of the following:

1. Algebra I (1 unit); or
2. Algebra I-Pt. 1 and Algebra I-Pt. 2 (2 units); or
3. Integrated Mathematics I (1 unit). The remaining unit(s) shall come from the following.

a. Integrated Mathematics II, Integrated Mathematics III, Geometry, Algebra II, Financial Mathematics, Advanced Math-Pre-Calculus, Advanced Math-Functions and Statistics, Pre-Calculus, Calculus, Probability and Statistics, Math Essentials and Discrete Mathematics.

C. For incoming freshmen 1997-98 to 2004-2005, the three required mathematics courses shall be selected from the following courses and may include a maximum of two entry level courses (designated by E): Introductory Algebra/Geometry (E), Algebra I-Part 1 (E), Algebra I-Part 2, Integrated Mathematics I (E), Integrated Mathematics II, Integrated Mathematics III, Applied Mathematics I (E), Applied Mathematics II, Applied Mathematics III, Algebra I (E), Geometry, Algebra II, Financial Mathematics, Advanced Math-Pre-Calculus, Advanced Math-Functions and Statistics, Pre-Calculus, Calculus, Probability and Statistics, Math Essentials and Discrete Mathematics.

D. Students who score at the unsatisfactory achievement level on the mathematics component of grade eight LEAP 21 shall pass a high school remedial course in mathematics before enrolling in any course in the Secondary Program of Studies for Mathematics.

1. Introductory Algebra/Geometry may be used as the high school remediation course for students who have been promoted to the ninth grade without having passed the mathematics component of grade eight LEAP.

E. Financial Mathematics may be taught by teachers certified in Business Education.

F. The mathematics course offerings shall be as follows.

Course Title(s)	Units
Advanced Math—Pre-Calculus	1
Advanced Math—Functions and Statistics	1
Algebra I, II	1 each
Algebra I—Part 1	1
Algebra I—Part 2	1
Applied Algebra I	1
Applied Geometry	1
Calculus	1
Discrete Mathematics	1
Financial Mathematics	1
Geometry	1
Integrated Mathematics I, II, III	1 each
Introductory Algebra/Geometry (Remediation Elective)	1
Pre-Calculus	1
Probability and Statistics	1
Math Essentials	1

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1296 (June 2005), amended LR 33:2605 (December 2007), LR 34:1609 (August 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 via the U.S. Mail until 4:30 p.m., September 8, 2009 to Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Jeanette B. Vosburg
Acting Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—High School Graduation Requirements and Mathematics

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This policy revision adds Applied Algebra and Applied Geometry to the Mathematics Program of Studies. Applied Algebra I may be taken in place of Algebra I and Applied Geometry may be taken in place of Geometry for students following the LA Core 4 or Basic Core curricula. There will be no effect on costs or savings to state or local governmental units.

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
Deputy Superintendent
0907#090

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Immunizations (LAC 28:CXV.1121)

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*, §1121, "Immunizations." The proposed Rule is based upon the enactment of R.S. 17:170.3 which requires immunization against meningococcal disease for certain students.

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 11. Student Services
§1121. Immunizations

A. - G. …

H. Beginning with 2009-2010 school year, students entering sixth grade and students eleven years old entering any grade and students eleven years old participating in approved home study shall provide evidence of current immunization against meningococcal disease as a condition of entry into such grade at any city, parish or other local public school or nonpublic school. Chief Administrators are responsible for checking students' records and ensuring enforcement of provisions. Exemptions include: parent/guardian waivers for religious or personal reasons, written statement from physician stating contraindicated medical reasons, shortage of supply of vaccine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:170; R.S. 17:170.3.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1277 (June 2005), amended LR 33:429 (March 2007), LR 35:

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., September 8, 2009, to Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Jeanette B. Vosburg
Acting Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Immunizations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This is a revision to *Bulletin 741—Louisiana Handbook for School Administrators*, which incorporates changes made to state law. State law requires immunization against meningococcal disease for students. There will be a minimal cost of $150 to the Department of Education (DOE), associated with printing the revisions in the *Louisiana Register*. Funds are currently available for this purpose. The proposed action has the potential to increase the workload or paperwork requirements of the local education agencies (LEAs) and school nurses who will be responsible for ensuring that the requirements of this legislation and rule change are met. The bulletin will be available on the DOE website and can be downloaded by LEAs and the general public.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no estimated effect on revenue collection of state and local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There may be increased expenditures to parents and/or students, insurance companies and other medical providers based upon the cost and availability of the required vaccine.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
0907#089

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Requirements for Teachers (LAC 28:CXV.3103)

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*: Requirements for Teachers. This proposed amendment will expand the CTTIE teacher certification for instructors in Technology Education, Law and Public Safety, and Patient Care Technician. This certification will allow qualified instructors, who have served in business/industry, to become instructors for the courses listed above, which will prepare secondary students to further their education in two-year technical and four-year university programs, thereby meeting a great demand for a qualified workforce.

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 31. Career and Technical Education (CTE)
§3103. Requirements for Teachers

A. The CTE teacher shall hold a valid Louisiana teaching certificate or valid Career and Technical Trade and Industrial Education (CTTIE) Certificate that entitles the holder to teach in the career area of the actual teaching assignment. Certification is required to teach:

1. all law and public safety courses;
2. Engineering Design I and II;
3. Process Technician I and II;
4. Project Lead the Way; and
5. Patient Care Technician.

B. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17: 422.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1309 (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 via the U.S. Mail until 4:30 p.m., September 8, 2009, to: Nina A. Ford, State Board of Elementary and Secondary Education, P. O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Jeanette B. Vosburg
Acting Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—Requirements for Teachers

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revision adds a reference directing the reader to LAC 28:CXXXI.Bulletin 746—Louisiana Standards for State Certification of School Personnel for additional information. It is estimated that there will be no additional implication costs (savings) to state or local governmental units except for an estimated $168 for printing the amendment of Bulletin 741 in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections by state/local governmental units.

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 or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is estimated that there will be no effect on competition and employment.

Beth Scioneaux
Duputy Superintendent
0907#095

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Technology Education
(LAC 28:CXV.2385)

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*: §2385. Technology Education. The course will allow students to participate in the Advanced Manufacturing Academy which correlates with the Industrial Operations Area of Concentration-Career Pathway. This action is in direct response to industry demands for workers trained in occupations related to advanced manufacturing.

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 23. Curriculum and Instruction
§2385. Technology Education

A. Technology Education (formerly industrial arts) course offerings shall be as follows.

Course Title(s)	Recommended Grade Level	Units
Communication/Middle School	6-8	-
Construction/Middle School	6-8	-
Manufacturing Technology/Middle School	6-8	-
Modular Technology/Middle School	6-8	-
Transportation Technology/Middle School	6-8	-
Advanced Electricity/Electronics	10-12	1
Advanced Metal Technology	10-12	1
Advanced Technical Drafting	10-12	1
Advanced Wood Technology	10-12	1
Architectural Drafting	10-12	1
Basic Electricity/Electronics	9-12	1
Basic Metal Technology	9-12	1
Basic Technical Drafting	9-12	1
Basic Wood Technology	9-12	1
Communication Technology	9-12	1
Construction Technology	10-12	1
Cooperative Technology Education	10-12	3
Energy, Power, and Transportation Technology	9-12	1
General Technology Education	9-12	1
Manufacturing Technology	9-12	1
Materials and Processes	10-12	1
Physics of Technology I	10-12	1
Physics of Technology II	11-12	1
Power Mechanics	9-12	1
Technology Education Computer Applications	9-12	1
Technology Education Elective I, II	9-12	1/2-3
Welding Technology	10-12	1
Industry-Based Certifications		
Process Technician I, II	11-12	1

Course Title(s)	Recommended Grade Level	Units
ABC Carpentry I, II TE	11-12	1-3
ABC Electrical I, II TE	11-12	1-3
ABC Instrumentation Control Mechanic I, II	11-12	1-3
ABC Pipe Fitter I, II TE	11-12	1-3
ABC Welding Technology I, II TE	11-12	1-3
Introduction to Engineering Design	8 -12	1
Principles of Engineering	9-10	1
Digital Electronics	9-10	1
Aerospace Engineering	11-12	1
Civil Engineering and Architecture	11-12	1
Computer Integrated Manufacturing	11-12	1
Engineering Design and Development	11-12	1
Engineering Design I, II	11-12	1
Marine Engineering	11-12	0.5

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1300 (June 2005), amended LR 33:279 (February 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 via the U.S. Mail until 4:30 p.m., September 8, 2009, to Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Jeanette B. Vosburg
Acting Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—Technology Education

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed amendment will include Marine Engineering to Technology Education course offerings. There should be no implementation costs except for an estimated $168 for printing the amendments in the *Louisiana Register*. It is unknown if there are any costs to local governmental units. The LEA may choose to offer the new course to students that may require updating course offerings or other counseling brochures. LEAs choosing to offer Marine Engineering may need to purchase new textbooks, instructional materials or equipment. Each LEA will make its determination.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections by state/local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Students will be benefited by having additional choices to fulfill the requirements for high school graduation, assisting them in entering the workforce, which will improve the economy.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Employers could have a larger, trained, and qualified pool from which to select employees.

Beth Scioneaux
Deputy Superintendent
0907#093

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Trade and Industrial Education
(LAC 28:CXV.2387)

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*: §2387. Trade and Industrial Education. The course will allow students to participate in the Advanced Manufacturing Academy which correlates with the Industrial Operations Area of Concentration-Career Pathway. This action is in direct response to industry demands for workers trained in occupations related to advanced manufacturing.

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 23. Curriculum and Instruction
§2387. Trade and Industrial Education

A. Trade and Industrial Education course offerings shall be as follows.

Course Title(s)	Recommended Grade Level	Units
Air Conditioning/ Refrigeration I, II	11-12	1-3
Air Conditioning/ Refrigeration III, IV	11-12	2-3
Auto Body Repair I, II	11-12	1-3
Auto Body Repair III, IV	11-12	2-3
Automotive Technician I, II	11-12	1-3
Automotive Technician III, IV, V, VI	11-12	3
General Automotive Maintenance	11-12	1-3
G.M. Technician I, II	11-12	1-3
ABC Carpentry I, II	11-12	1-3
ABC Electrical I, II	11-12	1-3

Course Title(s)	Recommended Grade Level	Units
ABC Instrumentation Control Mechanic I, II	11-12	1-3
ABC Pipe Fitter I, II	11-12	1-3
ABC Welding Technology I, II	11-12	1-3
Masonry I, II	11-12	1-3
Cabinetmaking I, II	11-12	1-3
Carpentry I, II	11-12	1-3
Carpentry III, IV	11-12	2-3
Culinary Occupations I, II	11-12	1-3
Culinary Occupations III, IV	11-12	2-3
Custom Sewing I, II	11-12	1-3
Computer Electronics I, II	11-12	1-3
Computer Service Technology I, II	11-12	2-3
Commercial Art I, II	11-12	1-3
T & I Cooperative Education (TICE) I	11-12	1-3
T & I Cooperative Education (TICE) II	12	1-3
T & I Elective I	11-12	1-3
T & I Elective II	11-12	1-3
Cosmetology I, II	11-12	1-3
Cosmetology III, IV	11-12	2-3
Diesel Mechanics I, II	11-12	1-3
Diesel Mechanics III, IV	11-12	2-3
Drafting and Design Technology I, II	11-12	1-3
Drafting and Design Technology III, IV	11-12	2-3
Basic Electricity I, II	11-12	1-3
Electronics I, II	11-12	1-3
Industrial Electronics I, II	11-12	1-3
Electrician I, II	11-12	1-3
Electrician III, IV	11-12	2-3
Graphic Arts I, II	11-12	1-3
Graphic Arts III, IV	11-12	2-3
Horticulture I, II	11-12	1-3
Industrial Engines I, II	11-12	1-3
Laboratory Technology I, II	11-12	1-3
Industrial Machine Shop I, II	11-12	1-3
Industrial Machine Shop III, IV	11-12	2-3
Marine Operations I, II	11-12	1-3
Photography I, II	11-12	1-3
Networking Basics	10-12	2-3
Routers and Routing Basics	10-12	2-3
Switching Basics and Intermediate Routing	11-12	2-3
WAN Technologies	11-12	2-3
Plumbing I, II	11-12	1-3
Printing I, II	11-12	1-3
Sheet Metal I, II	11-12	1-3
Outdoor Power Equipment Technician I, II	11-12	1-3
Outdoor Power Equipment Technician III, IV	11-12	2-3
Television Production I, II	11-12	1-3
Upholstery I , II	11-12	1-3
Welding I, II	11-12	1-3
Welding III, IV	11-12	2-3
Hull Shipbuilding	11-12	0.5

B. - D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; R.S. 17:24.4.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1300 (June 2005), amended LR 32:1415 (August 2006), LR 33:1615 (August 2007), LR 34:2558 (December 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 via the U.S. Mail until 4:30 p.m., September 8, 2009, to Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Jeanette B. Vosburg
Acting Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—Trade and Industrial Education

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed amendment will include Hull Shipbuilding to Trade and Industrial Education course offerings. There should be no implementation costs except for an estimated $168 for printing the amendments in the *Louisiana State Register*. It is unknown if there are any costs to local governmental units. The LEA may choose to offer the new courses to students that may require updating course offerings or other counseling brochures. LEAs choosing to offer Hull Shipbuilding may need to purchase new textbooks, instructional materials or equipment. Each LEA will make its determination.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections by state/local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Students will be benefited by having additional choices to fulfill the requirements for high school graduation, assisting them in entering the workforce, which will improve the economy.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Employers could have a larger, trained, and qualified pool from which to select employees.

Beth Scioneaux
Deputy Superintendent
0907#094

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Out-of-State Principals
(LAC 28:CXXXI.721 and 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 746—Louisiana Standards for State Certification of School Personnel*, §721, Out-of-State Principal Level 1 (OSP1) and §723, Out-of-State Principal Level 2 (OSP2). This revision in the Out-of-State Principal policy will allow principal or assistant principal experience to be accepted for the issuance of OSP1 or 2 certificates and also clarifies the section of the policy that refers to state law or board policy. Current policy does not allow experience as an assistant principal to be accepted for the issuance of an Out-of-State Principal (OSP 1 or 2) certificates for individuals who have served as principals or assistant principals in other states. Current policy also does not clarify what other law or board policy a candidate must meet for certification.

Title 28
EDUCATION
Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel
Chapter 7. Administrative and Supervisory Credentials
Subchapter B. Out-of-State Administrative Certification Structure

§721. Out-of-State Principal Level 1 (OSP1)

A. This is a three year, non-renewable Louisiana certificate issued to an individual who holds comparable out-of-state certification as a principal or educational leader. It authorizes the individual to serve as a principal or assistant principal in a Louisiana public school system, and is issued when upon employment as a principal or assistant principal in a Louisiana public school system.

1. Eligibility requirements:

a. a valid out-of-state certificate as a principal or comparable educational leader certificate;

b. a minimum of two years of successful experience as a principal or assistant principal in another state, as verified by the previous out-of-state school district(s);

c. must have been regularly employed as an assistant principal or principal for at least one semester, or 90 consecutive days, within the five year period immediately preceding first employment in Louisiana. Lacking this, the applicant must earn six semester hours of credit in state-approved courses during the five year period immediately preceding issuance of the OSP1.

d. An applicant who has not been regularly employed for at least one semester, or 90 consecutive days, within the five year period immediately preceding first employment in Louisiana may be issued a one-year non-renewable (OSP) certificate while he/she completes six semester hours required for the issuance of a three-year non-renewable (OSP 1) certificate.

2. Louisiana Educational Leader Induction Program Requirements: Upon employment as a principal or an assistant principal in a Louisiana public school system, an individual holding an OSP1 certificate must enroll in the state-approved Educational Leader Induction Program under the direction of the Louisiana Department of Education. The individual has three years to complete the induction program.

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 32:1824 (October 2006), amended LR 35:

§723. Out-of-State Principal Level 2 (OSP2)

A. This certificate is valid for five years and is renewable every five years, based upon successful completion and verification of required continuing learning units.

1. Eligibility requirements:

a. a valid OSP1 certificate;

b. completion of Louisiana PRAXIS requirements (School Leaders Licensure Assessment (1010) Effective 7/1/06) or Educational Leadership: Administration and Supervision (0410) completed prior to 1/1/09; OR qualify for PRAXIS/NTE exclusion (as set forth in R.S. 17:7.1.(A)(7)) by fulfilling the following:

i. minimum of four years of successful experience as a principal in another state, as verified by the previous out-of-state school disctrict(s);

ii. completes one year of employment as a principal in a Louisiana public school system while holding the three-year OSP 1 certificate; and

iii. the local superintendent (or designee) of the employing Louisiana public school system has recommended him/her for continued administrative employment in the following school year.

c. completion of the Educational Leader Induction Program under the administration of the Louisiana Department of Education.

2. Renewal Requirements. To maintain a valid OSP2 certificate, the holder is required to complete 150 continuing learning units of professional development consistent with the Individual Professional Growth Plan (IPGP) over a five year time period, beginning with issuance date of the OSP2 certificate.

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 32:1825 (October 2006), 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 or 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? No.

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., September 8, 2009, to Nina Ford, State Board of Elementary and Secondary Education, P. O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Jeanette B. Vosburg
Acting Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This revision in the Out-of-State Principal policy will allow principal or assistant principal experience to be accepted for the issuance of OSP 1 or 2 certificates and also clarifies the section of the policy that refers to state law or board policy. The adoption of this policy will cost the Department of Education approximately $700 (printing and postage) to disseminate the policy.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This policy will have no effect on revenue collections

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 or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Beth Scioneaux	H. Gordon Monk
Deputy Superintendent	Legislative Fiscal Officer
0907#096	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Standard Certificates for Teachers in Nonpublic/Charter Schools
(LAC 28:CXXXI.315)

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* 746—*Louisiana Standards for State Certification of School Personnel:* §315. Standard Certificates for Teachers in Nonpublic/Charter Schools. This revision in policy would specify that any individual with the appropriate teaching experience may be issued a Level 2*, Level 3*, Type B*, or Type A* if they have been employed in a private or charter school. Current policy does not allow teachers in charter school settings who do not participate in the Louisiana Teacher Assistance and Assessment Program (LaTAAP) to receive a higher level certificate. The revision in policy would specify that any individual with the appropriate experience may be issued a Level 2*, Level 3*, Type B*, or Type A* if they have been employed in a private or charter school

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
§315. Standard Certificates for Teachers in Nonpublic/Charter Schools

A. A standard certificate with an asterisk (*) following the certificate type is issued to a teacher in a non-public school or charter school setting who has not participated in the state's Louisiana Teacher Assistance and Assessment Program (LaTAAP). The asterisk (*) refers to a statement printed at the bottom of the certificate: "If this teacher enters a public school system in Louisiana, he/she will be required to successfully complete the state teacher assessment program."

B. Level 2* (2-asterisk) Certificate—valid for five years and renewable with Continuing Learning Units (CLUs) of approved professional development during the five year period immediately preceding request for renewal.

1. Eligibility requirements:

a. a Louisiana Level 1 certificate;

b. successfully taught for three years in area(s) of certification;

c. completed a teacher assessment program for three years at the same nonpublic or charter school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. The request for the Level 2* certificate must be submitted directly to the Louisiana Department of Education by the Louisiana employing authority.

3. The Level 2* certificate is valid in a nonpublic or charter school setting. If the teacher enters a Louisiana public school system, he/she will be required to successfully complete the Louisiana Teacher Assistance and Assessment Program. Upon employment in a public school system, this teacher must begin to complete 150 clock hours of professional development over a five year period to renew the higher level certificate.

C. Level 3* (3-asterisk) Certificate—valid for five years and renewable with Continuing Learning Units (CLUs) of approved professional development during the five year period immediately preceding request for renewal.

1. Eligibility requirements:

a. a Louisiana Level 1 or Level 2* certificate;

b. successfully taught for five years in the area(s) of certification;

c. master's degree from a regionally accredited college or university; and

d. completed a teacher assessment program for three consecutive years at the same nonpublic or charter school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. The request for the Level 3* certificate must be submitted directly to the Louisiana Department of Education by the Louisiana employing authority.

3. The Level 3* certificate is valid in a nonpublic or charter school setting. If the teacher enters a Louisiana public school system, he/she will be required to successfully complete the Louisiana Teacher Assistance and Assessment Program. Upon employment in a public school system, this teacher must begin to complete 150 clock hours of professional development over a five year period to renew the higher level certificate.

D. Type B* (B-asterisk) Certificate—a lifetime nonpublic or charter school certificate for continuous service, provided the holder does not allow any period of five or more consecutive years of disuse to accrue in which he is not a regularly employed teacher for at least one semester, or 90 consecutive days, and/or certificate is not revoked by the Louisiana Board of Elementary and Secondary Education (BESE).

1. Eligibility requirements:

a. a Louisiana Type C certificate;

b. successfully taught for three years in area(s) of certification; and

c. completed a teacher assessment program for three consecutive years at the same nonpublic or charter school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. The request for the Type B* certificate must be submitted directly to the Louisiana Department of Education by the Louisiana employing authority.

3. The Type B* certificate is valid for life of continuous service in a nonpublic or charter school setting. If the teacher enters a Louisiana public school system, he/she will be required to successfully complete the Louisiana Teacher Assistance and Assessment Program.

E. Type A* (A-asterisk) Certificate—a lifetime nonpublic or charter school certificate for continuous service, provided the holder does not allow any period of five or more consecutive years of disuse to accrue in which he is not a regularly employed teacher for at least one semester, or 90 consecutive days, and/or certificate is not revoked by the State Board of Elementary and Secondary Education (BESE).

1. Eligibility requirements:

a. a Louisiana Type C, Type B, or Type B* certificate;

b. successfully taught for five years in the area(s) of certification;

c. master's degree from a regionally accredited college or university;

d. completed a teacher assessment program for three consecutive years at the same nonpublic or charter school, with the principal as evaluator and the teacher performance rated as satisfactory in the areas of planning, management, instruction, and professional development.

2. The request for the Type A* certificate must be submitted directly to the Louisiana Department of Education by the Louisiana employing authority.

3. The Type A* certificate is valid for life of continuous service in a nonpublic or charter school setting. If this teacher enters a Louisiana public school system, he/she will be required to successfully complete the Louisiana Teacher Assistance and Assessment Program.

F. Renewal Guidelines for Level 2* and Level 3* Certificates

1. A teacher must complete 150 continuing learning units (CLUs) of district-approved and verified professional development over the five year time period during which he/she holds the certificate, or during the five-year time period immediately preceding the request for renewal. The request for the Level 2* or Level 3* certificate must be submitted directly to the Louisiana Department of Education by the Louisiana employing authority.

2. A teacher with an existing Level 2* or Level 3* teaching certificate may renew that certificate based upon completion of NBC during the period of certificate validity, as satisfaction in full of the 150 CLUs required for renewal.

3. If the holder of an expired Level 2* or Level 3* certificate has not earned the required 150 CLUs of professional development, the expired certificate may be reactivated upon request of the Louisiana employing authority (at the level that was attained prior to expiration) for a period of one year, during which time the certificate holder must present evidence of successful completion of the required 150 CLUs to the Division of Teacher Certification and Higher Education. Failure to complete necessary CLUs during the one year reactivation period will result in an expired certificate that cannot be reinstated until evidence is provided of completed professional development requirements.

4. A Continuing Learning Unit (CLU) is a professional development activity that builds capacity for effective, research-based, content-focused teaching and learning that positively impacts student achievement. As a unit of measure, the CLU is used to quantify an educator's participation in a district- or system-approved, content-focused professional development activity aligned with the educator's individual professional growth plan.

a. Educators may earn one CLU for each clock hour of active engagement in a high quality professional development activity approved by the employing authority. Each educator is responsible for maintaining required documentation and for reporting earned CLUs in a manner prescribed by the employing authority. Earned CLUs transfer across Local Education Agencies (LEAs).

b. An educator who holds a Level 2* or Level 3* professional license is responsible for maintaining documentation regarding acquisition of 150 CLUs for purposes of renewal and for completing the necessary paperwork every five years to renew his/her license. Upon submission of the renewal application to the state, the employing authority must provide an assurance statement signed by the superintendent or his/her designee, with the required listing of earned CLUs as documented by the educator seeking licensure.

G. Reinstating Lapsed Levels 2* or 3*, Types B* or A* Certificates

1. If the holder of a Level 2*, Level 3*, Type B*, or Type A* certificate allows a period of five consecutive calendar years to pass in which he/she is not a regularly employed teacher for at least one semester, or 90 consecutive days, the certificate will lapse for disuse.

2. To reinstate a lapsed certificate, the holder must present evidence that he/she earned six semester hours of credit in state-approved courses (see Chapter 13) during the five year period immediately preceding request for reinstatement.

3. If the holder did not earn six semester hours or equivalent, the lapsed certificate may be reactivated upon request (at the level that was attained prior to disuse) for a period of one year, during which time the holder must complete reinstatement requirements.

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 32:1801 (October 2006), 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 or 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? No.

Interested persons may submit written comments via the U.S. Mail until 4:30 p.m., September 8, 2009, to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Jeanette B. Vosburg
Acting Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel—Standard Certificates for Teachers in Nonpublic/Charter Schools

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This revision in policy would specify that any individual with the appropriate teaching experience may be issued a Level 2*, Level 3*, Type B*, or Type A* certificate if they have been employed in a private or charter school. The adoption of this policy will cost the Department of Education approximately $700 (printing and postage) to disseminate the policy.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This policy will have no effect on revenue collections.

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 or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Beth Scioneaux	H. Gordon Monk
Deputy Superintendent	Legislative Fiscal Officer
Management and Finance	Legislative Fiscal Office

0907#084

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs
(LAC 28:XLV.Chapters 1-5)

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 996—Standards for Approval of Teacher and or Educational Leader Preparation Programs*. This document replaces in its entirety any previously advertised versions. This revised policy will: (1) clarify the process for state approval and national accreditation; (2) allow the Teacher Education Accreditation Council (TEAC) as an option for national accreditation in addition to NCATE. Current policy explains the steps that institutions of higher education must follow to achieve state approval and national accreditation by meeting standards prescribed by the National Council for the Accreditation of Teacher Education (NCATE). Currently, NCATE is the only option for national accreditation. The proposed revisions will allow greater flexibility to Louisiana higher education institutions regarding national accreditation.

Title 28
EDUCATION
Part XLV. Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs

Chapter 1. Introduction

§101. Guidelines

A. Bulletin 996 is intended to guide public and private higher education institutions in the development and review of new and existing teacher and/or educational leader preparation programs, to guide visiting committees in their evaluations of teacher and/or educational leader preparation programs in Louisiana, and to inform all interested persons of the Louisiana standards for teacher preparation programs and the procedures for program evaluation.

B. There are four levels associated with the approval process for new and existing teacher and/or educational leader preparation programs. These levels are described in

more detail in Chapter 2, Sections 203-209 of this document. A brief description of the approval process follows:

1. The approval process begins with the development and submission of a proposal to establish a teacher and/or educational leader preparation program.

2. Level I begins when this proposal is approved and culminates in the approval of Level II documents. Teacher and/or educational leader preparation programs may remain at Level I for one year. A one-year extension is possible, with Board of Elementary and Secondary Education (BESE) approval. During Level I, teacher and/or educational leader preparation programs may admit candidates.

3. Level II begins upon approval of Level II documents developed during Level I and culminates with notification of eligibility for national accreditation. Teacher and/or educational leader preparation programs will remain at Level II for one to three years. A one-year extension is possible, with BESE approval. During Level II, teacher and/or educational leader preparation programs may recommend candidates for certification.

4. Level III begins with eligibility for national accreditation. Teacher and/or educational leader preparation programs must host a visit with a national accrediting agency within three years of eligibility. Level III culminates with national accreditation.

5. Level IV is full state approval. This level requires having met all state standards and having received national accreditation.

The approval process begins with the development and submission of a proposal to establish a teacher and/or educational leader preparation program.			
Stage	Documentation	Duration	Action
Level I	Initial proposal is approved. Programs begin preparation of Level II documents.	Programs have one year to submit Level II documents. A one-year extension is possible with prior approval by BESE.	The program may begin to admit candidates.
Level II	Level II documents approved. Programs prepare documentation and apply for national accreditation.	One to three years. A one-year extension is possible with prior approval by BESE.	Program may recommend candidates for certification.
Level III	Program is eligible for national accreditation. Program prepares for accreditation visit.	One to three years	Program must host a joint visit with a national accrediting agency and state representatives.
Level IV	Program receives national accreditation, meets all state standards, and receives full state approval.	For as long as the program maintains national accreditation and state approval.	Program follows national accrediting agency's guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6), R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1730 (August 2002), amended LR 30:2453 (November 2004), LR 35:

§103. National Accreditation Standards

A. Accreditation standards established by a national accrediting agency, formally recognized by the U.S. Department of Education (USDOE) and the Council for Higher Education (CHEA) and recognized through a state partnership agreement must be met for national accreditation and for state approval of teacher and/or educational leader preparation programs.

B. These standards focus on the overall quality of the professional education unit, with emphases on policies, procedures, candidates, assessment, field experiences, clinical practice, governance, administration, staffing, and resources.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6), R.S. 17:7.2

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1731 (August 2002), amended LR 30:2452 (November 2004), LR 35:

§105. State Adoption of National Accreditation Standards

A. The state has adopted the standards prescribed by the National Council for the Accreditation of Teacher Education (NCATE). These standards are available on the NCATE website (www.ncate.org).

B. The state has adopted the Teacher Education Accreditation Council's (TEAC) Principles and Standards. These principles and standards are available on the TEAC Web site (www.teac.org).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7(6), R.S. 17:7.2,

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1731 (August 2002), amended LR 30:2454 (November 2004), LR 35:

§107. The Partnership Agreements

A. In September 1999, BESE authorized Cecil J. Picard, State Superintendent of Education, to sign a five-year partnership agreement between the state and the NCATE to conduct joint state program approval and NCATE unit accreditation reviews. Implementation began in 2000 with visits to Louisiana institutions of higher education. In Fall 2004 the agreement was re-authorized for seven years. The NCATE/State Partnership Agreement formalizes current practice and provides the state greater input into the review process.

B. In May 2009, BESE authorized Paul Pastorek, State Superintendent of Education, to sign the partnership agreement between the state and the Teacher Education Accreditation Council (TEAC) to conduct joint state program approval and TEAC Academic Audits. Implementation will begin in Fall 2009 with academic audits at Louisiana institutions of higher education. The TEAC/State Partnership Agreement formalizes the TEAC accreditation process and provides the state greater input into the review process.

C. Teacher and/or educational leader preparation programs at public and private institutions of higher education must pursue accreditation by one of these state-approved national accrediting agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1733 (August 2002), amended LR 30:2456 (November 2004), LR 35:

§109. State Standards

A. The Louisiana State Standards for Teachers are unique to Louisiana education initiatives.

B. State standards must be met for state approval of teacher preparation programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1731 (August 2002), amended LR 30:2452 (November 2004), LR 35:

Chapter 2. State Approval for Public and Private Teacher and/or Educational Leader Preparation Units

§201. Process/Procedures

A. The Louisiana Department of Education (LDOE) and Board of Regents (BOR) staff reviews proposals from public and private, new or reinstated teacher and/or educational leader preparation units/programs for entry into Level I and Level II. When an application is judged satisfactory, a recommendation is made to BESE and BOR for approval to enter the appropriate level. Upon approval by BESE and BOR, the teacher and/or educational leader preparation program will move to the appropriate level.

B. The state may conduct scheduled and/or unscheduled reviews of the teacher and/or educational leader preparation unit/ program, including on-site visits, at any time during the process.

C. Public and out-of-state private institutions must submit duplicate documents to the Board of Regents for program approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2452 (November 2004), amended LR 35:

§203. Level I Approval

A. Level I is entered upon approval by BESE and BOR of a proposal submitted to the Department of Education's division of teacher certification and preparation.

B. For public and private institutions of higher education, the proposal will include the following items:

1. official declaration of intent in the form of a letter from the head of the institution;

2. evidence of regional accreditation status (e.g. Southern Association of Colleges and Schools);

3. a narrative that follows state-approved guidelines, which are available from the Louisiana Department of Education or the Board of Regents. These guidelines include:

a. documentation describing general education classes (e.g., number of general education course hours by discipline and catalog course descriptions) according to Bulletin 746 and Title 17 of the Louisiana Revised Statutes, Sections 7.1 and 7.2;

b. documentation describing certification areas to be offered, with required courses to meet state certification requirements, according to Bulletin 746 and Title 17 of the Louisiana Revised Statutes, Sections 7.1 and 7.2.

c. evidence of collaboration with school districts, including a plan for development of an advisory board of community, district and university representatives. The written plan should describe how the council would be used and should name members and/or potential members;

d. evidence to show that the institution's governing structure will endorse and financially support a teacher and/or educational leader preparation unit and programs (e.g., budget detail showing funding sources);

e. documentation showing expertise of individuals directed to guide the unit and its programs (e.g., vitae of the dean or chair, department heads, director of field experiences, faculty, etc.);

f. an articulation agreement to transfer credit hours with another Louisiana-approved teacher and/or educational leader preparation institution that agrees to recommend the institution's candidates for certification, as needed, for continuous progress and program completion.

C. Upon BESE and BOR approval of the proposal, the institution is authorized, for a period of up to one year, to proceed with developing the teacher and/or educational leader preparation unit and programs identified in the proposal, and to admit candidates to programs. This does not authorize the recommendation of graduates for certification.

D. External reviews of education programs by a team comprised of national consultants and Board of Regents and LDOE staff will be conducted to ensure adherence to guidelines developed and approved by LDOE and the Board of Regents.

E. The institution must apply for Level II approval within one year, or receive a one-year extension of Level I from BESE to address unforeseen circumstances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2453 (November 2004), amended LR 35:

§205. Level II Approval

A. Level II authorizes the institution to recommend candidates for certification, and begins with the joint review by the Louisiana Department of Education and Board of Regents and approval by BESE of the following items submitted to the LDOE's division of teacher certification and preparation:

1. a narrative describing the missions of the institution and the teacher and/or educational leader preparation program, reflecting that the program is an integrated and integral part of the university. The narrative should specify beliefs that drive the institution and unit and may include the knowledge bases from which these beliefs developed;

2. a written description of the professional education unit or education program that is primarily responsible for the preparation of teachers and other professional education personnel. This may be a chart or a narrative that specifies all professional education programs offered by the institution and degrees awarded for each program, and an organizational chart showing the professional education unit's or education program's relationship to other administrative units within the institution;

3. evidence that a dean, director, or chair is officially designated to represent the education unit or education program and has been assigned authority and responsibility for its overall administration and operation (e.g., a job description for the head of the professional education unit or education program);

4. evidence of written policies and procedures that guide education unit or education program operation, including policies or procedures pertaining to candidates. This may be submitted as hard copy (e.g., catalogs, handbooks) or as instructions for accessing a website;

5. a description of the education unit's or education program's system of monitoring and evaluating its candidates, programs, operations, and the performance of its graduates. This will reflect how the education unit or education program will assess programs, unit effectiveness, and candidates as well as how the education unit or education program will provide follow-up data on its graduates;

6. instrument(s) for assessing candidates for admission to and exit from the teacher and/or educational leader preparation program. This would include requirements for entrance to teacher and/or educational leader preparation programs, through transition points, and for successful program completion as well as procedures for remediation, if necessary;

7. full budget report for the implementation of programs, including internal and external sources of funding, and including both hard and soft monies.

B. Level II must be completed within a period of one to three years. The BESE may grant only one extension, for a period of one year, when problems are identified that require solution prior to notification of intent to seek full state approval and national accreditation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2453 (November 2004), amended LR 33:2607 (December 2007), LR 35:

§207. Level III Approval

A. Level III begins when the teacher and/or educational leader preparation program is notified by the accrediting agency that it is eligible for candidacy for national accreditation.

B. A copy of the verification from the national accrediting agency must be submitted to the Louisiana Department of Education's division of teacher certification and preparation.

C. Within three years or less from the time at which an institution is notified of eligibility for candidacy, the unit must host a joint visit with a national accreditation agency and state representatives. (See guidelines provided by state-approved national accrediting agencies, identified in §107 of this document.)

D. The institution remains in Level III until the accreditation process is complete.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2454 (November 2004), amended LR 33:2608 (December 2007), LR 35:

§209. Level IV Approval

A. Level IV begins with notification of final accreditation by the national accrediting agency.

B. The LDOE's division of teacher certification and preparation receives notification of accreditation of the teacher and/or educational leader preparation program by the national accrediting agency. The LDOE will verify that the teacher and/or educational leader preparation program meets state standards and will forward this information to BESE for final state approval.

C. The BESE will notify the institution of final state approval.

D. The national accrediting agency defines the cycle for continued accreditation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2454 (November 2004), amended LR 33:2608 (December 2007), LR 35:

Chapter 3. Louisiana State Standards for Teacher Preparation Programs

§301. Introduction

A. Each teacher preparation program seeking approval from the Board of Elementary and Secondary Education (BESE) is required to incorporate and adhere to the NCATE standards or TEAC's Principles and Standards and to track closely the NCATE or TEAC accreditation process. It is the responsibility of the teacher preparation program to prepare and present a clear description of how it is responding to each of the Louisiana Standards within the accreditation process.

B. The rubrics, as listed, develop a continuum of quality regarding a beginning teacher's ability to meet effectively the requirements of the five domains in *The Louisiana Components of Effective Teaching*. The integration of the Louisiana Content Standards is to be evidenced in the teacher education curricula of each teacher education unit. Each teacher education program must show evidence of integration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1733 (August 2002), amended LR 30:1622 (August 2004), LR 30:2456 (November 2004), LR 35:

Chapter 4. The Components of Effective Teacher Preparation

Subchapter A. Standard A: Candidates Provide Effective Teaching for All Students

§401. Planning

A. Candidates at both the initial and advanced levels of the Teacher Education Program Provide Effective Instruction and Assessment for All Students

1. The teacher education program provides candidates[1] at both the initial and advanced levels with knowledge and skills in the following planning processes: specifying learner outcomes, developing appropriate activities which lead to the outcomes, planning for individual differences, identifying materials and media for instruction, specifying evaluation strategies for student achievement, and developing Individualized Education Plans (IEPs) as needed.

Unacceptable	Acceptable	Target
Candidates recognize the components of planning and know that they are expected to meet the learning needs of each student.	Candidates demonstrate knowledge of the steps in developing plans to meet the learning needs of each student.	Candidates develop and implement plans as needed to meet the learning needs of each student.

[1]Candidates. Individuals admitted to or enrolled in programs for the First preparation of teachers. Candidates are distinguished from students in P-12 school.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1734 (August 2002), amended LR 30:2457 (November 2004), LR 35:

§403. Management

A. The teacher education program provides candidates at both the initial and advanced levels with knowledge and skills in the management component, which includes maintaining an environment conducive to learning, maximizing instructional time, and managing learner behavior.

Unacceptable	Acceptable	Target
Candidates understand various approaches to classroom/behavior management.	Candidates create a positive learning environment, maximize instructional time, and manage learner behavior.	Candidates create a positive learning environment, maximize instructional time, and manage learner behavior, making adjustments as necessary to meet the learning needs of each student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1734 (August 2002), amended LR 30:2457 (November 2004), LR 35:

§405. Instruction

A. The teacher education program provides candidates at both the initial and advanced levels with skills for delivering effective instruction, presenting appropriate content, providing for student involvement, and assessing and facilitating student growth.

Unacceptable	Acceptable	Target
Candidates recognize the components of instruction that meet the learning needs of each student.	Candidates demonstrate use of instructional components that meet the learning needs of each student.	Candidates demonstrate effective instruction that results in positive learning outcomes for each student.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1734 (August 2002), amended LR 30:2457 (November 2004), LR 35:

§407. Curriculum

A. The teacher education curricula provide candidates at both the initial and advanced levels with knowledge and skills to effectively incorporate the Louisiana Content Standards and Grade Level Expectations in instructional delivery.

Unacceptable	Acceptable	Target
Candidates understand the basic components of the Louisiana Content Standards and Grade Level Expectations.	Candidates demonstrate knowledge of the Louisiana Content Standards and Grade Level Expectations in lessons for each content area they are preparing to teach.	Candidates implement instruction and assessment reflective of content standards, grade level expectations, local curricula, and each student's needs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1734 (August 2002), amended LR 30:2457 (November 2004), LR 31:2427 (October 2005), LR 35:

§409. Curriculum–Reading (Specifically but not Exclusively for K-3 Teachers)

A. The teacher education program provides candidates at both the initial and advanced levels with knowledge and skills in the Louisiana Reading Competencies and the curriculum process.

Unacceptable	Acceptable	Target
Candidates understand the components of the Louisiana Reading Competencies.	Candidates utilize the Louisiana Reading Competencies in K-12 classrooms.	Candidates effectively utilize the Louisiana Reading Competencies in K-12 classrooms to impact learning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1734 (August 2002), amended LR 30:2457 (November 2004), LR 31:2427 (October 2005), LR 35:

§411. Curriculum—Mathematics (Specifically but not exclusively for K-3 teachers)

A. The teacher education program provides candidates at both the initial and advanced levels with knowledge and skills in the curriculum process.

Unacceptable	Acceptable	Target
Candidates understand the elements of reform mathematics.	Candidates use reform mathematics content and pedagogy in providing instruction.	Candidates effectively use reform mathematics content and pedagogy in instruction and assessment, including the use of manipulatives and/or the application of content to real life situations, resulting in improved student learning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1735 (August 2002), amended LR 30:2458 (November 2004), LR 35:

§413. Technology

A. The teacher education program provides candidates at both initial and advanced levels with skills to plan and deliver instruction that integrates a variety of software, applications, and related technologies appropriate to the learning needs of each student.

Unacceptable	Acceptable	Target
Candidates understand how to use technology.	Candidates create and use instruction and assessment that integrate technology into the curriculum.	Candidates effectively integrate technology into the curriculum with instruction and assessment that result in improved student learning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1735 (August 2002), amended LR 30:2458 (November 2004), LR 35:

§415. Professional Development

A. The teacher education program provides candidates at both the initial and advanced levels with information and skills for planning professional self-development.

Unacceptable	Acceptable	Target
No evidence exists that candidates were exposed to the need for ongoing professional development.	Candidates plan and pursue professional development activities required by the university and/or first employing school system.	Candidates develop an individualized professional development plan based upon their self-assessment, reflection, and long term professional goals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1735 (August 2002), amended LR 30:2458 (November 2004), LR 35:

§417. School Improvement

A. The teacher education program provides candidates at both the initial and advanced levels with preparatory experiences in school improvement that includes taking an active role in school decision-making and creating relevant partnerships.

Unacceptable	Acceptable	
Candidates understand the processes of school improvement.	Candidates review and are familiar with school improvement efforts at the school and district levels.	Candidates participate in school improvement efforts by serving on committees and forming partnerships with community groups.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1735 (August 2002), amended LR 30:2458 (November 2004), LR 35:

Subchapter B. Standard B: Candidates and/or Graduates of Teacher Education Programs Participate in the Accountability and Testing Process

§419. School and District Accountability System

A. The teacher education program provides candidates at both the initial and advanced levels with knowledge and skills regarding the utilization of the Louisiana School and District Accountability System (LSDAS).

Unacceptable	Acceptable	Target
Candidates understand the basic components of the LSDAS.	Candidates investigate documents, data, and procedures used in LSDAS.	Candidates take an active role in the school growth process as related to the LSDAS.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1735 (August 2002), amended LR 30:2458 (November 2004), LR 35:

§421. Testing

A. The teacher education program provides candidates at both the initial and advanced levels with information on the Louisiana Educational Assessment Program (LEAP 21) to enhance their testing and measurement practices related to learning and instruction.

Unacceptable	Acceptable	Target
Candidates understand the basic components of the Louisiana Educational Assessment Program (LEAP 21).	Candidates plan and implement instruction that correlates with LEAP 21.	Candidates interpret LEAP 21 test data and apply results to impact student achievement positively.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1735 (August 2002), amended LR 30:2458 (November 2004), LR 35:

Chapter 5. Identifications of Acronyms

§501. Acronyms

A. Listed below are the full identifications of acronyms used in this publication.

BESE—Board of Elementary and Secondary Education

BOR—Board of Regents

CHEA—Council for Higher Education

IEP—Individualized Education Plan

K-3—Kindergarten through 3rd grade

K-12—Kindergarten through 12th grade

LDOE—Louisiana Department of Education

LEAP 21—Louisiana Educational Assessment Program for the 21st century

LSDAS—Louisiana School and District Accountability System

NCATE—National Council for the Accreditation of Teacher Education.

P-12—Pre-kindergarten through 12th grades

TEAC—Teacher Education Accreditation Council

USDOE—U.S. Department of Education

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10); R.S. 17:7(6), R.S. 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:1736 (August 2002), amended LR 30:2459 (November 2004), 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 via the U.S. Mail until 4:30 p.m., September 8, 2009, to Nina Ford, State Board of Elementary and Secondary Education, P. O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Jeanette B. Vosburg
Acting Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This revised policy will: (1) Clarify the process for state approval and national accreditation; (2) Allow the Teacher Education Accreditation Council (TEAC) as an option for national accreditation in addition to NCATE. The adoption of this policy will cost the Department of Education approximately $700 (printing and postage) to disseminate the policy.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This policy will have no effect on revenue collections.

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 or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Beth Scioneaux	H. Gordon Monk
Deputy Superintendent	Legislative Fiscal Officer
0907#097	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities (LAC 28:XCVII.Chapters 1-9)

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 1530—Louisiana's IEP Handbook for Students with Exceptionalies.* This document replaces in its entirety any previously advertised version and amends the title of the bulletin. *Louisiana's IEP Handbook for Students with Exceptionalities* outlines the legal procedures of the IEP process as mandated by the *Individuals with Disabilities Education Act (IDEA)* and R.S. 17:1941 et seq., and other regulations. The handbook provides information regarding the Individualized Education Program (IEP)—the basis for educational programming for students with exceptionalities in Louisiana. *Bulletin 1872, Extended School Year Program Handbook*, and *Bulletin 1891, Louisiana's IEP Handbook for Gifted/Talented Students*, will be repealed, and information from the bulletins has been integrated into the IEP Handbook.

Title 28
EDUCATION
Part XCVII. Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities
Chapter 1. Individualized Education Program (IEP)
§101. Introduction

A. *Louisiana's IEP Handbook for Students with Exceptionalities* outlines the legal procedures of the IEP process as mandated by the *Individuals with Disabilities Education Act* (IDEA) and Revised Statute 17: 1941, et seq., and their regulations. The handbook provides information regarding the Individualized Education Program (IEP)—the basis for educational programming for students with exceptionalities in Louisiana. *Bulletin 1872, Extended School Year Program Handbook*, and *Bulletin 1891, Louisiana's IEP Handbook for Gifted/Talented Students*, have been repealed, and information from the bulletins has been integrated into the IEP Handbook. The IEP, including the Gifted/Talented IEP and Services Plan for students parentally placed in private schools, shall be developed using a format approved by the Louisiana Department of Education (LDE).

B. The term *exceptionalities* used in this document includes all disabilities identified under IDEA, including gifted and/or talented as defined in state law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§103. Free Appropriate Public Education (FAPE)

A. A student is initially determined to have an exceptionality through the full and individual initial evaluation process. The responsibility for making a formal commitment of resources to ensure a free appropriate public education (FAPE) for a student identified as exceptional rests with the local education agency (LEA) in which the student resides.

B. The LEA is responsible for initiating the assurance of FAPE regardless of whether the LEA will:

1. provide all of the service directly or through interagency agreements, or
2. place the student in another LEA or in a private school facility, or
3. refer the student to another LEA for educational purposes.
4. This does not apply to students who are parentally placed in private schools.

C. The LEA is required to offer FAPE to those students with disabilities ages 3 through 21 years.

1. The child is eligible for FAPE on his 3rd birthday.
2. The responsibility for providing services to a student identified as exceptional continues until:
   a. the student receives a state diploma; or
   b. the student reaches his or her 22nd birthday. When the 22nd birthday occurs during the course of the regular school session, and all action steps in the transition plan have not been completed, the student should be allowed to remain in school for the remainder of the school year.

D. The LEA is not responsible for providing FAPE when, after carefully documenting that the agency has offered FAPE via an IEP, the parents choose to voluntarily

enroll the student elsewhere or indicate their refusal of special educational services. Documentation of these parental decisions should be kept on file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§105. Timelines

A. An initial evaluation is considered "completed" when the written report has been disseminated by the pupil appraisal staff to the administrator of special education programs. A LEA has a maximum of 30 calendar days to complete the IEP/placement document for an eligible student. During this time, two activities shall take place and be documented.

1. Written Notice. Written notice that the LEA proposes to provide FAPE through the IEP process shall be given to the parents.

a. The notice shall be provided in the parents' native language or shall be given using other means of communication, whenever necessary, to ensure parental understanding.

b. The notice shall indicate the purpose, time, and location of the IEP Team meeting; who will be in attendance; when a LEA IEP Team member needs to be excused from attending the meeting; the parents' right to take other participants to the meeting; the student's right to participate (when appropriate); and the name of the person in the LEA the parents can contact when they have questions or concerns.

c. The notice shall explain the procedural safeguards available to the parents; that they can negotiate the time and place of the IEP Team meeting; that they have the right to full and meaningful participation in the IEP decision-making process, know their consent is required before initial placement will be made and that all information about the student shall be kept confidential.

d. When it appears that a student with a disability may be eligible to participate in one of the alternate assessments, the notice shall explain that data appear to support the student's participation in alternate assessment, and that the decision for participation will be made with the parents at the IEP Team meeting.

e. Additionally, when the LEA has not already done so, the parents shall be informed of their right to an oral explanation of the evaluation report and of their right to an independent education evaluation (IEE) when the parents disagree with the current evaluation.

f. In the case of a child who was previously served under Part C, an invitation to the initial IEP Team meeting, at the request of the parent, will be sent to the Part C service coordinator or other representative of the Part C system to assist with the smooth transition of services. This only pertains to students with disabilities.

2. An IEP Team meeting that result in a completed IEP/placement document shall be held. This meeting should be a vehicle for communication between parents and school personnel to share formal and informal information about the student's needs, educational projections, and services that will be provided to meet the student's needs. The completed IEP/placement document is a formal record of the IEP Team's decisions. The timeline for completion of the document is intended to ensure that there is no undue delay in providing a free appropriate public education (FAPE) for the student. The IEP form is considered official when the parent and the Official Designated Representative (ODR) sign the document.

a. The IEP Team should consider parental correspondence to the school regarding the student's learning environment, any notes from previous parental conferences, and any data gathered during the screening and evaluation period in the development of the IEP.

b. Implementation of the IEP means that the student begins participating in special education and related services as written on the IEP/placement document. A LEA shall begin providing services as stated on the IEP as soon as possible but no later than ten (10) school days. The date of initiation of services shall be noted on the IEP.

B. Additional Notes about Timelines

1. Summer Recess. When an initial evaluation report has been completed within the 30 days prior to the summer recess or during the recess, the LEA may request, through written documentation, parental approval to delay the initial IEP Team meeting until the first week of the next school session. However, when the parents wish to meet during the summer recess, the LEA shall ensure that the appropriate IEP Team members are present.

2. Children with Disabilities Approaching Age 3

a. Children with disabilities receiving Part C services (EarlySteps) who are “turning three-years-old” suspected of being eligible for Part B services shall be referred to the LEA when the child is 2 years, 2 months through 2 years, 9 months of age. The Part C Family Service Coordinator will notify the LEA of the date for the transition meeting to determine whether the student shall be evaluated for Part B services. The LEA will begin the evaluation process to determine eligibility. When the child meets eligibility criteria according to *Bulletin 1508, Pupil Appraisal Handbook*, the IEP Team must develop and implement the IEP by the child's third birthday.

b. If the child's birthday occurs during the summer months, the child's IEP team will determine the date when services will begin. Services shall begin no later than the start of the next school year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§107. IEP Team Participants

A. At any IEP Team meeting, the following participants shall be in attendance: an officially designated representative of the LEA, the student's regular education and special education teachers, the student's parents, and a person knowledgeable about the student's evaluation procedures and results. The student, as well as other individuals the parents and/or LEA may deem necessary, should be given the opportunity to attend. Documentation of attendance is required.

1. An officially designated representative (ODR) of the LEA is one who is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with exceptionalities, is knowledgeable about the general education curriculum, and is knowledgeable about the availability of resources of the LEA. The LEA may also designate another LEA member of the IEP Team to serve as the agency representative, when the

above criteria are satisfied. A LEA shall have on file and shall disseminate within the agency a policy statement naming the kinds of persons who may act as the official representative of the LEA. Representatives may include the director/supervisor of special education, principals, instructional strategists, teachers, or any other LEA employee certified to provide or supervise special educational services. A member of the student's evaluation team may serve in this capacity. A special education teacher may not serve as the ODR for a student's IEP when he or she is also the student's teacher.

2. Parents are equal participants in the IEP process in discussing the educational and related services needs of the student and in deciding which placement and other services are appropriate. As such, one or both of the student's parents should participate in the initial IEP/placement meeting(s). Other team members shall rely on parents to contribute their perspective of the student outside of school. Parental insight about the student's strengths and support needs, learning style, temperament, ability to work in various environments, and acquired adaptive skills is of vital importance to the team in making decisions about the student's needs and services. The concerns of the parents for enhancing the education of their child shall be documented in the IEP.

a. Parent is defined as a biological or adoptive parent of a child; a foster parent; a guardian, generally authorized to act as the child's parent or authorized to make educational decisions for the child, but not the state if the child is a ward of the state; an individual acting in the place of a biological or adoptive parent of a child (including a grandparent, stepparent, or other relative) with whom the child lives or an individual who is legally responsible for the child's welfare; or a surrogate parent who has been appointed to act in the child's behalf.

b. The LEA shall take measures to ensure that parents and all other team members, including sensorially impaired and non-English-speaking participants, can understand and actively participate in discussions and decision-making. These measures (i.e., having an interpreter or translator) should be documented. LEAs shall further ensure that, for those parents who cannot physically attend the IEP Team meetings, every effort is made to secure parental participation.

c. However, if every documented attempt fails and the IEP/placement document is developed without parental participation, the parents still shall give written informed consent for initial placement before any special education or related services may begin.

i. When conducting IEP Team/placement meetings, the parents of a student with an exceptionality and the LEA may agree to use alternative means of meeting participation such as videoconferences and conference calls.

ii. Visits may be made to the parents' home or place of employment to receive parental suggestions.

iii. Electronic mail. A parent of a student with an exceptionality may elect to receive notices/communication by electronic mail communication, if the LEA makes that option available. Documentation of these communiqués should be kept in the student's IEP folder.

d. When a student with an exceptionality has a legal guardian or has been assigned a surrogate parent by the LEA, that person assumes the role of the parent during the IEP process in matters dealing with special educational services. When a student with an exceptionality is emancipated, parental participation is not mandated. Additionally, when the LEA has been informed that a parent is legally prohibited from reviewing a student's records, that parent may not attend the IEP Team meetings without permission of the legal guardian.

e. Beginning at least one year before the student reaches the age of majority, by the student's seventeenth birthday; the parents will be informed that the rights under Part B of the Act will transfer to the student, unless the student is determined incompetent under state law.

3. An evaluation representative is a required participant at an initial IEP Team meeting. The person may be a member of the pupil appraisal team that performed the evaluation or any person knowledgeable about and able to interpret the evaluation data for that particular student. The evaluation coordinator who coordinated the activities for the reevaluation shall be present at the next scheduled IEP Team meeting when there is a change in classification, or initiation of additional services, or more restrictive environment is proposed for the student. For gifted and/or talented reevaluations, the gifted or talented teacher may serve as the evaluation coordinator.

4. A regular education teacher is at least one of the student's regular teachers (when the student is, or may be, participating in the regular education environment). The teacher must, to the extent appropriate, participate in the development, review, and revision of the student's IEP, including the determination of accommodations, appropriate positive behavioral interventions, supports and other strategies, the determination of supplementary aids and services, program modifications, and supports for school personnel that will be provided for the student.

5. A special education teacher is at least one of the student's special education teachers, or when appropriate, at least one special education provider of the student.

a. When a student's only disability is speech or language impairment, then the speech/language pathologist is considered the special education provider.

6. The student should be given the opportunity to participate in the development of the IEP. In many cases, the student will share responsibility for goals and objectives.

a. The LEA shall invite a student with a disability at any age to attend his or her IEP Team meeting if the purpose of the meeting will be the consideration of postsecondary goals and the transition services needed in reaching those goals. The LEA shall invite the student and, as part of the notification to the parents of the IEP Team meeting, inform the parents that the LEA will invite the student to the meeting.

b. Beginning at least one year before the student reaches the age of majority, by the student's seventeenth birthday, the student shall be informed that his or her rights under Part B of the Act will transfer to him or her unless he or she has been determined incompetent under state law.

7. Other individuals can be invited, at the discretion of the parent or LEA, who have knowledge or special expertise regarding the student, including related service personnel as appropriate. The LEA also shall inform the parents of the right of both the parents and the agency to invite other individuals who have knowledge or special expertise

regarding the child, including related service personnel as appropriate to be members of the IEP Team. The LEA may recommend the participation of other persons when their involvement will assist in the decision-making process.

a. It is also appropriate for the agency to ask the parents to inform the agency of any individuals the parents will be inviting to the meeting. Parents are encouraged to let the agency know whom they intend to invite. Such cooperation can facilitate arrangements for the meeting and help ensure a productive, child-centered meeting.

b. The determination of the knowledge or special expertise of any individual described above shall be made by the parent or LEA who invited the individual to be a member of the IEP Team.

c. When the LEA responsible for the initial IEP/placement process considers referring or placing the student in another LEA, the responsible LEA must ensure the participation of a representative of the receiving LEA at the IEP Team meeting.

d. The LEA shall ensure the attendance of a representative of a private school when the student is voluntarily enrolled in a private school. When the representative cannot attend, the LEA shall use other methods to ensure participation by the private school or facility, including individualized or conference telephone calls.

B. IEP Team Member Excusal

1. A member of the IEP Team is not required to attend an IEP Team meeting, in whole or in part, when the parent of the student with an exceptionality and the public agency agree, in writing, that the attendance of the member is not necessary because the member's area of the curriculum or related services is not being modified or discussed in the meeting.

2. A member of the IEP Team may be excused from attending an IEP Team meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of the curriculum or related services, when:

a. the parent, in writing, and the public agency consent to the excusal; and

b. the member submits, in writing to the parent and the IEP Team, input into the development of the IEP prior to the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§109. Accessibility of the Student's IEP

A. The student's IEP is accessible to each regular education teacher, special education teacher, related services provider, and any other service provider who is responsible for its implementation, and

1. Each teacher and provider is informed of

a. his or her specific responsibilities related to implementing the student's IEP; and

b. the specific accommodations, modifications, and supports that shall be provided for the student in accordance with the IEP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§111. The Three Types of IEPs for Students with Exceptionalities

A. The *Initial IEP* is developed for a student with an exceptionality who has met criteria for one or more exceptionalities outlined in *Bulletin 1508, Pupil Appraisal Handbook* and who has never received special educational services, except through an interim IEP, from an approved Louisiana school/program.

B. The *Review IEP* is reviewed and revised at least annually or more frequently to consider the appropriateness of the program, placement, progress in the general education curriculum and any related services needed by the student.

C. The *Interim IEP* shall be developed for students who have severe or low incidence impairments documented by a qualified professional concurrent with the conduct of an initial evaluation according to *Bulletin 1508, Pupil Appraisal Handbook*.

1. An interim IEP may also be developed for students who have been receiving special educational services in another state concurrent with the conduct of an initial evaluation.

2. An interim IEP may also be developed concurrent with the conduct of an initial evaluation for a student out-of-school, including students ages three- through- five, who are suspected of having a disability and for former special education students, through the age of twenty-two, who have left a public school without completing their public education by obtaining a state diploma.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§113. IEP Amendments

A. In making changes to a student's IEP after the annual IEP Team meeting for a school year, the parent of a student with a disability and the public agency may agree not to ~~a~~ convene an IEP Team meeting for the purposes of making those changes, and instead may amend or modify the student's current IEP.

1. Procedural safeguards for reconvening the IEP Team meeting shall be followed.

2. If changes are made to the student's IEP, the LEA must ensure that the student's IEP Team is informed of those changes.

3. Changes to the IEP may be made either by the entire IEP Team at an IEP Team meeting or by amending the IEP rather than by redrafting the entire IEP.

4. A parent must be provided with a revised copy of the IEP with the amendments incorporated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§115. Placement Considerations

A. The IEP Team, following a discussion of the student's educational needs, shall choose a setting in which the educational needs will be addressed. The official designated representative shall be knowledgeable about placement considerations and shall be responsible for informing the IEP Team members. The IEP Team, including the parent, shall participate in discussions and decisions made about the placement. The term placement refers to the setting or class

in which the student will receive special educational services.

B. Placement Considerations for Students with Disabilities whose ages are 6-21.

1. For the location of instruction/services, IEP Team members should consider the following.

a. Where would the student attend school if he or she did not have a disability?

b. Has the student, as a special education student, ever received special educational instruction or services within the general education environment?

c. What accommodations and/or modifications have been used to support the student as a special education student in the general education class?

d. After a review of the accommodations and/or modifications provided, what additional strategies and supports have been determined to facilitate the student's success in the general education setting?

e. When the student is not currently receiving instruction and/or services in a general education setting, what strategies could be used for providing services in the general education classroom?

f. Based on IEP goals and/or objectives/benchmarks, what instructional settings would support the achievement of these goals and/or objectives/ benchmarks?

g. When the decision has been made to provide the student with instruction and/or services outside the general education setting, what specific opportunities will the student have for integration in general education activities?

C. Placement Considerations for Students with Disabilities whose ages are 3-5.

1. For the location of instruction/services, the IEP Team should consider the following.

a. Where would the student spend the majority of the day if the student did not have a disability (natural environment)?

b. Can the services identified on the IEP be provided in the student's natural environment?

i. If not, what changes should be made in that environment to enable the required services to be delivered there?

ii. If not, what programming and/or placements/services options are necessary to meet the student's identified needs while providing meaningful opportunities for interactions with peers without disabilities?

c. What accommodations, supports, and/or related services are needed to meet the student's identified needs?

D. Placement Considerations for Students who are Gifted and/or Talented whose ages are 3-21.

1. For the location of instruction/services, IEP Team members should consider the following.

a. Where the student would attend school if he or she did not have an exceptionality?

b. Based on IEP goals, what instructional settings would support the achievement of these goals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§117. Placement/Least Restrictive Educational Environments

A. For Students with Exceptionalities ages 6-21. The Educational Environments are listed below in a continuum from least to most restrictive. This list is not a continuum of least restrictive environment for the deaf or hard-of-hearing students. The list should not be considered a continuum of least restrictive environment for students receiving gifted and talented services.

1. Inside the regular class 80 percent or more of the day

a. A regular class with special education/related services provided within regular classes; a regular class with special education/related services provided outside regular classes; or a regular class with special education services provided in resource rooms.

2. Inside regular class no more than 79 percent of day and no less than 40 percent of the day

a. Resource rooms with special education/related services provided within the resource room; or resource rooms with part-time instruction in a regular class.

3. Inside regular class less than 40 percent of the day

a. Self-contained special classrooms with part-time instruction provided in a regular class, or a self-contained special classroom with full-time special education instruction on a regular school campus.

4. Separate school

a. Public and private day schools for students with disabilities; public and private day schools for students with disabilities for a portion of the school day (greater than 50 percent) and in regular school buildings for the remainder of the school day; or public and private residential facilities when the student does not live at the facility.

5. Residential Facility

a. Public and private residential schools for students with disabilities; or public and private residential schools for students with disabilities for a portion of the school day (greater than 50 percent) and in separate day schools or regular school buildings for the remainder of the school day.

6. Hospital/homebound

a. Hospital programs or homebound programs—students should be receiving a minimum of 4 hours of services per week. Refer to Bulletin 741, §1103 for more information.

7. Correctional Facilities

a. Short-term detention facilities (community-based or residential); or correctional facilities

B. For Students with Exceptionalities ages 3-5. In determining the appropriate setting for a preschool-aged student, each setting noted shall be considered; but the list should not be considered a continuum of least restrictive environment. The settings for preschool-aged students, three through five years, are defined as follows.

1. For Students with Disabilities ages 3-5.

a. In the regular early childhood program at least 80 percent of time

b. In the regular early childhood program 40% to 79 percent of time

c. In the regular early childhood program less than 40 percent time

i. Early childhood programs include, but are not limited to Head Start, kindergarten, reverse mainstream classrooms, private preschools, and preschool classes offered to an eligible pre-kindergarten population by the LEA; and group child care (e.g., Starting Points, LA 4)

d. In early childhood special education - separate class

i. Attends a special education program in a class that includes less than 50% nondisabled children. Special education programs include, but are not limited to special education and related services provided in special education classrooms in regular school buildings; trailers or portables outside regular school buildings; child care facilities; hospital facilities on an outpatient basis; and other community-based settings.

e. In early childhood special education - separate school

i. Receives special education in a public or private day school designed specially for children with disabilities

f. In early childhood special education—residential facility

i. Receives special education in a public or privately operated residential school or residential medical facility on an inpatient basis

g. Receiving special education and related services at home

i. When the child does not attend a regular early childhood program or special education program, but the child receives some or all of his/her special education services in the home. Children who receive special education both in a service provider location and at home should be reported in the home category.

h. Receiving special education and related services at service provider location

i. When the child receives all of their special education and related services from a service provider and does not attend an early childhood program or a special education program provided in a separate class, separate school, or residential facilities. For example, speech therapy is provided in private clinicians' offices; clinicians' offices located in school buildings; hospital facilities on an outpatient basis, and libraries and other public locations

2. For Students who are Gifted and/or Talented ages 3-5.

a. In the regular early childhood program at least 80 percent of time

b. In the regular early childhood program 40% to 79 percent of time

c. In the regular early childhood program less than 40 percent time

i. Early childhood programs include, but are not limited to Head Start, kindergarten, preschool classes offered to an eligible pre-kindergarten population by the local education agency; and group child care (e.g., Starting Points, LA 4)

d. In early childhood special education - separate class

i. Attends a special education program in a class that includes less than 50 percent nondisabled children. Special education programs include, but are not limited to special education and related services provided in special education classrooms in regular school buildings; trailers or portables outside regular school buildings, and child care facilities.

e. In early childhood special education - residential facility

i. Attends a public or privately operated residential school or residential medical facility on an inpatient basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§119. Parental Consent

A. A LEA shall obtain formal parental and/or student consent before it can initially provide a student with special education and related services in any setting.

1. The student's consent is needed once the student reaches the age of majority, which is age eighteen (18) in Louisiana. When a student reaches the age of majority that applies to all students, except for a student who has been determined to be incompetent under state law, the student shall be afforded those rights guaranteed at such age.

B. Consent includes the following:

1. the parent and/or student has been fully informed of all relevant information in a manner that is clearly understandable to the parent and/or student, and

2. the parent and/or student formally agree in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§121. Parental Disagreement with Provision of Services/Placement

A. Parents may disagree with all or some parts of the program, placement, or related services proposals. The LEA and the parents should make conciliatory attempts to resolve the disputes, including making modifications to the proposed program, placement, and related services. A LEA may not use a parent's refusal to consent to one service or activity to deny the parent or student any other service, benefit, or activity of the LEA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§123. Parental Withholding of Consent

A. When the parent of the student refuses to consent to the initial provision of special education and related services, or the parent fails to respond to a request to provide consent for the initial provision of special education and related services, the LEA:

1. may not use the procedures in *Bulletin 1706*, Chapter 5 (including the mediation procedures under §506 or the due process procedures under §508-§517) in order to obtain agreement or a ruling that the services may be provided to a student;

2. will not be considered to be in violation of the requirement to make FAPE available to the student for the failure to provide the student with the special education and related services for which the public agency requests consent; and

3. is not required to convene an IEP Team meeting or develop an IEP for the student for the special education and related services for which the public agency requests such consent.

B. If, at any time after the initial provision of special education and related services, the parent of a child revokes consent in writing for the continued provision of special education and related services the LEA:

1. may not continue to provide special education and related services to the student, but must provide prior written notice in accordance with *Bulletin 1706* before ceasing the provision of special education and related services;

2. may not use the procedures in *Bulletin 1706*, Chapter 5 (including the mediation procedures under §506 or the due process procedures under §508-§517) in order to obtain agreement or a ruling that the services may be provided to a student;

3. will not be considered to be in violation of the requirement to make FAPE available to the student because of the failure to provide the student with further special education and related services; and

4. is not required to convene an IEP Team meeting or develop an IEP for the student for further provision of special education and related services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§125. Dispute Resolution Options

A. The LDE has adopted written procedures regarding the resolution of any complaint related to the identification, evaluation, educational placement, the level of services or placement, the provision of a free appropriate public education (FAPE) or payment for services that the parent has obtained for a student with a disability. The *Parent's Guide to Special Education Dispute Resolution* is designed to assist parents in understanding the Louisiana dispute resolution systems. The guide can be located at www.doe.state.la.us/lde/eia/2114.html.

B. IEP Facilitation is a new dispute resolution method. This option is available to parents and school districts when they both agree that it would be valuable to have a neutral person (IEP Facilitator) present at an IEP Team meeting to assist them in discussing issues regarding the IEP. Typically, an IEP Facilitator is brought in when parents and school district staff are having difficulties communicating with one another about what the student needs.

C. Informal Complaints/Early Resolution Procedures (ERP). It is the policy of the LDE to encourage and support prompt and effective resolution of any administrative complaint in the least adversarial manner possible. The implementation of the ERP by each LEA draws on the traditional model of parents and schools working cooperatively in the educational interest of the students to achieve their shared goal of meeting the educational needs of students with disabilities.

1. Formal administrative complaints are procedures developed under the supervisory jurisdiction of LDE to address allegations that an LEA is violating a requirement of Part B of the Act.

D. *Mediation* is an informal, voluntary process by which the parent and the LEA are given an opportunity, through the help of a trained mediator, to resolve their differences and find solutions to enhance the overall learning environment for the student. Differences may arise in the planning and implementing of an individualized educational program for a student with an exceptionality. It is important for parents and LEAs to have an opportunity to present their viewpoint in a dispute. See *Louisiana's Educational Rights of Children with Disabilities Handbook* or *Louisiana's Educational Rights of Gifted/Talented Children in Public Schools* and the *Mediation Services for Students with Exceptionalities* brochure for more information.

E. The parents and the LEA both have the right to an "impartial due process hearing" when disagreements arise between the parent and the LEA, relative to initiating or changing the identification, evaluation, or educational services and placement of a student with an exceptionality. Due process hearings may be initiated by the parent or the LEA. See *Louisiana's Educational Rights of Children with Disabilities Handbook* or *Louisiana's Educational Rights of Gifted/Talented Children in Public Schools* and the *Special Education Impartial Due Process Hearing* brochure for more information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§127. Three-Year Age Span

A. Unless specifically permitted by the State Board of Elementary and Secondary Education, there shall not be a chronological age span of more than three years within a special education class.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§129. Site Determination

A. When the site at which the student will receive services is not determined at the IEP Team meeting, within 10 calendar days, the site determination form shall be completed. The LEA has the right to select the actual school site at which the student will receive services.

B. In addition to the questions on the IEP and Site Determination Form, the following issues shall be considered:

1. students should be placed in programs on the basis of their unique special education needs, not as a result of their particular disabling condition; and

2. placement cannot be based either on a particular LEA's special education delivery system or on the availability of related services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§131. Additional Clarification

A. Although throughout Louisiana most students with exceptionalities are served in their neighborhood schools there are some extenuating circumstances that influence the decision to serve a student in a school other than his or her neighborhood school.

B. For Students with Disabilities. The following is provided as an example: In a small LEA, there may be only four multidisabled students who need a multidisabled self-contained class. The LEA may establish one classroom

within the LEA. Those multidisabled students could be grouped together on a centrally located campus as age-appropriate as possible. Because of the limited number of students, the age span may be greater than the 3-year span. In this situation, ages may be from 10-14 years—with two children being 10-years-old, one being 11, and one being 14. When the administration decides to locate this class on an elementary K-6 campus because the majority of the class is of elementary age, there could be adequate justification to allow the 14-year-old to remain on the elementary campus. This placement is not a desirable situation, but a necessity in some cases.

C. For Students who are Gifted and/or Talented. The following is provided as an example: A Resource Center for Gifted/Talented is a type of instructional setting, designed or located in one school, that provides instructional services to students who are gifted/talented from two or more schools and in which special education is provided by an individual certified in accordance with *Bulletin 746*; pupil/teacher ratios established in Bulletin 1706, Part B, are used.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

Chapter 3. IEP Development

§301. Responsibilities

A. The responsibility for offering FAPE is met through the process of developing an IEP. This process includes:

1. communication between the LEA and the parents;
2. IEP Team meetings at which parents and school personnel make joint decisions and resolve any differences about the student's needs and services;
3. a completed IEP/placement document, which describes the decisions made during the meetings, including the special education and related services that are to be provided;
4. a formal assurance by the LEA that the services described in the document will be provided;
5. written parental consent for initial placement;
6. procedural safeguards for differences that cannot be resolved mutually;
7. initial placement and provision of services as described in the IEP/ placement document; and
8. consideration and/or determination of eligibility for Extended school year (ESY) services for students with disabilities. Refer to ESY section of this handbook (Chapter 7) for further guidance.

B. The IEP Team has the responsibility for determining the student's special educational and related services needs and placement.

C. A student dually identified with a disability and gifted and/or talented shall have his/her individualized educational program developed on the IEP for students with a disability.

D. A LEA is required to initiate and conduct IEP Team meetings periodically, but not less than annually, to review each student's IEP in order to determine whether the annual goals for the student are being achieved and to revise the IEP as appropriate. The LEA shall notify parents of the review IEP Team meeting in accordance with the same procedures as the initial IEP.

E. An additional IEP/placement review meeting is not required when a LEA elects to move the student to another school site within the agency when all of the information on the IEP remains the same and the effect of the program has not been changed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§303. Initial IEPs

A. Program Considerations for Students with Disabilities. Program decisions shall be made and written on the IEP in the following areas that form the basis for the placement.

1. General information about the student, including
2. the student's strengths; and
3. the concerns of the parents for enhancing the education of their child; and
4. the results of the initial evaluation or most recent reevaluation of the student; and
5. the student's present levels of academic achievement, developmental, and functional needs; and
   a. how the student's disability affects the student's involvement and progress in the general education curriculum; and
   b. how to determine when the student with a disability needs instructional materials in accessible formats (e.g., large print , Braille, digital, and/or audio); and
   c. for preschool students, as appropriate, how the disability affects the student's participation in appropriate activities; and
6. as appropriate, the results of the student's performance on any general state- or district-wide assessment program.
7. The IEP Team shall also consider any of the following special factors:
   a. for a student whose behaviors impede his or her learning or that of others, consider the use of positive behavioral intervention and supports, and other supports to address that behavior;
   b. for a student with limited English proficiency, consider the language needs of the student as those needs relate to the student's IEP;
   c. for a student who is blind or visually impaired, provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the student's reading and writing skills, needs, and appropriate reading and writing media (including an evaluation of the student's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the student;
   d. the communication needs of the student, and in the case of a student who is deaf or hard-of-hearing, consider the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and a full range of needs, including opportunities for direct instruction in the student's language and communication mode;
   e. whether the student requires assistive technology devices and services based on assessment/evaluation results;
   f. for a student who has health problems, the needs to be met during the school day. These needs would include such medical conditions as asthma, diabetes, seizures, or

other diseases/disorders that may require lifting and positioning, diapering, assistance with meals, special diets, or other health needs.

8. The measurable annual academic and functional goals, designed to meet the student's needs that result from the student's disability to enable the student to be involved in and make progress in the general education curriculum,

a. shall be based on the academic standards for the grade in which the student is enrolled; and

b. shall be based on each of the student's other educational needs that result from the student's disability; and

c. short-term objectives/benchmarks shall be required for students with significant cognitive disabilities or functions like a student with significant cognitive disabilities at all ages and grade levels, including preschool-aged students;

i. short-term objectives/benchmarks shall be required for students who participate in LAA 1 (the alternate assessment aligned to alternate achievement standards);

ii. IEP Teams may continue to develop short-term instructional objectives or develop benchmarks that should be thought of as describing the amount of progress the student is expected to make within a specified segment of the year. Generally, benchmarks establish expected performance levels that allow for regular checks of progress to coincide with the reporting periods for informing parents of their child's progress toward achieving the annual goals. An IEP Team may use either short-term objectives or a combination of the two, depending on the nature of the annual goals and needs of the child.

d. The participation in appropriate activities for the preschool-aged student.

9. The special educational and related services and supplementary aids and services to be provided to the student, or on behalf of the student, and the program modifications or supports for school personnel will be provided for the student

a. to advance appropriately toward attaining the measurable annual goals; and

b. to be involved and make progress in the general education curriculum and to participate in extracurricular and other nonacademic activities; and

c. to be educated and participate with other students with and without disabilities in the activities.

10. An explanation is given to the extent in which the student will not participate with students without disabilities in the regular class and extracurricular and other nonacademic activities.

11. The participation in the annual statewide assessment for the student in grades 3-11; and

a. the need for any individual accommodations in the administration of state- or district-wide assessments of academic achievement; and

b. when the IEP Team determines the student shall participate in an alternate assessment instead of the regular statewide assessment, a statement of why

i. the student cannot participate in the regular assessment; and

ii. the particular assessment selected as appropriate for the student.

12. The anticipated frequency, location, and duration of the special educational services and modifications.

13. The type of physical education program to be provided.

14. For each student beginning at age 16, transition service needs that focus on the student's courses of study; and

a. for each student not later than the first IEP to be in effect when the child turns 16, or younger, when determined appropriate by the IEP Team, and updated annually thereafter, the needed transition services including any interagency responsibilities or linkages.

15. The need for extended school year services (refer to Chapter 7) based on student performance on academic/functional goals and/or objectives/ benchmarks.

a. The IEP Team will consider the criterion/criteria to make the ESY determination and what data must be collected to make that decision. The data collected through progress monitoring (e.g., grades, progress reports, behavior checklists, task analyses, teacher observation logs, etc.) shall be reviewed to determine the progress the student makes toward acquisition of the measurable annual goals and/or objectives/benchmarks, and whether the data supports that, the student meets any of the criteria for ESY eligibility.

B. Program Considerations for Students who are Gifted and/or Talented. Program decisions shall be made and written on the Gifted/Talented IEP in the following areas that form the basis for the placement.

1. General information about the student, including student interests; and

a. in the case of a student with limited English proficiency, whose language needs relate to the student's IEP;

2. the student's strengths;

3. the concerns of the parents for enhancing the education of their child;

4. as appropriate, the results of the student's performance on any general state- or district-wide assessment program for students in grades 3 -11;

5. the results of the initial evaluation or most recent reevaluation of the student;

6. input from the regular education teacher regarding student classroom performance, including academic achievement and social skills;

7. any pertinent social and emotional needs;

8. the student's present levels of educational performance, including the student's academic achievement and social/emotional needs;

9. the measurable annual academic and/or enrichment and/or social goals;

a. meeting the student's needs that result from the student's exceptionality and progress in an accelerated and enriched curriculum, and

b. meeting each of the student's other educational needs that result from

the student's exceptionality, and

i. in the case of a student whose behaviors impede his or her learning or that of others, consider the use of positive behavioral intervention strategies and other supports to address that behavior;

c. the participation in appropriate activities for the preschool-aged student;

10. the related services, which may include transportation and counseling;

11. the accommodations needed for instructional and statewide assessment purposes must be documented on the *Section 504 Individual Accommodation Plan* (IAP). A copy of the IAP should be kept in the student's IEP folder;

12. and the anticipated frequency, location, and duration of the special education services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§305. Review IEPs

A. Program Considerations for Students with Disabilities. The IEP Team shall review and revise the IEP for students with disabilities to address:

1. any lack of expected progress toward achieving the annual goals and objectives/benchmarks;

2. any lack of expected progress in the general education curriculum (e.g., the student is making failing grades or through progress monitoring the student's lack of progress in the general education curriculum is evident);

3. the results of the student's performance on any state- or district-wide assessment;

4. the results of any reevaluation;

a. for any additional concerns, the procedures for evaluation established in *Bulletin 1508, Pupil Appraisal Handbook* shall be followed; and

b. in the event the parent signs the triennial reevaluation waiver, a statement must be included on the next IEP.

c. in the event the results of the reevaluation indicate *no exceptionality*, an IEP will not be developed and special education and related services cease;

5. information about the child shall be provided to, or by, the parents;

6. the student's anticipated needs;

7. the student's special educational and related service needs; for the preschool-aged child, his or her developmental needs shall be addressed;

a. to determine when the student with a disability needs instructional materials in assessible formats (e.g., Braille, large print, digital, and/or audio);

8. any positive behavior interventions and strategies that should be used, as needed;

9. updated decisions about the student's program, placement, and related services;

10. consideration of special factors as listed in §303.A.6.a-f;

11. for each student beginning at age 16, discuss transition service needs that focus on the student's courses of study;

a. for each student beginning not later than the first IEP to be in effect when the student turns 16, discuss the needed transition services including any interagency responsibilities or linkages;

12. consideration of location of instruction/services, refer to §115-117.

13. the need for extended school year services. This need shall be based on student performance on academic/functional goals and/or objectives/ benchmarks. Refer to the ESY section of this handbook (Chapter 7).

a. The IEP Team will consider the criterion/criteria to make the ESY determination and what data must be collected to make that decision. The data collected through progress monitoring (e.g., grades, progress reports, behavior checklists, task analyses, teacher observation logs, etc.) shall be reviewed to determine the progress the student makes toward acquisition of his or her goals, and/or objectives/benchmarks, and whether the student's progress meets any of the criteria for ESY eligibility.

14. Discuss any other matters.

B. A review meeting shall be conducted in addition to the required annual review when

1. the student's teacher feels the student's IEP or placement is not appropriate for the student; or

2. the student's parents believe their child is not progressing satisfactorily in the general education curriculum or that there is a problem with the student's IEP;

3. the LEA proposes any changes regarding program or placement, such as to modify, add, or delete a goal or objective; to add or delete a related service;

4. the student has been determined to be eligible for ESY and will receive ESY services;

5. the behavior of the student warrants a review by the IEP Team to decide on strategies including positive behavioral intervention, strategies, and supports to address the behavior;

6. either a parent or a public agency believes that a required component of the student's IEP should be changed;

7. the LEA determines that a change in the IEP may be necessary to ensure the provision of FAPE;

a. a hearing officer orders a review of the student's IEP/placement document;

8. in the case in which the IEP/placement document is entirely rewritten, the date of that meeting shall become the anniversary date for the next annual review meeting.

C. Program considerations for Students who are Gifted and Talented. The IEP Team shall review and revise the IEP for students who are gifted and talented to address:

1. any lack of expected progress toward achieving the annual goals;

2. any lack of expected progress in the general education curriculum;

3. the results of the student's performance on any state- or district-wide assessment;

4. the results of any reevaluation;

a. for any additional concerns, the procedures for evaluation established in *Bulletin 1508, Pupil Appraisal Handbook* shall be followed;

b. in the event the results of the revaluation indicates *no exceptionality*, an IEP will not be developed and gifted and/or talented services cease;

5. information about the student provided to, or by, the parents;

6. the student's anticipated needs;

7. the student's special educational needs; for the preschool-aged child, address his or her developmental needs;

8. any positive behavior interventions and strategies that should be used, as needed;

9. updated decisions about the student's program and placement;

10. in making decisions for location of instruction/services, refer to §115-117;

11. any other concerns.

D. A review meeting shall be conducted in addition to the required annual review when:

1. a student's teacher feels the student's IEP or placement is not appropriate for the student; or

2. the student's parents believe their child is not progressing satisfactorily or that there is a problem with the student's IEP; or

3. the LEA proposes any changes regarding program or placement, such as to modify, add, or delete a goal; to add or delete a related service; or

4. either a parent or a public agency believes that a required component of the student's IEP should be changed; or

5. the LEA determines that a change in the IEP may be necessary to ensure the provision of FAPE; or

a. a hearing officer orders a review of the student's IEP/placement document; and

b. a review IEP Team meeting shall be conducted as part of the reevaluation process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§307. Interim IEPs

A. Placement Decisions. Local directors/supervisors of special education may approve enrollment in special education after pupil appraisal personnel have reviewed existing student information.

1. An interim IEP may be developed for students transferring from out-of-state who were receiving special educational services, concurrent with the conduct of an initial evaluation according to the *Bulletin 1508, Pupil Appraisal Handboo*k.

2. An interim IEP may be developed concurrent with the conduct of an initial evaluation for students out of school, including students ages three-through-five who are suspected of having a disability, and for former special education students, through the age of twenty-two, who have left a public school without completing their public education by obtaining a state diploma.

3. Formal written parental consent shall be obtained for a multidisciplinary evaluation to be conducted according to *Bulletin 1508, Pupil Appraisal Handboo*k and an interim IEP may be developed.

a. During the time the evaluation is in process, all regulations shall apply.

b. If an interim IEP were developed, it–may be amended as necessary.

4. Parents of these students shall be informed at the interim IEP Team meeting that the evaluation results must classify a student as exceptional for that child to remain in the special education program.

5. An interim IEP shall not be developed when a student has a current IEP or evaluation.

B. Parental Consent. Parental consent for the interim placement and related services shall be obtained by parental signature on the IEP form.

1. Parents shall be informed that the student will exit from the special education program when the student is found to be ineligible for special educational services according to the criteria in *Bulletin 1508, Pupil Appraisal Handbook.* A statement stating the above should be written in the comment section of the IEP when it is developed.

2. When the student is eligible for special educational services, an initial IEP/placement meeting will be conducted within thirty (30) calendar days from the date of dissemination of the written evaluation to the LEA's special education administrator.

C. Program Considerations. In the development of the IEP, the IEP Team's discussion about the current performance and goals for the student will have to be conducted without the benefit of integrated assessment data or teacher observation.

1. To gather information about current performance, the parent may be the prime source of information about the student's skills, development, motivation, learning style, etc.

2. The goals should address the student's educational program during the assessment process.

3. When available information indicates that related services are required, services should be provided.

4. The student's performance during an interim placement shall be documented by the teacher and pupil appraisal personnel. This documentation should provide meaningful data for determining an appropriate program and placement.

D. Extended School Year

1. Students on interim IEPs shall be considered for extended school year services. The IEP Team will consider the criterion/criteria to make the ESY determination and what data must be collected to make that decision. Student performance on academic/functional goals and/or objectives/benchmarks on the IEP are monitored on an ongoing basis throughout the school year. The data collected through progress monitoring (e.g., grades, progress reports, behavior checklists, task analyses, teacher observation logs, etc.) shall be reviewed to determine the progress the student makes toward acquisition of his or her goals, benchmarks, objectives, and whether the student's progress meets any of the criteria for ESY eligibility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§309. Related Services Considerations

A. *Related Services for Students with Disabilities* means transportation and such developmental, corrective, and other supportive services as are required to assist a student with a disability to benefit from special education. A LEA, as part of its requirement to provide FAPE, shall provide any related service for which there is a documented need. However, for certain related services, specific eligibility criteria shall be met according to *Bulletin1508, Pupil Appraisal Handbook*. The decision regarding related services shall be made in view of each student's unique needs. Sources of documentation can be the individual evaluation report and any subsequent evaluation reports submitted by therapists, physicians, psychologists, parents, etc. Examples of support and related services may include speech/language pathology services, assistive technology, physical or occupational

therapy, audiological services, orientation and mobility services, interpreting services and counseling, including rehabilitation counseling, psychological services, recreation, including therapeutic recreation, early identification and assessment of disabilities in children and transportation services. Medical services for diagnostic or evaluation purposes may also include school health services and school nurse services, social work services in schools, and parent counseling and training.

1. Exception; services that apply to students with surgically implanted devices, including cochlear implants;

a. related services do not include a medical device that is surgically implanted, the optimization of the device's functioning (e.g., mapping), maintenance of the device, or the replacement of the device;

b. nothing limits the right of a student with a surgically implanted device (e.g., cochlear implant) to receive related services that are determined by the IEP Team to be necessary for the child to receive FAPE;

c. nothing limits the responsibility of the LEA to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the student, including breathing, nutrition, or operation of other bodily functions, while the student is transported to and from school or is at school; or

d. nothing prevents the routine checking of an external component of a surgically implanted devise to make sure it is functioning properly.

2. The IEP Team shall consider each related service that is recommended on the evaluation reports and document and the decisions on the IEP form. For example, the team shall:

a. list all services recommended by the team and the service provision schedules, dates, and location, etc.;

b. explain the team's decisions not to include a recommended related service;

c. explain delays in providing any related service listed on the IEP.

i. This delay, or hardship, in no way relieves a LEA from providing the service and from documenting every effort to provide it in a timely manner.

d. The participation of related service personnel is extremely important during the IEP Team meeting. Involvement should be through either direct participation or written recommendations.

3. Additional Notes about Related Services

a. Adapted physical education (APE) is not a related service; APE is a direct instructional program. A student who requires only adapted physical education may be eligible for related services, since adapted physical education is a direct instructional program.

b. A student who is identified with only a speech or language impairment may be eligible for other related services, since in this case speech therapy is the direct special educational program.

c. Considerations for related services provided during ESY are the same as for the IEP.

B. Related Services for Students who are Gifted and/or Talented may include transportation or counseling, which must be addressed on the IEP. The decision regarding related services shall be made in view of each student's unique needs. Sources of documentation can be the individual evaluation report and any subsequent evaluation reports submitted by therapists, physicians, psychologists, parents, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

Chapter 5. Participation in Statewide Assessments

§501. Participation in Statewide Assessments

A. All special education students shall participate in statewide assessments in grades 3-11.

B. Students are to take the test that corresponds to the grade in which they are enrolled.

C. The decision as to which test a student with disabilities participates in is made on an annual basis by the IEP team.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§503. Types of Alternate Assessments

A. LEAP Alternate Assessment, Level 1 (LAA 1), was developed for students with disabilities who are served under IDEA for whom there is evidence that the student is functioning three (3) or more standard deviations below the mean in cognitive functioning and/or adaptive behavior. Only students with the most significant cognitive disabilities or functions like a student with significant cognitive disabilities are eligible to participate in LAA 1 (this does not include students identified as Mental Disabilities–mild). LAA 1 is a performance-based assessment designed for students whose instructional program is aligned with the Louisiana Extended Standards.

B. LEAP Alternate Assessment, Level 2 (LAA 2) based on modified academic achievement standards, was developed for students with persistent academic disabilities who are served under IDEA to participate in academic assessments that are sensitive to measuring progress in their learning. There is evidence the student is having significant academic difficulties in English language arts, reading and/or mathematics. LAA 2 is a criterion-referenced assessment designed for students whose instructional program is aligned with the Louisiana Content Standards.

1. A student who meets the LAA 2 Participation Criteria may test in all or in one or more content areas of LAA 2, based on the determination of the IEP team. The IEP team may decide that the student will participate in the LAA 2 assessment in one or more content areas and at the same time participate in the regular statewide assessment (*i*LEAP/LEAP/GEE) for the remaining content areas required at the student's enrolled grade.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§505. Alternate Assessment Participation Criteria

A. LEAP Alternate Assessment, Level 1 (LAA1)

1. The student has a disability that significantly impacts cognitive function and/or adaptive behavior.

2. The student requires extensive modified instruction aligned with the Louisiana Extended Standards to acquire, maintain, and generalize skills.

3. The decision to include the student in LAA 1 is not solely based on the following:

a. student's placement;

b. excessive or extended absences;

c. disruptive behavior;

d. English language proficiency;

e. student's reading level;

f. student's disability according to *Bulletin 1508*;

g. social, cultural, and/or economic differences;

h. anticipated impact on school performance scores;

i. administrative decision;

j. expectation that the student will not perform well on the LEAP, iLEAP, GEE or LAA 2.

B. LEAP Alternate Assessment, Level 2 (LAA 2)

1. The student scored at the Unsatisfactory level in English language arts and/or mathematics on the previous year's LEAP/iLEAP/GEE or participated in the LAA 1 or LAA 2.

2. The student has an IEP with goals based on academic content standards for the student's enrolled grade and the student requires support to access the general education curriculum.

3. The student's progress to date, in response to appropriate instruction designed to address the student's individual needs is such that, even if significant growth occurs, the student will not achieve grade-level proficiency within the year covered by the student's IEP.

4. The decision to test a student in LAA 2 is not solely based on the following:

a. student's placement;

b. excessive or extended absences;

c. disruptive behavior;

d. English language proficiency;

e. student's reading level;

f. student's disability according to *Bulletin 1508*;

g. social, cultural, and/or economic differences;

h. anticipated impact on school performance scores;

i. administrative decision;

j. the expectation that the student will not perform well on the regular assessment (LEAP, iLEAP, GEE).

C. LAA 1 and LAA 2 Participation Criteria forms can be located in *Bulletin 1530*, Section 2, or at www.louisianaschools.net/lde/saa/2219.html.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§507. Test Accommodations

A. The assessment in which the student is to participate and any accommodations the student is to receive for instruction and assessment shall be documented annually on the program/services page of the student's IEP.

B. Test accommodations cannot be different from or in addition to the accommodations indicated on the student's IEP and provided in regular classroom instruction and assessment.

C. Test accommodations are described in Bulletin 118, Statewide Assessment Standards and Practices.

D. For Students who are gifted and/or talented, any accommodations the student is to receive for instruction and assessment shall be documented annually on the student's IAP. A copy of the IAP should be kept in the student's IEP folder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

Chapter 7. Extended School Year Services

§701. Overview

A. Extended school year (ESY) services are the provision of special education and related services to students with disabilities beyond the normal school year of the LEA .The LEA must utilize specific eligibility criteria to determine the need for extended school year services to ensure the provision of FAPE. Services are provided in accordance with an IEP and at no cost to the parents of the student.

B. Once a student's extended school year services have been planned through the IEP process, the services shall be implemented. LEAs should provide extended school year instruction in a location that is the least restrictive environment option for that student. The services necessary to meet the goals and objectives targeted on the ESY section of the IEP are to be provided.

C. Careful documentation should be kept in order to evaluate the student's performance and progress toward the completion of the ESY goals and objectives. Accurate records of student performance will assist the IEP Team in the upcoming school year to continue the educational program with a minimum of interruption and disruption.

D. Ongoing student performance assessment is always an integral part of any educational program, and it should be documented on appropriate data collection forms (e.g., grade book, checklist, task analysis form) and progress reports.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§703. Responsibilities

A. The IEP Team is responsible for developing the extended school year services for the student. The IEP Team shall consider the student's educational needs according to the criterion/criteria by which that student qualified for ESY services. Throughout the planning phase, the team is involved in a very individualized decision-making process based on the student's specific needs identified throughout the regular school year data collection.

B. At the IEP Team meeting, the IEP Team shall discuss any and all pertinent criterion/criteria and examine student performance data. The IEP Team shall consider student performance on critical skills as they relate to ESY eligibility criteria.

1. The decision regarding ESY eligibility should not be made before January 1 of the current school year unless there is sufficient data to make that decision prior to January.

2. Extended school year services shall be provided only when a student's performance data indicate that the services are necessary for the provision of FAPE.

3. The LEA may not limit extended school year services to particular categories of disability; or unilaterally limit the type, amount, or duration of those services.

C. ESY services are available for students who meet the eligibility criteria and meet the following conditions:

1. are between the ages 3-21;

2. are identified with a disability according to the *Bulletin 1508*, *Pupil Appraisal Handbook*; and

3. have a current IEP.

D. ESY services are:

1. based on student's unique educational needs;
2. designed to address critical skills of the student;
3. tailored to fit the needs of each qualifying student; therefore, the length of ESY services varies;
4. considered and determined on a yearly basis; and
5. provided sometimes in non-traditional settings.

E. All LEAs shall utilize the specific eligibility criteria to determine the need for ESY and service planning guidelines to design, implement and evaluate the extended school year service provided to the student by:

1. evidence related to the student performance of critical skills as it relates to ESY eligibility criteria; and,
2. the probability that the student could master/maintain the goals and/or objectives/benchmarks stated on the IEP with the provision of ESY services.

F. LEAs should continue to address LRE needs of the student in the implementation of ESY services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§705. ESY Eligibility Criteria

A. ESY eligibility criteria shall be used in the determination of eligibility for ESY services.

B. The determination of eligibility shall be made prior to the start of summer ESY services.

C. Three criteria are used to determine a student's need for ESY services: Regression-Recoupment, Critical Point of Instruction, and Special Circumstances.

1. Regression-Recoupment (R-R) Criterion

a. This criterion shall be applied to all students with significant cognitive disabilities or who functions like students with significant cognitive disabilities at all ages and grade levels, including preschool aged students.

b. This criterion should be considered for all students suspected of having difficulty with recoupment of skills.

i. When the IEP Team decides to monitor a student using Regression-Recoupment criterion who is not participating in LAA 1, the team shall target specific critical goals and/or objective/benchmarks on the IEP as a basis to determine eligibility at the next IEP.

c. Definitions

i. *Pattern of Regression-Recoupment Problems*—following a break in instruction, there is a failure to regain the performance level for an objective/skill such that the highest post-break score is lower than the highest pre-break score for any objective (i.e., critical skill) across two breaks in instruction.

ii. *Break in Instruction*—a break of at least five instructional days.

iii *Highest Pre-Break Score*—the highest score (of at least two data points) in the two-week period immediately preceding the break in instruction.

iv. *Highest Post-Break Score*—the highest score (of at least two data points) in the two-week period immediately following the break in instruction.

d. Steps for applying the R-R Criterion

i. The teacher/instructional personnel reviews student performance data before and after a minimum of two breaks in instruction. The method and frequency of data collection will depend on the objectives/benchmarks.

ii. Following extended breaks in instruction (i.e., full summer), it is expected the student will recoup the skills within 4 weeks.

iii. The teacher/instructional personnel determines whether there is a regression-recoupment problem such that the highest of the post-break score is lower than the highest of the pre-break score for "any" objective/benchmark and/or break.

iv. The student is eligible for ESY services when the performance data demonstrates a pattern of problems with recouping performance on any objective/skill across any two breaks within the current IEP.

2. Critical Point of Instruction (CPI) Criterion

a. This criterion shall be considered for all students.

b. Definitions

i. *Critical Point of Instruction-1* (CPI-1)—in the absence of extended school year services, the student would be at risk of losing general education class time or increasing special education service time because of a lack of academic or social skill development.

ii. *Critical Point of Instruction-2* (CPI-2)—in the absence of extended school year services, the student would be at risk of losing significant progress made toward acquisition, fluency, maintenance, and/or generalization of skills relevant in the pursuit of critical life areas (i.e., self-help, community access, or social/behavioral skill areas). Behaviors to be considered for CPI-2 include self-injurious, ritualistic, and/or aggressive behaviors that negatively impact the health, well being and/or delivery of instruction to the student.

c. Steps for applying the CPI criteria

i. The teacher/instructional personnel examines student performance data and determines whether in the absence of extended school year services, the student would be at risk of losing general education class time or increasing special education service time because of a lack of academic or social skill development (CPI-1) or would be in danger of losing significant progress made toward acquisition, fluency, maintenance, and/or generalization of skills relevant in the pursuit of critical life areas (i.e., self-help, community access, or social/behavioral skill areas) (CPI-2).

ii. CPI-1: The teacher/instructional personnel determines that the student is projected to be at a critical stage in the general education curriculum, and special education services provided during an extension of the regular school year will allow the student to maintain the level of services indicated in the regular year IEP.

iii. CPI-2: The teacher/instructional personnel determine that the student will require extended school year services to achieve meaningful benefit in the goal area.

(a). Students exhibiting interfering behaviors and qualifying under CPI-2 should have a goal and/or objectives/benchmarks on the IEP to address those behaviors; and documentation shall include a description of the behavior, baseline data, copy of the behavior intervention plan, and when available, a copy of the functional behavior analysis.

iv. The student is eligible for ESY when there is evidence the impact of providing ESY services could enable the student to maintain and/or achieve grade-level

expectations and reduce the loss of skill acquisition, fluency and/or maintenance.

3. Special Circumstances (SC) Criterion

a. Employment

i. Students ages 16-21 shall be considered for ESY services when there is documentation (i.e., job performance data) that the student is in need of support to maintain paid employment. *Paid Employment* refers to pay commensurate/minimum wage or has an alternate wage certificate from the Department of Labor to be paid at a reduced level.

ii. A written statement from the student's employer signifying his or her intention to employ the student throughout the summer months; and

iii. a current IEP with goals and action steps targeted for transition in the area of employment.

iv. The student is eligible for ESY services when there is evidence the student is in need of support to maintain paid employment during the summer months.

b. Transition from Early Steps to Part B (Preschool)

i. Students transitioning from Early Steps to Part B preschool services who have spring/summer birthday shall be considered for ESY services.

ii. The student is eligible for ESY when there is evidence from the performance data on the Individualized Family Service Plan (IFSP) that the student will fail to maintain performance skills and will regress without ESY services.

c. Transition to Post-school Outcomes

i. Students who have a transition plan and who are expected to exit the LEA at the end of the school year shall be considered for ESY services. The teacher/instructional personnel shall examine the documentation of the incomplete action steps and corresponding goals that are the responsibility of the LEA.

ii. The student is eligible for ESY when the student is in need of services to complete the action steps that are the responsibility of the LEA that are not expected to be completed by the end of the student's final year in school.

d. Excessive Absences

i. A student with a disability who has documented absences during the school year, in excess of 25 days, for health-related conditions without the provision of hospital/homebound services and who has failed to make projected progress shall be considered for ESY services.

ii. A student is eligible for ESY services when there is evidence that failure to acquire the goals and/or objectives/benchmarks will seriously jeopardize the overall educational progress of the student; and

iii. the ESY services could have a significant impact on the student's ability to make progress toward the acquisition of established goals and objectives/benchmarks.

e. Extenuating Circumstances

i. There may be unusual situations or circumstances when ESY services may be needed, but the student does not meet any of the eligibility criteria.

ii. The teacher/instructional personnel shall use professional judgment to make the decision whether the student needs ESY services in order to receive FAPE. The teacher/instructional personnel shall determine if a break in instruction will negatively impact or cause the student to lose skills that will restrict the student's ability to function as independently as possible.

iii. Two steps to determine eligibility for an extenuating circumstance are:

(a). consider the previously described ESY eligibility criteria, and

(b). determine there is a need for ESY services through the examination of student performance data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§707. ESY Eligibility Determination

A. The ESY eligibility decision for each student is to be made between January 1 and the onset of ESY services for the current school year unless there is sufficient data to make that decision prior to January.

B. After examining the student's performance data one of the following decisions shall be made:

1. the student is eligible for services;

2. the student is eligible for services, and the parent declines;

3. the student is ineligible for services; or

4. ESY determination of eligibility will be made later during the same school year.

C. When the student is determined eligible for ESY services, the team must complete the ESY form of the IEP.

D. When the IEP Team decides not to make a determination it shall be documented on the IEP and the ESY decision must be prior to the start of ESY services.

E. When the student is determined ineligible for ESY services based on student performance data, the parents must receive notification of the determination and informed of their due process rights and procedures.

F. When consensus regarding ESY eligibility or services cannot be reached and the parents disagree with the decision, the parents shall be informed of their due process rights and procedures.

G. If the parents of a student with disabilities decline extended school year services, this does not affect other IEP services. ESY does not apply to students who are gifted and/or talented or students on Services Plans.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§709. Provision of ESY Services

A. It is the responsibility of the special education administration to schedule the specific days of the week and the beginning and ending date options to accommodate each student's ESY services. As indicated throughout this process, duration is based on the individual needs of the student.

1. Regression-Recoupment Criterion (R-R). The emphasis will be on the maintenance of essential skills. The breaks between ESY and the regular school year should not exceed the break periods upon which the student qualified for ESY services.

2. Critical Point of Instruction 1 (CPI-1). The emphasis will be on the skills the student needs in order to prevent loss of general education time or to prevent an increase in special education service time. The length of time

will be based on the number of skills the student must acquire to maintain his LRE.

3. Critical Point of Instruction 2 (CPI-2). The emphasis is on acquisition or maintenance of critical skills. The number of sessions per week will be dependent upon whether the specific student needs acquisition or maintenance. Acquisition programs are usually shorter with more sessions per week, while maintenance programs are often longer in duration with fewer sessions per week.

4. Special Circumstances (SC). The emphasis of the ESY services is on mastery of specifically targeted goals and objectives to assist in ensuring the student will be on track to achieve his or her measurable annual goals. The sessions/week and duration of the extended school year services will depend upon which and how many goals and objectives have been targeted and the lack of expected progress toward the achievement of the annual goals during the last school year.

B. The focus of a student's ESY services would be based on the needs identified.

1. The IEP Team determines the services the student will need to receive during the extended school year and which personnel will be needed to provide the services.

2. Not all students need the same program length. Extended school year services are an individual, student-based decision.

3. There is no minimum or maximum number of goals and objectives to be identified for ESY instruction. The number of objectives identified for ESY instruction is based on individual student needs. The major purpose of ESY services is to extend instruction from the regular school year to maintain FAPE. The ESY is not a program aimed at remediating all areas of deficit.

a. If the IEP Team determines that a new goal and/or objectives are needed for ESY, then the IEP shall be amended and a new goal and/or objective written.

C. Location

1. The IEP Team discusses the location where the ESY service should take place to implement each ESY goal and/or the objectives/benchmarks. One or more locations may be recommended. The LEA shall determine the most reasonable location(s) for the provision of ESY services.

a. When the location selected is home, indicate the number of minutes under Community on the time-frame grid.

D. Date ESY to Begin

1. The amount or duration of ESY services cannot be unilaterally limited for all students. When planning ESY services, it would be appropriate to consider the LEA's summer calendar. When the LEA's summer calendar is not available at the time of the IEP Team meeting where ESY services are being discussed, the team may estimate the date to begin based on the duration of services determined to be needed by the student.

a. The IEP Team should discuss conflicts that could interfere with the student's attendance during the ESY. For example, there may be a family vacation or surgery scheduled. This information should be taken into account in scheduling the student's ESY services.

b. When a student meets eligibility criteria for ESY services under R-R, the breaks between regular school year and ESY services should not exceed the break periods used to determination eligibility.

E. Duration

1. The length of time ESY services is provided.

2. The criteria/criterion by which the student was determined eligible and the goals and/or objectives/benchmarks chosen to be addressed during the ESY services should dictate the duration of services.

F. Progress Reports

1. LEAs shall ensure that instructional personnel measure and report student outcomes. The student's progress toward achieving the measurable goal(s) during ESY services shall be recorded on the ESY form. A copy of the form with student progress indicated shall be sent to the parents within ten business days after the completion of ESY services.

2. A copy of the ESY form with the completed progress report information shall be placed in the student's IEP folder.

G. Transportation

1. Transportation shall be offered when necessary. As with other services, the IEP Team should recommend transportation services in the least restrictive, most appropriate mode available. The transportation recommended shall be reasonable and at no cost to the parents. Mileage reimbursement may be used as a transportation option only when the parents are willing to transport their child.

2. There may be cases in which students shall remain at a site longer than the time indicated on the ESY form of the IEP because of transportation limitations. When this is the case, the student shall be supervised at all times. The student's need to remain at the site because of transportation limitations shall be indicated in the comment box on the ESY form.

H. Evaluation

1. LEAs shall evaluate ESY services outcome data to determine overall effectiveness.

a. Effectiveness should be reflected in the match between the needs of the student and the services provided.

b. Effectiveness should be reflected in the criteria by which the students were determined to be eligible and whether the students mastered or maintained the goals/objectives/benchmarks chosen during the delivery of ESY services.

c. Effectiveness is evaluated from the individual student perspective, as well as system-wide.

d. Program operations should be examined to determine the effectiveness of the ESY services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

Chapter 9. Services Plans for Parentally Placed Students in a Private School

§901. No Individual Right to Special Education and Related Services

A. No parentally placed private school student with disabilities has an individual right to receive some or all of the special education and related services that the student would receive when enrolled in a public school.

B. When a student with disabilities is enrolled in a religious or other private school by the student's parents and will receive special education or related services from an LEA, the LEA shall:

1. initiate and conduct meetings to develop, review, and revise a *Services Plan* for the student;

2. ensure the attendance of a representative of a private school when the student is voluntarily enrolled in a private school. When the representative cannot attend, the LEA shall use other methods to ensure participation by the private school or facility, including individualized or conference telephone calls.

3. Parentally placed private school students with disabilities may receive a different amount of services than students with disabilities in public schools.

4. Students with disabilities aged three-through-five are considered to be parentally placed private school students with disabilities when enrolled by their parents in private, including religious elementary schools, that meets the definition of elementary school in *Bulletin 1706/Subpart A-Regulations for the Implementation of the Children with Exceptionalities Act* §905.

C. When the LEA opts to provide special education services to students identified as gifted and/or talented, the Services Plan may be used to identify the services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:

§903. Services Provided in Accordance with a Services Plan

A. Students with disabilities who have been designated to receive services shall have a Services Plan that describes the specific special education and/or related services that the LEA will provide to the student as determined through the consultative process.

1. The Services Plan to the extent appropriate will be developed, reviewed, and revised in accordance with the rules and regulations pertaining to the IEP as stated in this document.

2. For any additional questions regarding services for students with disabilities enrolled by parents in private school go to idea.ed.gov, and click on the Q and A documents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

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 via the U.S. Mail until 4:30 p.m., September 8, 2009, to Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Jeanette B. Vosburg
Acting Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The Department of Education is revising *Louisiana's IEP Handbook for Students with Disabilities, Bulletin 1530*. Due to the substantive changes in format and content, the department requests that Bulletin 1530 be rescinded and the revised document be adopted. Bulletin 1530, *Louisiana's IEP Handbook for Students with Disabilities* has been renamed Bulletin 1530: *Louisiana's IEP Handbook for Students with Exceptionalities.* The only cost associated with this change is the preparation and printing of the document and that is projected to be approximately $4592. Bulletin 1872, Extended School Year Program Handbook, and Bulletin 1891, Louisiana's IEP Handbook for Gifted/Talented Students, will be repealed, and information from the bulletins has been integrated into the IEP Handbook. Publication can be accomplished via the department's web site.

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 government.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment.

Beth Scioneaux	H. Gordon Monk
Deputy Superintendent	Legislative Fiscal Officer
0907#098	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Nonpublic Bulletin 741—Louisiana Handbook for Nonpublic School Administrators—Immunizations
(LAC 28:LXXIX.1101)

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 *Nonpublic Bulletin 741—Louisiana Handbook for Nonpublic School Administrators*: §1101, Immunization. The proposed Rule is based upon the enactment of R.S. 17:170.3 which requires immunization against meningococcal disease for certain students.

Title 28
EDUCATION
Part LXXIX. Nonpublic Bulletin 741—Louisiana Handbook for Nonpublic School Administrators
Chapter 11. Health
§ 1101. Immunizations

A. - C. …

D. Beginning with 2009-2010 school year, students entering sixth grade and students eleven years old entering any grade and students eleven years old participating in approved home study shall provide evidence of current immunization against meningococcal disease as a condition of entry into such grade at any city, parish or other local public school or nonpublic school. Chief Administrators are responsible for checking students' records and ensuring enforcement of provisions. Exemptions include: parent/guardian waivers for religious or personal reasons, written statement from physician stating contraindicated medical reasons, shortage of supply of vaccine.

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; R.S. 17:170.3

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2348 (November 2003), amended LR 31:3078 (December 2005), 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? Yes.
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 via the U.S. Mail until 4:30 p.m., September 8, 2009, to Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Jeanette B. Vosburg
Acting Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Nonpublic Bulletin 741—Louisiana Handbook for Nonpublic School Administrators

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is no estimated savings to the state or local governmental units.

This is a revision to Bulletin 741-LA Handbook for Nonpublic School Administrators, which incorporates changes made to state law. State law requires immunization against meningococcal disease for students. There will be a minimal cost of $150 to the Department of Education (DOE), associated with printing the revisions in the *Louisiana Register*. Funds are currently available for this purpose. The proposed action has the potential to increase the workload or paperwork requirements of the local education agencies (LEAs) and school nurses who will be responsible for ensuring that the requirements of this legislation and rule change are met. The bulletin will be available on the DOE website and can be downloaded by LEAs and the general public.

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 may be increased expenditures to parents and/or students, insurance companies and other medical providers based upon the costs and availability of the required vaccine.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
0907#088

H. Gordon Monk
Legislative Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Student Financial Assistance Commission
Office of Student Finanical Assistance

Louisana GO Grant
(LAC 28:IV.1201, 1203, 1205, 1207, 1211, 1213 and 1217)

The Louisiana Student Financial Assistance Commission (LASFAC) announces its intention to amend 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).

This rulemaking will change the GO Grant Program to award eligible students only to the extent that funds are appropriated by the legislature. In addition, the eligibility requirements will be changed to provide that the student must have an Education Cost Gap (ECG) at least equal to or greater than ECG Threshold in effect for the academic year. The "ECG Threshold" will be an amount set by the Board of Regents at least annually to provide the award to all students who are otherwise eligible and have an ECG at or greater than that amount.

Title 28
EDUCATION
Part IV. Student Financial Assistance—Higher Education
Scholarship and Grant Programs
Chapter 12. Louisiana GO Grant
§1201. General Provisions

A. - C.3. …

D. The total amount awarded for GO Grants during any academic year is limited to the total amount appropriated for the award for the academic year. Eligibility for an award during any particular semester or term does not guarantee that a student will receive the GO Grant.

E. Allocation of Funds to Postsecondary Institutions

1. For the 2009-2010 academic year, funds are allocated based on the institution's on-time billings for the 2008-2009 academic year divided by the total amount of on-time billings for 2008-2009 multiplied times the total amount appropriated for the 2009-2010 academic year.

2. Beginning with the 2010-2011 academic year and thereafter, the amount allocated will be determined by dividing the amount of the institution's prior year's allocation that was expended by the total amount appropriated for that academic year multiplied by the total amount appropriated for the current year.

F. Reallocation of Funds. Uncommitted funds allocated to a particular institution shall be reallocated if not committed by the deadline set by LOSFA. Uncommitted funds shall be apportioned among those institutions that have committed all funds allocated to the institution before the deadline and have students who are eligible for an award and did not receive it.

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 33:2614 (December 2007), amended LR 34:236 (February 2008), LR 35:

§1203. Definitions

A. The following definitions shall be applicable to the Louisiana GO Grant Program. 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.

* * *

Education Cost Gap (ECG) Threshold—an amount set by the Board of Regents that is projected to provide the award to all students who are otherwise eligible and have an ECG at or greater than that amount.

* * *

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 33:2615 (December 2007), amended LR 34:236 (February 2008), LR 35:

§1205. Application and Initial Eligibility

A. - B.2. …

3. have an Education Cost Gap (ECG) at least equal to or greater than the ECG threshold in effect for the academic year; and

4.a. - C. …

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 33:2616 (December 2007), amended LR 34:238 (February 2008), LR 35:

§1207. Continuing Eligibility

A. - B.1. …

2. The student must still have an ECG at least equal to or greater than the ECG threshold in effect for the academic year as determined using the ECG formula.

3. …

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 33:2616 (December 2007), amended LR 34:238 (February 2008), LR 35:

§1211. Responsibilities of Eligible Louisiana Institutions

A. - C.1. …

2. payment request amount:

a. $1,000 per semester for a student enrolled full time after the 14th class day in an eligible Louisiana institution that operates on a semester basis or $667 ($666 for the final term of the award year) per term for a student enrolled full time after the 9th class day in an eligible Louisiana institution that operates on a term basis or the amount authorized for payment as announced in a LOSFA Bulletin prior to the billing date, whichever is less;

b. $500 per semester for a student enrolled half time after the 14th class day in an eligible Louisiana institution that operates on a semester basis or $333 ($334 for the final term) per term for a student enrolled half time after the 9th class day in an eligible Louisiana institution that operates on a term basis or the amount authorized for payment as announced in a LOSFA Bulletin prior to the billing date, whichever is less;

c. $250 per semester for a student enrolled less than half time after the 14th class day in an eligible Louisiana institution that operates on a semester basis or $167 (or $166 for the final term) per term for a student enrolled less than half time after the 9th class day in an eligible Louisiana institution that operates on a term basis or the amount authorized for payment as announced in a LOSFA Bulletin prior to the billing date, whichever is less;

d. for summer sessions, the difference between what the student was paid during the preceding fall semester or term, winter term, if applicable, and spring semester or term and the student's maximum annual award amount; provided the award for the summer session shall not exceed $1,000 or the amount authorized for payment as announced in a LOSFA Bulletin prior to the billing date, whichever is less;

C.3. - F. …

G. Each postsecondary institution shall have and follow a written policy describing that institution's procedures for selecting students for payment of a GO Grant. The policy must be available for audits conducted under §1209.B.

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 33:2617 (December 2007), amended LR 34:239 (February 2008), LR 35:

§1213. Responsibilities of LOSFA

A. - D.2. …

3. repealed.

E. …

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 33:2617 (December 2007), amended LR 34:239 (February 2008), LR 35:

§1217. Responsibilities of the Board of Regents

A. At least on an annual basis, the Board of Regents shall review and adjust, as necessary, the ECG threshold, to provide grants to eligible students with the funds appropriated for the GO Grant Program and shall provide notice to LOSFA of any change.

B. In the event of receipt of notice of a shortfall and additional funds are not allocated for payment of all anticipated awards for subsequent semesters, terms and sessions 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 35:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972. (SG09108NI)

Interested persons may submit written comments on the proposed changes (SG09108NI) until 4:30 p.m., July 10, 2009, to Melanie Amrhein, Executive Director, Office of Student Financial Assistance, P.O. Box 91202, Baton Rouge, LA 70821-9202.

George Badge Eldredge
General Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Louisana GO Grant

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes the need component of the Go Grant eligibility requirements and provides a formula to allocate Go Grant funds to postsecondary institutions so that the total amount awarded for Go Grants during any academic year is limited to the total amount appropriated for the award for that fiscal year. Adoption of the proposed rule will not result in any additional costs to the state or local governments.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections of state and local governments will not be affected by the proposed changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rulemaking by itself will not change the Go Grant Program in a way that would have an impact on a student's financial aid package for postsecondary education. The Louisiana Office of Student Financial Assistance and the Board of Regents have a memorandum of understanding giving authority to the Board of Regents to prepare a plan to limit Go Grant awards to amounts appropriated by the Legislature. These proposed rules formalize and codify the method Regents will use to address shortfalls in funding of Go Grants in Fiscal Year 2009-10 and thereafter.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These changes by itself will have no impact on competition or employment.

George Badge Eldredge
General Counsel
0907#102

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Methods of Payment
(LAC 33:I.1203, 1411, 1911, 2305, 2307; III.215; V.5111, 5119, 5127; VI.709, 917; VII.1505; IX.1309, 1507; XI.307; XV.2509) (MM009)

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 Environmental Quality regulations, LAC 33:I.1203, 1411, 1911, 2305, 2307; III.215; V.5111, 5119, 5127; VI.709, 917; VII.1505; IX.1309, 1507; XI.307; XV.2509 (Log #MM009).

This rule provides language that authorizes the department to accept credit card payments and other electronic methods of payment for obligations owed to the state. It also repeals hazardous waste fees no longer collected and clarifies the calculation of hazardous waste Application and Maintenance fees. This rule is required in order to implement Act 119 of the 2008 Regular Session of the Legislature, which amended R.S. 49:316.1(A)(2)(a) and (c) to provide the department with authority to accept credit card payments for obligations owed to the state through use of a third-party processor and authorized the collection of a convenience fee to adequately cover the resulting transaction costs. The basis and rationale for this rule are to implement Act 119 of the 2008 legislative session. This rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33
ENVIRONMENTAL QUALITY
Part I. Office of the Secretary
Subpart 1. Departmental Administrative Procedures
Chapter 12. Requests for Review of Environmental Conditions
§1203. Procedure for Submittal of Request

A. All requests for reviews by the department of reports of environmental conditions shall be accompanied by an initial $1500 minimum fee.

1. All payments made by check, draft, or money order shall be made payable to the Department of Environmental Quality, and mailed to the department with the request.

2. Persons wishing to make payments using the electronic pay (e-pay) method shall access the department's website and follow the instructions provided on the website.

3. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.

4. Cash is not an acceptable form of payment.

B. – E.2.…

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and specifically 2011(D)(25), and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:447 (March 2007), amended LR 33:2079 (October 2007), LR 35:

Chapter 14. Groundwater Fees

[NOTE: The information contained in Chapter 14 was previously located in LAC 33:XIII.Chapter 13. It was relocated and renumbered in November, 1998.]

§1411. Methods of Payment

A. All payments made by check, draft, or money order shall be made payable to the Department of Environmental Quality, and mailed to the department at the address provided on the invoice.

B. Electronic Methods of Payment

1. Persons wishing to make payments using the electronic pay (e-pay) method shall access the department's website and follow the instructions provided on the website.

2. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.

C. Cash is not an acceptable form of payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, Ground Water Protection Division, LR 18:730 (July 1992), repromulgated LR 21:797 (August 1995), amended by the Office of the Secretary, Legal Affairs Division, LR 35:

Chapter 19. Facility Name and Ownership/Operator Changes Process
§1911. Fees for Name and Ownership/Operator Changes

A. - A.Table. …

B. Methods of Payment

1. All payments made by check, draft, or money order shall be made payable to the Department of Environmental Quality, and mailed to the department at the address provided on the NOC-1 form.

2. Electronic Methods of Payment

a. Persons wishing to make payments using the electronic pay (e-pay) method shall access the department's website and follow the instructions provided on the website.

b. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.

3. Cash is not an acceptable form of payment.

C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2429 (October 2005), amended LR 35:

Chapter 23. Procedures for Public Record Requests
§2305. Standard Operating Procedures

A. – B. …

C. Advance payment is required, except for a request for an administrative record of decision required to be lodged with a court.

1. All payments made by check, draft, or money order shall be made payable to the Department of Environmental Quality.

2. Persons wishing to make payments using the electronic pay method (e-pay) shall access the department's website and follow the instructions provided on the website.

3. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.

4. Cash is not an acceptable form of payment.

D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950 et seq., and 44:1 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 25:429 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2442 (November 2000), LR 29:702 (May 2003), amended by the Office of Environmental Assessment, LR 30:2020 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 33:88 (January 2007), LR 35:

§2307. Exceptions to Standard Operating Procedures

A. – A.2. …

B. Specific Exceptions

1. Exception to LAC 33:I.2305.C. Copies of public records may be requested and delivered by facsimile. The copies may be sent upon receipt of a facsimile of proof of payment made by an approved method of payment, pending receipt of the actual payment.

1.a. – 2.c.…

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950 et seq., and 44:1 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Management and Finance, Fiscal Services Division, LR 25:429 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2442 (November 2000), LR 29:702 (May 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2080 (October 2007), LR 35:

Part III. Air

Chapter 2. Rules and Regulations for the Fee System of the Air Quality Control Programs

§215. Methods of Payment

A. All payments made by check, draft, or money order shall be made payable to the Department of Environmental Quality, and mailed to the department at the address provided on the invoice.

B. Electronic Methods of Payment

1. Persons wishing to make payments using the electronic pay (e-pay) method shall access the department's website and follow the instructions provided on the website.

2. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.

C. Cash is not an acceptable form of payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, and R.S. 49:316.1(A)(2)(a) and (c)

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:612 (September 1988), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 18:706 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), amended by the Office of the Secretary, Legal Affairs Division, LR 35:

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 51. Fee Schedules

§5111. Calculation of Application Fees

A. The applicant is required to calculate the appropriate application fee and, if applicable, siting fee according to the schedule included in the permit application form. Payment shall be made in accordance with the requirements of LAC 33:V.5127.

B. Application Fee Schedule

Item	Fee
Site Analysis—per acre site size	$330[1]
Process and Plan Analysis	$1,320
Facility Analysis—per facility[2]	$660
Management/Financial Analysis	$1,320

[Note: Fee equals total of the four items.]

[1] Up to 100 acres, no additional fee thereafter.

[2] Incinerator, land farm, treatment pond, etc., each counted as a facility.

C. Administrative Cost Fee

Application Fee x 0.30 = Administrative Cost Fee

D. Siting Fee. This fee will be applicable to new commercial hazardous waste treatment, storage, and disposal facilities. This fee will be used to assess the impact of the location of the facility on the citizens in the surrounding area, the local infrastructure, and on the environment. A portion of this fee shall be allocated to the local governmental subdivision for the preparation of an infrastructure assessment report as determined by the secretary. When siting a commercial facility, the secretary shall determine whether the local governmental subdivision should be compensated for any reasonable and necessary cost for preparation of the infrastructure report:

Application Fee x 0.05 = Siting Fee

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 18:724 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:288 (March 2001), LR 29:685 (May 2003), LR 29:2048 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 35:

§5119. Calculation of Annual Maintenance Fees

A. - C.Table. …

D. Administrative Cost Fee

Annual Maintenance Fee x 0.30 = Administrative Cost Fee

E. Land Disposal Prohibitions Fee. The land disposal prohibitions fee includes treatment, processing (including use, reuse, recycling), and/or disposal facility annual fee (not on storage facilities). This fee applies to facilities handling wastes subject to the land disposal prohibitions in LAC 33:V.Chapter 22.

On-Site	$1,320
Off-Site Noncommercial	$2,640
Reclaimer	$3,300
Off-Site Commercial	$6,600

F. Groundwater Protection Fee. (This fee applies only to sites with groundwater monitoring.) This fee shall be calculated in accordance with LAC 33:V.5139.

G. Incinerator and Boiler/Industrial Furnace Inspection and Monitoring Fee. This fee shall be calculated in accordance with LAC 33:V.5141.

H. Annual Landfill Inspection and Monitoring Fee. This fee shall be calculated in accordance with LAC 33:V.5143.

I. Annual Land Treatment Unsaturated Zone Monitoring Inspection Fee. This fee shall be calculated in accordance with LAC 33:V.5145.

J. Formula to Apportion Fees

Annual Maintenance Fee = Fee per Site + Fee per Facility + Fee based on Volume + Administrative Cost Fee + Land Disposal Prohibitions Fee + Groundwater Protection Annual Fee + Incineration Inspection and Monitoring Fee + Boiler/Industrial Furnace Inspection and Monitoring Fee + Annual Landfill Inspection and Monitoring Fee + Annual Land Treatment Unsaturated Zone Monitoring Inspection Fee

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:318 (May 1986), LR 12:676 (October 1986), LR 13:433 (August 1987), LR 15:378 (May 1989), LR 16:684 (August 1990), LR 16:1057 (December 1990), LR 18:723 (July 1992), LR 18:1375 (December 1992), amended by the Office

of Environmental Assessment, Environmental Planning Division, LR 29:685 (May 2003), LR 29:2049 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 35:

§5127. Methods of Payment

A. All payments made by check, draft, or money order shall be made payable to the Department of Environmental Quality, and mailed to the department at the address provided on the invoice.

B. Electronic Methods of Payment

1. Persons wishing to make payments using the electronic pay (e-pay) method shall access the department's website and follow the instructions provided on the website.

2. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.

C. Cash is not an acceptable form of payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:533 (May 1985), LR 12:676 (October 1986), LR 18:725 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), amended by the Office of the Secretary, Legal Affairs Division, LR 35:

Part VI. Inactive and Abandoned Hazardous Waste and Hazardous Substance Site Remediation

Chapter 7. Settlement and Negotiations

§709. De Minimis Settlements

A. - C. …

D. To attain the goal set forth in Subsection C of this Section, the de minimis settlement should ordinarily involve a payment to the Office of Management and Finance by the settling party or parties, rather than a commitment to perform work. Where a remedial action is being conducted in whole or in part by PRPs, it may be appropriate for the settling de minimis parties to deposit the amount paid in accordance with the de minimis settlement into a site-specific trust fund to be administered by a third party trustee and used for remedial action for that site.

E. – F.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2271 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:2195 (November 1999), amended LR 26:2513 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2139 (October 2007), LR 35:

Chapter 9. Voluntary Remediation

§917. Fees and Direct Cost Recovery

A. - B.3. …

4. Methods of Payment

a. All payments made by check, draft, or money order shall be made payable to the Department of Environmental Quality, and mailed to the department at the address provided on the invoice.

b. Electronic Methods of Payment

i. Persons wishing to make payments using the electronic pay (e-pay) method shall access the department's website and follow the instructions provided on the website.

ii. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.

c. Cash is not an acceptable form of payment.

5. - 5.d. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2285 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:519 (April 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 35:

Part VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 15. Solid Waste Fees

§1505. Annual Monitoring and Maintenance Fee

A. - C. …

D. Methods of Payment

1. All payments made by check, draft, or money order shall be made payable to the Department of Environmental Quality, and mailed to the department at the address provided on the invoice.

2. Electronic Methods of Payment

a. Persons wishing to make payments using the electronic pay (e-pay) method shall access the department's website and follow the instructions provided on the website.

b. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.

3. Cash is not an acceptable form of payment.

E. - G. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular R.S. 30:2154, and R.S. 49:316.1(A)(2)(a) and (c).

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 Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:689 (May 2003), LR 29:2051 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 32:2241 (December 2006), repromulgated LR 33:1108 (June 2007), amended LR 35:

Part IX. Water Quality

Subpart 1. Water Pollution Control

Chapter 13. Louisiana Water Pollution Control Fee System Regulation

§1309. Fee System

A. - L.3.b. …

M. Methods of Payment

1. All payments made by check, draft, or money order shall be made payable to the Department of Environmental Quality, and mailed to the department at the address provided on the invoice.

2. Electronic Methods of Payment

a. Persons wishing to make payments using the electronic pay (e-pay) method shall access the department's website and follow the instructions provided on the website.

b. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.

3. Cash is not an acceptable form of payment.

N. - N.Table. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2014(B), and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 11:534 (May 1985), amended LR 14:626 (September 1988), LR 18:731 (July 1992), LR 21:798 (August 1995), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), amended by the Office of Water Resources, LR 24:326 (February 1998), amended by the Office of Management and Finance, Fiscal Services Division, LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:689 (May 2003), LR 29:2052 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 35:

Chapter 15. Water Quality Certification Procedures

§1507. Procedures for Issuance of Water Quality Certification

A. – A.2.a.Table. …

b. Payment shall accompany the application for certification. The department shall consider the application incomplete and initiation of the application review process will not begin until payment of the processing fee is received. Payment shall be by one of the methods listed in LAC 33:IX.1309.M.1-2.b and shall be nonrefundable.

A.3. – H.2.…

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(A)(3).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:496 (July 1984), amended by the Office of the Secretary, LR 22:345 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2550 (November 2000), LR 29:690 (May 2003), LR 29:2052 (October 2003), amended by the Office of Environmental Assessment, LR 30:2027 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2507 (October 2005), LR 33:2163 (October 2007), LR 35:

Part XI. Underground Storage Tanks

Chapter 3. Registration Requirements, Standards, and Fee Schedule

§307. Fee Schedule

A. – B.1.Table. …

2. Methods of Payment

a. All payments made by check, draft, or money order shall be made payable to the Department of Environmental Quality, and mailed to the department at the address provided on the invoice.

b. Electronic Methods of Payment

i. Persons wishing to make payments using the electronic pay (e-pay) method shall access the department's website and follow the instructions provided on the website.

ii. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.

c. Cash is not an acceptable form of payment.

B.3. – D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001, 2014, 2195, and 2195.3 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Underground Storage Tank Division, LR 11:1139 (December 1985), amended LR 16:614 (July 1990), LR 17:658 (July 1991), LR 18:727 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), LR 25:427 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2400 (December 1999), LR 29:690 (May 2003), LR 29:2052 (October 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 35:

Part XV. Radiation Protection

Chapter 25. Fee Schedule

§2509. Methods of Payment

A. All payments made by check, draft, or money order shall be made payable to the Department of Environmental Quality, and mailed to the department at the address provided on the invoice.

B. Electronic Methods of Payment

1. Persons wishing to make payments using the electronic pay (e-pay) method shall access the department's website and follow the instructions provided on the website.

2. Persons wishing to make payments using the electronic funds transfer (EFT) method shall contact the Office of Management and Finance for further instructions.

C. Cash is not an acceptable form of payment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and R.S. 49:316.1(A)(2)(a) and (c).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, LR 10:1013 (December 1984), amended by the Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:719 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), amended by the Office of the Secretary, Legal Affairs Division, LR 35:

This 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 August 25, 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 Donald Trahan at the address given below or at (225) 219-3985. 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 MM009. Such comments must be received no later than September 1, 2009, at 4:30 p.m., and should be sent to Donald Trahan, 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 donald.trahan@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 MM009. 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: Methods of Payment

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This proposed rule is expected to have no significant effect on state or local governmental expenditures. Credit card and electronic payments will be managed in the same manner as the department currently manages payments made by check and money order.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No significant effect on state or local governmental revenue collections is anticipated. The convenience fee charged to the payor will be paid to and collected by a third-party processor, not a state or local governmental unit.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Costs and/or economic benefits to directly affected persons or non-governmental groups are anticipated to be minimal. The amount of the convenience fee charged to the payor and collected by the third-party processor must be approved by the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means, and has not yet been determined.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No significant effect on competition or employment is anticipated.

Herman Robinson, CPM	H. Gordon Monk
Executive Counsel	Legislative Fiscal Officer
0907#034	Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor
Division of Administration
Board of Regents

Registration, Licensure, and Consumer Protection
(LAC 28:XI.Chapters 1-5)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq. and R.S. 17:1808, notice is hereby given that the State Board of Regents proposes to amend the rules and regulations to LAC Part Number IX, Regents, Chapters 1-5.

Title 28
EDUCATION
Part IX. Regents

Chapter 1. Rules for Registration and Licensure

§101. Definition of Terms

A. Terms used in these regulations such as *Board of Regents*, *Postsecondary, Academic Degree-Granting Institution*, *Registration*, *Licensure*, and *Fees* shall be interpreted in accordance with R.S. 17:1808.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1551 (December 1993), amended LR 35:

§103. Registration and License Applications

A. All public and private postsecondary, academic degree-granting institutions offering instruction in the state of Louisiana must register annually with the Board of Regents. Regular licenses are reviewed every two years. Requests for registration forms and license applications should be made in writing and addressed to:

Commissioner of Higher Education
Louisiana Board of Regents
150 Third Street, Suite 129
Baton Rouge, LA 70801-1389

B. Completed registration forms and license applications should be returned to the address shown above.

C. License applications must be accompanied by a nonrefundable license application fee of $750. The license application fee must be paid by company or institutional check or by money order, and should be made payable to the Louisiana Board of Regents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1551 (December 1993), amended LR 21:168 (February 1995), amended LR 35:

§105. License Fees

A. The license application fee shall be $750. Those institutions granted a license to operate will be required to pay an additional $750 at the start of the second year of the two-year licensing period. License renewal fees are required during each subsequent two-year licensing period and are nonrefundable.

B. If a request for license renewal is not received at the Board of Regents' offices at least 30 days prior to its expiration date, the institution can be subject to a delinquent fee of $500 in addition to the renewal fee.

C. The Board of Regents may authorize assessment of special or supplemental fees to be paid by registered institutions pursuant to special actions or requests.

D. Institutions seeking licensure shall submit all required materials and the nonrefundable license fee to the Board of Regents. If a final determination concerning the institution's qualifications for licensure is not reached within 180 days of receipt of the license application, a provisional license will be issued to the institution. The provisional license will remain in effect pending a final licensing decision by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1551 (December 1993), amended LR 21:168 (February 1995), LR 35:

§107. Information Requirements for Registration[1]

A. All postsecondary, academic degree-granting institutions are required to provide the following information on an annual basis:

1 name and in-state address of the institution;
2. location of its main campus or office;
3. a role, scope, and mission statement;
4. degrees offered in Louisiana;
5. courses offered in Louisiana;

6. the name of the institution's chief executive officer and chief financial officer;

7. names and addresses of the institution's governing board members, if applicable;

8. description of its physical facilities in Louisiana;

9. information relative to the institution's accreditation or official candidacy status from a regional or professional accrediting agency recognized by the United States Department of Education;

10. other information as specified by the Board of Regents.

[1]Registration with the Board of Regents shall in no way constitute state approval or accreditation of any institution and shall not be used in any form of advertisement by any institution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1551 (December 1993), amended LR 35:

Chapter 3. Criteria and Requirements for Licensure

§301. General Standards

A. General standards for public and private academic degree-granting institutions offering similar degrees and titles must be as close as possible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1552 (December 1993), amended LR 21:168 (February 1995), LR 35:

§302. Accreditation

A. Institutions must hold accreditation through an association recognized by the U.S. Department of Education. Institutions domiciled outside the state of Louisiana must be fully accredited by an accrediting body recognized by the U.S. Department of Education prior to making an application for licensure with the Board of Regents. Institutions domiciled in the state of Louisiana must either hold recognized accreditation or must make formal application and obtain accreditation from a U.S. Department of Education recognized accrediting association by date certain as a requirement for licensure.

B. Institutions seeking accreditation that have been found to meet other requirements set forth by the Board of Regents will be granted a conditional license until such time that they are accredited, or at a minimum, receive candidacy status from a recognized accrediting association. An institution that does not receive accreditation within a specified time frame will have its conditional license revoked.

C. The Board of Regents will consider a possible waiver of the accreditation requirement in the case of single purpose institutions. This consideration will be given in circumstances where the board determines that it would be educationally impractical for an institution to reorganize its programs and operations in order to become eligible for consideration by a U.S. Department of Education recognized accrediting association.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 21:168 (February 1995), amended LR 35:

§303. Faculty

A. Qualifications of Faculty

1. Faculty shall be qualified by education and experience in the fields in which they teach. Faculty must meet the following minimum requirements.

a. Faculty shall possess no less than the degree awarded to a graduate of the program in which they are teaching.

b. The faculty shall be sufficient in number to establish and maintain the effectiveness of the educational program.

B. Institutions offering advanced degrees must employ faculty who hold advanced degrees in appropriate fields from institutions accredited by recognized agencies.[1] It is required that faculty credentials be verifiable.

1. If any institution employs a faculty member whose highest earned degree is from a non-regionally-accredited institution within the United States or an institution outside the United States, the institution must show evidence that the faculty member has appropriate academic preparation.

2. It is the responsibility of the institution to keep on file for all full-time and part-time faculty members documentation of academic preparation, such as official transcripts, and if appropriate for demonstrating competency, official documentation of professional and work experience, technical and performance competency, records of publications, and certifications and other qualifications.[2]

[1] Recognized accrediting agencies are those approved by the United States Department of Education.

[2] Source: Southern Association of Colleges and Schools.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1552 (December 1993), amended LR 21:169 (February 1995), amended LR 35:

§305. Academic Program Standards

A. All curricula leading to academic credits, certification, and degrees shall be formulated and evaluated by qualified faculty with appropriate education and experience acceptable to public postsecondary, academic degree-granting institutions in Louisiana and elsewhere in the nation.

B. Institutions shall provide prospective students and other interested persons with the following information:

1. admissions policies;
2. program descriptions and objectives;
3. schedule of tuition, fees, and other charges;
4. cancellation and refund policies;
5. other material information about the institution and its programs which may impact a student's enrollment decision.

C. Institutions must provide programs of sufficient quality and content to achieve stated learning objectives. Curricula offered by the institutions must be formulated and evaluated by faculty with appropriate earned degrees from institutions with U.S. Department of Education recognized accreditation. Institutions are also required to establish procedures for evaluating program effectiveness.

D. Institutions must indicate the means for determining satisfactory academic progress and provide data on student retention, graduation rates, job placement, and passing rates on licensure or certification exams, where appropriate.

E. Currently licensed institutions seeking to implement new academic degree programs must first advise the Board of Regents of the proposed change. New programs will be reviewed as part of the regular license renewal process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1552 (December 1993), amended LR 21:169 (February 1995), LR 35:

§307. Physical Plant Standards

A. Library

1. The institution shall maintain and/or provide student access to an appropriate library collection with adequate support staff, services, and equipment. Any contractual agreements with libraries not directly affiliated with the institution shall be available in writing to the Board of Regents.

B. Facilities and Equipment

1. The institution shall maintain or provide access to appropriate administrative, classroom, and laboratory space, and appropriate equipment and instructional materials to support quality education based on the type and level of program being offered. Facilities must comply with all health and safety laws and ordinances.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1552 (December 1993), amended LR 21:169 (February 1995), LR 35:

§309. Financial Operations

A. The business and financial management of the institution shall be directed by a qualified and bonded business officer responsible to the institution's chief executive officer.

B. Institutions are required to maintain adequate insurance to protect the operation of the institution and to guard against any personal or public liability.

C. All institutions shall provide the Board of Regents with a financial review prepared in accordance with standards established by the American Institute of Certified Public Accountants. However, any institution accredited by an agency recognized by the United States Department of Education may, at its discretion, submit financial statements prepared in accordance with rules and guidelines established by the accrediting agency.

D. Institutions shall maintain and update a long-range financial development plan for the institution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1553 (December 1993), amended LR 35:

§311. Maintenance of Records

A. Institutions are required to keep records for a minimum of three years which detail:

1 the composition and background of students, faculty, and administrative staff;

2. the institution's physical plant including land, buildings, library, and research facilities;

3. copies of brochures, catalogs, and advertising which describe student admissions, programs, and scholarships.

B. A student's records must be available for review by that student at the institution's central office.

C. Individual student records must include an enrollment agreement which at a minimum contain:

1. the name and address of the student;

2. commencement date of the program;

3. titles of courses within the student's chosen curriculum;

4 total hours (quarter, trimester, semester);

5. a payment schedule which includes the total cost to the student;

6. the refund policy of the institution;

7. a statement indicating that the individual signing the agreement has read and understands all aspects of the agreement;

8. student grievance procedures.

D. Student records must also include:

1. grades received;

2. all obligations incurred and all funds paid by the student to the institution;

3. student attendance information;

4. counseling records;

5. a transcript;

6. financial aid records.

E. Student records shall be available and readily accessible for use and review by authorized officials of the institution and authorized representatives of the Board of Regents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1553 (December 1993), amended LR 21:169 (February 1995), LR 35:

§313. Student Services[1]

A. Institutions shall provide orientation and counseling services throughout enrollment. Special services including financial aid, employment placement for graduates, and student housing, if appropriate, must be evaluated periodically by the institution to determine effectiveness in meeting student needs and contribution to the educational purpose of the institution.

[1]The Board of Regents recommends that prospective students seek independent job/career counseling prior to enrollment in an academic degree-granting postsecondary institution and encourages such institutions to promote this recommendation.

AUTHORITY NOTE: Promulgated in accordance with 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1553 (December 1993), amended LR 35:

§315. Organization and Administration

A. An institution shall establish a governing structure which delineates responsibility for institutional operations, policy formation, and the selection of the institution's chief executive officer. If the institution is governed by a board or group of officers, the role and responsibilities of that body must be clearly defined.

B. Administrative personnel must possess qualifications which support the institution's stated purpose and effective operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1553 (December 1993), amended LR 21:169 (February 1995), LR 35:

§317. Procedures for Tuition and Fee Refunds

A. Pricing and Refund Policy

1. The institution must fully disclose all charges and fees in writing to prospective students. The parent or guardian of prospective students under legal adult age must be notified in writing of all charges and fees prior to enrollment.

2. Prospective students shall not be required to make a nonrefundable tuition payment until it has been determined that the prospective student has been accepted for enrollment.

3. The institution's refund policy must be disclosed in any contract to be signed by the prospective student or the student's legal adult guardian.

4. Institutions are required to follow the minimum standards for tuition refunds as set forth herein. These guidelines are:

a. students who withdraw prior to the first day of classes are entitled to a full refund of tuition and fees. Institutions may, however, require a nonrefundable application fee;

b. any administrative fees retained by the institution upon the early withdrawal of a student shall not exceed 15 percent of the total cost of tuition and fees paid by the student;

c. institutions which financially obligate students on a quarter, semester, or similar basis will be subject to the following tuition and fee refund policy:

i. students withdrawing during the first 10 days of classes shall receive a minimum refund of 75 percent of total tuition and fees paid, excluding any nonrefundable application fees, less the maximally-allowable administrative fees retained by the institution;

ii. students withdrawing from day 11 through day 24 of classes shall receive a minimum refund of 50 percent of total tuition and fees paid, excluding any nonrefundable application fees, less the maximally-allowable administrative fees retained by the institution;

iii. students withdrawing from day 25 through the end of the quarter, semester, or similar time period are ineligible to receive a refund;

d. institutions which financially obligate students for longer periods of time, i.e., periods exceeding six months, shall be subject to the following tuition and fee refund policy:

i. students completing up to 25 percent of the course of study shall receive a minimum refund of 50 percent of total tuition and fees paid, excluding any nonrefundable application fees, less the maximally allowable administrative fees retained by the institution;

ii. students completing more than 25 percent but less than 50 percent of the course of study shall receive a minimum refund of 25 percent of total tuition and fees paid, excluding any nonrefundable application fees, less the maximally-allowable administrative fees retained by the institution;

iii. institutions are not allowed to keep the full amount of tuition and fee charges until at least half the program of study has been completed;

iv. refund policies for programs offering tuition/fee payments on an installment plan will be examined by the Board of Regents on an individual basis. Refund policies for installment programs are expected to conform generally to refund policies which appear in Subsection A.4.c.i through iii and d.i through iv of this Section;

e. refunds must be paid within 45 days of the date of withdrawal of the student from the institution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1553 (December 1993), amended LR 21:169 (February 1995), LR 35:

§319. Surety Bonding

A. Institutions are required to post a surety bond issued by a surety authorized to do business in the state of Louisiana in the amount of $10,000 to cover the period of the license. These bonds are intended to protect students in the event of a sudden closure of the institution. Institutions that are also licensed and bonded under provisions set forth by the Louisiana Board of Elementary and Secondary Education (BESE) need not seek additional bonding.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1554 (December 1993), amended LR 35:

§321. Rules and Guidelines on Advertising[1]

A. Registration with the Board of Regents shall in no way constitute state approval or accreditation of any institution and shall not be used in any form of advertising by any institution.

B. Licensed institutions may use the state name and licensing agency as follows:

1. *(Name of Institution)* is currently licensed by the Board of Regents of the State of Louisiana. Licenses are renewed by the State Board of Regents every two years. Licensed institutions have met minimal operational standards set forth by the state, but licensure does not constitute accreditation, guarantee the transferability of credit, nor signify that programs are certifiable by any professional agency or organization.

2. Any licensed institution wishing to use the state name and licensing agency in any promotion or advertising is restricted to the language which appears above. The statement must appear in its entirety and any modifications are not permissible under these rules or the law.

3. Advertising shall not include false or misleading statements with respect to the institution, its personnel, courses, or services, or the occupational opportunities of its graduates.

4. Institutions claiming accreditation by agencies not recognized by the United States Department of Education must clearly state in all advertising and promotional literature that the institutions' accreditation is not recognized by either the United States Department of Education or the State of Louisiana.

[1]Neither the institution nor its agents shall engage in false advertising or other misleading practices.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1554 (December 1993), amended LR 35:

§323. Hearings and Appeals

A. Institutional hearings and appeals are handled in accordance with guidelines set forth in R.S. 17:1808.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1554 (December 1993), amended LR 35:

§325. Sale of Ownership and Transfer of License

A. In the event that an institution sells all or a majority interest in its ownership, it is required to notify the Board of Regents of both expected and final sale. A review of the institution's operations and objectives will be required upon final sale to determine if the institution's operating license should be transferred to the new ownership. Any and all costs associated with the Board of Regents' review will be borne by the new ownership of the institution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 21:170 (February 1995), amended LR 35:

§327. Licensure Denial

A. Any institution denied licensure by the Board of Regents that wishes to seek reconsideration by the board is required to wait a minimum of 24 months before resubmitting its license application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 21:170 (February 1995), amended LR 35:

Chapter 5. Consumer Protection

§501. General Provisions

A. Individuals must make reasonable effort to solve disputes directly with the institution. If a solution cannot be reached, an individual may file a written complaint with the Board of Regents. Board of Regents' staff will review the facts and intervene where appropriate. Such intervention shall not include legal action on behalf of the party, but may include additional investigation of the institution including a site visit to determine if the institution's license should be revoked.

B. Disciplinary Provisions and Administrative Penalties

1. The Board of Regents may institute disciplinary proceedings against a licensed agent who engages in false or misleading advertising. The Board of Regents may also require an institution to submit all advertising for approval prior to use.

2. It is illegal for institutions which come under the jurisdiction of the Board of Regents to advertise, recruit students for, and/or operate educational programs in the state of Louisiana unless properly registered and licensed.

3. Penalties may be assessed for the following violations:

a. operating an institution without a license;

b. deceptive or fraudulent advertising;

c. offering an unapproved program;

d. other violations as determined by the Board of Regents.

4. Violations may result in suspension of student enrollments where patterns of abuse and willful misconduct have been established.

C. Meetings, Site Visits, and Reports

1. The Board of Regents, at its discretion, may conduct preliminary conferences with institutional officers and board members to discuss standards and procedures for implementing licensure.

2. The Board of Regents may require a site visit and examiner's report at the cost of the institution. The cost shall not exceed the actual dollar amount incurred by the Board of Regents.

3. Site visits could include an inspection of facilities, books, school files and records, as well as interviews with administrators, faculty, and students.

4. Examiners would submit a report following the site visit with recommendations pertaining to the licensure of the institution.

D. Enforcement

1. The attorney general is authorized to seek injunctive relief against an institution operating in noncompliance with the law. All costs incurred by the state of Louisiana in connection with such action shall be borne by the institution if it is found to be operating illegally.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1808.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Regents, LR 19:1554 (December 1993), amended LR 35:

Family Impact Statement

In accordance with R.S. 17:3141, Title 28 of the Louisiana Revised Statues, 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.

All interested persons are invited to submit written comments on the proposed regulations. Persons commenting should reference this proposed regulation by ACT 129. Such comments must be received no later than August 24, 2009, at 4:30 p.m., and should be sent to Dr. Larry Tremblay, Louisiana State Board of Regents, P.O. Box 3677, Baton Rouge, LA 70821-3677 or to fax (225) 342-6926.

Dr. Larry Tremblay
Acting Deputy Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Registration, Licensure, and Consumer Protection

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule change should have little or no impact (costs/savings) to state governmental units. The Regents' staff will add one additional step in its review process of licensed institutions.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no effect on revenue collections of state or local governmental units. The only impact would be if an institution determined not to seek licensure due to the additional criteria.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rules will require post-secondary educational programs provided by licensed educational institutions to meet program accreditation requirements to continue operating in Louisiana. Affected institutions may incur additional requirements and costs to obtain the program accreditation required by the proposed rules if they want to continue offering the academic program in Louisiana. Affected institutions may pass on additional program accreditation costs to affected students or may choose to cease offering the particular program to students in Louisiana rather than seek program accreditations required by the proposed rules.

There are three in-state and approximately 25 post-secondary educational institutions domiciled outside of Louisiana licensed to operate in Louisiana that could be affected by the proposed program accreditation requirements according to information provided by the Louisiana Board of Regents. According to Regents, 20 of these out-of-state institutions currently enroll approximately 2,100 Louisiana residents. Another five out-of-state institutions operating in Louisiana currently enroll approximately 7,460 students nationwide, but Regents is unable to identify how many such students receive educational services in Louisiana and might be affected by the proposed rules.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Institutions may choose to discontinue a particular program or to cease operations altogether in Louisiana rather than seek the program accreditation required by the proposed rules, potentially decreasing supply and competition among post-secondary educational programs in Louisiana. However, individuals obtaining a degree from an accredited program from affected institutions as required by the proposed rules may have more employment offers at higher compensation amounts.

Dr. Larry Tremblay
Acting Deputy Commissioner
0907#045

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals
Board of Medical Examiners

Clinical Laboratory Personnel, Licensure and Certification; Fees (LAC 46:XLV.3529)

Notice is hereby given that the Louisiana State Board of Medical Examiners (the "Board"), pursuant to the authority vested in the Board by R.S. 37:1270A, 37:12381 and 37:1311-1329, and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., intends to amend its existing Rule prescribing the fees payable by all categories of clinical laboratory personnel for initial licensure or certification, annual renewal and temporary permits issued by the Board, LAC 46:XLV, Subpart 2, Chapter 35, Subchapter C, Section 3529. The proposed Rule amendment is set forth below.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLV. Medical Professions
Subpart 2. Licensure and Certification
Chapter 35. Clinical Laboratory Personnel
Subchapter C. Procedures for Obtaining Licensure or Certification

§3529. Fees

A. General Provisions. Except as provided in §3529.B, the fee for obtaining or renewing a license or certificate as provided in this Chapter shall be as follows.

1.	clinical laboratory scientist (all categories)	$65
2.	cytotechnologist	$65
3.	laboratory assistant	$40
4.	phlebotomist	$40

B. - B.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(A)(5), 37:1281 and R.S. 37:1311-1329.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 20:1290 (November 1994), amended LR 35:

Family Impact Statement

The proposed Rule amendment has no known impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Interested persons may submit written data, views, arguments, information or comments on the proposed Rule amendment to Rita Arceneaux, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, at Post Office Box 30250, New Orleans, LA, 70190-0250 (630 Camp Street, New Orleans, LA, 70130), (504) 568-6820, Ex. 242. She is responsible for responding to inquiries. Written comments will be accepted until 4 p.m., August 20, 2009. A request pursuant to R.S. 49:953(A)(2) for a public hearing must be made in writing and received by the board

within 20 days of the date of this notice. Should it become necessary to convene a public hearing to receive data, views, arguments, information or comments orally in accordance with the Louisiana Administrative Procedure Act, the hearing will be held on August 26, 2009 at 8:30 a.m. at the office of the Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, LA. Any person wishing to attend should call to confirm that a hearing is being held.

Robert L. Marier, M.D.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Clinical Laboratory Personnel, Licensure and Certification; Fees

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than notice and rule publication costs estimated at a combined total of $205 during FY 2009, it is not anticipated that the proposed rule amendment will result in any additional costs or savings to the Board or any other state or local governmental unit.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Implementation of the proposed rule amendment will generate additional fees of $15 for issuance and renewal of all categories of clinical laboratory personnel licensure or certification issued by the Board. The same increase would also apply to issuance of a temporary license or certificate. Based on a projection of applicants for initial issuance, renewal and temporary permits, it is estimated that the rule amendment will result in additional revenues totaling $77,025 each year for FY 2010, 2011 and 2012.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Despite increased operating costs over the years, the fees for issuance and renewal of licensure and certification of clinical laboratory personnel and for temporary permits have not been increased since inception of the Clinical Laboratory Personnel ("CLP") Law in 1993. On an annual operating basis the expenses attributable to CLP have in the past and are projected in the future to exceed total collected CLP annual revenues. The proposed increase of $15 in the fees would apply to all individuals seeking issuance or renewal of any category of clinical laboratory personnel licensure or certification issued by the Board, and to all temporary licenses or certificates. However, the rule amendment would not involve any workload adjustment or additional paperwork for applicants, licensees or certificate holders, nor is it anticipated to have any material impact on the receipts and/or income of clinical laboratory personnel.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is not anticipated that the proposed rule amendment will have any significant impact on competition or employment in either the public or private sector.

Robert L. Marier, M.D.
Executive Director
0907#077

Robert E. Hosse
Staff Director
Legislative Fiscal Officer

NOTICE OF INTENT

Department of Health and Hospitals
Bureau of Health Services Financing

Disproportionate Share Hospital Payments
Pre-Admission Certification and Length of Stay Assignment
(LAC 50.V.2501)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to amend LAC 50:V.2501 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing repromulgated all of the Rules governing the disproportionate share hospital (DSH) payment methodology in LAC 50:V.Chapters 25 and 27 *(Louisiana Register*, Volume 34, Number 4). The bureau now proposes to amend the general provisions governing DSH payment methodology to require that uncompensated care costs associated with Medicaid days must meet the department's established criteria for pre-admission certification and length of stay assignment in order to qualify for DSH payments.

TITLE 50
PUBLIC HEALTH–MEDICAL ASSISTANCE
Part V. Medical Assistance Program–Hospital Services
Subpart 3. Disproportionate Share Hospital Payments
Chapter 25. Disproportionate Share Hospital Payment Methodologies

§2501. General Provisions

A. - C. ...

D. The uncompensated care costs associated with Medicaid days that do not meet the established criteria for pre-admission certification and length of stay assignment are not allowable for disproportionate share payments.

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 34:654 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

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 proposed Rule. A public hearing on this proposed Rule is scheduled for Wednesday, August 26, 2009 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Alan Levine
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Disproportionate Share Hospital Payments—Pre-Admission Certification and Length of Stay Assignment

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will likely reduce disproportionate share payments by an unknown amount. It is anticipated that $246 ($123 SGF and $123 FED) will be expended in FY 09-10 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule may reduce federal revenue collections by an unknown amount. It is anticipated that $123 will be collected in FY 09-10 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This rule proposes to amend the disproportionate share hospital (DSH) payment general provisions to require that all Medicaid days eligible for DSH payments must meet the department's established criteria for pre-admission certification and length of stay assignment. Although this rule may result in a reduction of DSH payments for FY 09-10, FY 10-11, and FY 11-12, we cannot determine the amount of DSH payments to hospitals that may be reimbursed for the uncompensated care costs that are associated with patients who are Medicaid eligible but do not meet pre-certification requirements for inpatient hospital services.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Jerry Phillips	Robert E. Hosse
Medicaid Director	Staff Director
0907#072	Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals
Bureau of Health Services Financing

Inpatient Hospital Services
Pre-Admission Certification
(LAC 50:V.301)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to adopt LAC 50:V.301 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Human Resources, Office of Family Security adopted a Rule which implemented provisions governing the reimbursement methodology for designated surgical procedures when these procedures are performed in an ambulatory (outpatient) setting and established exception criteria which would allow inpatient admission for the performance of these designated outpatient surgical procedures (*Louisiana Register*, Volume 11, Number 12). The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing subsequently adopted a Rule which established requirements for registration and length of stay assignment for all admissions to acute care and rehabilitation hospitals, and pre-admission certification and length of stay assignments for all admissions to long-term hospitals and distinct-part psychiatric/substance abuse units in acute care general hospitals (*Louisiana Register*, Volume 20, Number 6). The bureau later amended the June 20, 1994 Rule to require pre-admission certification and length of stay assignment for admissions to free-standing psychiatric hospitals and to establish admission criteria for inpatient psychiatric services (*Louisiana Register*, Volume 21, Number 6) and to clarify the criteria and timeframes for retrospective reviews of admissions as well as the timeframes for extension requests (*Louisiana Register*, Volume 27, Number 6).

The bureau now proposes to repeal the December 20, 1985 Rule and to amend the provisions of the June 20, 1994 Rule to require pre-admission certification for all admissions to non-state and state operated acute care general hospitals. In addition, the bureau proposes to repromulgate the provisions contained in the June 20, 1994 and June 20, 2001 Rules governing pre-admission certification and length of stay assignment for inclusion in the Louisiana Administrative Code.

The Department of Health and Hospitals, Bureau of Health Services Financing repeals the December 20, 1985 Rule and amends the provisions of the June 20, 1994 Rule governing admission requirements for acute care general hospitals.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part V. Hospital Services
Subpart 1. Inpatient Hospitals
Chapter 3. Pre-Admission Certification
§301. General Provisions

A. Pre-admission certification, concurrent review and length of stay assignment shall be required for all admissions to non-state and state operated acute care general hospitals. Current InterQual® criteria, Thomson Reuters or Solucient data and Health Care Industries Association (HCIA) data shall be utilized by the fiscal intermediary to determine medical necessity and authorize admission, for initial length of stay (LOS) and continued stay assignment, and concurrent review.

1. Medical necessity for inpatient admission, concurrent review and length of stay assignment for acute care general hospitals will be determined by utilizing age-based guidelines for severity of illness and intensity of service as well as guidelines for surgery and procedures in the inpatient setting.

2. National and regional specific data elements such as age, multiple diagnoses and/or surgeries will also be utilized for initial length of stay and continued stay assignment.

B. Hospitals shall use current and updated InterQual® criteria and Thomson Reuter or Solucient data to determine appropriateness of admission and continued stays.

1. Providers must have the capability to submit requests and receive responses through a web-based system.

C. Registration and length of stay assignment are required for all admissions to rehabilitation hospitals.

1. The hospital is required to register each Medicaid admission no later than one business day after the date of admission.

2. Length of stay assignment for rehabilitation hospital admissions is determined by the fiscal intermediary staff using updated InterQual®, HCIA LOS Southern Region grand totals, and customized criteria as well as clinical information for the patient provided by the hospital.

3. The initial length of stay assigned for each rehabilitation hospital admission is 14 days based on the lowest average length of stay from the American Hospital Association Average Stay Study for rehabilitation conditions.

D. Pre-admission certification and length of stay assignment are required for all admissions for inpatient psychiatric services (free-standing psychiatric hospitals and distinct part psychiatric units in acute care general hospitals).

1. The pre-admission certification criteria for psychiatric admissions are formulated according to categories for adults and children and utilize the current revision of the *Diagnostic and Statistical Manual of Mental Disorders.*

2. The initial length of stay assigned for all admissions to free-standing psychiatric hospitals and distinct part psychiatric units is at the fiftieth percentile based on the admitting diagnosis.

E. Pre-admission certification and length of stay assignment are required for all admissions to long term hospitals.

1. Admissions to long-term hospitals for acute care, psychiatric care, or rehabilitation will be assigned lengths of stay using the same criteria that is utilized for admissions to those respective hospital settings for these patients.

2. All other long-term hospital admissions will be assigned an initial length of stay of 14 days.

F. Extensions of the initial length of stay may be requested by the hospital when appropriate care of the recipient indicates the need for hospitalization in excess of the originally approved assignment.

1. An extension must be requested no later than the expected day of discharge. If the expected day of discharge is on a weekend or holiday, the extension must be requested by the next business day. Extensions are granted on a case-by-case basis and shall be based on clinical information provided by the hospital.

2. The initial approved extension is assigned at the 75th percentile for acute care and up to the 75th percentile for inpatient psychiatric services, regardless of the hospital setting.

a. Subsequent approved extensions may be submitted for consideration of up to three additional days.

3. Initial approved extensions for acute care, psychiatric care and rehabilitation admissions to long term hospitals are assigned using the same criteria as that used in the other applicable hospital settings for these patients.

a. All other long term hospital initial approved extensions may be assigned up to 14 days.

b. Subsequent extension requests for long-term hospital admissions (other than admissions for acute care, psychiatric care or rehabilitation) may be assigned up to seven days.

4. Subsequent approved extension requests for rehabilitation cases may be assigned up to seven days.

5. There is no limit on the number of extensions that can be requested by a hospital.

G. The pre-admission certification requirement applies to acute care general hospitals (non-state and state operated), long term hospitals, free-standing psychiatric hospitals and distinct part psychiatric units in acute care general hospitals.

1. Pre-admission certifications must be obtained prior to admission or on a concurrent basis, with provision for retrospective review only in exceptional circumstances. Medicaid reimbursement will not be authorized without completion of the pre-admission certification requirement.

a. Pre-admission certification for all emergency admissions to long term hospitals, free-standing psychiatric hospitals and distinct-part psychiatric units must be requested upon admission.

H. The pre-admission certification reviews are conducted by registered nurses (or licensed mental health professionals for psychiatric cases) in consultation with a physician. If the request for admission is denied, the hospital may request a reconsideration of the decision.

1. The reconsideration process involves a physician to physician consultation between the treating physician or his/her designee and the fiscal intermediary's physician consultant within one business day of receipt of the denial notification.

2. If the reconsideration process results in a denial of the admission, the hospital may appeal the decision by submitting a formal request for an appeal in writing to the Bureau of Appeals in accordance with the department's established appeal procedures.

I. Inpatient admissions for dually eligible Medicare/Medicaid beneficiaries are not subject to pre-admission certification and length of stay assignment when Medicare Part A benefits are still in effect.

J. A hospital may request a retrospective review for Medicaid reimbursement of inpatient hospital services in only two situations: retroactive eligibility; and depletion of a dually eligible recipient's Medicare Part A benefits.

1. In the case of retroactive eligibility, hospitals have up to one year from the date that the recipient was added to the eligibility file to request a retrospective review.

2. In the case where Medicare Part A benefits have been exhausted, hospitals must request a retrospective review within 60 days from the date of the Medicare Explanation of Benefits that verifies that Medicare Part A benefits have been exhausted.

3. The two-year timely filing requirement for filing claims is applicable for retrospective reviews.

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

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

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will not have an impact upon family functioning, stability and autonomy as described in R.S. 49:972.

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 proposed Rule. A public hearing on this proposed Rule is scheduled for Wednesday, August 26, 2009 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Alan Levine
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Inpatient Hospital Services Pre-Admission Certification

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will result in estimated programmatic savings to the state of approximately $1,020,333 for FY 09-10, $4,205,291 for FY 10-11, and $4,331,450 for FY 11-12. It is anticipated that $738 ($369 SGF and $369 FED) will be expended in FY 09-10 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on the current Federal Medical Assistance Percentage (FMAP) as allowed in the American Recovery and Reinvestment Act of 2009 (80.01%). Additional federal funds are projected to be available in the current year through December 2010. To the extent that DHH utilizes federal match, up to the allowable match for the eligibility period (through December 2010), state general fund match could be reduced.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will reduce federal revenue collections by approximately $4,084,991 for FY 09-10, $16,831,684 for FY 10-11, and $17,336,635. It is anticipated that $369 will be expended in FY 09-10 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on the current Federal Medical Assistance Percentage (FMAP) as allowed in the American Recovery and Reinvestment Act of 2009 (80.01%). Additional federal funds are projected to be available in the current year through December 2010. To the extent that DHH utilizes federal match, up to the allowable match for the eligibility period (through December 2010), state general fund match could be reduced.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions for inpatient hospital services to require pre-admission certification for all admissions to non-state and state operated acute care general hospitals and repromulgates all of the provisions governing pre-admission certification and length of stay assignment for inpatient hospital services for inclusion in the Louisiana Administrative Code. It is anticipated that implementation of this proposed rule will reduce program expenditures for inpatient hospital services by approximately $5,106,062 for FY 09-10, $21,036,975 for FY 10-11, and $21,668,085 for FY 11-12.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this proposed rule will not have an effect on competition and employment.

Jerry Phillips	Robert E. Hosse
Medicaid Director	Staff Director
0907#073	Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals
Bureau of Health Services Financing

Laboratory and Radiology
Radiology Utilization Management
(LAC 50:XIX.4501)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to adopt LAC 50:XIX.Chapter 45 under the Medical Assistance Program as authorized by 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R. S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing repromulgated all of the Rules governing reimbursement for laboratory and radiology services in a codified format for inclusion in the *Louisiana Administrative Code* (*Louisiana Register*, Volume 28, Number 5). The Department of Health

and Hospitals, Bureau of Health Services Financing proposes to adopt provisions governing radiology utilization management to implement a prior authorization requirement for certain high-tech imaging services in order to reduce unnecessary radiology studies.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XIX. Other Services
Subpart 3. Laboratory and Radiology
Chapter 45. Radiology Utilization Management
§4501. General Provisions

A. Radiology utilization management establishes provisions requiring prior authorization for certain outpatient high-tech imaging.

B. Prior authorization (PA) is based on best evidence medical practices as developed and evaluated by board-certified physician reviewers, including board-certified radiologists and additional physical specialists who will assist in the claim evaluation process.

1. Services requiring PA will be noted on the Medicaid fee schedule and shall include, but are not limited to, the following radiology service groups:

a. magnetic resonance (MR);
b. positron emission tomography (PET);
c. computerized tomography (CT); and
d. nuclear cardiology.

C. Reimbursement for these services is contingent upon prior authorization.

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:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 by improving patient health and safety through reduced exposure to unnecessary radiology studies.

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 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 proposed Rule. A public hearing on this proposed Rule is scheduled for Wednesday, August 26, 2009 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Alan Levine
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Laboratory and Radiology
Radiology Utilization Management

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will result in estimated programmatic savings to the state of approximately $178,957 for FY 09-10, $970,569 for FY 10-11 and $2,190,077 for FY 11-12. It is anticipated that $246 ($123 SGF and $123 FED) will be expended in FY 09-10 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on the current Federal Medical Assistance Percentage (FMAP) as allowed in the American Recovery and Reinvestment Act of 2009 (80.01%). Additional federal funds are projected to be available in the current year through December 2010. To the extent that DHH utilizes federal match, up to the allowable match for the eligibility period (through December 2010), state general fund match could be reduced.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will reduce federal revenue collections by approximately $716,647 for FY 09-10, $3,884,702 for FY 10-11 and $8,765,788 for FY 11-12. It is anticipated that $123 will be expended in FY 09-10 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on the current Federal Medical Assistance Percentage (FMAP) as allowed in the American Recovery and Reinvestment Act of 2009 (80.01%). Additional federal funds are projected to be available in the current year through December 2010. To the extent that DHH utilizes federal match, up to the allowable match for the eligibility period (through December 2010), state general fund match could be reduced.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule is being promulgated to adopt provisions governing radiology utilization management to reduce the number of unnecessary radiology studies by requiring prior authorization for certain high-tech imaging services (approximately 1,211 claim types annually). It is anticipated that implementation of this proposed rule will reduce program expenditures in the Medicaid Program by approximately $895,850 for FY 09-10, $4,855,271 for FY 10-11 and $10,955,865 for FY 11-12.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this proposed rule will not have an effect on competition and employment.

Jerry Phillips
Medicaid Director
0907#074

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals
Bureau of Health Services Financing

Outpatient Hospital Services
Radiology Utilization Management
(LAC 50:V.6105)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to adopt LAC 50:V.6105 under the Medical Assistance Program as authorized by 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R. S. 49:950, et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing provides reimbursement for radiology services in the Medicaid Program. The department proposes to adopt provisions governing radiology utilization management to implement a prior authorization requirement for certain outpatient high-tech imaging services in order to reduce unnecessary radiology studies.

Title 50
PUBLIC HEALTH-MEDICAL ASSISTANCE
Part V. Hospitals
Subpart 5. Outpatient Hospitals
Chapter 61. Other Outpatient Hospital Services
Subchapter A. General Provisions
§6105. Radiology Utilization Management

A. Radiology utilization management establishes provisions requiring prior authorization for certain outpatient high-tech imaging.

B. Prior authorization (PA) is based on best evidence medical practices as developed and evaluated by board-certified physician reviewers, including board-certified radiologists and additional physical specialists who will assist in the claim evaluation process.

1. Services requiring PA will be noted on the Medicaid fee schedule and shall include, but are not limited to, the following radiology service groups:

a. magnetic resonance (MR);
b. positron emission tomography (PET);
c. computerized tomography (CT); and
d. nuclear cardiology.

C. Reimbursement for these services is contingent upon prior authorization.

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:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 by improving patient health and safety through reduced exposure to unnecessary radiology studies.

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 (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 proposed Rule. A public hearing on this proposed Rule is scheduled for Wednesday, August 26, 2009 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Alan Levine
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Outpatient Hospital Services Radiology Utilization Management

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will result in estimated programmatic savings to the state of approximately $257,537 for FY 09-10, $1,396,672 for FY 10-11 and $3,151,575 for FY 11-12. It is anticipated that $328 ($164 SGF and $164 FED) will be expended in FY 09-10 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on the current Federal Medical Assistance Percentage (FMAP) as allowed in the American Recovery and Reinvestment Act of 2009 (80.01%). Additional federal funds are projected to be available in the current year through December 2010. To the extent that DHH utilizes federal match, up to the allowable match for the eligibility period (through December 2010), state general fund match could be reduced.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will reduce federal revenue collections by approximately $1,031,285 for FY 09-10, $5,590,182 for FY 10-11 and $12,614,181 for FY 11-12. It is anticipated that $164 will be expended in FY 09-10 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on the current Federal Medical Assistance Percentage (FMAP) as allowed in the American Recovery and Reinvestment Act of 2009 (80.01%). Additional federal funds are projected to be available in the current year through December 2010. To the extent that DHH utilizes federal match, up to the allowable match for the eligibility period (through December 2010), state general fund match could be reduced.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule is being promulgated to amend the provisions governing outpatient hospital services to implement a radiology utilization management program requiring prior authorization for certain high-tech radiology services (approximately 1,211 claim types annually). It is anticipated that implementation of this proposed rule will reduce program expenditures in the Medicaid Program by approximately $1,289,150 for FY 09-10, $6,986,854 for FY 10-11 and $15,765,756 for FY 11-12.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this proposed rule will not have an effect on competition.

Jerry Phillips
Medicaid Director
0907#075

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals
Bureau of Health Services Financing

Professional Services Program
Inpatient Physician Services
(LAC 50.IX.501)

The Department of Health and Hospitals, Bureau of Health Services Financing proposes to repeal the December 20, 1985 Rule governing the reimbursement methodology for designated surgical procedures performed in an ambulatory setting and to adopt LAC 50:V.501 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq.

The Department of Health and Human Resources, Office of Family Security adopted a Rule which implemented provisions governing the reimbursement methodology for designated surgical procedures when these procedures are performed in an ambulatory (outpatient) setting and established exception criteria for the performance of these designated outpatient surgical procedures as inpatient surgeries (*Louisiana Register*, Volume 11, Number 12). Reimbursement to physicians for performing these designated surgical procedures on an inpatient basis was prohibited if the exception criteria were not met. The Department of Health and Hospitals, Bureau of Health Services Financing now proposes to repeal the December 20, 1985 Rule and to establish provisions governing the reimbursement of inpatient physician services and the utilization of the InterQual® Guidelines for Surgery and Procedures for hospital pre-admission certification and concurrent care review.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part IX. Professional Services Program
Subpart 1. General Provisions
Chapter 5. Inpatient Physician Services
§501. Inpatient Physician Services

A. Reimbursement for inpatient physician services rendered in all hospitals is subject to hospital pre-admission certification and length of stay assignment.

B. InterQual® Guidelines for Surgery and Procedures will be utilized for pre-admission certification, length of stay assignment and concurrent care review.

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:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

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 proposed Rule. A public hearing on this proposed Rule is scheduled for Wednesday, August 26, 2009 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Alan Levine
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Professional Services Program—Inpatient Physician Services

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will result in estimated programmatic savings to the state of approximately $48,143 for FY 09-10, $198,857 for FY 10-11, and $204,823 for FY 11-12. It is anticipated that $246 ($123 SGF and $123 FED) will be expended in FY 09-10 for the state's administrative expense for promulgation of this proposed rule and the final rule. The numbers reflected above are based on the current Federal Medical Assistance Percentage (FMAP) as allowed in the American Recovery and Reinvestment Act of 2009 (80.01%). Additional federal funds are projected to be available in the current year through December 2010. To the extent that DHH utilizes federal match, up to the allowable match for the eligibility period (through December 2010), state general fund match could be reduced.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will reduce federal revenue collections by approximately $193,063 for FY 09-10, $795,925 for FY 10-11, and $819,803 for FY 11-12. It is anticipated that $123 will be expended in FY 09-10 for the federal administrative expenses for promulgation of this proposed rule and the final rule. The numbers reflected above are based on the current Federal Medical Assistance Percentage (FMAP) as allowed in the American Recovery and Reinvestment Act of 2009 (80.01%). Additional federal funds are projected to be available in the current year through December 2010. To the extent that DHH

utilizes federal match, up to the allowable match for the eligibility period (through December 2010), state general fund match could be reduced.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule establishes provisions governing the reimbursement of inpatient physician services and the utilization of the InterQual® Guidelines for Surgery and Procedures for hospital pre-admission certification and concurrent care review. It is anticipated that implementation of this proposed rule will reduce program expenditures for physician services by approximately $241,452 for FY 09-10, $994,782 for FY 10-11, and $1,024,626 for FY 11-12.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this proposed rule will not have an effect on competition and employment.

Jerry Phillips	Robert E. Hosse
Medicaid Director	Staff Director
0907#076	Legislative Fiscal Office

NOTICE OF INTENT

Department of Natural Resources
Office of the Secretary

Beneficial Use of Dredged Material
(LAC 43:I.700 and 723)

Under the authority of the laws of the State of Louisiana and in accordance with the provisions of Section 213.30 of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, with the general authority of the Department of Natural Resources and the secretary thereof under Chapter 8 of Title 36 and Subpart C of Part 2 of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950, including R.S. 36:351 et seq., and with the Administrative Procedure Act, R.S. 49:950 et seq., the secretary hereby gives notice that rulemaking procedures have been initiated to promulgate a new Rule to govern the Beneficial Use of Dredged Material, LAC 43:I.700 and 723.

The proposed Rule governs the administration of the Beneficial Use of Dredged Material and set forth the standards and procedures for the secretary of the Department of Natural Resources to implement the requirements and authorizations under R.S. 49:213.30 for beneficially using material dredged pursuant to a use or activity for which a coastal use permit is required. The Rule will permit payment into a trust fund in-lieu of performing such beneficial use directly, with any such in-lieu payment to be used for other coastal restoration type purposes. Any such payments shall be remitted voluntarily and at the election of the applicant.

Title 43
NATURAL RESOURCES
Part I. Office of the Secretary
Chapter 7. Coastal Management
Subchapter C. Coastal Use Permits and Mitigation
§700. Definitions

***

Beneficial Use of Dredged Material—use of dredged material excavated and not replaced pursuant to a proposed activity for which a coastal use permit is required, so as to protect, create, or enhance wetlands; use of material dredged pursuant to an alternative dredging activity to protect, create, or enhance wetlands, so as to offset failure to use the dredged material from the proposed activity to protect, create, or enhance wetlands; or contribution to the Coastal Resources Trust Fund to replace, substitute, enhance, or protect ecological values, so as to offset failure to use the dredged material from the proposed activity to protect, create, or enhance wetlands.

Beneficial Use of Dredged Material Plan—(BUDM Plan) a document submitted to the secretary for approval as part of an application, specifying the beneficial use of dredged material proposed by the applicant.

***

Dredge or Dredging—(verb) the removal by excavation or any other means of native material, including soil, sand, mud, clay, and semisolid sediment, regardless of whether the material supports or is supporting vegetation, from any lands or water bottoms in the coastal zone of Louisiana.

Dredged Material—soil, mud, and/or other sediment that will be dredged pursuant to a proposed activity for which a coastal use permit or other authorization is required.

***

Master Plan—Integrated Ecosystem Restoration and Hurricane Protection: Louisiana's Comprehensive Master Plan for a Sustainable Coast, promulgated by the Coastal Protection and Restoration Authority pursuant to R.S. 49:213.1, et seq., as in effect on the date of submission of a complete application.

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AUTHORITY NOTES: Promulgated in accordance with R.S. 49:214.21 -49:214:41.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 21:835 (August 1995), amended by the Office of Coastal Restoration and Management, LR 28:516 (March 2002), amended Department of Natural Resources, Office of the Secretary, LR 35:

§723. Rules and Procedure for Coastal Use Permits

A. - G.4.b. …

H. Beneficial Use of Dredged Material

1. Requirement for Beneficial Use

a.i. An application for a coastal use permit or a general permit authorization for an individual activity that involves 25,000 cubic yards or more of dredging shall include a BUDM Plan. The application is incomplete until a BUDM Plan is submitted. The permit/authorization shall be conditioned upon compliance with the BUDM Plan approved by the secretary.

ii. Beneficial use is required only when the primary purpose of the proposed dredging is to facilitate the movement or mooring of vessels.

b. The proposed BUDM Plan shall set forth a plan for the beneficial use of dredged material, in accordance with the provisions of this section. The applicant may meet the requirements of this section through the following options or a combination thereof:

i. implementing a project for the beneficial use of the dredged material;

ii. providing for beneficial use of the dredged material on an existing coastal restoration project;

iii. conducting an alternative dredging activity whereby an equivalent volume of material is dredged at another location and put to a beneficial use; and/or

iv. making a contribution to the Coastal Resources Trust Fund.

c. The secretary may disallow conducting an alternative dredging activity or making a contribution to the Coastal Resources Trust Fund as options to meet the requirements of this section if he finds that such activity or contribution would not replace, substitute, enhance, or protect ecological values sufficiently to offset failure to use the dredged material.

2. Exceptions

a. A BUDM Plan is unnecessary under the following circumstances:

i. To the extent that dredged material will be replaced at the conclusion of the proposed activity, or in the case of a continuing activity, within a reasonable time after initiation of the proposed activity, as determined by the secretary;

ii. To the extent that the proposed activity is excavation of material for construction of a coastal protection project included within the Master Plan or associated Annual Plan(s); or

iii. As specifically approved by the secretary in writing, under exceptional circumstances and if the secretary expressly finds that beneficial use of dredged material is unnecessary to protect, create, or enhance wetlands.

b. If the applicant asserts an exception pursuant to this paragraph 2, the applicant shall submit a statement with the application setting forth the exception and the basis for its application to the proposed activity. If the exception is pursuant to paragraph 2.a.iii, the written approval of the secretary shall be attached.

3. General Provisions

a. Upon grant of a coastal use permit, beneficial use of dredged material in accordance with the BUDM Plan approved by the secretary shall be deemed compliance with § 707(B) of this Chapter. However, all other requirements of this Chapter, including the guidelines set forth in §§ 701-719, remain applicable.

b. The BUDM Plan shall be treated as part of the coastal use permit application in all respects and shall be subject to all requirements of the application process, including distribution, public notice of the application, public comment, consideration of public comment, public hearings, provision of additional information regarding incomplete or inaccurate applications, review, permit decision, and public notice of a permit decision.

c. In reviewing the BUDM Plan, the secretary shall consider:

i. The recommendations and comments of any state or federal agencies that demonstrated an interest, during application processing, in participating in the approval or disapproval of the BUDM Plan. The secretary shall also consider the recommendations and comments of the affected parish if the parish has an approved local program and if the parish demonstrated, during application processing, an interest in participating in approval or disapproval of the BUDM Plan; and

ii. The manner and extent to which a project for dredged material is proposed to be used, a proposed use for material dredged pursuant to an alternative dredging activity, and/or use of a proposed in-lieu contribution will protect, create, or enhance wetlands, including by having an anticipated positive impact on the ecological value of the Louisiana Coastal Zone and/or the hydrologic basin. The proposed project or use shall be designed to provide for the long-term viability of the coastal ecosystem.

d. The applicant shall obtain and provide to the secretary together with the BUDM Plan all permits or permissions required by any other state, federal, or local agency under any other law, regulation, or ordinance for any project or use proposed in the plan. In particular, if the project or use involves placement of material on state water bottoms, the applicant shall obtain or submit a copy of an approved reclamation permit from the State Land Office in accordance with their regulations and requirements.

e. The applicant shall attach to the BUDM Plan a written affirmation that the applicant has made all reasonable efforts to determine and identify persons who may be affected by the proposed project or use, and has obtained the express consent to the proposed project or use of all persons reasonably anticipated to be affected by the proposed project or use.

f. If the proposed project or use involves placement on private property of material dredged from state-owned property, the applicant shall obtain and provide to the secretary together with the BUDM Plan an exemption or waiver from the royalty payment required by state law; or shall make the appropriate payment upon approval of the plan and execution of the project, and submit documentation of payment to the secretary within 15 days of making the payment.

g. The applicant shall attach to the BUDM Plan a written affirmation that the applicant is solely responsible for, and agrees to defend, indemnify, and hold harmless all state and local agencies, officers, and employees from, any responsibility, liability, claim, judgment, or regulatory order or direction arising from the approved BUDM Plan or any activity undertaken by the applicant or its employees, agents, or contractors pursuant to or in relation to the approved BUDM Plan.

4. Implementation of Project for Beneficial Use of Dredged Material

a. An applicant electing to implement a project for the beneficial use of the dredged material shall submit a BUDM Plan proposing the implementation of a specific project for which the dredged material will be used in a manner to protect, create, or enhance wetlands.

b. The BUDM Plan shall include:

i. statement of the nature and location of the proposed project;

ii. statement of the manner in which the material is proposed to used in the project, including the type of equipment proposed to be used;

iii. statement of the manner and extent to which the project is expected or intended to protect, create, or enhance wetlands;

iv. statement of the manner and extent to which the project may or will create impacts that may require mitigation;

v. statement of the estimated time schedule for the project;

vi. statement of the estimated cost of the project;

vii. design and construction plan for the project; and

viii. any other information or statements required by the secretary.

5. Providing for Use on Existing Coastal Restoration Project

a. An applicant electing to provide for use of the dredged material on an existing coastal restoration project shall submit a BUDM Plan proposing a specific project for which the dredged material will be used in a manner to protect, create, or enhance wetlands. The project may be one being implemented pursuant to the Master Plan, or a specific project to be conducted by a public or private entity.

b. The BUDM Plan shall include:

i. statement of the nature and location of the project for which the dredged material is proposed to be used;

ii. statement of the means by which the material is proposed to be stored pending use and transported to storage and to the project, including the type of equipment proposed to be used;

iii. statement of the manner in which the material is proposed to be used in the project, including the type of equipment proposed to be used;

iv. statement of the estimated time schedule for use of the material for the project;

v. statement whether the project is included in the Master Plan or associated Annual Plan(s), page reference if so, and specific citation of the project by name, number, and/or other appropriate identifying information;

vi. statement of the manner in which the project is expected or intended to protect, create, or enhance wetlands;

vii. statement of the manner in which use of the dredged material for the project is expected or intended to protect, create, or enhance wetlands;

viii. statement of the manner and extent to which use of the material and transportation of the material to the project may or will create impacts that may require mitigation;

ix. contact information for project managers for each state, federal, and/or local agency and each private entity involved in the project;

x. written agreement signed by the agency or person charged with construction of the project, and by the prime contractor responsible for constructing the project, if applicable, agreeing to the proposed use of the dredged material for the project in the proposed time frame, and setting forth the authority of the persons signing the agreement to enter such an agreement;

xi. estimated cost to the applicant for transporting or otherwise processing the material for the proposed project; and

xii. any other information or statements required by the secretary.

6. Conducting an Alternative Dredging Activity

a. An applicant electing to conduct an alternative dredging activity and beneficially use material dredged pursuant to that activity shall submit a BUDM Plan proposing a specific alternative dredging activity, a specific use of material to be dredged pursuant to that activity, and disposition of the dredged material from the proposed activity.

i. The volume of material dredged and used pursuant to the alternative activity shall be equal to or greater than the volume of dredged material from the proposed activity.

ii. The material dredged pursuant to the alternative activity may be used for an independent activity not associated with a project, a project being implemented pursuant to the Master Plan, or a specific project to be conducted by a public or private entity.

b. The BUDM Plan shall include:

i. statement of the nature and location of the alternative dredging activity;

ii. statement of the means by which material dredged pursuant to the alternative activity is proposed to be stored pending use and transported to storage and to the site of use, including the type of equipment proposed to be used;

iii. statement of the nature and location of the proposed site of use of the material.

iv. statement of the manner in which the material is proposed to be used, including the type of equipment proposed to be used;

v. statement of the estimated time schedule for the proposed use of the material;

vi. statement whether the proposed use is for a project included in the Master Plan or associated Annual Plan(s), page reference if so, and specific citation of the project by name, number, and/or other appropriate identifying information;

vii. statement of the manner in which the proposed use is expected or intended to protect, create, or enhance wetlands;

viii. statement of the manner and extent to which the proposed alternative dredging activity, use of the material, and transportation of the material to the site of use may or will create impacts that may require mitigation;

ix. if the proposed dredging activity or use involves an agency or person other than the applicant, contact information for project managers for each state, federal, and/or local agency and each private entity involved in the proposed dredging activity and use;

x. if the proposed use is for a project or other activity being conducted by an agency or person other than the applicant, written agreement signed by the agency or person charged with construction of the project, and by the prime contractor responsible for constructing the project, if applicable, agreeing to the proposed use of the material for the project in the proposed time frame, and setting forth the authority of the persons signing the agreement to enter such an agreement;

xi. statement of the estimated cost to the applicant for the proposed alternative dredging activity, use of the material dredged pursuant to that activity, and transportation or other processing of the material for the proposed use;

xii. design and construction plan for the proposed alternative dredging activity and for the proposed use of the material dredged pursuant thereto;

xiii. statement of the proposed manner of disposition of the dredged material from the proposed activity; and

xiv. any other information or statements required by the secretary.

7. In-Lieu Contribution

a. In lieu of constructing a project, providing for use on another project, or conducting an alternative dredging

activity for the beneficial use of dredged material, the applicant may elect to make a contribution in accordance with this section. An applicant electing to make an in-lieu contribution shall submit a BUDM Plan proposing the contribution in accordance with this section.

b. The amount of the contribution shall be the greater of $1 or 1.5% of the average of the 12 monthly postings by the United States Department of Energy, Energy Information Administration of the Cushing, Oklahoma West Texas Intermediate Spot Price FOB (dollars per barrel) for crude oil for the fiscal year (July – June) immediately preceding the date of submission of a complete application, per cubic yard of dredged material that will not be replaced at the conclusion of the proposed activity, or within a reasonable time after initiation of the proposed activity in the case of a continuing activity. However, the amount of the contribution shall be limited to one-third of the cost of the dredging component of the proposed activity, unless the dredging is to be accomplished by "prop washing" or any variation thereof, in which case the amount of the contribution shall be limited to one-third of the cost to perform traditional excavation-type dredging of the same volume of material.

c. Prior to issuance of the final coastal use permit or other authorization, an applicant electing to make an in-lieu contribution shall remit payment to the department payable to Louisiana Department of Natural Resources.

d. For a continuing activity for which a coastal use permit or other authorization has been issued and the applicant has elected to make an in-lieu contribution, the contribution shall be paid at the time each individual dredging incident authorized by the permit is approved. The applicant shall remit payment to the department payable to Louisiana Department of Natural Resources.

e. In-lieu contributions are designed to provide a cost-effective mechanism for permit applicants to meet the performance standards established by R.S. 49:214.30(H) without sacrificing safeguards to the coastal ecosystem and opportunities for multiple uses of the coastal zone. In accordance therewith, such contributions shall be paid into the Coastal Resources Trust Fund as provided by R.S. 49:214.40.

i. The department shall keep records clearly showing all deposits to, payments from, and the current net amount in the Coastal Resources Trust Fund attributable to in-lieu contributions.

ii. The secretary may use the funds in the Coastal Resources Trust Fund attributable to in-lieu contributions for the following purposes:

(a). creation of long term management strategy disposal areas for beneficial use of dredged material;

(b). creation of vegetated wetlands, including coastal forests;

(c). creation or enhancement of barrier islands, barrier shorelines, or associated dunes;

(d). structural or non-structural shoreline modifications to hydrology to achieve the creation, enhancement or protection of coastal wetlands, barrier islands, beaches or dune assemblages; or

(e). any other purpose that the secretary determines will result in creation, enhancement, or protection of coastal wetlands.

iii. The secretary shall adopt a method whereby the success of each project undertaken with these funds is determined and monitored.

iv. Funds in the Coastal Resources Trust Fund attributable to in-lieu contributions may not be used for administrative purposes.

8. Non-Compliance.

a. Compliance with the requirements of this section is a condition of approval of the application and of any permit issued to the applicant. If an application is approved and the applicant fails to comply with applicable provisions of this section, the applicant shall be deemed to be in violation of the permit and subject to all applicable penalties.

b. If an application is approved and in the applicant does not comply with the approved BUDM Plan, the applicant shall be deemed to be in violation of the permit and subject to all applicable penalties.

9. Miscellaneous

a. The secretary shall determine whether to cumulate activities sought to be permitted through multiple applications, for purposes of determining whether the 25,000-cubic-yard threshold is exceeded. This determination shall be made on the basis of whether the activities would normally be considered to be parts of a single economic activity and/or whether the applicant has sought to evade the beneficial use requirement.

b. The secretary may approve the accrual of mitigation credits resulting from the beneficial use of dredged material. Any mechanism adopted by the secretary for this purpose shall conform to state mitigation regulations in Subpart C of this Part. The secretary shall also make every reasonable effort to have the mechanism adopted for this purpose conform to federal mitigation regulations of the U.S. Army Corps of Engineers as set forth at 33 CFR Parts 320-330 and the U.S. Environmental Protection Agency as set forth at 40 CFR Part 120.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.21-49:214.41.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, L.R. 6:493 (August 1980), amended LR 8:519 (October 1982), amended by the Department of Natural Resources, Office of Coastal Restoration and Management, LR 16:625 (July 1990), amended by the Department of Natural Resources, Office of the Secretary, LR 21:835 (August 1995), amended by the Department of Natural Resources, Office of Coastal Restoration and Management, LR 28:516 (March 2002), amended Department of Natural Resources, Office of the Secretary, LR 35:

Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

All interested persons are invited to submit written comments on the proposed Rule. Persons commenting should reference this proposed Rule by "Beneficial Use of Dredged Materials." Such comments must be received no later than August 10, 2009 at 4:30 p.m., and should be sent to the following contact person and address: O.C. Smith, Attorney, Louisiana Department of Natural Resources, Office of Coastal Restoration and Management, P.O. Box 44487, Baton Rouge, LA 70804-4487 or to FAX (225) 342-9439 or by email to oc.smith@la.gov. This proposed Rule

are available on the Internet at http://dnr.louisiana.gov. This proposed Rule is available for inspection and copying between the hours of 8:30 a.m. and 4:30 p.m. at the following address Louisiana Department of Natural Resources, Office of Coastal Restoration and Management, 617 North Third Street, 10th Floor, Baton Rouge, LA 70802.

Lois E. Buatt
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Beneficial Use of Dredged Material

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

While the administrative burden to DNR may be heavy initially, the agency will absorb the additional workload with existing staff. No increase in costs (savings) to state or local government entities is anticipated to result from this action.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Since no fees will be generated by this program, the action is estimated to have no effect on state or local governmental unit revenue collections. Current statutory law and regulations already require or authorize DNR to require coastal use permit recipients to beneficially use material dredged pursuant to permitted uses or activities. The proposed regulations will clarify this process and permit coastal use permit applicants to remit contributions, commensurate with the cubic yards of the permit, into a trust fund in-lieu of directly performing such beneficial use, with any such in-lieu contributions to be used for other coastal restoration-type purposes. Accordingly, the Coastal Resources Trust Fund may realize potential revenues of $3,008,000 at $1 per cubic yard contingent upon permit applicants election to voluntarily make a contribution in lieu of directly performing such beneficial use. Any such in-lieu contributions shall be remitted voluntarily and at the election of the applicant.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Since coastal use permit applicants are already subject to the requirements of beneficial use of dredged material, no economic costs or benefits to persons or non-governmental groups are anticipated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition or employment is anticipated in either the public or private sector.

Robert D. Harper
Undersecretary
0907#039

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Natural Resources
Office of the Secretary

Coastal Use Permit Extensions
(LAC 43:I.723)

Under the authority of the laws of the State of Louisiana and in accordance with the provisions of Section 213 of Chapter 2 of Title 49 of the Louisiana Revised Statue of 1950, with the general authority of the Department of Natural Resources under Chapter 8 of Title 36 of the Louisiana Revised Statutes of 1950 and, Coastal Resources Management Act of 1978, La. R.S. 49:214.21 and with the Administrative Procedure Act, La. R.S. 49:950 et seq., the secretary hereby gives notice that rulemaking procedures have been initiated to amend the rules that govern the extension of Coastal Use Permits, LAC 43:I.723.

The proposed Rule amends the Coastal Use Permit Extension rules with regard to the process for requesting an extension of the term to initiate a coastal use permit and the term to complete the use of a coastal use permit. The proposed Rule amends the existing provision of LAC 43:I. Chapter 7, Subchapter C which prohibits a coastal use permit recipient from requesting an extension of the term to complete use of a coastal use permit and authorizes a request to extend the term to complete use pursuant to the same guidelines set forth for requesting an extension of the term to initiate a coastal use permit. The proposed Rule will authorize the Secretary to issue an administrative order to extend the terms to initiate or complete use of a coastal use permit up to thirty days, without public notice of the request, a public comment period, or further formality upon a showing of good cause. The Rule will also authorize the Secretary to modify, suspend or extend the terms of all or an individual coastal use permit when an executive order or proclamation has been issued declaring an emergency.

Title 43
NATURAL RESOURCES
Part I. Office of the Secretary
Chapter 7. Coastal Management
Subchapter C. Coastal Use Permits and Mitigation
§723. Rules and Procedures for Coastal Use Permits

A. - B.8.c. …

C. Permit Application, Issuance, and Denial

1. - 8.c. …

9. Conditions of Permit

a. - c.ii …

d. The term of issuance of permits shall be as follows.

i. The term to initiate a coastal use permit shall be two years from the date of issuance, and the term to complete the use shall be five years from the date of issuance.

ii. Repealed.

D. Modification, Suspension or Revocation of Permits

1. - 4. …

5. Extension

a. The term to initiate a coastal use permit or the term to complete the use of a coastal use permit may be extended, notwithstanding the provision of Subparagraph j below, as follows:

i. The term to initiate a coastal use permit may be extended for an additional 2 years beyond the term set forth in Subsection C.9.d.

ii. The term to complete the use may be extended for up to a total of an additional 3 years beyond the term for completion of use set forth in Subsection C.9.d.

iii. A grant of an extension request for the term to initiate a coastal use permit does not automatically extend the term to complete use of a coastal use permit. Requests to extend the term to initiate a coastal use permit and complete use of the same permit may be submitted separately or

together in accordance with Subparagraph f. Each request shall include the appropriate fee consistent with schedule of fees set forth in Subparagraphs f-g. Each request shall be considered separately consistent with Subparagraph a.v.

iv. The secretary may, in his discretion, upon a showing of good cause and upon receipt of a complete request for an extension, grant a permittee an extension up to 30 days beyond the last day of the term to initiate work on a use pursuant to a permit, or 30 days beyond the last day of the term to complete the permitted use without public notice of the request, a public comment period, or further formality, except that notice required in Subparagraph j below, of the secretary's decision to grant or deny the extension shall be made.

b. The secretary shall review extension requests subject to this part on a case-by-case basis. The secretary shall determine, based upon the merits of the request and upon the compliance of the permitted activity with the regulations and policies existing at the time of the request, whether extension may be considered.

c. If the secretary determines that extension may be considered, the Permits, Mitigation and Support Division shall cause to be issued for public comment, for a period of 10 days, a notice containing a brief summary of the original permit in accordance with Subparagraph i below. The secretary shall consider public comments received during this period prior to the final decision on whether to allow permit extension. The sole reason for not allowing extension based upon public comment shall be that there has been a change in the conditions of the area affected by the permit since the permit was originally issued.

d. If the secretary determines that a permit should not be extended, the permittee shall be notified and, provided that the permittee desires a new permit, the use shall be subject to processing as a new permit application pursuant to the procedures set forth in Subsection C. A decision of the secretary not to allow extension of a permit shall not be subject to appeal. A decision of the secretary to allow extension shall be subject to appeal only on the grounds that the proposed activity should be treated as a new application pursuant to Subsection C rather than be considered for extension.

e. All coastal use permits in effect on the date these rules are adopted are eligible for extension provided that all requirements in Subparagraph f below are met.

f. Extension requests shall be in the form of a written letter which shall refer to the original coastal use permit application number and specifically state that a permit extension is desired. A nonrefundable extension request fee in the amount of $80 shall be included with such a request, and the request must be received by the Permits, Mitigation and Support Division no sooner than 180 days and no later than 60 days prior to the expiration of the permit in question. Requests received later than 60 days prior to the expiration date of the permit shall be eligible for consideration for extension, however a permittee who fails to make a timely request for an extension shall not engage in any activity requiring a coastal use permit past the original permit expiration date until an extension of the lapsed permit or a new permit is granted.

g. If the appropriate fees are not included along with the request for an extension to initiate a coastal use permit and/or to complete the use, the request will be considered incomplete, and returned to the permittee.

h. Extension requests involving modifications to a permitted activity which would result in greater impacts to the environment than previously permitted will be considered as new applications rather than as extension requests. Extension requests involving modifications to a permitted activity which would result in identical or lesser impacts to the environment than previously permitted may be considered as extension requests, and must, in addition to the requirements in Subparagraph f above, contain adequate information (such as drawings, maps, etc.) to support and explain the proposed modifications.

i. The Permits, Mitigation and Support Division shall issue notice of the extension request to all members of the Joint Public Notice mailing list, and shall publish notice that the extension request has been granted or denied in the Bi-weekly Status Report that is published in the state journal as well as mailed to Joint Public Notice mailing recipients.

j. The secretary may issue administrative orders that modify, suspend, or extend the terms of all coastal use permits, or the secretary may order or delegate the authority to order modification, suspension, or extension of an individual permit when, in either case, the permits are in an area where an executive order or proclamation is issued declaring an emergency, and the need for the modification, suspension, or extension is related to the emergency.

E. - G.4.b. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:214.21- 49:214.41.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, L.R. 6:493 (August 1980), amended LR 8:519 (October 1982), amended by the Department of Natural Resources, Office of Coastal Restoration and Management, LR 16:625 (July 1990), amended by the Department of Natural Resources ,Office of the Secretary, LR 21:835 (August 1995), amended by the Department of Natural Resources, Office of Coastal Restoration and Management, LR 28:516 (March 2002), amended by the Department of Natural Resources, Office of Coastal Restoration and Management, LR 35:

Family Impact Statement

This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by Coastal Use Permit Extensions. Such comments must be received no later than August 4, 2009, at 4:30 p.m., and should be sent to O.C. Smith, III, Attorney, Office Coastal Resources and Management, Box 44487, Baton Rouge, LA 70804-4487 or to fax (225) 342-9439 or by e-mail to oc.smith@la.gov. This proposed regulation is available for inspection and copying from 8 a.m. until 4:30 p.m. at the following address: Office of Coastal Restoration and Management, 617 North Third Street, 10th floor, Baton Rouge, LA 70804.

Robert D. Harper
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Coastal Use Permit Extensions

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

While the administrative burden to DNR may be heavy initially, the agency will absorb the additional workload with existing staff. No increase in costs (savings) to state or local government entities is anticipated to result from this action.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Current regulations already authorize DNR to collect an extension request fee from coastal use permit recipients for an extension of the term to initiate a coastal use permit. The proposed regulations will amend the current authorization to also allow coastal use permit recipients to request an extension of the term to complete the use of a coastal use permit, separate or together with a request to extend the term to initiate a coastal use permit. The same $80 fee currently authorized in the rules to request an extension to initiate a coastal use permit, will be imposed for request of an extension to complete the use of a coastal permit. Based on the average number of extension requests received annually (9), the Coastal Resources Trust Fund may realize up to $720.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Coastal use permit recipients are currently required to remit a fee for an extension request for the term to initiate a coastal use permit. Coastal use permit recipients will incur an additional fee in the same amount currently authorized under the rules if the permitee elects to request an extension of the term to complete use of a coastal use permit. This is a voluntary activity.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition or employment is anticipated in either the public or private sector.

Robert D. Harper	Robert Hosse
Undersecretary	Staff Director
0907#038	Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections
Corrections Services

Americans with Disabilities Act
(LAC 22:I.308)

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 promulgate the contents of Section 308 Americans with Disabilities Act.

Title 22
CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
Part I. Corrections
Chapter 3. Adult Services
§308. Americans with Disabilities Act

A. Purpose. To establish the secretary's commitment to compliance with the Americans with Disabilities Act and related legislation as it pertains to services for offenders and to establish formal procedures regarding reasonable accommodations for those offenders.

B. Applicability. Deputy Secretary, Undersecretary, Chief of Operations, Assistant Secretary, Regional Wardens, Wardens, Director of Probation and Parole, Director of Prison Enterprises and offenders who have a disability. 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.

C. Policy. It is the secretary's policy to provide offenders with access to housing, programs and services regardless of their disability to the extent possible within the context of the department's fundamental mission to preserve the safety of the public, staff and offenders and consistent with other classification variables that may affect custody, housing and program assignments. Equal access to programs, services and activities will be provided to all offenders based upon their classification.

1. Access to housing, programs and services includes the initiation and provision of reasonable accommodations including, but not limited to facility modifications, assistive equipment and devices and interpreter services. However, such accommodation should not constitute a danger to the offender or others and should not create undue hardship on the department or its employees.

2. Staff who are aware of or have reason to believe that an offender has a disability for which he may need accommodation are required to advise the unit ADA Coordinator, who will evaluate the circumstances to determine if auxiliary aids and services and reasonable accommodations are required.

D. Definitions

Americans with Disabilities Act (ADA)—a comprehensive federal law which requires the State to provide equal access for people with disabilities to programs, services and activities of the department.

Auxiliary Aids and Services—external aids used to assist people who are hearing-impaired and may include qualified sign language or oral interpreters, written materials, telephone handset amplifiers, assistive listening devices, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunication devices for deaf persons (TDD/TTY), videotext displays or other effective methods of making aurally delivered materials available to individuals with hearing impairments.

Disability—a physical or mental impairment that substantially limits one or more of the major life activities of an individual, including a record of such impairment or being regarded as having such impairment.

Effective Communication—communication with persons with disabilities that is as effective as communication with others. Effective communication is achieved by furnishing appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities an equal opportunity to participate in or benefit from the services, programs or activities of the department.

Major Life Activity—walking, seeing, hearing, breathing, caring for one's self, sitting, standing, lifting, learning, thinking, working and reproduction. This list is illustrative only. The impairment to a major live activity must be long term.

Offender—anyone committed to the physical custody of the Department of Public Safety and Corrections or under the supervision of the Division of Probation and Parole.

Qualified Interpreter—an interpreter who is able to interpret effectively, accurately and impartially both receptively and expressively, using any necessary specialized vocabulary.

a. An employee who signs "pretty well" or has only a rudimentary familiarity with sign language or finger spelling is not a qualified sign language interpreter pursuant to this regulation. Likewise, someone who is fluent in sign language but who does not possess the ability to process spoken communication into the proper signs or to observe someone else signing and change their signed or finger spelled communication into spoken words is not a qualified sign language interpreter. A departmental employee should not be allowed to interpret if his presence poses a conflict of interest or raises confidentiality and privacy concerns. On occasion, an offender may possess the skill level necessary to provide interpreting services; however, the impartially concerns remain, and in many, if not most, situations, offender interpreters should not be used due to confidentiality, privacy and security reasons.

Reasonable Accommodation—a modification or adjustment to a job, service, program or activity, etc that enables a qualified individual with a disability to have an equal opportunity for participation.

Requestor—a person who requests an accommodation for a disability.

E. Procedures

1. Initiation of Requests for Accommodation

a. A qualified individual with a known disability of a long term nature should be accommodated where reasonably possible. A request for accommodation may be filed orally or in writing.

b. An offender with a disability may be able to function in the unit without any accommodation other than that which may already have been provided. If not, the offender may request accommodation.

c. The ADA does not require that a request for accommodation be provided in any particular manner; therefore, the department is charged with having knowledge, or deemed with having knowledge, of the request regardless of the form of the request.

d. The department has in place a formal grievance mechanism through which an offender may seek formal review of a complaint relative to any request for reasonable accommodation.

e. An offender may submit a written request for accommodation through the ARP process or staff shall direct or assist the offender to write his request if the request is made verbally.

f. The ADA block on the ARP form shall be checked by the ARP Screening Officer and directed to the unit ADA Coordinator.

2. Accommodation Review Process

a. Upon receipt of a request for accommodation, the unit ADA Coordinator shall seek to determine the following:

i. if the medical condition is of a temporary or long-term nature;

ii. if additional medical information is needed. At this point of the process, the unit ADA Coordinator may request that the unit medical director determine the following:

(a). what specific symptoms and functional limitations are creating barriers;

(b). if the limitations are predictable, subject to change, stable or progressive;

(c) how the limitations impact the offender's ability to fully participate in the activities and services provided;

iii. whether the condition complained of impairs a major life activity.

b. Once the initial information is gathered, a dialogue between the requestor and the unit ADA Coordinator regarding resolution of the problem shall begin.

NOTE: It may take only a change in duty status to resolve the problem.

c. An exception to the need to make an accommodation includes, but is not limited to, the following:

i. not a qualified disability;

ii. threat to one's self or others. Considerations include:

(a). duration of the risk involved;

(b). nature and severity of the potential harm;

(c). likelihood the potential harm will occur;

(d). imminence of the potential harm;

(e). availability of any reasonable accommodation that might reduce or eliminate the risk;

iii. undue hardship. The decision to use this exception can only be made by the Headquarters ADA Coordinator after consultation with appropriate personnel. A written description of the problem with the requested accommodation and the difficulty anticipated by the unit should be sent to the Headquarters ADA Coordinator. Considerations include the following:

(a). scope of the accommodation;

(b). cost of the accommodation;

(c). budget of the department;

(d). longevity of the accommodation;

iv. alteration would fundamentally change the nature of the service, program or activity.

3. Decision

a. Consideration should be given on a case-by-case basis.

b. Once the decision to accommodate or not is made, the requestor must be informed in writing of the decision of whether or not an accommodation will be made, the reason for the decision and the accommodation to be made, if applicable, including any specific details concerning the accommodation. This decision shall be conveyed through the ARP First Step Process. The requestor shall also be informed of the right to appeal the decision through the ARP process.

i. For each decision, a copy of the packet of information containing the decision, all information used to reach a decision and all attempts to resolve the request shall be forwarded to the Headquarters ADA Coordinator. The unit ADA Coordinator shall ensure that all requests for accommodation are properly and timely entered into the department's ADA database.

4. Appeal

a. The offender has the right to appeal to the second step in accordance with the ARP process.

b. The ARP response shall be issued in conjunction with the Headquarters ADA Coordinator and shall contain the relevant issues raised in Subparagraphs E.2.a, b and c.

5. Recordkeeping

a. The Headquarters ADA Coordinator shall maintain records of all requests for accommodation made throughout the department.

b. To ensure uniform and consistent compliance with the provisions of this regulation, the Headquarters ADA Coordinator shall maintain and track statistics concerning all requests for accommodation from offenders and the nature and outcome of the accommodations requested.

c. If a pattern becomes apparent following review of the statistics, the Headquarters ADA Coordinator shall seek to remedy and/or correct any problems noted and report same to the secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 35:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Written comments may be address 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 August 10, 2009.

James M. Le Blanc
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Americans with Disabilities Act

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
0907#054

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections
Corrections Services

Effective Communication with the Hearing Impaired
(LAC 22:I.312)

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 promulgate the contents of §312, Effective Communication with the Hearing Impaired.

Title 22
CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
Part I. Corrections
Chapter 3. Adult Services
§312. Effective Communication with the Hearing Impaired

A. Purpose. To establish procedures to provide auxiliary aids and services whenever necessary to ensure effective communication with qualified individuals with disabilities.

B. Applicability. Deputy Secretary, Undersecretary, Chief of Operations, Assistant Secretary, Regional Wardens, Wardens, Director of Probation and Parole, Director of Prison Enterprises, offenders, employees and visitors who are hearing-impaired. 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.

C. Policy. It is the secretary's policy to ensure that communication with offenders, employees and visitors with disabilities is to the same extent as communicating with others. The department shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal opportunity to participate in, and enjoy the benefits of, a service, program or activity conducted by the department where the auxiliary aids or services does not constitute an undue administrative and financial burden or fundamentally alter the service, program, or activity. Any male offender whose hearing cannot be restored to a "within normal limits" medical level with an auxiliary aid will be housed at either the Louisiana State Penitentiary (LSP) or Rayburn Correctional Center (RCC). Any female offender whose hearing cannot be restored to a "within normal limits" medical level with an auxiliary aid will be housed at the Louisiana Correctional Institute for Women (LCIW.)

D. Definitions

Americans with Disabilities Act (ADA)—a comprehensive federal law which requires the State to provide equal access for people with disabilities to services, programs, and activities of the department.

Auxiliary Aids and Services (AAS)—external aids used to assist people who are hearing-impaired and may include qualified sign language or oral interpreters, written materials, telephone handset amplifiers, assistive listening devices, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunication devices for deaf persons (TDD/TTY),

videotext displays or other effective methods of making aurally delivered materials available to individuals with hearing impairments.

Departmental Personnel—for the purpose of this regulation, this shall include, but not be limited to, nurses, physicians, social workers, therapists, admitting personnel, security staff, probation and parole officers and any other administrative staff who have or are likely to have direct contact with offenders and/or visitors.

Disability—a physical or mental impairment that substantially limits one or more of the major life activities of an individual, including a record of such impairment or being regarded as having such impairment.

Effective Communication—communication with persons with disabilities that is as effective as communication with others. Effective communication is achieved by furnishing appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities an equal opportunity to participate in or benefit from the services, programs and activities of the department.

Major Life Activity—walking, seeing, hearing, breathing, caring for one's self, sitting, standing, lifting, learning, thinking, working and reproduction. This list is illustrative only. The impairment to a major life activity must be long term.

Offender—anyone committed to the physical custody of the Department of Public Safety and Corrections or under the supervision of the Division of Probation and Parole.

Qualified Interpreter—an interpreter who is able to interpret effectively, accurately and impartially both receptively and expressively, using any necessary specialized vocabulary.

NOTE: An employee who signs "pretty well" or has only a rudimentary familiarity with sign language or finger spelling is not a qualified sign language interpreter pursuant to this regulation. Likewise, someone who is fluent in sign language but who does not possess the ability to process spoken communication into the proper signs or to observe someone else signing and change their signed or finger spelled communication into spoken words is not a qualified sign language interpreter. A departmental employee should not be allowed to interpret if his presence poses a conflict of interest or raises confidentiality and privacy concerns. On occasion, an offender may possess the skill level necessary to provide interpreting services; however, the impartially concerns remain, and in many-if not most-situations, offender interpreters should not be used due to confidentiality, privacy and security reasons.

Reasonable Accommodation—a modification or adjustment to a job, service, program or activity, etc. that enables a qualified individual with a disability to have an equal opportunity for participation.

Requestor—a person who requests an accommodation for a disability.

TTY/TDD—a device that is used with a telephone or computer that has telephone text capability to communicate (by typing and reading communication) with persons who are deaf or hearing-impaired.

Visitor—for the purpose of this regulation, includes any non-departmental employee who is authorized to be on institutional grounds. i.e., volunteers, contractors, official guests, etc.

E. Procedures

1. Establishment of Auxiliary Aids and Services (AAS) Program. The department shall design and institute a program to provide auxiliary aids and services, schedule, announce and promote all training required, and draft, provide and maintain all reports as required by this regulation.

2. Designation of an official or office responsible for AAS.

a. Each unit ADA coordinator will be responsible for the AAS Program and shall maintain all necessary information about access to and the operation of the program.

b. LSP, RCC and LCIW unit ADA Coordinators shall maintain a combination voice, TDD/TTY telephone line or dedicated TDD/TTY telephone line and shall publicize the purpose and telephone number broadly within the unit and to the public.

c. Each unit ADA coordinator shall provide appropriate assistance regarding immediate access to, and proper use of, the appropriate auxiliary aids and services available. It is the responsibility of the unit ADA Coordinators to know where the appropriate auxiliary aids are stored, how to obtain services and how to operate them and shall facilitate maintenance, repair, replacement and distribution.

d. Each unit ADA coordinator shall maintain a recording system for inquiries regarding the provision of auxiliary aids and services and the response.

3. Provision of Appropriate Auxiliary Aids and Services

a. The department shall provide to offenders, employees and visitors who are deaf or hearing-impaired an appropriate auxiliary aid or service that may be necessary for effective communication as soon as practicable after determining that the aid or service is necessary.

b. The determination of which appropriate auxiliary aids and services are necessary and the timing, duration and frequency with which they will be provided shall be made by unit personnel, who are otherwise primarily responsible for coordinating and/or providing offender services, in consultation with the person with a disability. When an auxiliary aid or service is required to ensure effective communication, the unit shall provide an opportunity for an individual with a disability to request the auxiliary aid or service of the requestor's choice and shall give consideration to the choice expressed, but shall have the final decision regarding the accommodation to be provided.

c. The initial offender communication assessment shall be made at the time of the intake interview at a reception and diagnostic center or other appropriate classification center within 48 hours of arrival. Properly trained staff shall perform and document a communication assessment to determine the offender's level of effective communication. This assessment shall be conducted by an outside provider or departmental staff, barring any unusual or emergency condition within 10 weeks from the initial assessment. The written assessment shall be made a part of the offender's master prison record.

i. During the initial communication assessment, each offender shall be given a Request for Accommodation Form. This form shall also be made available to the current offender population. Offenders are free to reject or to fail to request auxiliary aids and services, but failure to use the designated form does not relieve the reception center/institution of its duty to assess the offender, nor to

inform the offender of the availability of appropriate auxiliary aids and services. Refusal or failure by an offender to complete or return the Request for Accommodation shall not constitute a violation of the ADA or of the Resolution Agreement by the department.

ii. If the initial assessment reveals that an offender's hearing is below normal limits as defined by the Occupational Safety and Health Administration, a male offender shall be transferred to LSP for continuation and completion of the classification process.

d. Each unit shall conduct a minimum of a yearly assessment of each offender with hearing or speech disability regarding the provision of appropriate auxiliary aids and services. If an intervening problem or adjustment is required, the offender shall request a medical call-out. Each unit shall maintain appropriate documentation that reflects the ongoing assessments. The information shall be filed in the offender's medical record.

4. Nothing in this regulation shall require that an electronic device or piece of equipment used as an appropriate auxiliary aid be used when or where its use may be inconsistent with other departmental regulations or unit policies or when use may pose security concerns. (For example, closed-captioned televisions are provided consistently for offenders with hearing disabilities with the same duration and frequency as televisions are provided to the other offenders classified in the same status. No offender will be provided a television if his status would not otherwise permit access.)

5. The department shall maintain an effective complaint resolution mechanism regarding the provision of auxiliary aids and services. Records shall be kept of all complaints filed and actions taken in response. All complaints shall be handled through each unit ADA coordinator and the grievance systems currently in effect. The warden designated to oversee the operation of the ADA Program at each institution or division shall conduct a meaningful review of this regulation on a semi-annual basis.

6. If an offender who is deaf or hearing-impaired does not request appropriate auxiliary aids or services, but departmental and/or unit personnel have reason to believe that the offender would benefit from appropriate auxiliary aids or services, the offender may be asked if the use of auxiliary aids would be beneficial and initiate the testing procedure without violating ADA.

F. Qualified Interpreters

1. The department shall provide qualified sign language or oral interpreters when necessary for effective communication with, or effective participation in, departmental programs and activities by employees, offenders and visitors who are deaf or hearing-impaired. In addition, the department shall offer qualified sign language interpreters to offenders who are deaf or hearing-impaired and whose primary means of communication is sign language and qualified oral interpreters to offenders who rely primarily on lip reading, as necessary, for effective communication.

a. The following are examples of circumstances when it may be necessary to provide interpreters:

i. initial intake and classification processing;

ii. regularly scheduled health care appointments and programs, such as medical, dental, visual, mental health and drug and alcohol recovery services;

iii. emergency health care where having an interpreter would not present an undue burden (e.g., interpreter can arrive at the scene quickly);

iv. treatment and other formal programming;

v. educational classes and activities;

vi. parole board hearings;

vii. disciplinary board hearings;

viii. criminal investigations (to the extent controlled by the department);

ix. classification review interviews;

x. grievance interviews;

xi. religious services; and

xii. formal internal investigations.

2. The department shall establish a contract with individual sign language interpreters or with interpretive agencies for hearing impaired offenders, employees or visitors who require this service, or shall provide other effective means to ensure that qualified interpreters or oral interpreters are provided within three hours of an unscheduled request and timely for scheduled requests. Additionally, as a back-up measure, the Headquarters ADA Coordinator shall maintain a list of all qualified sign language and oral interpreters (and their contact information) residing or working within a 50-mile radius of any unit housing deaf or hearing-impaired offenders. The Headquarters ADA Coordinator shall provide this information to the unit ADA Coordinators at LSP, RCC and LCIW.

NOTE: The department shall ensure by contract or other arrangements that all services, programs or activities provided or operated by contractors are in compliance with ADA. Contracts with those entities that fail or refuse to comply with ADA shall be subjected to formal termination proceedings.

3. Between the time an interpreter is requested and when an interpreter arrives, unit personnel shall continue to try to communicate with the person who is hearing-impaired to the same extent as they would communicate with a person without a hearing impairment, using all available methods of communication. However, in an emergency, seeking the services of an interpreter shall not mean that medical treatment will be delayed until the interpreter arrives. In addition, upon arrival of the interpreter, unit personnel shall review and confirm with the offender, employee or visitor all information received prior to the interpreter's arrival.

4. Offenders requesting auxiliary aids and/or services, after the initial assessment and which would require a medical evaluation, shall be charged the standard medical co-pay.

EXCEPTION: The offender may be assessed the total costs of replacement of an auxiliary aid if it is determined that replacement is a direct result of the offender's negligence/damage to property.

G. Hearing Aids and Batteries

1. Each unit shall purchase appropriate types of hearing aid batteries and keep them in stock in the medical supply room during the length of time an offender who wears a hearing aid is housed at that unit. Replacement hearing aid batteries shall be provided to offenders who request them on the first business day following receipt of

the request. If the request is made on a weekend or holiday or a night after regular business hours, the replacement battery will be provided on the first standard business day following the request.

2. Each unit shall send offender hearing aids to a hearing aid repair company as soon as possible, but no later than 24 hours (excluding weekends and holidays) following a request for repair of the offender's hearing aid. The unit shall inform the offender in writing, as soon as possible, when his hearing aid was sent for repair and when it is expected to be returned by the repair company. The unit shall maintain written documentation of all hearing aid repairs, including detailed information regarding the vendor used, the date of the repair and the specific repairs performed. This information shall be submitted by each unit to the medical department at the Louisiana State Penitentiary quarterly for statistical compilation purposes.

H. Telephones

1. The department shall provide telecommunication devices for the deaf (TDDs/TTYs) for offenders who are deaf or hearing-impaired in a manner that ensures effective access to telephone services. In addition, the following is required so that those offenders who do hear will have access to TDDs/TTYs to communicate with family members or friends who are deaf or hearing-impaired.

a. Each unit shall make at least one TDD/TTY device available in each of the visiting areas where non-contact visits are conducted and the communication exchanged is accomplished over a telephone device. The unit can either permanently install the required TDD/TTY or make available a sufficient number of portable TDDs/TTYs for these visits.

b. Each unit shall provide a TDD/TTY to all deaf or hearing-impaired offenders residing in housing areas to the extent that pay telephones are available to other offenders. In those situations where the unit provides portable TDDs/TTYs, the housing officers shall provide them upon the offender's request, absent emergency circumstances such as lockdown.

c. The department shall take the necessary steps to provide offenders, with toll-free access to "800" numbers for telephone relay services and TDD/TTY operators. These numbers will be posted near all offender telephones, with notice that they are toll-free numbers. The telephone calls to the TDD/TTY operator will be provided free of charge, but any charges incurred to the receiving party will be handled as a standard offender telephone call. Thus, the offender or the receiving party shall be responsible for any long distance charges accrued.

d. Due to the fact that telephone calls placed via a TDD/TTY take longer than telephone calls placed using standard voice telephone equipment, the unit shall allow offenders needing TDD/TTY assistance to have 30 minutes per telephone call, barring any unusual circumstances.

2. Each unit shall ensure that at least one and no less than 25 percent of all offender telephones are equipped with volume control mechanisms and appropriate signs are displayed indicating the phone is volume controlled.

3. Each unit shall ensure that no less than 25 percent of all of its offender telephones are hearing aid compatible in the general population.

4. Each unit shall maintain records of all offenders who have been medically evaluated for any type of hearing impairment, the results of such assessment, date of any reassessment, any transfer or discharge of offenders assessed with a hearing impairment, requests for accommodations including the date requested and the determination and the provision of auxiliary aids or services and the date(s) provided. This information shall be submitted by each unit to the medical department of the Louisiana State Penitentiary quarterly for statistical compilation purposes.

I. Visual and Tactile Alarms

1. Where there are audible emergency alarms in visiting areas, each unit shall add visual alarms when an individual who is deaf or hearing-impaired is anticipated to spend significant periods of time in these areas.

2. Each unit shall place visual emergency alarms in rooms where offenders who are deaf may reside alone or work alone to ensure that they will always be alerted when an emergency alarm is activated. To be effective, such devices must be located and oriented so that they will spread signals and reflections throughout a space or raise the overall light level sharply.

3. Where each unit has audible alarms in housing areas, the unit shall add visual signal devices, when necessary, to alert offenders who are deaf or hearing-impaired to announcements (e.g., roll call.)

J. Televisions

1. Each unit shall provide and maintain closed-captioned television decoders (or built-in decoder televisions) in television rooms to enable offenders who are deaf or hearing-impaired to enjoy the same opportunity for television viewing as that afforded to other offenders.

K. Training

1. Annual training regarding this regulation shall be provided by the department to all employees through the regularly scheduled ADA training program.

2. The training program shall be sufficient in duration and content to instruct a reasonable number of personnel in access to the AAS Program, use of the program, and sensitivity to the needs of the deaf and hearing-impaired offender population. Such training shall include:

a. topics relevant to the health care needs of deaf and hearing-impaired offenders, such as the various degrees of hearing impairment;

b. language and cultural diversity in the deaf community;

c. dispelling myths and misconceptions about persons who are deaf or hearing-impaired;

d. identification of communication requirements of persons who are deaf or hearing-impaired;

e. the unique needs and problems encountered by late-deafened individuals;

f. psychological implications of hearing loss and its relationship to interaction with hearing health care professionals;

g. types of auxiliary aids and services as required pursuant to this regulation;

h. the proper use and role of qualified sign language interpreters;

i. procedures and methods for accessing the AAS Program for providing interpreters;

j. making and receiving calls through TDDs/TTYs and the Louisiana Relay or other relay service providers;

k. third party resources which can provide additional information about people who are deaf or hearing-impaired; and

l. the existence of the department's complaint resolution process.

L. Recordkeeping

1. The Headquarters ADA Coordinator shall maintain records of all requests for accommodation made throughout the department.

2. The Headquarters ADA Coordinator shall maintain and track statistics concerning all requests for accommodation from offenders, employees and visitors and the nature and outcome of the accommodations requested.

3. If a pattern becomes apparent following review of the statistics, the Headquarters ADA Coordinator shall seek to remedy and/or correct any problems noted and report same to the secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 35:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Written comments may be address 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 August 10, 2009.

James M. LeBlanc
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Effective Communication with the Hearing Impaired

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The estimated cumulative cost for implementation of department regulation for "Effective Communication with the Hearing Impaired" is approximately $77,344 for three fiscal years. The first year cost of implementation for one month is $3,094, second year and third year costs will be $37,125 each. Services will be provided via professional services contracts at Louisiana State Penitentiary, Louisiana Correctional Institute for Women, and Rayburn Correctional Center. The obligation for hearing aids and batteries are being funded out of current appropriations. A grant has been obtained for costs associated with effective communication with the hearing impaired. Currently, department staff are working on a proposal to teach offenders and staff sign language by a qualified person. All hearing impaired offenders are being kept in the Department of Corrections and not being sent to local jails.

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 is no estimated cost or economic benefits 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.

Thomas C. Bickham III	Robert E. Hosse
Undersecretary	Staff Director
0907#055	Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections
Corrections Services

Equal Employment Opportunity
(Includes Americans with Disabilities Act)
(LAC 22:I.201)

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 201 Equal Employment Opportunity.

Title 22
CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
Part I. Corrections

Chapter 2. Personnel

§201. Equal Employment Opportunity (Includes Americans with Disabilities Act)

A. Purpose. To establish the secretary's commitment to equal employment opportunities and to establish formal procedures regarding reasonable accommodation for all employees, applicants, candidates for employment (including qualified ex-offenders) and visitors.

B. Applicability. Deputy Secretary, Undersecretary, Chief of Operations, Assistant Secretary, Regional Wardens, Wardens, Director of Probation and Parole, Director of Prison Enterprises, employees, applicants, candidates for employment (including ex-offenders) and visitors. 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.

C. Policy. It is the secretary's policy to assure equal opportunities to all employees, applicants, candidates for employment (including ex-offenders) and visitors without regard to race, religion, color, national origin, sex, disability or age.

1. Exceptions:

a. where age, sex or physical requirements constitute a bona fide occupational qualification necessary for proper and efficient operations;

b. where the implications of nepotism restrict such employment or employment opportunity; and

c. preferential hiring will be given to persons who actively served in the Iraqi/Afghanistan conflicts in accordance with Civil Service Rules.

2. Equal opportunities will be provided for employees in areas of compensation, benefits, promotion, recruitment, training and all other conditions of employment. Notices of equal employment opportunities will be posted in prominent accessible places at each employment location.

3. Equal access to programs, services and activities will be provided to all visitors. Advance notice of a requested accommodation shall be made during normal business hours to ensure availability at the time of the visit.

4. If any employee is made aware of or has reason to believe that a visitor to the unit is deaf or hard of hearing, the employee is required to advise the person that appropriate auxiliary aids and services will be provided. The employee should then direct the visitor to the unit ADA Coordinator or designee. Likewise, such information must be forthcoming in response to any request for auxiliary aid or services.

D. Definitions

Age Discrimination in Employment Act (ADEA)—a federal law to protect individuals 40 years of age and over from arbitrary discrimination in employment practices, unless age is a bona fide occupational qualification. The state of Louisiana has passed similar legislation and the term ADEA will refer to both federal and state prohibitions against age discrimination in this regulation.

Americans with Disabilities Act (ADA)—a comprehensive federal law which requires the state to provide equal access for people with disabilities to programs, services and activities of the department, as well as to employment opportunities.

Applicant—a person who has applied for a job and whose qualification for such is unknown.

Auxiliary Aids and Services—external aids used to assist people who are hearing-impaired and may include qualified sign language or oral interpreters, written materials, telephone handset amplifiers, assistive listening devices, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunication devices for deaf persons (TDD/TTY), videotext displays or other effective methods of making aurally delivered materials available to individuals with hearing impairments.

Candidate—a person who has successfully passed the required test and/or meets the Civil Service minimum qualifications for the job sought.

Disability—a physical or mental impairment that substantially limits one or more of the major life activities of an individual, including a record of such impairment or being regarded as having such impairment.

Effective Communication—communication with persons with disabilities that is as effective as communication with others. Effective communication is achieved by furnishing appropriate auxiliary aids and services where necessary to afford qualified individuals with disabilities an equal opportunity to participate in or benefit from the services, programs or activities of the department.

Equal Employment Opportunity (EEO)—the operation of a system of human resources administration which ensures an environment that will provide an equal opportunity for public employment to all segments of society based on individual merit and fitness of applicants without regard to race, color, religion, sex, age, national origin, political affiliation or disability (except where sex, age or physical requirements constitute a bona fide occupational qualification necessary to the proper and efficient operation of the department.)

a. The Equal Employment Opportunity Commission (EEOC) is the federal regulatory body for EEO related complaints and charges.

Essential Functions—basic job duties that an employee/applicant must be able to perform, with or without reasonable accommodation.

Ex-Offender—those offenders who are no longer in the physical custody of the DPS&C or no longer under the supervision of the Division of Probation and Parole.

Family and Medical Leave—leave for which an employee may be eligible under the provisions of the Family and Medical Leave Act of 1993.

Major Life Activity—walking, seeing, hearing, breathing, caring for one's self, sitting, standing, lifting, learning, thinking, working and reproduction. This list is illustrative only. The impairment to a major life activity must be long term.

Qualified Individual with a Disability—an individual with a disability (as previously defined herein) who can perform the essential functions of the job with or without reasonable accommodation.

Reasonable Accommodation—a modification or adjustment to a job, service, program or activity, etc., that enables a qualified individual with a disability to have an equal opportunity for participation.

Requestor—a person who requests an accommodation for a disability.

Seniority—a calculation of the number of years of service to the department and used in comparison to another employee's or applicant's number of years of service to the department. Seniority may be used as a factor in employment decisions but may never be used as a substitute for age discrimination.

Visitor—for the purpose of this regulation, includes any non-departmental employee who is authorized to be on institutional grounds. i.e., volunteers, contractors, official guests, etc.

E. Procedures

1. Coordination of ADA Matters

a. The secretary will establish and designate a Headquarters ADA Coordinator. This employee is charged with reviewing, recording and monitoring ADA matters for the department and will also advise and make recommendations to the secretary or designee regarding such matters as appropriate.

b. Each unit head will designate a primary unit ADA Coordinator to coordinate unit ADA matters. All units will prominently post the name and telephone number of the unit ADA Coordinator.

2. Initiation of Requests for Accommodation

a. A qualified requestor with a known disability of a long term nature should be accommodated where reasonably possible, providing the accommodation does not constitute a danger to the requestor or others and does not create undue hardship on the department or its employees.

NOTE: If a requestor is an employee, applicant or a candidate for employment, the requestor must be able to perform the essential functions of the job with the accommodation.

b. The ADA does not require that a request for accommodation be provided in any particular manner; therefore, the department is charged with having knowledge, or deemed with having knowledge, of the request regardless of the form of the request.

c. If an employee, applicant or candidate for employment informs anyone in his chain of command, Human Resources personnel or the unit ADA Coordinator that he has difficulty performing his job duties or participating in a program or service due to a medical condition, the employee, applicant or candidate for employment is deemed to have made a request for accommodation.

d. If a visitor informs an employee that he cannot participate in the visiting process or any other program or service that the visitor is entitled to participate in, the visitor is deemed to have made a request for accommodation.

e. Once any request for accommodation has been received, either verbally or in writing, the person receiving the request should immediately relay the request to the unit ADA Coordinator or designee.

f. An employee, applicant, candidate for employment (including ex-offenders) or visitor may complete a Request for Accommodation Form. The requestor completing the form must forward it to the unit ADA Coordinator for processing.

3. Accommodation Review Process

a. Upon receipt of the completed Request for Accommodation Form, the unit ADA Coordinator shall seek to determine the following:

i. if the medical condition is of a temporary or long-term nature;

ii. if additional medical information is needed from the requestor's physician or through a second opinion. At this point of the process, the unit ADA Coordinator may inform the requestor that his doctor must complete an Essential Function Form to determine the following:

NOTE: The Index of Essential Job Functions contains the Essential Functions Form for each job category used by the Department. The Index is maintained in each unit Human Resources Office)

(a). what specific symptoms and functional limitations are creating barriers;

(b). if the limitations are predictable, subject to change, stable or progressive;

(c). how the limitations impact the requestor's ability to perform the job, and for visitors, how the limitations impact the requestor's ability to fully participate in the activities and services to which the requestor is entitled;

iii. the condition impairs a major life activity.

b. If questions remain, staff may contact the requestor's treating physician directly.

c. The unit ADA Coordinator shall ensure that a formal request is submitted on a Request for Accommodation Form and provide assistance as needed.

d. Once the initial information is gathered, a dialogue between the requestor and unit ADA Coordinator regarding resolution of the problem shall begin.

e. The discussion may include the following matters:

i. if the problem is of a temporary nature, use of FMLA or sick leave, Workman's Compensation or a temporary halt of some job duties may resolve the problem;

ii. if a second medical opinion is needed, this is to be performed at the department's cost with a physician of the department's choosing;

iii. if the medical condition is deemed to be a qualified disability, this decision shall be documented;

NOTE: Due to the nature of a disability, the disability may progress and require additional modifications at a later date)

iv. the goal is to reach a mutually acceptable accommodation, if possible. The secretary or designee shall make the final decision on what the actual accommodation will be.

f. An exception to the need to make an accommodation includes, but is not limited to the following:

i. not a qualified disability;

ii. threat to one's self or others. Considerations are as follows:

(a). duration of the risk involved;

(b). nature and severity of the potential harm;

(c). likelihood that potential harm will occur;

(d). imminence of the potential harm;

(e). availability of any reasonable accommodation that might reduce or eliminate the risk;

iii. undue hardship. The decision to use this exception may be made by the Headquarters ADA Coordinator only after consultation with the undersecretary. A written description of the problem with the requested accommodation and the difficulty anticipated by the unit should be sent to the Headquarters ADA Coordinator. Considerations are as follows:

(a). scope of the accommodation;

(b). cost of the accommodation;

(c). budget of the department;

(d). longevity of the accommodation.

iv. alteration would fundamentally change the nature of the program, service or activity.

4. Decision

a. Consideration should be given on a case-by-case basis.

b. The granting of leave can be an accommodation.

c. Once the decision to accommodate or not is made, the requestor shall be informed in writing of the decision of whether or not an accommodation will be made, the reason for the decision and the accommodation to be made, if applicable, including any specific details concerning the accommodation. The requestor must also be informed of the right to appeal the decision to the Headquarters ADA Coordinator.

i. For each decision, a copy of the packet of information containing the decision, all information used to reach the decision and all attempts to resolve the request shall be forwarded to the Headquarters ADA Coordinator. The unit ADA Coordinator shall ensure that all requests for accommodation are properly and timely entered into the department's ADA database.

d. The original of the packet of information concerning the request with the decision shall be maintained

in a confidential file for three years after the requestor has left the department's employ or notification has been received that a requestor no longer wishes to be afforded visitor status.

5. Appeal

a. The requestor has the right to appeal the unit's decision for the following reasons only:

i. the finding that the medical condition is not a qualifying disability;

ii. the denial of an accommodation; or

iii. the nature of the accommodation.

b. The requestor shall forward the appeal of the unit's decision to the Headquarters ADA Coordinator.

c. At the discretion of the Headquarters ADA Coordinator, additional information or medical documentation may be requested.

d. After consultation with the Undersecretary, the Headquarters ADA Coordinator shall issue a written appeal decision to the requestor, a copy of which shall also be sent to the appropriate Unit Head and unit ADA Coordinator.

e. No additional appeal will be accepted as the Headquarters ADA Coordinator's decision shall be final.

6. Recordkeeping

a. The Headquarters ADA Coordinator shall maintain records of all requests for accommodation made throughout the department.

b. To ensure uniform and consistent compliance with the provisions of this regulation, the Headquarters ADA Coordinator shall maintain and track statistics concerning all requests for accommodation from employees, applicants, candidates for employment and visitors and the nature and outcome of the accommodations requested.

c. If a pattern becomes apparent following review of the statistics, the Headquarters ADA Coordinator will seek to remedy and/or correct any problems noted and report same to the secretary.

7. Essential Job Functions

a. General Requirements

i. Employment candidates must complete an Essential Functions Form at the time of interview for employment and/or return to employment. Employees may be required to complete an up-to-date Essential Functions Form as appropriate and when deemed necessary by the unit head in order to ensure that the fundamental mission of the department is sustained.

ii. The Index of Essential Job Functions contains the Essential Functions Form for each job category used by the department. The Index is maintained in each unit Human Resources Office.

b. Employee and Unit Specific Requirements. Employees may be required to complete an up-to-date Essential Functions Form under the following conditions (not necessarily all inclusive):

i. exhaustion of sick leave and if applicable, exhaustion of FMLA entitlement;

ii. expressed inability to participate in a mandatory work-related activity (i.e., training) and/or to perform essential job functions; and/or

iii. appearance of the inability to perform essential job functions. When any of the described conditions exist, the unit head will require the employee to provide a new Essential Functions Form and "Medical Certification" from the employee's health care provider so the employee's status under the ADA can be assessed. The Medical Certification Form must include a prognosis, whether the condition is temporary or permanent, when the condition began, the expected date of return to duty, whether the employee is able to perform the essential functions of the job with or without accommodation and a description of the accommodation needed.

NOTE: In certain situations, a second opinion by an independent third party may be appropriate. This opinion will be at the unit's expense.

8. Conciliation Options for EEO and ADA Concerns

a. Should a requestor feel that he has experienced discrimination in any manner or not be satisfied with the results of the request for accommodation, he may seek conciliation through Corrections Services' grievance process, through the EEOC for employment related complaints and/or the U.S. Department of Justice (USDOJ) for issues not related to employment.

b. Requestors are encouraged to use the internal procedures to address and resolve complaints to the extent possible. Use of these internal procedures does not restrict a requestor from filing with the appropriate federal agency prior to exhaustion of the department's internal process(es).

9. Departmental Conciliation of EEO and ADA Matters

a. The Headquarters Human Resources Section shall coordinate the Department's response(s) to complaints and charges of discrimination regarding equal employment opportunity matters. Complaints/charges may be addressed through the internal grievance procedure when such a grievance has been filed and heard at the appropriate unit levels.

b. For formal charges generated by the EEOC or the USDOJ, the unit head and the applicable unit's attorney will develop the department's response and conciliation opinion (if applicable.) Any unit receiving a "Notice of Charge of Discrimination" document from the EEOC or similar notice from the USDOJ shall forward the notice to the Headquarters Legal Services upon receipt.

10. Employment Applications of Ex-Offenders

a. All applications for employment received from persons who are ex-offenders will be reviewed by a committee appointed by the secretary. The committee shall be composed of the chief of operations or designee, assistant secretary or designee and the headquarters human resources director or designee. Consideration will be given to the unit head's recommendation, the ex-offender's crime, sentence, institutional record and length of time free from other convictions. The committee's recommendations will then be submitted to the secretary or designee for review with the Unit Head.

b. Ex-offenders will not be eligible for employment in positions which require an employee to carry a firearm in the performance of duty. This restriction is based on applicable Civil Service job qualifications and state and federal law.

11. Training

a. The department shall provide comprehensive annual training for all departmental personnel regarding this regulation.

b. Additional information pertaining to EEO, ADA and ADEA is available in any human resources office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, 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 August 10, 2009.

James M. Le Blanc
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Equal Employment Opportunity (Includes Americans with Disabilities Act)

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	Robert E. Hosse
Undersecretary	Staff Director
0907#053	Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections
Gaming Control Board

Gaming
(LAC 42:VII.2723, 2730; IX.1907, 2707, 2715, 2723, 2730, 2735, 2901, 3302, 4315; XIII.2715, 2723, 2730, 4204 and 4209)

Editor's Note: This proposed Rule was originally printed in the June 20, 2009 *Louisiana Register* on pages 1166-1169. This notice is being repromulgated to correct a typographical error.

The Louisiana Gaming Control Board hereby gives notice that it intends to amend LAC 42:VII.2723, 2730, IX.1907, 2707, 2715, 2723, 2730, 2735, 2901, 3302, 4315, XIII.2715, 2723, 2730, 4204 and 4209.

Title 42
LOUISIANA GAMING
Part VII. Pari-Mutuel Live Racing Facility Slot Machine Gaming
Chapter 27. Accounting Regulations
§2723. Internal Controls; Slots

A. - Q.25. …

26. Currency acceptor drop box release keys are maintained by a department independent of the slot department. Only the employee authorized to remove drop boxes from the currency acceptor is allowed access to the release keys. Employees participating in the drop process are precluded from simultaneously possessing both the drop box contents keys and the drop box release keys.

Q.27. - V.2. …

a. When a progressive jackpot is hit on a machine in the group, all other machines shall be locked out, except if an individual progressive meter unit is visible from the front of the machine. In that case, the progressive control unit shall lock out only the machine in the progressive link that hit the jackpot. All other progressive meters shall show the current progressive jackpot amount.

b. - c. Repealed.

V.3. - W.4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:751 (April 2000) amended LR 26:2305 (October 2000), LR 31:1603 (July 2005), LR 34:2648 (December 2008), LR 35:

§2730. Exchange of Tokens

A. - C. …

D. All tokens received by a licensed eligible facility as a result of an exchange authorized by this Section shall be returned to the issuing licensed eligible facility or riverboat licensee for redemption at least annually as part of an exchange unless the division approves otherwise in writing. Both licensed eligible facilities and riverboat licensees shall document the redemption in a manner approved by the division.

E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:761 (April 2000), amended LR 34:2649 (December 2008), LR 35:

Part IX. Landbased Casino Gaming
Subpart 1. Economic Development and Gaming Corporation
Chapter 19. General Provisions
§1907. Definitions, Words and Terms, Captions, Gender References

A. …

* * *

Non-Gaming Supplier Permit—the same meaning as the term in R.S. 27:29.3.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1901 (October 1999), amended LR 34:2653 (December 2008), LR 35:

Chapter 27. Accounting Regulations

§2707. Record Retention

A. - B.4. …

C. The Casino Operator or Casino Manager must have a written contingency plan in the event of a system failure or other event resulting in the loss of system data. The plan shall address backup and recovery procedures and shall be sufficiently detailed to ensure the timely restoration of data in order to resume operations after a hardware or software failure or other event that results in the loss of data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1925 (October 1999), amended LR 34:2654 (December 2008), LR 35:

§2715. Internal Control; General

A. - A.8.e. …

f. no sensitive key shall be removed from the Premises unless prior approval has been granted by the division. For purposes of this rule, Premises is specified in the Casino Operator or Casino Manager's internal controls;

A.8.g. - J. …

K. The casino operator or casino manager may extend credit to a patron only in the manner(s) provided in its internal control system approved by the division.

L. - Q. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1925 (October 1999), amended LR 34:2655 (December 2008), LR 35:

§2723. Internal Controls; Slots

A. - Q.25. …

26. Currency acceptor drop box release keys are maintained by a department independent of the slot department. Only the employee authorized to remove drop boxes from the currency acceptor is allowed access to the release keys. Employees participating in the drop process are precluded from simultaneously possessing both the drop box contents keys and the drop box release keys.

Q.27. - V.2. …

a. When a progressive jackpot is hit on a machine in the group, all other machines shall be locked out, except if an individual progressive meter unit is visible from the front of the machine. In that case, the progressive control unit shall lock out only the machine in the progressive link that hit the jackpot. All other progressive meters shall show the current progressive jackpot amount.

b. - c. Repealed.

V.3. - W.4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1936 (October 1999), amended LR 26:2306 (October 2000), LR 31:1605 (July 2005), LR 34:2657 (December 2008), LR 35:

§2730. Exchange of Tokens and Chips

A. - C. …

D. All tokens and chips received by a Casino Operator or Casino Manager as a result of an exchange authorized by this Section shall be returned to the issuing Casino Operator or Casino Manager for redemption at least annually as part of an exchange unless the division approves otherwise in writing. Both the issuing and receiving Casino Operator or Casino Manager shall document the redemption in a manner approved by the division.

E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1947 (October 1999), amended LR 34: 2658 (December 2008), LR 35:

§2735. Gross Gaming Revenue Computations

A. For each table game, gross gaming revenue shall equal the soft count drop, plus or minus the change in table inventory, plus or minus the chip float adjustment. The change in table inventory shall be equal to the beginning table inventory, plus chip fills to the table, less credits from the table, less ending table inventory. The first step in the calculation of the chip float adjustment shall be the daily chip float calculation which shall be the total chips received to date (i.e., the initial chips received from vendors plus all subsequent shipments of chips received) less the total day's chip count (i.e., the sum of chips in the vault, cage drawers, tables, change lockers and all other locations). The daily ending inventory chip count shall at no time exceed the total amount of chips in the total casino chip accountability. If at any time the calculated daily chip float is less than zero, the casino operator or casino manager shall adjust to reflect a zero current day chip float. Afterwards, the chip float adjustment shall be calculated daily by subtracting the previous day's chip float from the current day's chip float.

B. - F.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1948 (October 1999), amended LR 34:2659 (December 2008), LR 35:

Chapter 29. Operating Standards Generally

§2901. Code of Conduct of the Casino Operator, Casino Manager, Licensees and Permittees

A. - C.1.j. …

k. failure to obtain approval from the division prior to changing, adding, or altering the casino. For the purpose of this Section, altering the casino configuration does not include the routine movement of EGDs for cleaning and/or maintenance purposes.

D. - D.4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1950 (October 1999), amended LR 27:59 (January 2001), LR 29:2506 (November 2003), LR 34:2659 (December 2008), LR 35:

Chapter 33. Surveillance

§3302. Digital Video Recording Standards

A. - A.2. …

a. record and replay activity in all gaming areas where cash is handled including but not limited to cages, vaults, count rooms, table games, and the drop process, at a minimum of 30 frames per second and in real time; and in all other gaming areas, a minimum number of frames per second as specified in the casino operator or casino manager's internal controls as approved by the division;

A.2.b. - A.13. …

14. Casino Operator or Casino Manager shall obtain prior authorization from the division if any portion of their surveillance system is changed from an analog to a DVR format, setting forth what the change will be, when the change will occur, and how the change will affect their surveillance system as a whole.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 34:2660 (December 2008), LR 35:

Chapter 43. Specifications for Gaming Tokens and Associated Equipment

§4315. Redemption and Disposal of Discontinued Chips and Tokens

A. - B.5. …

6. such destruction must be to the satisfaction of the division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1979 (October 1999), LR 35:

Part XIII. Riverboat Gaming

Subpart 2. State Police Riverboat Gaming Division

Chapter 27. Accounting Regulations

§2715. Internal Control; General

A. - A.8.e. …

f. no sensitive key shall be removed from the Premises unless prior approval has been granted by the division. For purposes of this Rule, Premises is specified in the licensee's internal controls;

A.8.g. - N. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1879 (October 1999), repromulgated LR 25:2235 (November 1999), amended LR 26:2306 (October 2000), LR 34: 2666 (December 2008), LR 35:

§2723. Internal Controls; Slots

A. - Q.25. …

26. Currency acceptor drop box release keys are maintained by a department independent of the slot department. Only the employee authorized to remove drop boxes from the currency acceptor is allowed access to the release keys. Employees participating in the drop process are precluded from simultaneously possessing both the drop box contents keys and the drop box release keys.

Q.27. - V.2. …

a. When a progressive jackpot is hit on a machine in the group, all other machines shall be locked out, except if an individual progressive meter unit is visible from the front of the machine. In that case, the progressive control unit shall lock out only the machine in the progressive link that hit the jackpot. All other progressive meters shall show the current progressive jackpot amount.

b. - c. Repealed.

V.3. - W.4. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1887 (October 1999), repromulgated LR 25:2243 (November 1999), amended LR 26:2306 (October 2000), LR 31:1607 (July 2005), LR 34:2667 (December 2008), LR 35:

§2730. Exchange of Tokens and Chips

A. - C. …

D. All tokens and chips received by a licensee as a result of an exchange authorized by this Section shall be returned to the issuing licensee for redemption at least annually as part of an exchange unless the division approves otherwise in writing. Both licensees shall document the redemption in a manner approved by the division.

E. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1898 (October 1999), repromulgated LR 25:2254 (November 1999), amended LR 34:2668 (December 2008), LR 35:

Chapter 42. Electronic Gaming Devices

§4204. Progressive Electronic Gaming Devices

A. This Section authorizes the use of progressive EGDs among gaming operations licensed pursuant to the provisions of R.S. 27:51 et seq., R.S. 27:201 et seq., and R.S. 27:351 et seq., in the state of Louisiana within one riverboat provided that the EGDs meet the requirements stated in this Chapter and any additional requirements imposed by these rules.

B. - N.4.d. …

e. the distribution is completed within 30 days after the progressive jackpot is removed from play or within such longer period as the division may for good cause approve; or

N.4.f. - P.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:718 (April 2000), amended LR 31:1607 (July 2005), LR 33:2463 (November 2007), LR 34:2671 (December 2008), LR 35:

§4209. Approval of New Electronic Gaming Devices

A. - A.31.b. …

c. Bill validators may accept other items as approved by the division.

32. - 32.a. …

b. - c. Repealed.

33. - 37.a. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:721 (April 2000), amended LR 29:2508 (November 2003), LR 31:1603 (July 2005), LR 31:1607 (July 2005), LR 34:2672 (December 2008), LR 35:

Family Impact Statement

Pursuant to the provisions of R.S. 49:953(A), the Louisiana Gaming Control Board, through its chairman, has considered the potential family impact of amending the following: LAC 42:VII. 2723 and 2730; IX.1907, 2707, 2715, 2723, 2730, 2735, 2901, 3302, and 4315; XIII. 2715, 2723, 2730, 4204, and 4209

It is accordingly concluded that amending the above Rule would appear to have a positive yet inestimable impact on the following:

1. the effect on stability of the family;
2. the effect on the authority and rights of parents regarding the education and supervision of their children;
3. the effect on the functioning of the family;
4. the effect on family earnings and family budget;
5. the effect on the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Small Business Impact Statement

Pursuant to the provisions of R.S. 49:965.5 the Louisiana Gaming Control Board, through its chairman, has concluded that there will be no adverse impact on small business if the Sections are amended as they will not apply to small businesses.

All interested persons may contact Jonathon Wagner, Attorney General's Gaming Division, telephone (225) 326-6500, and may submit comments relative to this proposed Rule, through July 10, 2009, to 1885 North Third Street, Suite 500, Baton Rouge, LA 70802.

Dane K. Morgan
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Gaming

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed administrative rule changes will have no implementation costs to state or local governmental units. These rule changes clarify practices already required to take place in industry, correct previous promulgation errors, and create uniformity between existing rules.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed changes will not create any foreseeable impact on revenue collections for either the state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed administrative rule changes will have no significant costs and/or economic benefit to industry.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed administrative rule changes will have no effect on competition and employment.

H. Charles Gaudin	Robert E. Hosse
Chairman	Staff Director
0907#046	Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections
Liquefied Petroleum Gas Commission

Permit Fee (LAC 55:IX.107)

The Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, in accordance with R.S. 40:1846 and with the Administrative Procedure Act., R.S. 49:950 et seq., hereby proposes to amend LAC 55:IX:107, Requirements. This text is being amended to reduce the permit fee assessed to Liquefied Petroleum Gas dealers by eight percent, as was ordered by full vote of the Liquefied Petroleum Gas Commission on May 20, 2009.

Title 55
PUBLIC SAFETY
Part IX. Liquefied Petroleum Gas
Chapter 1. General Requirements
Subchapter A. New Dealers
§107. Requirements

A. - A.5.c. …

6. Applicant must have paid a permit fee in the amount of $75, except for Class VII-E, which shall be $100, and R-1, R-2 registrations, which shall be $37.50 and Class VI-X shall be in the amount of $75 for the first location, plus $50 for each 2-11 locations, plus $25 for each 12-infinity locations. For succeeding years the permit fee shall be 0.1242 of 1 percent of annual gross sales of liquefied petroleum gas with a minimum of $75, except in the case of Class VI-X which the minimum permit fee shall be $75 for the first location, plus $50 for each 2-11 locations, plus $25 for each 12-infinity locations; or 0.1242 of 1 percent of annual gross sales of liquefied petroleum gases of all locations whichever is greater. For classes not selling liquefied petroleum gases in succeeding years the permit fee shall be $75, except registrations shall be $37.50 per year.

A.6.a.-A.15. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 1:315 (July 1975), LR 4:86 (March 1978), LR 7:633 (December 1981), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 15:854 (October 1989), LR 16:1063 (December 1990), LR 20:1400 (December 1994), LR 24:461 (March 1998), LR 24:2311 (December 1998), LR 25:1262 (July 1999), LR 25:2410 (December 1999), LR 26:1487 (July 2000), LR 27:2256 (December 2001), LR 28:2553 (December 2002), LR 29:2509 (November 2003), LR 31:2567 (October 2005), LR 33:1140 (June 2007), effective July 1, 2007, LR 35:

Family Impact Statement

1. The effect of this Rule on the stability of the family. This Rule should not have any affect 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 should not have any affect 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 should not have any affect on the functioning of the family.

4. The effect of this Rule on family earnings and family budget. This Rule should not have any affect on family earnings and family budget.

5. The effect of this Rule on the behavior and personal responsibility of children. This Rule should not have any affect 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 rules. This Rule should not have any affect on the ability of the family or local government to perform the function as contained in the proposed rules.

Persons having comments or inquiries regarding these proposed Rules may contact John W. Alario, Director, Liquefied Petroleum Gas Commission by writing to P.O. Box 66209, Baton Rouge, LA 70896-6209, by calling (225) 925-4895, or by sending a facsimile to (225) 925-4898. These comments and inquiries should be received by 4:00 p.m. on Monday, August 24, 2009. A public hearing on these rules is tentatively scheduled for Wednesday, August 26, 2009, at 2:00 p.m. in Conference Room B at the Office of Louisiana State Police Headquarters at 7919 Independence Blvd, Baton Rouge, LA 70806. Any person wishing to attend the public hearing should call to confirm the time and the location of the hearing. No hearing will be held, if the requisite number of comments are not received before the due date above.

Jill Boudreaux
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Permit Fee

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed administrative rule changes will have no significant implementation costs to state or local governmental units. This rule change reduces the permit fee imposed on liquefied petroleum gas dealers by 8 percent as ordered by a full vote of the Liquefied Petroleum Gas Commission on May 20, 2009.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Based upon prior year actual revenue collections, the Liquefied Petroleum Gas Commission estimates that there is projected to be a decrease of $48,000 in revenue collections in FY 10 and subsequent fiscal years to the Liquefied Petroleum Gas Commission Rainy Day Fund.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed administrative rule changes are estimated to have a positive economic benefit to liquefied petroleum gas dealers in the aggregate amount of $48,000. This amount represents the amount permit fees saved among gas dealers who currently hold a permit from the commission.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Jill Boudreaux
Undersecretary
0907#058

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections
Office of State Police

Towing Recovery and Storage (LAC 55:I.1907)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 49:950 et seq., and R.S. 32:1711 et seq., gives notice of its intent to amend its rules regulating the towing industry to formally adopt a schedule of fines to be assessed for violations of the various statutes and rules governing this industry.

Title 55
PUBLIC SAFETY
Part I. State Police
Chapter 19. Towing Recovery and Storage
Subchapter A. Authority, Exemptions, Definitions, Scope
§1907. Administrative Penalty Assessment; Arbitration; Recovery of Penalties

A. Administrative Penalty Assessment

1. - 3. …

4. Schedule of Fines

SCHEDULE OF FINES	
SCOPE AND RELATIONSHIP TO OTHER LAWS (LAC 55:I.1903 and 1905)	
	032.366 FAILURE TO HAVE/USE REQ. TOW TRUCK EQUIPMENT (BROOM, SHOVEL, OIL DRY; FAILURE TO CLEAR DEBRIS FROM ROADWAY)
	032.863.1 IMPROPER RELEASE OF VEHICLE WITH INSURANCE HOLD
	055.1903 NO PROOF OF OWNERSHIP OF TOWED VEHICLES
$125-1000	055.1909 FAILURE TO COMPLY WITH OTHER LAWS/REGULATIONS
$75	055.1909-ISB INOPERATIVE/NO SEATBELT ASSEMBLY
$25 Driver Fine	055.1909-SB FAILURE FOR TOW TRUCK OPERATOR TO WEAR SEATBELT
$100	055.1909-UD UNSECURED DUNNAGE/TOW EQUIPMENT
$200-1000 Driver Fine	055.1909NCT-DR IMPROPER NONCENSENSUAL TOW (DRIVER: REF LRS 32:1736B)
$200-1000 Company Fine	055.1909NCT-TC IMPROPER NONCENSENSUAL TOW (COMPANY: REF LRS 32:1736B
	055.1909NCTC FAILURE TO POSSESS CONTRACT FOR NONCONSENSUAL TOW (REF: LRS 32:1736B)
TOW TRUCK LICENSE PLATES	
$100	055.1911A2-IC EXPIRED LA VEHICLE INSPECTION CERTIFICATE
$150	055.1911A2-SC SWITCHED LA VEHICLE INSPECTION CERTIFICATE
$200 Driver Fine	055.1911A2-NL UNQUALIFIED DRIVER - NO DRIVER'S LICENSE
$100 Driver Fine	055.1911A2-EL UNQUALIFIED DRIVER - EXPIRED DRIVER'S LICENSE

SCHEDULE OF FINES	
$100-300	055.1911B2D FILING A FALSE OR FICTITIOUS STATEMENT
$100-1000	055.1911B2E EMPLOYING PROHIBITED PERSONS
$500 Driver Fine	055.1911B2F-AB OPERATOR UNDER INFLUENCE - ALCOHOLIC BEVERAGE
$500 Driver Fine	055.1911B2F-CS OPERATOR UNDER INFLUENCE – NARCOTICS
$500 Driver Fine	055.1911B2F-II FAILURE FOR TOW TRUCK OPERATOR TO SUBMIT TO CHEMICAL TEST
$200-1000	055.1911C1 UNAUTHORIZED SOLICITING OF TOW BUSINESS
$200-1000	055.1911C2-DV UNAUTHORIZED MOVING OF A DAMAGED/DISABLED VEH
$500	055.1911C3 ILLEGAL POSSESSION OF POLICE MONITORING DEVICE(S)
$100	055.1913A3A FAILURE TO USE APPROVED TRADE NAME
$100	055.1913A3C FAILURE TO DISPLAY TRADE NAME/PHONE #/ADDRESS TOW TRUCK
$100	055.1913A3D FAILURE TO USE UNIQUE TRADE NAME ON BUSINESS DOCUMENTS
$250-1000	055.1913B1-FI SUBMITTING FALSE INFORMATION ON TOWING APPLICATION
$250-1000	055.1913B2-RV FAILURE TO REGISTER VEHICLE AS LA TOW TRUCK
$125-1000	055.1913B2E-NL NO TOWING LICENSE DISPLAYED
$250-1000	055.1913B2E-SP SWITCHED TOWING LICENSE PLATE
$250-1000	055.1913B2C-NT PROHIBITED USE/NON TRANSFERABLE TOWING PLATE
$100-1000	055.1913B2D FAILURE TO SURRENDER TOW PLATE
$200-1000	055.1913B2B-AC FAILURE TO NOTIFY DEPT. OF ADDRESS CHANGE
$100-200	055.1913B2-DL FAILURE TO DISPLAY VALID TOWING LICENSE PLATE
$100	055.1913B2-NC NO LA VEHICLE INSPECTION CERTIFICATE
$50	055.1913B2-NR NO VEHICLE REGISTRATION WITH TOW TRUCK
$125-1000	055.1913B3-UW LICENSING UNAUTHORIZED TOW TRUCK / GVWR (#) LBS
$250-1000	055.1913B4-EL EXPIRED TOWING LICENSE PLATE
$100-300	055.1915C-NI NO PROOF OF ALL REQ INSURANCES W/TOW TRUCK
COMMERCIAL DRIVER LICENSE, SKILL, AND KNOWLEDGE REQUIRED (LAC 55:I.1917)	
$50 Driver Fine	055.1917A1 NO DRIVER'S LICENSE IN POSSESSION
$200 Driver Fine	055.1917A1-DD DISQUALIFIED DRIVER – LICENSE SUSPENDED/REVOKED
$100 Driver Fine	055.1917A1-OS UNQUALIFIED DRIVER – OUT OF STATE LICENSE
200-1000	055.1917A-UD ALLOWING UNQUALIFIED DRIVER TO OPERATE VEH (CARRIER)
$100 Driver Fine	055.1917A2-HM FAILURE TO HAVE HAZMAT ENDORSEMENT ON CDL
$300 Driver Fine	055.1917A2-RL FAILURE TO OBTAIN REQUIRED CDL FOR VEH DRIVEN
$100 Driver Fine	055.1917A2-CL UNQUALIFIED DRIVER – IMPROPER CLASS LICENSE
$100 Driver Fine	055.1917A3-RK FAILURE TO POSSESS REQUIRED KNOWLEDGE/ABILITY
$150 Driver Fine	055.1917A3-UO UNSAFE OPERATION OF TOW TRUCK BY DRIVER
$100 Driver Fine	055.1917A4-UA UNQUALIFIED DRIVER – UNDER 18 YRS OF AGE
$25 Driver Fine	055.1917A5 FAILURE OF DRIVER TO WEAR REQUIRED CLOTHING
GENERAL TOW TRUCK LIGHTING AND EQUIPMENT (LAC 55:I.1919) LIGHTS	
$25 (each)	055.1919A-SL {#} INOPERATIVE STOP LAMP(S)

SCHEDULE OF FINES	
$25 (each)	055.1919A-FT {#} INOPERATIVE FRONT TURN SIGNAL LAMP(S)
$25 (each)	055.1919A-RT {#} INOPERATIVE REAR TURN SIGNAL LAMP(S)
WL	055.1919A-RI {#} INOPERATIVE REAR ID LAMP(S)
WL	055.1919A-FI {#} INOPERATIVE FRONT ID LAMP(S)
WL	055.1919A-CL {#} INOPERATIVE CLEARANCE LAMP(S)
WL	055.1919A-SM {#} INOPERATIVE SIDE MARKER LAMP(S)
$25 (each)	055.1919A-HL {#} INOPERATIVE HEADLAMP(S)
$25 (each)	055.1919A-TL {#} INOPERATIVE TAIL LAMP(S)
WL	055.1919A-BL {#} INOPERATIVE BACK UP LAMPS(S)
$75	055.1919A-IW {#} INOPERATIVE EMERGENCY WARNING LAMP(S)
WL	055.1919A-CC {#} CLEARANCE LAMP(S) OF IMPROPER COLOR
WL	055.1919A-MC {#} SIDE MARKER LAMP(S) OF IMPROPER COLOR
WL	055.1919A-IC {#} ID LAMP(S) OF IMPROPER COLOR
WL	055.1919A-BC {#} BACK UP LAMP(S) OF IMPROPER COLOR
WL	055.1919A-OL {#} OBSCURED _____ LAMP(S)
$250	055.1919A-AL FAILURE TO USE AUXILARY TOW LIGHTS WHEN REQUIRED
$100	055.1919C-NB NO/INSUFFICIENT AMBER WARNING LIGHTS
$50-100	055.1919C-IWL INADEQUATE ILLUMINATION OF AMBER WARNING LIGHTS
$50	055.1919D FAILURE TO ACTIVATE ROTATING/FLASHING BEACON LIGHTS
VEHICLE COMPONENTS/ACCESSORIES	
$25 (each)	055.1919B-WT {#} EXCESSIVELY WORN TIRE(S)
$25 (each)	055.1919B-CS TIRE WITH DAMAGED SIDEWALL/EXPOSED CORD
$25 (each)	055.1919B-FL EXCESSIVE FLUID LEAK
$75 (each)	055.1919B-DW {#} DEFECTIVE/CRACKED WHEEL(S)
$75 (each)	055.1919B-MB {#} MISSING BRAKE(S)
$75 (each)	055.1919B-IB {#} INOPERATIVE BRAKE(S)
$75 (each)	055.1919B-DB {#} DEFECTIVE BRAKE(S)
WL-$25	055.1919B-CW CRACKED WINDSHIELD(S)
WL- $25	055.1919b-iww {#} INOPERATIVE WINDSHIELD WIPER(S)
$25	055.1919B-MW {#} MISSING WINDSHIELD WIPER(S)
$75	055.1919B-TW IMPROPER TINTING OF WINDOW / WINDSHIELD(S)
$25	055.1919B-IH INOPERATIVE HORN
$25-100	055.1919B-IE IMPROPER EXHAUST SYSTEM
$25 (each)	055.1919B-RV {#}MISSING/BROKEN REAR VIEW MIRROR(S)
$25	055.1919B-FC MISSING/DEFECTIVE FUEL CAP
$25 (each)	055.1919B-SG {#} MISSING/DEFECTIVE SPLASH GUARD(S) (MUD FLAPS)
TOW TRUCK COMPONENTS AND REQUIRED EQUIPMENT MUST BE IN GOOD OPERATING CONDITION (LAC 55:I.1921)	
$25	055.1921A1-IM INADEQUATE AMOUNT OF OIL ABSORBING MATERIAL
$25	055.1921A1-MC OIL ABSORBING MATERIAL EXPOSED TO THE ELEMENTS
$25	055.1921A1-NM NO OIL ABSORBING MATERIAL
$25	055.1921A2-NB NO/INADEQUATE BROOM
$25	055.1921A3-AS NO/INADEQUATE SHOVEL
$25	055.1921A4-IF INOPERATIVE FLASHLIGHT
$25	055.1921A4-NF INSUFFICIENT/NO FLASHLIGHT
$25	055.1921A5-DE DISCHARGED FIRE EXTINGUISHER
$25	055.1921A5-IE IMPROPER TYPE OF FIRE EXTINGUISHER - 10BC
$50	055.1921A5-NE NO FIRE EXTINGUISHER
$25	055.1921A5-UF UNSECURED FIRE EXTINGUISHER

SCHEDULE OF FINES	
$25	055.1921A6-ME DEFECTIVE EMERGENCY WARNING DEVICES
$50	055.1921A6-NE NO EMERGENCY WARNING DEVICES
$25	055.1921A7-IC INADEQUATE STEERING WHEEL CLAMP
$25	055.1921A7-NC NO STEERING WHEEL CLAMP
$25	055.1921A8-DS DEFECTIVE TOW SLING
$100	055.1921A8-ES EXCESSIVE SLACK IN TOW PLATE
$25	055.1921A8-IP IMPROPERLY/UNSECURED MOUNTED TOW PLATE
$25-100	055.1921A8-MS MISSING TOW SLING
$25	055.1921A8-TS IMPROPERLY/UNSECURED MOUNTED TOW SLING
$25	055.1921A8-TT INADEQUATE TOW SLING/PLATE/BAR
$25	055.1921A8-UP UNSECURED TOW PLATES/SLING/BAR
$100	055.1921A9-BC IMPROPERLY SECURED BOOM CABLE
$25-100	055.1921A9-BL NO/INADEQUATE BED LOCKS (SLIDE BACK VEHICLES)
$25	055.1921A9-CS CRACKED/BROKEN SHEAVES
$25 (each)	055.1921A9-CT {#}CRACKED/BROKEN/EXCESSIVELY WORN THIMBLE(S)
$100	055.1921A9-DC EXCESSIVELY WORN/DEFECTIVE CABLE
$25 (each)	055.1921A9-MT {#} MISSING SHEAVES/THIMBLE(S)
$25-100	055.1921A9-NC NO/DEFECTIVE TOW VEHICLE COMPONENT
$100	055.1921B1-NC NO/IMPROPER SAFETY DEVICES (CHAINS)
$25	055.1921B2-ES EXCESSIVE SLACK IN TOWING ATTACHMENTS
CAPACITIES AND SPECIFICATIONS OF TOWING EQUIPMENT (LAC 55:I.1923)	
$200-1000	055.1923A-LW IM PROPER LICENSING OF GVWR WEIGHT OF TOW TRUCK
$300	055.1923A-WE EXCEEDING WEIGHT CAPACITY OF TOWING EQUIPMENT
$300	055.1923A-WT EXCEEDING WEIGHT CAPACITY OF TOW TRUCK
$100-1000	055.1923B NO / IMPROPERLY CERTIFIED TOW ASSEMBLY
$100-1000	055.1923D-VN MISSING ORIGINAL VIN/GVWR LABEL
TOW TRUCK EQUIPMENT SPECIFICATIONS (LAC 55:I.1925)	
$300-1000	055.1925P-ER EXCEEDING TOW TRUCK'S MANUFACTURERS GVWR
$300-1000	055.1925B-EC EXCEEDING RATING CAPACITY OF TOWING ASSEMBLY
$100-1000	055.1925A-UM UNSAFE MOVEMENT OF TOWED VEHICLE
INSPECTION BY THE DEPARTMENT (LAC 55:I.1927)	
$300-1000	055.1927B-TK FAILURE TO ALLOW INSPECTION OF TOW TRUCK(S)
$1000-2750	055.1927B6 OPERATING TOW TRUCK DECLARED OUT OF SERVICE
$2750	055.1927B6B ALLOWING THE OPERATION OF TOW TRUCK DECLARED OUT OF SERVICE
TOWING SERVICES TO USE DUE CARE (LAC 55:I.1929)	
$200-1000	055.1929A FAILURE TO EXERCISE DUE CARE/REMOVAL OPERATION
$300-1000	055.1929B FAILURE TO OBEY LAW ENFORCEMENT OFFICER
INSURANCE REQUIREMENTS (LAC 55:I.1931)	
$500	055.1931B6 NO REQUIRED TOWING/STORAGE INSURANCES
$100-1000	055.1915A-II IMPROPER AMOUNT OF REQUIRED TOWING/STORAGE INSURANCE

SCHEDULE OF FINES	
$300-1000	055.1915C-NI NO PROOF OF REQ TOWING/STORAGE INSURANCE
TOWING/STORAGE FACILITY BUSINESS PRACTICES (LAC 55:I.1941)	
$100	055.1945A1 VIOLATION OF STORAGE FACILITY BUSINESS HOURS
$200-1000	055.1941A-LF FAILURE TO STORE VEHICLE IN LICENSED STORAGE FACILITY
$100	055.1941D-AB NO VISIBLE AFTER BUSINESS HOURS PHONE # POSTED
$200-1000	055.1941E-RI FAILURE TO ALLOW REMOVAL OF PERSONAL ITEMS
$200-1000	055.1941J IMPROPER STORAGE / CHARGING FOR STORAGE OF VEHICLES
$100-1000	055.1941K IMPROPER THIRD PARTY TOWS / STORAGE
$100-1000	055.1941L IMPROPER HANDLING OF TOWED/STORED VEHICLES (DAMAGED)
$200-1000	055.1941P2 NO TOWING BILLING INVOICES
$100	055.1941P2B BILLING INVOICES NOT CONSECUTIVELY NUMBERED
$100	055.1941P1C FAILURE TO DENOTE SERVICE TO BE PERFORMED
$100-1000	055.1941P2C IMPROPER/INCOMPLETE BILLING INVOICES (ALL INVOICES)
$100-1000	055.1941P3 IMPROPER/INCOMPLETE BILLING INVOICES (TOW INVOICES)
$100-1000	055.1941P3-I FAILURE TO DEVELOP ITEMIZED TOW BILL / INVOICE
$200	055.1941P3-TI FAILURE TO MAINTAIN TOW INVOICE WITH VEHICLE TOWED
$100-1000	055.1941Q-RC VIOLATION OF BUSINESS RECORDS KEEPING LOCATION
$100-1000	055.1941N FAILURE TO LIST STORAGE AREA(S)/VEH REDEMPTION
$100-1000	055.1943B-SH FAILURE TO STAFF TOWING HEADQUARTERS FACILITY
$200-1000	055.1931D1 BUSINESS RECORDS UNAVAILABLE FOR INSPECTION
STORAGE PROCEDURES (LAC 55:I.1941)	
$100-1000	055.1941B FAILURE TO PROPERLY RELEASE VEHICLE
$100-1000	055.1941C-CV INADEQUATE SAFEGUARDS FOR VEHICLE AND CONTENTS
$100-1000	055.1941L IMPROPER HANDLING OF TOWED/STORED VEHICLES (DAMAGED)
$100-1000	055.1941M ILLEGAL DISPOSITION OF PERSONAL PROPERTY
$200-1000	055.1941E-RI FAILURE TO ALLOW REMOVAL OF PERSONAL ITEMS
$100-1000	055.1941E-IV FAILURE TO ALLOW INSPECTION/VIEWING OF VEHICLE
$100-1000	055.1941E-CV ILLEGAL CHARGING OF INSPECTION/VIEWING FEES
STORAGE FACILITY (LAC 55:I.1941)	
$100-1000	055.1941C-IS IMPROPERLY SECURED STORAGE FACILITY AREA (FENCE MISSING, ETC)
$100-1000	055.1941F IMPROPER/INADEQUATE STORAGE LOT
$100-300	055.1941C IMPROPER/INADEQUATE FENCE SECUREMENT (TYPE OF FENCE MATERIAL, ETC)
$100-300	055.1941D FAILURE TO POST SIGN W/ REQUIRED INFORMATION
$300-1000	055.1927B1A FAILURE TO MAKE FACILITY AVAILABLE FOR INSPECTION
$200-1000	055.1941G FAILURE TO NOTIFY LAW ENFORCEMENT AUTHORITIES
$100-1000	055.1941H PROHIBITED SHARING OF STORAGE FACILITY
$300-1000	055.1941I-MR FAILURE TO MAINTAIN REQUIRED STORAGE RECORDS FOR REQ PERIOD

SCHEDULE OF FINES	
$300-1000	055.1931D-PR FAILURE TO PROVIDE STORAGE RECORDS FOR REVIEW
$100-300	055.1941P-IR INCOMPLETE/INACCURATE IMPOUNDMENT RECORDS
$50-200	055.1941P1C FAILURE TO DEVELOP ITEMIZED BILL/INVOICE
STORAGE FEES (LAC 55:I.1945)	
$100-1000	055.1943C EXCESSIVE/IMPROPER STORAGE FEES
$100-1000	055.1945B EXCESSIVE/IMPROPER GATE FEES
NOTIFICATION TO DEPT. PUBLIC SAFETY & CORRECTIONS (LAC 55:I.1935)	
$100-1000	055.1933A1A FAILURE TO NOTIFY DEPARTMENT (3 DAYS, ORSV)
$100-1000	055.1933A1B INCOMPLETE/IMPROPER FILING OF ORSV
$200-1000	055.1935-LM FAILURE TO NOTIFY OWNER/LIEN/MORTGAGE HOLDER
$200-1000	055.1935-RI FAILURE TO PROVIDE REQUIRED INFORMATION
$200-1000	055.1935-CL FAILURE TO MAIL CERTIFIED LETTER
$200-1000	055.1937C EXCESSIVE ADMINISTRATIVE FEES
$100-1000	055.1939D VIOLATION OF PERMIT TO SELL REQUIREMENTS
LICENSING; STORAGE FACILITIES (LAC 55:I.1931)	
$200-1000	055.1931A FAILURE TO LICENSE STORAGE FACILITY
$200-1000	055.1931A4 EXPIRED STORAGE INSPECTION LICENSE
$200-1000	055.1931D2 FAILURE TO DISPLAY STORAGE INSPECTION LICENSE
$300-1000	055.1931A3 FAILURE TO NOTIFY LSP OF CHG IN NAME/OWNERSHIP/ADDRESS
LAW ENFORCEMENT ROTATION LISTS (LAC 55:I.1947)	
$100-200	055.1947A4 FAILURE TO RESPOND WITHIN 45 MINUTES
$25-1000	055.1947A2 FAILURE TO COMPLY W/LSP POLICIES & PROCEDURES

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1714.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Police, LR 32:854 (May 2006), amended LR 35:

Family Impact Statement

1. The Effect of this Rule on the Stability of the Family. This Rule should not have any 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 should not have any 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 should not have any effect on the functioning of the family.

4. The Effect of this Rule on Family Earnings and Family Budget. This Rule should not have any effect on family earnings and family budget.

5. The Effect of this Rule on the Behavior and Personal Responsibility of Children. This Rule should not have any 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 should not have any effect on the ability of the family or local government to perform the function as contained in the proposed Rule.

Interested persons may submit written comments to Paul Schexnayder, Post Office Box 66614, Baton Rouge, LA 70896. Written comments will be accepted through August 15, 2009.

Jill Boudreaux
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Towing Recovery and Storage

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed administrative rule setting a fine schedule for towing and storage violations should cause no implementation costs or savings to Louisiana State Police or other state or local governmental entities as the fine schedule is currently in use and is merely being codified within the rules.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There should be no impact on state or local governmental revenues as a result of these proposed rule changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed administrative rule will not result in any costs or benefits to the towing and storage industry.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change should not affect competition or employment.

Jill Boudreaux
Undersecretary
0907#026

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue
Policy Services Division

Income: Withholding Tax (LAC 61:I.1515)

Under the authority of R.S. 47:114 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, proposes to amend LAC 61:I.1515 to require certain employers to file the annual reconciliation of state tax withheld, Form L-3, and the employee's withholding tax receipts (W-2) electronically either via the Department's web site using the LaWage electronic filing application or other electronic means. Filings by magnetic media such as tapes, cartridges, and diskettes will no longer be allowed, which is consistent with the IRS and Social Security Administration's policies.

In 2001, R.S. 47:114(F) was amended to require employers who submit 250 or more withholding tax receipts (W-2) to file the annual reconciliation form, Form L-3, and Forms W-2, on magnetic media or other electronic means. Previously, filing on magnetic media was the only electronic means specified. The addition of the "other electronic means" language was made to reflect technology changes and new filing methods.

In 2006, Act 452 amended R.S. 47:114(F) to reduce the number of W-2 filings required for the electronic filing mandate. The reduction will be phased in 2008 to 2016 when

employers who file 50 W-2s will be required to file their annual reconciliation of state income tax withheld and their receipts, Forms W-2, electronically.

LAC 61:I.1515 was adopted in 2002 to provide for magnetic media labeling requirements. These proposed amendments will provide for the electronic filing mandate phase-in and provide the acceptable electronic filing methods.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue
Chapter 15. Income: Withholding Tax
§1515. Withholding Tax Annual Reconciliation And Employee Withholding Statements—Electronic Filing Requirements

A. Employers are required to file an annual reconciliation of state income tax withheld, Form L-3, with copies of the employee withholding statements, Form W-2s.

1. The reconciliation and employee withholding statements must be filed on or before the first business day following February 27 for the preceding calendar year.

2. If a business terminates during the year, the reconciliation and employee withholding statements must be filed within 30 days after the last month in which the wages were paid.

3. If the due date falls on a weekend or holiday, the report is due the next business day and becomes delinquent the next day.

B. The following employers are required to file the annual reconciliation, Form L-3, and the employee withholding statements, Form W-2s, electronically:

1. Employers that file 250 or more employee withholding statements due on or after January 1, 2008.

2. Employers that file 200 or more employee withholding statements due on or after January 1, 2010.

3. Employers that file 150 or more employee withholding statements due on or after January 1, 2012.

4. Employers that file 100 or more employee withholding statements due on or after January 1, 2014.

5. Employers that file 50 or more employee withholding statements due on or after January 1, 2016.

C. Electronic Filing Options—The annual reconciliation, Form L-3, and the employee withholding statements, Form W-2, may be filed electronically as follows:

1. Electronic filing using the LaWage electronic filing application via the LDR website, www.revenue.louisiana.gov.

2. Submission on CD or DVD.

a. Records must be submitted using a record layout that is consistent with the Internal Revenue Code requirements.

b. CDs and DVDs must be labeled with the following information:

i. File name;

ii. Employer's Louisiana account number;

iii. Employer's name;

iv. Employer's mailing address;

v. Tax year; and

vi. The CD or DVD number and total number of CDs or DVDs for multi-volume submissions (example: 1 of 3, etc.).

3. Submissions by magnetic media including tapes and tape cartridges are no longer allowed.

D. Separate submissions must be made for each employer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and R.S. 47:114.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Revenue, Policy Services Division, LR 28:1489 (June 2002), amended LR 35:

Family Impact Statement

This proposed Rule, LAC 61:I.1515, which requires certain employers to file withholding tax receipts (W-2s) electronically, 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. The implementation of this amended Rule will have no known or foreseeable effect on:

1. the stability of the family;

2. the authority and rights of parents regarding the education and supervision of their children;

3. the functioning of the family;

4. family earnings and family budgets;

5. the behavior and personal responsibility of children;

6. the ability of the family or a local government to perform this function.

Interested persons may submit written data, views, arguments or comments regarding this proposed rule to Leonore Heavey, Senior Policy Consultant, Policy Services Division, by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098 or by fax to 225-219-2759. All comments must be received no later than 4:30 p.m, Wednesday August 26, 2009. A public hearing will be held on Thursday August 27, 2009 at 2:30 p.m. in the River room on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Cynthia Bridges
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Income: Withholding Tax

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This amended rule requires certain employers submitting the annual reconciliation (L-3s) and withholding tax receipts (W-2s) to file the forms electronically, either via the Department's LaWage electronic filing application, via the Louisiana Department of Revenue (LDR) web site (www.revenue.louisiana.gov) or via CD or DVD consistent with the Internal Revenue Code requirements. R.S. 47:114(F) authorizes the secretary to require employers to file withholding tax receipts electronically as follows:

1. Employers that file 250 or more employee withholding statements, due on or after January 1, 2008.

2. Employers that file 200 or more employee withholding statements, due on or after January 1, 2010.

3. Employers that file 150 or more employee withholding statements, due on or after January 1, 2012.

4. Employers that file 100 or more employee withholding statements, due on or after January 1, 2014.

5. Employers that file 50 or more employee withholding statements, due on or after January 1, 2016.

This will allow the reallocation of some resources and staff used in the collection, processing and maintenance of magnetic media to perform other tax processing activities. Since these employees will be reassigned in other areas of the agency, there are no anticipated monetary savings to the state. Local government units will not be impacted by this amended rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This amended rule, which requires certain employers submitting annual reconciliations (L-3s) and withholding tax receipts (W-2s) to file the forms electronically, will have no impact on the revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Employers required to file annual reconciliations (L-3s) and withholding tax receipts (W-2s) electronically, can do so without charge through the LDR web site using the LaWage electronic filing application. Those electing to file using CDs and DVDs may incur minimal costs related to the creation of the product. All electronic filers will be responsible for adapting the data into an acceptable format in preparation for submission and the means necessary to accomplish that task may have associated costs. The cost of printing, packaging and mailing may be alleviated for those not currently filing electronically.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule should not affect competition or employment.

Cynthia Bridges
Secretary
0907#079

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Revenue
Policy Services Division

Individual Income Tax Tables
(LAC 61:I.1310)

Under the authority of 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, proposes to amend LAC 61:I.1310 to establish the individual income tax tables based on the new individual income tax brackets provided by Act 396 of the 2008 Regular Session of the Louisiana Legislature.

Act 396 amended R.S. 47:32(A), and provides for a reduction in tax rates and tax brackets. This statutory amendment became effective January 1, 2009.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue
Chapter 13. Income: Individual Income Tax Tables
§1310. Income Tax Tables

A. Residents. The tax due for resident individuals shall be determined using one of the following tables depending on your filing status:

Single or Married Filing Separately Filing Status									
If your Louisiana tax table income:		And the total exemptions claimed is:							
At Least	Less Than	1	2	3	4	5	6	7	8
		Your Louisiana tax is:							
0	4,500	0	0	0	0	0	0	0	0
4,500	4,750	3	0	0	0	0	0	0	0
4,750	5,000	8	0	0	0	0	0	0	0
5,000	5,250	13	0	0	0	0	0	0	0
5,250	5,500	18	0	0	0	0	0	0	0
5,500	5,750	23	3	0	0	0	0	0	0
5,750	6,000	28	8	0	0	0	0	0	0
6,000	6,250	33	13	0	0	0	0	0	0
6,250	6,500	38	18	0	0	0	0	0	0
6,500	6,750	43	23	3	0	0	0	0	0
6,750	7,000	48	28	8	0	0	0	0	0
7,000	7,250	53	33	13	0	0	0	0	0
7,250	7,500	58	38	18	0	0	0	0	0
7,500	7,750	63	43	23	3	0	0	0	0
7,750	8,000	68	48	28	8	0	0	0	0

Single or Married Filing Separately Filing Status									
If your Louisiana tax table income:		And the total exemptions claimed is:							
At Least	Less Than	1	2	3	4	5	6	7	8
		Your Louisiana tax is:							
8,000	8,250	73	53	33	13	0	0	0	0
8,250	8,500	78	58	38	18	0	0	0	0
8,500	8,750	83	63	43	23	3	0	0	0
8,750	9,000	88	68	48	28	8	0	0	0
9,000	9,250	93	73	53	33	13	0	0	0
9,250	9,500	98	78	58	38	18	0	0	0
9,500	9,750	103	83	63	43	23	3	0	0
9,750	10,000	108	88	68	48	28	8	0	0
10,000	10,250	113	93	73	53	33	13	0	0
10,250	10,500	118	98	78	58	38	18	0	0
10,500	10,750	123	103	83	63	43	23	3	0
10,750	11,000	128	108	88	68	48	28	8	0
11,000	11,250	133	113	93	73	53	33	13	0
11,250	11,500	138	118	98	78	58	38	18	0
11,500	11,750	143	123	103	83	63	43	23	3
11,750	12,000	148	128	108	88	68	48	28	8
12,000	12,250	153	133	113	93	73	53	33	13
12,250	12,500	158	138	118	98	78	58	38	18
12,500	12,750	165	145	125	105	85	65	45	25
12,750	13,000	175	155	135	115	95	75	55	35
13,000	13,250	185	165	145	125	105	85	65	45
13,250	13,500	195	175	155	135	115	95	75	55
13,500	13,750	205	185	165	145	125	105	85	65
13,750	14,000	215	195	175	155	135	115	95	75
14,000	14,250	225	205	185	165	145	125	105	85
14,250	14,500	235	215	195	175	155	135	115	95
14,500	14,750	245	225	205	185	165	145	125	105
14,750	15,000	255	235	215	195	175	155	135	115
15,000	15,250	265	245	225	205	185	165	145	125
15,250	15,500	275	255	235	215	195	175	155	135
15,500	15,750	285	265	245	225	205	185	165	145
15,750	16,000	295	275	255	235	215	195	175	155
16,000	16,250	305	285	265	245	225	205	185	165
16,250	16,500	315	295	275	255	235	215	195	175
16,500	16,750	325	305	285	265	245	225	205	185
16,750	17,000	335	315	295	275	255	235	215	195
17,000	17,250	345	325	305	285	265	245	225	205
17,250	17,500	355	335	315	295	275	255	235	215
17,500	17,750	365	345	325	305	285	265	245	225
17,750	18,000	375	355	335	315	295	275	255	235
18,000	18,250	385	365	345	325	305	285	265	245
18,250	18,500	395	375	355	335	315	295	275	255
18,500	18,750	405	385	365	345	325	305	285	265
18,750	19,000	415	395	375	355	335	315	295	275
19,000	19,250	425	405	385	365	345	325	305	285
19,250	19,500	435	415	395	375	355	335	315	295

Single or Married Filing Separately Filing Status									
If your Louisiana tax table income:		And the total exemptions claimed is:							
At Least	Less Than	1	2	3	4	5	6	7	8
		Your Louisiana tax is:							
19,500	19,750	445	425	405	385	365	345	325	305
19,750	20,000	455	435	415	395	375	355	335	315
20,000	20,250	465	445	425	405	385	365	345	325
20,250	20,500	475	455	435	415	395	375	355	335
20,500	20,750	485	465	445	425	405	385	365	345
20,750	21,000	495	475	455	435	415	395	375	355
21,000	21,250	505	485	465	445	425	405	385	365
21,250	21,500	515	495	475	455	435	415	395	375
21,500	21,750	525	505	485	465	445	425	405	385
21,750	22,000	535	515	495	475	455	435	415	395
22,000	22,250	545	525	505	485	465	445	425	405
22,250	22,500	555	535	515	495	475	455	435	415
22,500	22,750	565	545	525	505	485	465	445	425
22,750	23,000	575	555	535	515	495	475	455	435
23,000	23,250	585	565	545	525	505	485	465	445
23,250	23,500	595	575	555	535	515	495	475	455
23,500	23,750	605	585	565	545	525	505	485	465
23,750	24,000	615	595	575	555	535	515	495	475
24,000	24,250	625	605	585	565	545	525	505	485
24,250	24,500	635	615	595	575	555	535	515	495
24,500	24,750	645	625	605	585	565	545	525	505
24,750	25,000	655	635	615	595	575	555	535	515
25,000	25,250	665	645	625	605	585	565	545	525
25,250	25,500	675	655	635	615	595	575	555	535
25,500	25,750	685	665	645	625	605	585	565	545
25,750	26,000	695	675	655	635	615	595	575	555
26,000	26,250	705	685	665	645	625	605	585	565
26,250	26,500	715	695	675	655	635	615	595	575
26,500	26,750	725	705	685	665	645	625	605	585
26,750	27,000	735	715	695	675	655	635	615	595
27,000	27,250	745	725	705	685	665	645	625	605
27,250	27,500	755	735	715	695	675	655	635	615
27,500	27,750	765	745	725	705	685	665	645	625
27,750	28,000	775	755	735	715	695	675	655	635
28,000	28,250	785	765	745	725	705	685	665	645
28,250	28,500	795	775	755	735	715	695	675	655
28,500	28,750	805	785	765	745	725	705	685	665
28,750	29,000	815	795	775	755	735	715	695	675
29,000	29,250	825	805	785	765	745	725	705	685
29,250	29,500	835	815	795	775	755	735	715	695
29,500	29,750	845	825	805	785	765	745	725	705
29,750	30,000	855	835	815	795	775	755	735	715
30,000	30,250	865	845	825	805	785	765	745	725
30,250	30,500	875	855	835	815	795	775	755	735
30,500	30,750	885	865	845	825	805	785	765	745
30,750	31,000	895	875	855	835	815	795	775	755

Single or Married Filing Separately Filing Status									
If your Louisiana tax table income:		And the total exemptions claimed is:							
At Least	Less Than	1	2	3	4	5	6	7	8
		Your Louisiana tax is:							
31,000	31,250	905	885	865	845	825	805	785	765
31,250	31,500	915	895	875	855	835	815	795	775
31,500	31,750	925	905	885	865	845	825	805	785
31,750	32,000	935	915	895	875	855	835	815	795
32,000	32,250	945	925	905	885	865	845	825	805
32,250	32,500	955	935	915	895	875	855	835	815
32,500	32,750	965	945	925	905	885	865	845	825
32,750	33,000	975	955	935	915	895	875	855	835
33,000	33,250	985	965	945	925	905	885	865	845
33,250	33,500	995	975	955	935	915	895	875	855
33,500	33,750	1,005	985	965	945	925	905	885	865
33,750	34,000	1,015	995	975	955	935	915	895	875
34,000	34,250	1,025	1,005	985	965	945	925	905	885
34,250	34,500	1,035	1,015	995	975	955	935	915	895
34,500	34,750	1,045	1,025	1,005	985	965	945	925	905
34,750	35,000	1,055	1,035	1,015	995	975	955	935	915
35,000	35,250	1,065	1,045	1,025	1,005	985	965	945	925
35,250	35,500	1,075	1,055	1,035	1,015	995	975	955	935
35,500	35,750	1,085	1,065	1,045	1,025	1,005	985	965	945
35,750	36,000	1,095	1,075	1,055	1,035	1,015	995	975	955
36,000	36,250	1,105	1,085	1,065	1,045	1,025	1,005	985	965
36,250	36,500	1,115	1,095	1,075	1,055	1,035	1,015	995	975
36,500	36,750	1,125	1,105	1,085	1,065	1,045	1,025	1,005	985
36,750	37,000	1,135	1,115	1,095	1,075	1,055	1,035	1,015	995
37,000	37,250	1,145	1,125	1,105	1,085	1,065	1,045	1,025	1,005
37,250	37,500	1,155	1,135	1,115	1,095	1,075	1,055	1,035	1,015
37,500	37,750	1,165	1,145	1,125	1,105	1,085	1,065	1,045	1,025
37,750	38,000	1,175	1,155	1,135	1,115	1,095	1,075	1,055	1,035
38,000	38,250	1,185	1,165	1,145	1,125	1,105	1,085	1,065	1,045
38,250	38,500	1,195	1,175	1,155	1,135	1,115	1,095	1,075	1,055
38,500	38,750	1,205	1,185	1,165	1,145	1,125	1,105	1,085	1,065
38,750	39,000	1,215	1,195	1,175	1,155	1,135	1,115	1,095	1,075
39,000	39,250	1,225	1,205	1,185	1,165	1,145	1,125	1,105	1,085
39,250	39,500	1,235	1,215	1,195	1,175	1,155	1,135	1,115	1,095
39,500	39,750	1,245	1,225	1,205	1,185	1,165	1,145	1,125	1,105
39,750	40,000	1,255	1,235	1,215	1,195	1,175	1,155	1,135	1,115
40,000	40,250	1,265	1,245	1,225	1,205	1,185	1,165	1,145	1,125
40,250	40,500	1,275	1,255	1,235	1,215	1,195	1,175	1,155	1,135
40,500	40,750	1,285	1,265	1,245	1,225	1,205	1,185	1,165	1,145
40,750	41,000	1,295	1,275	1,255	1,235	1,215	1,195	1,175	1,155
41,000	41,250	1,305	1,285	1,265	1,245	1,225	1,205	1,185	1,165
41,250	41,500	1,315	1,295	1,275	1,255	1,235	1,215	1,195	1,175
41,500	41,750	1,325	1,305	1,285	1,265	1,245	1,225	1,205	1,185
41,750	42,000	1,335	1,315	1,295	1,275	1,255	1,235	1,215	1,195
42,000	42,250	1,345	1,325	1,305	1,285	1,265	1,245	1,225	1,205
42,250	42,500	1,355	1,335	1,315	1,295	1,275	1,255	1,235	1,215

Single or Married Filing Separately Filing Status									
If your Louisiana tax table income:		And the total exemptions claimed is:							
At Least	Less Than	1	2	3	4	5	6	7	8
		Your Louisiana tax is:							
42,500	42,750	1,365	1,345	1,325	1,305	1,285	1,265	1,245	1,225
42,750	43,000	1,375	1,355	1,335	1,315	1,295	1,275	1,255	1,235
43,000	43,250	1,385	1,365	1,345	1,325	1,305	1,285	1,265	1,245
43,250	43,500	1,395	1,375	1,355	1,335	1,315	1,295	1,275	1,255
43,500	43,750	1,405	1,385	1,365	1,345	1,325	1,305	1,285	1,265
43,750	44,000	1,415	1,395	1,375	1,355	1,335	1,315	1,295	1,275
44,000	44,250	1,425	1,405	1,385	1,365	1,345	1,325	1,305	1,285
44,250	44,500	1,435	1,415	1,395	1,375	1,355	1,335	1,315	1,295
44,500	44,750	1,445	1,425	1,405	1,385	1,365	1,345	1,325	1,305
44,750	45,000	1,455	1,435	1,415	1,395	1,375	1,355	1,335	1,315
45,000	45,250	1,465	1,445	1,425	1,405	1,385	1,365	1,345	1,325
45,250	45,500	1,475	1,455	1,435	1,415	1,395	1,375	1,355	1,335
45,500	45,750	1,485	1,465	1,445	1,425	1,405	1,385	1,365	1,345
45,750	46,000	1,495	1,475	1,455	1,435	1,415	1,395	1,375	1,355
46,000	46,250	1,505	1,485	1,465	1,445	1,425	1,405	1,385	1,365
46,250	46,500	1,515	1,495	1,475	1,455	1,435	1,415	1,395	1,375
46,500	46,750	1,525	1,505	1,485	1,465	1,445	1,425	1,405	1,385
46,750	47,000	1,535	1,515	1,495	1,475	1,455	1,435	1,415	1,395
47,000	47,250	1,545	1,525	1,505	1,485	1,465	1,445	1,425	1,405
47,250	47,500	1,555	1,535	1,515	1,495	1,475	1,455	1,435	1,415
47,500	47,750	1,565	1,545	1,525	1,505	1,485	1,465	1,445	1,425
47,750	48,000	1,575	1,555	1,535	1,515	1,495	1,475	1,455	1,435
48,000	48,250	1,585	1,565	1,545	1,525	1,505	1,485	1,465	1,445
48,250	48,500	1,595	1,575	1,555	1,535	1,515	1,495	1,475	1,455
48,500	48,750	1,605	1,585	1,565	1,545	1,525	1,505	1,485	1,465
48,750	49,000	1,615	1,595	1,575	1,555	1,535	1,515	1,495	1,475
49,000	49,250	1,625	1,605	1,585	1,565	1,545	1,525	1,505	1,485
49,250	49,500	1,635	1,615	1,595	1,575	1,555	1,535	1,515	1,495
49,500	49,750	1,645	1,625	1,605	1,585	1,565	1,545	1,525	1,505
49,750	50,000	1,655	1,635	1,615	1,595	1,575	1,555	1,535	1,515
50,000	50,250	1,668	1,648	1,628	1,608	1,588	1,568	1,548	1,528
50,250	50,500	1,683	1,663	1,643	1,623	1,603	1,583	1,563	1,543
50,500	50,750	1,698	1,678	1,658	1,638	1,618	1,598	1,578	1,558
50,750	51,000	1,713	1,693	1,673	1,653	1,633	1,613	1,593	1,573

Plus 6% of Tax Table Income in Excess of $51,000

Married Filing Jointly Or Qualifying Widow(er) Filing Status								
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:						
At Least	Less Than	2	3	4	5	6	7	8
		Your Louisianan Tax Is:						
0	9,000	0	0	0	0	0	0	0
9,000	9,250	3	0	0	0	0	0	0
9,250	9,500	8	0	0	0	0	0	0
9,500	9,750	13	0	0	0	0	0	0
9,750	10,000	18	0	0	0	0	0	0
10,000	10,250	23	3	0	0	0	0	0
10,250	10,500	28	8	0	0	0	0	0
10,500	10,750	33	13	0	0	0	0	0
10,750	11,000	38	18	0	0	0	0	0
11,000	11,250	43	23	3	0	0	0	0
11,250	11,500	48	28	8	0	0	0	0
11,500	11,750	53	33	13	0	0	0	0
11,750	12,000	58	38	18	0	0	0	0
12,000	12,250	63	43	23	3	0	0	0
12,250	12,500	68	48	28	8	0	0	0
12,500	12,750	73	53	33	13	0	0	0
12,750	13,000	78	58	38	18	0	0	0
13,000	13,250	83	63	43	23	3	0	0
13,250	13,500	88	68	48	28	8	0	0
13,500	13,750	93	73	53	33	13	0	0
13,750	14,000	98	78	58	38	18	0	0
14,000	14,250	103	83	63	43	23	3	0
14,250	14,500	108	88	68	48	28	8	0
14,500	14,750	113	93	73	53	33	13	0
14,750	15,000	118	98	78	58	38	18	0
15,000	15,250	123	103	83	63	43	23	3
15,250	15,500	128	108	88	68	48	28	8
15,500	15,750	133	113	93	73	53	33	13
15,750	16,000	138	118	98	78	58	38	18
16,000	16,250	143	123	103	83	63	43	23
16,250	16,500	148	128	108	88	68	48	28
16,500	16,750	153	133	113	93	73	53	33
16,750	17,000	158	138	118	98	78	58	38
17,000	17,250	163	143	123	103	83	63	43
17,250	17,500	168	148	128	108	88	68	48
17,500	17,750	173	153	133	113	93	73	53
17,750	18,000	178	158	138	118	98	78	58
18,000	18,250	183	163	143	123	103	83	63
18,250	18,500	188	168	148	128	108	88	68
18,500	18,750	193	173	153	133	113	93	73
18,750	19,000	198	178	158	138	118	98	78
19,000	19,250	203	183	163	143	123	103	83
19,250	19,500	208	188	168	148	128	108	88
19,500	19,750	213	193	173	153	133	113	93
19,750	20,000	218	198	178	158	138	118	98
20,000	20,250	223	203	183	163	143	123	103

Married Filing Jointly Or Qualifying Widow(er) Filing Status								
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:						
At Least	Less Than	2	3	4	5	6	7	8
		Your Louisianan Tax Is:						
20,250	20,500	228	208	188	168	148	128	108
20,500	20,750	233	213	193	173	153	133	113
20,750	21,000	238	218	198	178	158	138	118
21,000	21,250	243	223	203	183	163	143	123
21,250	21,500	248	228	208	188	168	148	128
21,500	21,750	253	233	213	193	173	153	133
21,750	22,000	258	238	218	198	178	158	138
22,000	22,250	263	243	223	203	183	163	143
22,250	22,500	268	248	228	208	188	168	148
22,500	22,750	273	253	233	213	193	173	153
22,750	23,000	278	258	238	218	198	178	158
23,000	23,250	283	263	243	223	203	183	163
23,250	23,500	288	268	248	228	208	188	168
23,500	23,750	293	273	253	233	213	193	173
23,750	24,000	298	278	258	238	218	198	178
24,000	24,250	303	283	263	243	223	203	183
24,250	24,500	308	288	268	248	228	208	188
24,500	24,750	313	293	273	253	233	213	193
24,750	25,000	318	298	278	258	238	218	198
25,000	25,250	325	305	285	265	245	225	205
25,250	25,500	335	315	295	275	255	235	215
25,500	25,750	345	325	305	285	265	245	225
25,750	26,000	355	335	315	295	275	255	235
26,000	26,250	365	345	325	305	285	265	245
26,250	26,500	375	355	335	315	295	275	255
26,500	26,750	385	365	345	325	305	285	265
26,750	27,000	395	375	355	335	315	295	275
27,000	27,250	405	385	365	345	325	305	285
27,250	27,500	415	395	375	355	335	315	295
27,500	27,750	425	405	385	365	345	325	305
27,750	28,000	435	415	395	375	355	335	315
28,000	28,250	445	425	405	385	365	345	325
28,250	28,500	455	435	415	395	375	355	335
28,500	28,750	465	445	425	405	385	365	345
28,750	29,000	475	455	435	415	395	375	355
29,000	29,250	485	465	445	425	405	385	365
29,250	29,500	495	475	455	435	415	395	375
29,500	29,750	505	485	465	445	425	405	385
29,750	30,000	515	495	475	455	435	415	395
30,000	30,250	525	505	485	465	445	425	405
30,250	30,500	535	515	495	475	455	435	415
30,500	30,750	545	525	505	485	465	445	425
30,750	31,000	555	535	515	495	475	455	435
31,000	31,250	565	545	525	505	485	465	445
31,250	31,500	575	555	535	515	495	475	455
31,500	31,750	585	565	545	525	505	485	465

Married Filing Jointly Or Qualifying Widow(er) Filing Status								
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:						
At Least	Less Than	2	3	4	5	6	7	8
		Your Louisianan Tax Is:						
31,750	32,000	595	575	555	535	515	495	475
32,000	32,250	605	585	565	545	525	505	485
32,250	32,500	615	595	575	555	535	515	495
32,500	32,750	625	605	585	565	545	525	505
32,750	33,000	635	615	595	575	555	535	515
33,000	33,250	645	625	605	585	565	545	525
33,250	33,500	655	635	615	595	575	555	535
33,500	33,750	665	645	625	605	585	565	545
33,750	34,000	675	655	635	615	595	575	555
34,000	34,250	685	665	645	625	605	585	565
34,250	34,500	695	675	655	635	615	595	575
34,500	34,750	705	685	665	645	625	605	585
34,750	35,000	715	695	675	655	635	615	595
35,000	35,250	725	705	685	665	645	625	605
35,250	35,500	735	715	695	675	655	635	615
35,500	35,750	745	725	705	685	665	645	625
35,750	36,000	755	735	715	695	675	655	635
36,000	36,250	765	745	725	705	685	665	645
36,250	36,500	775	755	735	715	695	675	655
36,500	36,750	785	765	745	725	705	685	665
36,750	37,000	795	775	755	735	715	695	675
37,000	37,250	805	785	765	745	725	705	685
37,250	37,500	815	795	775	755	735	715	695
37,500	37,750	825	805	785	765	745	725	705
37,750	38,000	835	815	795	775	755	735	715
38,000	38,250	845	825	805	785	765	745	725
38,250	38,500	855	835	815	795	775	755	735
38,500	38,750	865	845	825	805	785	765	745
38,750	39,000	875	855	835	815	795	775	755
39,000	39,250	885	865	845	825	805	785	765
39,250	39,500	895	875	855	835	815	795	775
39,500	39,750	905	885	865	845	825	805	785
39,750	40,000	915	895	875	855	835	815	795
40,000	40,250	925	905	885	865	845	825	805
40,250	40,500	935	915	895	875	855	835	815
40,500	40,750	945	925	905	885	865	845	825
40,750	41,000	955	935	915	895	875	855	835
41,000	41,250	965	945	925	905	885	865	845
41,250	41,500	975	955	935	915	895	875	855
41,500	41,750	985	965	945	925	905	885	865
41,750	42,000	995	975	955	935	915	895	875
42,000	42,250	1,005	985	965	945	925	905	885
42,250	42,500	1,015	995	975	955	935	915	895
42,500	42,750	1,025	1,005	985	965	945	925	905
42,750	43,000	1,035	1,015	995	975	955	935	915
43,000	43,250	1,045	1,025	1,005	985	965	945	925

Married Filing Jointly Or Qualifying Widow(er) Filing Status								
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:						
At Least	Less Than	2	3	4	5	6	7	8
		Your Louisianan Tax Is:						
43,250	43,500	1,055	1,035	1,015	995	975	955	935
43,500	43,750	1,065	1,045	1,025	1,005	985	965	945
43,750	44,000	1,075	1,055	1,035	1,015	995	975	955
44,000	44,250	1,085	1,065	1,045	1,025	1,005	985	965
44,250	44,500	1,095	1,075	1,055	1,035	1,015	995	975
44,500	44,750	1,105	1,085	1,065	1,045	1,025	1,005	985
44,750	45,000	1,115	1,095	1,075	1,055	1,035	1,015	995
45,000	45,250	1,125	1,105	1,085	1,065	1,045	1,025	1,005
45,250	45,500	1,135	1,115	1,095	1,075	1,055	1,035	1,015
45,500	45,750	1,145	1,125	1,105	1,085	1,065	1,045	1,025
45,750	46,000	1,155	1,135	1,115	1,095	1,075	1,055	1,035
46,000	46,250	1,165	1,145	1,125	1,105	1,085	1,065	1,045
46,250	46,500	1,175	1,155	1,135	1,115	1,095	1,075	1,055
46,500	46,750	1,185	1,165	1,145	1,125	1,105	1,085	1,065
46,750	47,000	1,195	1,175	1,155	1,135	1,115	1,095	1,075
47,000	47,250	1,205	1,185	1,165	1,145	1,125	1,105	1,085
47,250	47,500	1,215	1,195	1,175	1,155	1,135	1,115	1,095
47,500	47,750	1,225	1,205	1,185	1,165	1,145	1,125	1,105
47,750	48,000	1,235	1,215	1,195	1,175	1,155	1,135	1,115
48,000	48,250	1,245	1,225	1,205	1,185	1,165	1,145	1,125
48,250	48,500	1,255	1,235	1,215	1,195	1,175	1,155	1,135
48,500	48,750	1,265	1,245	1,225	1,205	1,185	1,165	1,145
48,750	49,000	1,275	1,255	1,235	1,215	1,195	1,175	1,155
49,000	49,250	1,285	1,265	1,245	1,225	1,205	1,185	1,165
49,250	49,500	1,295	1,275	1,255	1,235	1,215	1,195	1,175
49,500	49,750	1,305	1,285	1,265	1,245	1,225	1,205	1,185
49,750	50,000	1,315	1,295	1,275	1,255	1,235	1,215	1,195
50,000	50,250	1,325	1,305	1,285	1,265	1,245	1,225	1,205
50,250	50,500	1,335	1,315	1,295	1,275	1,255	1,235	1,215
50,500	50,750	1,345	1,325	1,305	1,285	1,265	1,245	1,225
50,750	51,000	1,355	1,335	1,315	1,295	1,275	1,255	1,235
51,000	51,250	1,365	1,345	1,325	1,305	1,285	1,265	1,245
51,250	51,500	1,375	1,355	1,335	1,315	1,295	1,275	1,255
51,500	51,750	1,385	1,365	1,345	1,325	1,305	1,285	1,265
51,750	52,000	1,395	1,375	1,355	1,335	1,315	1,295	1,275
52,000	52,250	1,405	1,385	1,365	1,345	1,325	1,305	1,285
52,250	52,500	1,415	1,395	1,375	1,355	1,335	1,315	1,295
52,500	52,750	1,425	1,405	1,385	1,365	1,345	1,325	1,305
52,750	53,000	1,435	1,415	1,395	1,375	1,355	1,335	1,315
53,000	53,250	1,445	1,425	1,405	1,385	1,365	1,345	1,325
53,250	53,500	1,455	1,435	1,415	1,395	1,375	1,355	1,335
53,500	53,750	1,465	1,445	1,425	1,405	1,385	1,365	1,345
53,750	54,000	1,475	1,455	1,435	1,415	1,395	1,375	1,355
54,000	54,250	1,485	1,465	1,445	1,425	1,405	1,385	1,365
54,250	54,500	1,495	1,475	1,455	1,435	1,415	1,395	1,375
54,500	54,750	1,505	1,485	1,465	1,445	1,425	1,405	1,385

Married Filing Jointly Or Qualifying Widow(er) Filing Status								
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:						
At Least	Less Than	2	3	4	5	6	7	8
		Your Louisianan Tax Is:						
54,750	55,000	1,515	1,495	1,475	1,455	1,435	1,415	1,395
55,000	55,250	1,525	1,505	1,485	1,465	1,445	1,425	1,405
55,250	55,500	1,535	1,515	1,495	1,475	1,455	1,435	1,415
55,500	55,750	1,545	1,525	1,505	1,485	1,465	1,445	1,425
55,750	56,000	1,555	1,535	1,515	1,495	1,475	1,455	1,435
56,000	56,250	1,565	1,545	1,525	1,505	1,485	1,465	1,445
56,250	56,500	1,575	1,555	1,535	1,515	1,495	1,475	1,455
56,500	56,750	1,585	1,565	1,545	1,525	1,505	1,485	1,465
56,750	57,000	1,595	1,575	1,555	1,535	1,515	1,495	1,475
57,000	57,250	1,605	1,585	1,565	1,545	1,525	1,505	1,485
57,250	57,500	1,615	1,595	1,575	1,555	1,535	1,515	1,495
57,500	57,750	1,625	1,605	1,585	1,565	1,545	1,525	1,505
57,750	58,000	1,635	1,615	1,595	1,575	1,555	1,535	1,515
58,000	58,250	1,645	1,625	1,605	1,585	1,565	1,545	1,525
58,250	58,500	1,655	1,635	1,615	1,595	1,575	1,555	1,535
58,500	58,750	1,665	1,645	1,625	1,605	1,585	1,565	1,545
58,750	59,000	1,675	1,655	1,635	1,615	1,595	1,575	1,555
59,000	59,250	1,685	1,665	1,645	1,625	1,605	1,585	1,565
59,250	59,500	1,695	1,675	1,655	1,635	1,615	1,595	1,575
59,500	59,750	1,705	1,685	1,665	1,645	1,625	1,605	1,585
59,750	60,000	1,715	1,695	1,675	1,655	1,635	1,615	1,595
60,000	60,250	1,725	1,705	1,685	1,665	1,645	1,625	1,605
60,250	60,500	1,735	1,715	1,695	1,675	1,655	1,635	1,615
60,500	60,750	1,745	1,725	1,705	1,685	1,665	1,645	1,625
60,750	61,000	1,755	1,735	1,715	1,695	1,675	1,655	1,635
61,000	61,250	1,765	1,745	1,725	1,705	1,685	1,665	1,645
61,250	61,500	1,775	1,755	1,735	1,715	1,695	1,675	1,655
61,500	61,750	1,785	1,765	1,745	1,725	1,705	1,685	1,665
61,750	62,000	1,795	1,775	1,755	1,735	1,715	1,695	1,675
62,000	62,250	1,805	1,785	1,765	1,745	1,725	1,705	1,685
62,250	62,500	1,815	1,795	1,775	1,755	1,735	1,715	1,695
62,500	62,750	1,825	1,805	1,785	1,765	1,745	1,725	1,705
62,750	63,000	1,835	1,815	1,795	1,775	1,755	1,735	1,715
63,000	63,250	1,845	1,825	1,805	1,785	1,765	1,745	1,725
63,250	63,500	1,855	1,835	1,815	1,795	1,775	1,755	1,735
63,500	63,750	1,865	1,845	1,825	1,805	1,785	1,765	1,745
63,750	64,000	1,875	1,855	1,835	1,815	1,795	1,775	1,755
64,000	64,250	1,885	1,865	1,845	1,825	1,805	1,785	1,765
64,250	64,500	1,895	1,875	1,855	1,835	1,815	1,795	1,775
64,500	64,750	1,905	1,885	1,865	1,845	1,825	1,805	1,785
64,750	65,000	1,915	1,895	1,875	1,855	1,835	1,815	1,795
65,000	65,250	1,925	1,905	1,885	1,865	1,845	1,825	1,805
65,250	65,500	1,935	1,915	1,895	1,875	1,855	1,835	1,815
65,500	65,750	1,945	1,925	1,905	1,885	1,865	1,845	1,825
65,750	66,000	1,955	1,935	1,915	1,895	1,875	1,855	1,835
66,000	66,250	1,965	1,945	1,925	1,905	1,885	1,865	1,845

Married Filing Jointly Or Qualifying Widow(er) Filing Status								
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:						
At Least	Less Than	2	3	4	5	6	7	8
		Your Louisianan Tax Is:						
66,250	66,500	1,975	1,955	1,935	1,915	1,895	1,875	1,855
66,500	66,750	1,985	1,965	1,945	1,925	1,905	1,885	1,865
66,750	67,000	1,995	1,975	1,955	1,935	1,915	1,895	1,875
67,000	67,250	2,005	1,985	1,965	1,945	1,925	1,905	1,885
67,250	67,500	2,015	1,995	1,975	1,955	1,935	1,915	1,895
67,500	67,750	2,025	2,005	1,985	1,965	1,945	1,925	1,905
67,750	68,000	2,035	2,015	1,995	1,975	1,955	1,935	1,915
68,000	68,250	2,045	2,025	2,005	1,985	1,965	1,945	1,925
68,250	68,500	2,055	2,035	2,015	1,995	1,975	1,955	1,935
68,500	68,750	2,065	2,045	2,025	2,005	1,985	1,965	1,945
68,750	69,000	2,075	2,055	2,035	2,015	1,995	1,975	1,955
69,000	69,250	2,085	2,065	2,045	2,025	2,005	1,985	1,965
69,250	69,500	2,095	2,075	2,055	2,035	2,015	1,995	1,975
69,500	69,750	2,105	2,085	2,065	2,045	2,025	2,005	1,985
69,750	70,000	2,115	2,095	2,075	2,055	2,035	2,015	1,995
70,000	70,250	2,125	2,105	2,085	2,065	2,045	2,025	2,005
70,250	70,500	2,135	2,115	2,095	2,075	2,055	2,035	2,015
70,500	70,750	2,145	2,125	2,105	2,085	2,065	2,045	2,025
70,750	71,000	2,155	2,135	2,115	2,095	2,075	2,055	2,035
71,000	71,250	2,165	2,145	2,125	2,105	2,085	2,065	2,045
71,250	71,500	2,175	2,155	2,135	2,115	2,095	2,075	2,055
71,500	71,750	2,185	2,165	2,145	2,125	2,105	2,085	2,065
71,750	72,000	2,195	2,175	2,155	2,135	2,115	2,095	2,075
72,000	72,250	2,205	2,185	2,165	2,145	2,125	2,105	2,085
72,250	72,500	2,215	2,195	2,175	2,155	2,135	2,115	2,095
72,500	72,750	2,225	2,205	2,185	2,165	2,145	2,125	2,105
72,750	73,000	2,235	2,215	2,195	2,175	2,155	2,135	2,115
73,000	73,250	2,245	2,225	2,205	2,185	2,165	2,145	2,125
73,250	73,500	2,255	2,235	2,215	2,195	2,175	2,155	2,135
73,500	73,750	2,265	2,245	2,225	2,205	2,185	2,165	2,145
73,750	74,000	2,275	2,255	2,235	2,215	2,195	2,175	2,155
74,000	74,250	2,285	2,265	2,245	2,225	2,205	2,185	2,165
74,250	74,500	2,295	2,275	2,255	2,235	2,215	2,195	2,175
74,500	74,750	2,305	2,285	2,265	2,245	2,225	2,205	2,185
74,750	75,000	2,315	2,295	2,275	2,255	2,235	2,215	2,195
75,000	75,250	2,325	2,305	2,285	2,265	2,245	2,225	2,205
75,250	75,500	2,335	2,315	2,295	2,275	2,255	2,235	2,215
75,500	75,750	2,345	2,325	2,305	2,285	2,265	2,245	2,225
75,750	76,000	2,355	2,335	2,315	2,295	2,275	2,255	2,235
76,000	76,250	2,365	2,345	2,325	2,305	2,285	2,265	2,245
76,250	76,500	2,375	2,355	2,335	2,315	2,295	2,275	2,255
76,500	76,750	2,385	2,365	2,345	2,325	2,305	2,285	2,265
76,750	77,000	2,395	2,375	2,355	2,335	2,315	2,295	2,275
77,000	77,250	2,405	2,385	2,365	2,345	2,325	2,305	2,285
77,250	77,500	2,415	2,395	2,375	2,355	2,335	2,315	2,295
77,500	77,750	2,425	2,405	2,385	2,365	2,345	2,325	2,305

Married Filing Jointly Or Qualifying Widow(er) Filing Status								
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:						
At Least	Less Than	2	3	4	5	6	7	8
		Your Louisianan Tax Is:						
77,750	78,000	2,435	2,415	2,395	2,375	2,355	2,335	2,315
78,000	78,250	2,445	2,425	2,405	2,385	2,365	2,345	2,325
78,250	78,500	2,455	2,435	2,415	2,395	2,375	2,355	2,335
78,500	78,750	2,465	2,445	2,425	2,405	2,385	2,365	2,345
78,750	79,000	2,475	2,455	2,435	2,415	2,395	2,375	2,355
79,000	79,250	2,485	2,465	2,445	2,425	2,405	2,385	2,365
79,250	79,500	2,495	2,475	2,455	2,435	2,415	2,395	2,375
79,500	79,750	2,505	2,485	2,465	2,445	2,425	2,405	2,385
79,750	80,000	2,515	2,495	2,475	2,455	2,435	2,415	2,395
80,000	80,250	2,525	2,505	2,485	2,465	2,445	2,425	2,405
80,250	80,500	2,535	2,515	2,495	2,475	2,455	2,435	2,415
80,500	80,750	2,545	2,525	2,505	2,485	2,465	2,445	2,425
80,750	81,000	2,555	2,535	2,515	2,495	2,475	2,455	2,435
81,000	81,250	2,565	2,545	2,525	2,505	2,485	2,465	2,445
81,250	81,500	2,575	2,555	2,535	2,515	2,495	2,475	2,455
81,500	81,750	2,585	2,565	2,545	2,525	2,505	2,485	2,465
81,750	82,000	2,595	2,575	2,555	2,535	2,515	2,495	2,475
82,000	82,250	2,605	2,585	2,565	2,545	2,525	2,505	2,485
82,250	82,500	2,615	2,595	2,575	2,555	2,535	2,515	2,495
82,500	82,750	2,625	2,605	2,585	2,565	2,545	2,525	2,505
82,750	83,000	2,635	2,615	2,595	2,575	2,555	2,535	2,515
83,000	83,250	2,645	2,625	2,605	2,585	2,565	2,545	2,525
83,250	83,500	2,655	2,635	2,615	2,595	2,575	2,555	2,535
83,500	83,750	2,665	2,645	2,625	2,605	2,585	2,565	2,545
83,750	84,000	2,675	2,655	2,635	2,615	2,595	2,575	2,555
84,000	84,250	2,685	2,665	2,645	2,625	2,605	2,585	2,565
84,250	84,500	2,695	2,675	2,655	2,635	2,615	2,595	2,575
84,500	84,750	2,705	2,685	2,665	2,645	2,625	2,605	2,585
84,750	85,000	2,715	2,695	2,675	2,655	2,635	2,615	2,595
85,000	85,250	2,725	2,705	2,685	2,665	2,645	2,625	2,605
85,250	85,500	2,735	2,715	2,695	2,675	2,655	2,635	2,615
85,500	85,750	2,745	2,725	2,705	2,685	2,665	2,645	2,625
85,750	86,000	2,755	2,735	2,715	2,695	2,675	2,655	2,635
86,000	86,250	2,765	2,745	2,725	2,705	2,685	2,665	2,645
86,250	86,500	2,775	2,755	2,735	2,715	2,695	2,675	2,655
86,500	86,750	2,785	2,765	2,745	2,725	2,705	2,685	2,665
86,750	87,000	2,795	2,775	2,755	2,735	2,715	2,695	2,675
87,000	87,250	2,805	2,785	2,765	2,745	2,725	2,705	2,685
87,250	87,500	2,815	2,795	2,775	2,755	2,735	2,715	2,695
87,500	87,750	2,825	2,805	2,785	2,765	2,745	2,725	2,705
87,750	88,000	2,835	2,815	2,795	2,775	2,755	2,735	2,715
88,000	88,250	2,845	2,825	2,805	2,785	2,765	2,745	2,725
88,250	88,500	2,855	2,835	2,815	2,795	2,775	2,755	2,735
88,500	88,750	2,865	2,845	2,825	2,805	2,785	2,765	2,745
88,750	89,000	2,875	2,855	2,835	2,815	2,795	2,775	2,755
89,000	89,250	2,885	2,865	2,845	2,825	2,805	2,785	2,765

Married Filing Jointly Or Qualifying Widow(er) Filing Status								
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:						
At Least	Less Than	2	3	4	5	6	7	8
		Your Louisianan Tax Is:						
89,250	89,500	2,895	2,875	2,855	2,835	2,815	2,795	2,775
89,500	89,750	2,905	2,885	2,865	2,845	2,825	2,805	2,785
89,750	90,000	2,915	2,895	2,875	2,855	2,835	2,815	2,795
90,000	90,250	2,925	2,905	2,885	2,865	2,845	2,825	2,805
90,250	90,500	2,935	2,915	2,895	2,875	2,855	2,835	2,815
90,500	90,750	2,945	2,925	2,905	2,885	2,865	2,845	2,825
90,750	91,000	2,955	2,935	2,915	2,895	2,875	2,855	2,835
91,000	91,250	2,965	2,945	2,925	2,905	2,885	2,865	2,845
91,250	91,500	2,975	2,955	2,935	2,915	2,895	2,875	2,855
91,500	91,750	2,985	2,965	2,945	2,925	2,905	2,885	2,865
91,750	92,000	2,995	2,975	2,955	2,935	2,915	2,895	2,875
92,000	92,250	3,005	2,985	2,965	2,945	2,925	2,905	2,885
92,250	92,500	3,015	2,995	2,975	2,955	2,935	2,915	2,895
92,500	92,750	3,025	3,005	2,985	2,965	2,945	2,925	2,905
92,750	93,000	3,035	3,015	2,995	2,975	2,955	2,935	2,915
93,000	93,250	3,045	3,025	3,005	2,985	2,965	2,945	2,925
93,250	93,500	3,055	3,035	3,015	2,995	2,975	2,955	2,935
93,500	93,750	3,065	3,045	3,025	3,005	2,985	2,965	2,945
93,750	94,000	3,075	3,055	3,035	3,015	2,995	2,975	2,955
94,000	94,250	3,085	3,065	3,045	3,025	3,005	2,985	2,965
94,250	94,500	3,095	3,075	3,055	3,035	3,015	2,995	2,975
94,500	94,750	3,105	3,085	3,065	3,045	3,025	3,005	2,985
94,750	95,000	3,115	3,095	3,075	3,055	3,035	3,015	2,995
95,000	95,250	3,125	3,105	3,085	3,065	3,045	3,025	3,005
95,250	95,500	3,135	3,115	3,095	3,075	3,055	3,035	3,015
95,500	95,750	3,145	3,125	3,105	3,085	3,065	3,045	3,025
95,750	96,000	3,155	3,135	3,115	3,095	3,075	3,055	3,035
96,000	96,250	3,165	3,145	3,125	3,105	3,085	3,065	3,045
96,250	96,500	3,175	3,155	3,135	3,115	3,095	3,075	3,055
96,500	96,750	3,185	3,165	3,145	3,125	3,105	3,085	3,065
96,750	97,000	3,195	3,175	3,155	3,135	3,115	3,095	3,075
97,000	97,250	3,205	3,185	3,165	3,145	3,125	3,105	3,085
97,250	97,500	3,215	3,195	3,175	3,155	3,135	3,115	3,095
97,500	97,750	3,225	3,205	3,185	3,165	3,145	3,125	3,105
97,750	98,000	3,235	3,215	3,195	3,175	3,155	3,135	3,115
98,000	98,250	3,245	3,225	3,205	3,185	3,165	3,145	3,125
98,250	98,500	3,255	3,235	3,215	3,195	3,175	3,155	3,135
98,500	98,750	3,265	3,245	3,225	3,205	3,185	3,165	3,145
98,750	99,000	3,275	3,255	3,235	3,215	3,195	3,175	3,155
99,000	99,250	3,285	3,265	3,245	3,225	3,205	3,185	3,165
99,250	99,500	3,295	3,275	3,255	3,235	3,215	3,195	3,175
99,500	99,750	3,305	3,285	3,265	3,245	3,225	3,205	3,185
99,750	100,000	3,315	3,295	3,275	3,255	3,235	3,215	3,195
100,000	100,250	3,328	3,308	3,288	3,268	3,248	3,228	3,208
100,250	100,500	3,343	3,323	3,303	3,283	3,263	3,243	3,223
100,500	100,750	3,358	3,338	3,318	3,298	3,278	3,258	3,238

Married Filing Jointly Or Qualifying Widow(er) Filing Status								
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:						
At Least	Less Than	2	3	4	5	6	7	8
		Your Louisianan Tax Is:						
100,750	101,000	3,373	3,353	3,333	3,313	3,293	3,273	3,253

Plus 6% of Tax Table Income in Excess of $101,000

Head of Household Filing Status									
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:							
At Least	Less Than	1	2	3	4	5	6	7	8
		Your Louisiana Tax Is:							
0	9,000	0	0	0	0	0	0	0	0
9,000	9,250	3	0	0	0	0	0	0	0
9,250	9,500	8	0	0	0	0	0	0	0
9,500	9,750	13	0	0	0	0	0	0	0
9,750	10,000	18	0	0	0	0	0	0	0
10,000	10,250	23	3	0	0	0	0	0	0
10,250	10,500	28	8	0	0	0	0	0	0
10,500	10,750	33	13	0	0	0	0	0	0
10,750	11,000	38	18	0	0	0	0	0	0
11,000	11,250	43	23	3	0	0	0	0	0
11,250	11,500	48	28	8	0	0	0	0	0
11,500	11,750	53	33	13	0	0	0	0	0
11,750	12,000	58	38	18	0	0	0	0	0
12,000	12,250	63	43	23	3	0	0	0	0
12,250	12,500	68	48	28	8	0	0	0	0
12,500	12,750	75	55	35	15	0	0	0	0
12,750	13,000	85	65	45	25	0	0	0	0
13,000	13,250	95	75	55	35	5	0	0	0
13,250	13,500	105	85	65	45	15	0	0	0
13,500	13,750	115	95	75	55	25	0	0	0
13,750	14,000	125	105	85	65	35	0	0	0
14,000	14,250	135	115	95	75	45	5	0	0
14,250	14,500	145	125	105	85	55	15	0	0
14,500	14,750	155	135	115	95	65	25	0	0
14,750	15,000	165	145	125	105	75	35	0	0
15,000	15,250	175	155	135	115	85	45	5	0
15,250	15,500	185	165	145	125	95	55	15	0
15,500	15,750	195	175	155	135	105	65	25	0
15,750	16,000	205	185	165	145	115	75	35	0
16,000	16,250	215	195	175	155	125	85	45	5
16,250	16,500	225	205	185	165	135	95	55	15
16,500	16,750	235	215	195	175	145	105	65	25
16,750	17,000	245	225	205	185	155	115	75	35
17,000	17,250	255	235	215	195	165	125	85	45
17,250	17,500	265	245	225	205	175	135	95	55
17,500	17,750	275	255	235	215	185	145	105	65

Head of Household Filing Status									
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:							
At Least	Less Than	1	2	3	4	5	6	7	8
		Your Louisiana Tax Is:							
17,750	18,000	285	265	245	225	195	155	115	75
18,000	18,250	295	275	255	235	205	165	125	85
18,250	18,500	305	285	265	245	215	175	135	95
18,500	18,750	315	295	275	255	225	185	145	105
18,750	19,000	325	305	285	265	235	195	155	115
19,000	19,250	335	315	295	275	245	205	165	125
19,250	19,500	345	325	305	285	255	215	175	135
19,500	19,750	355	335	315	295	265	225	185	145
19,750	20,000	365	345	325	305	275	235	195	155
20,000	20,250	375	355	335	315	285	245	205	165
20,250	20,500	385	365	345	325	295	255	215	175
20,500	20,750	395	375	355	335	305	265	225	185
20,750	21,000	405	385	365	345	315	275	235	195
21,000	21,250	415	395	375	355	325	285	245	205
21,250	21,500	425	405	385	365	335	295	255	215
21,500	21,750	435	415	395	375	345	305	265	225
21,750	22,000	445	425	405	385	355	315	275	235
22,000	22,250	455	435	415	395	365	325	285	245
22,250	22,500	465	445	425	405	375	335	295	255
22,500	22,750	475	455	435	415	385	345	305	265
22,750	23,000	485	465	445	425	395	355	315	275
23,000	23,250	495	475	455	435	405	365	325	285
23,250	23,500	505	485	465	445	415	375	335	295
23,500	23,750	515	495	475	455	425	385	345	305
23,750	24,000	525	505	485	465	435	395	355	315
24,000	24,250	535	515	495	475	445	405	365	325
24,250	24,500	545	525	505	485	455	415	375	335
24,500	24,750	555	535	515	495	465	425	385	345
24,750	25,000	565	545	525	505	475	435	395	355
25,000	25,250	575	555	535	515	485	445	405	365
25,250	25,500	585	565	545	525	495	455	415	375
25,500	25,750	595	575	555	535	505	465	425	385
25,750	26,000	605	585	565	545	515	475	435	395
26,000	26,250	615	595	575	555	525	485	445	405
26,250	26,500	625	605	585	565	535	495	455	415
26,500	26,750	635	615	595	575	545	505	465	425
26,750	27,000	645	625	605	585	555	515	475	435
27,000	27,250	655	635	615	595	565	525	485	445
27,250	27,500	665	645	625	605	575	535	495	455
27,500	27,750	675	655	635	615	585	545	505	465
27,750	28,000	685	665	645	625	595	555	515	475
28,000	28,250	695	675	655	635	605	565	525	485
28,250	28,500	705	685	665	645	615	575	535	495
28,500	28,750	715	695	675	655	625	585	545	505
28,750	29,000	725	705	685	665	635	595	555	515
29,000	29,250	735	715	695	675	645	605	565	525

Head of Household Filing Status									
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:							
At Least	Less Than	1	2	3	4	5	6	7	8
		Your Louisiana Tax Is:							
29,250	29,500	745	725	705	685	655	615	575	535
29,500	29,750	755	735	715	695	665	625	585	545
29,750	30,000	765	745	725	705	675	635	595	555
30,000	30,250	775	755	735	715	685	645	605	565
30,250	30,500	785	765	745	725	695	655	615	575
30,500	30,750	795	775	755	735	705	665	625	585
30,750	31,000	805	785	765	745	715	675	635	595
31,000	31,250	815	795	775	755	725	685	645	605
31,250	31,500	825	805	785	765	735	695	655	615
31,500	31,750	835	815	795	775	745	705	665	625
31,750	32,000	845	825	805	785	755	715	675	635
32,000	32,250	855	835	815	795	765	725	685	645
32,250	32,500	865	845	825	805	775	735	695	655
32,500	32,750	875	855	835	815	785	745	705	665
32,750	33,000	885	865	845	825	795	755	715	675
33,000	33,250	895	875	855	835	805	765	725	685
33,250	33,500	905	885	865	845	815	775	735	695
33,500	33,750	915	895	875	855	825	785	745	705
33,750	34,000	925	905	885	865	835	795	755	715
34,000	34,250	935	915	895	875	845	805	765	725
34,250	34,500	945	925	905	885	855	815	775	735
34,500	34,750	955	935	915	895	865	825	785	745
34,750	35,000	965	945	925	905	875	835	795	755
35,000	35,250	975	955	935	915	885	845	805	765
35,250	35,500	985	965	945	925	895	855	815	775
35,500	35,750	995	975	955	935	905	865	825	785
35,750	36,000	1,005	985	965	945	915	875	835	795
36,000	36,250	1,015	995	975	955	925	885	845	805
36,250	36,500	1,025	1,005	985	965	935	895	855	815
36,500	36,750	1,035	1,015	995	975	945	905	865	825
36,750	37,000	1,045	1,025	1,005	985	955	915	875	835
37,000	37,250	1,055	1,035	1,015	995	965	925	885	845
37,250	37,500	1,065	1,045	1,025	1,005	975	935	895	855
37,500	37,750	1,075	1,055	1,035	1,015	985	945	905	865
37,750	38,000	1,085	1,065	1,045	1,025	995	955	915	875
38,000	38,250	1,095	1,075	1,055	1,035	1,005	965	925	885
38,250	38,500	1,105	1,085	1,065	1,045	1,015	975	935	895
38,500	38,750	1,115	1,095	1,075	1,055	1,025	985	945	905
38,750	39,000	1,125	1,105	1,085	1,065	1,035	995	955	915
39,000	39,250	1,135	1,115	1,095	1,075	1,045	1,005	965	925
39,250	39,500	1,145	1,125	1,105	1,085	1,055	1,015	975	935
39,500	39,750	1,155	1,135	1,115	1,095	1,065	1,025	985	945
39,750	40,000	1,165	1,145	1,125	1,105	1,075	1,035	995	955
40,000	40,250	1,175	1,155	1,135	1,115	1,085	1,045	1,005	965
40,250	40,500	1,185	1,165	1,145	1,125	1,095	1,055	1,015	975
40,500	40,750	1,195	1,175	1,155	1,135	1,105	1,065	1,025	985

Head of Household Filing Status									
If Your Louisiana Tax Table Income:		And the total exemptions claimed is:							
At Least	Less Than	1	2	3	4	5	6	7	8
		Your Louisiana Tax Is:							
40,750	41,000	1,205	1,185	1,165	1,145	1,115	1,075	1,035	995
41,000	41,250	1,215	1,195	1,175	1,155	1,125	1,085	1,045	1,005
41,250	41,500	1,225	1,205	1,185	1,165	1,135	1,095	1,055	1,015
41,500	41,750	1,235	1,215	1,195	1,175	1,145	1,105	1,065	1,025
41,750	42,000	1,245	1,225	1,205	1,185	1,155	1,115	1,075	1,035
42,000	42,250	1,255	1,235	1,215	1,195	1,165	1,125	1,085	1,045
42,250	42,500	1,265	1,245	1,225	1,205	1,175	1,135	1,095	1,055
42,500	42,750	1,275	1,255	1,235	1,215	1,185	1,145	1,105	1,065
42,750	43,000	1,285	1,265	1,245	1,225	1,195	1,155	1,115	1,075
43,000	43,250	1,295	1,275	1,255	1,235	1,205	1,165	1,125	1,085
43,250	43,500	1,305	1,285	1,265	1,245	1,215	1,175	1,135	1,095
43,500	43,750	1,315	1,295	1,275	1,255	1,225	1,185	1,145	1,105
43,750	44,000	1,325	1,305	1,285	1,265	1,235	1,195	1,155	1,115
44,000	44,250	1,335	1,315	1,295	1,275	1,245	1,205	1,165	1,125
44,250	44,500	1,345	1,325	1,305	1,285	1,255	1,215	1,175	1,135
44,500	44,750	1,355	1,335	1,315	1,295	1,265	1,225	1,185	1,145
44,750	45,000	1,365	1,345	1,325	1,305	1,275	1,235	1,195	1,155
45,000	45,250	1,375	1,355	1,335	1,315	1,285	1,245	1,205	1,165
45,250	45,500	1,385	1,365	1,345	1,325	1,295	1,255	1,215	1,175
45,500	45,750	1,395	1,375	1,355	1,335	1,305	1,265	1,225	1,185
45,750	46,000	1,405	1,385	1,365	1,345	1,315	1,275	1,235	1,195
46,000	46,250	1,415	1,395	1,375	1,355	1,325	1,285	1,245	1,205
46,250	46,500	1,425	1,405	1,385	1,365	1,335	1,295	1,255	1,215
46,500	46,750	1,435	1,415	1,395	1,375	1,345	1,305	1,265	1,225
46,750	47,000	1,445	1,425	1,405	1,385	1,355	1,315	1,275	1,235
47,000	47,250	1,455	1,435	1,415	1,395	1,365	1,325	1,285	1,245
47,250	47,500	1,465	1,445	1,425	1,405	1,375	1,335	1,295	1,255
47,500	47,750	1,475	1,455	1,435	1,415	1,385	1,345	1,305	1,265
47,750	48,000	1,485	1,465	1,445	1,425	1,395	1,355	1,315	1,275
48,000	48,250	1,495	1,475	1,455	1,435	1,405	1,365	1,325	1,285
48,250	48,500	1,505	1,485	1,465	1,445	1,415	1,375	1,335	1,295
48,500	48,750	1,515	1,495	1,475	1,455	1,425	1,385	1,345	1,305
48,750	49,000	1,525	1,505	1,485	1,465	1,435	1,395	1,355	1,315
49,000	49,250	1,535	1,515	1,495	1,475	1,445	1,405	1,365	1,325
49,250	49,500	1,545	1,525	1,505	1,485	1,455	1,415	1,375	1,335
49,500	49,750	1,555	1,535	1,515	1,495	1,465	1,425	1,385	1,345
49,750	50,000	1,565	1,545	1,525	1,505	1,475	1,435	1,395	1,355
50,000	50,250	1,578	1,558	1,538	1,518	1,488	1,448	1,408	1,368
50,250	50,500	1,593	1,573	1,553	1,533	1,503	1,463	1,423	1,383
50,500	50,750	1,608	1,588	1,568	1,548	1,518	1,478	1,438	1,398
50,750	51,000	1,623	1,603	1,583	1,563	1,533	1,493	1,453	1,413

Plus 6% of Tax Table Income in Excess of $51,000

B. Nonresidents and Part-Year Residents. Compute tax table income as defined in R.S. 47:293(10). Reduce the tax table income by the total amount of personal exemptions and deductions allowed for in R.S. 47:294, and increase the tax table income by the proportionate share of those personal exemptions and deductions as provided by R.S. 47:293(10). The resulting amount is considered taxable income. The tax due for nonresidents and part-year residents shall be determined using one of the following tables depending on your filing status:

1. Married Individuals Filing Joint Returns and Qualified Surviving Spouses

If taxable income is	The tax is:
Not over $25,000	2 percent of taxable income excluding the proportionate share of personal exemptions and deductions allowed for in R.S. 47:294.
Over $25,000 but not over $100,000	$500 plus 4 percent of the excess over $25,000. This amount is to be reduced by 2 percent of the first $25,000 of the proportionate share of personal exemptions and deductions and 4 percent of the proportionate share of personal exemptions and deductions over $25,000.
Over $100,000	$3,500 plus 6 percent of the excess over $100,000. This amount is to be reduced by 2 percent of the first $25,000 of the proportionate share of personal exemptions and deductions and 4 percent of the proportionate share of personal exemptions and deductions over $25,000 but not over $100,000 and 6 percent of the proportionate share of personal exemptions and deductions over $100,000.

2. Single Individuals and Married Individuals Filing Separate Returns

If taxable income is	The tax is:
Not over $12,500	2 percent of taxable income excluding the proportionate share of personal exemptions and deductions allowed for in R.S. 47:294.
Over $12,500 but not over $50,000	$250 plus 4% of the excess over $12,500. This amount is to be reduced by 2% of the first $12,500 of the proportionate share of personal exemptions and deductions and 4% of the proportionate share of personal exemptions and deductions over $12,500.
Over $25,000	$1,750 plus 6% of the excess over $50,000. This amount is to be reduced by 2% of the first $12,500 of the proportionate share of personal exemptions and deductions and 4% of the proportionate share of personal exemptions and deductions over $12,500 but not over $50,000 and 6% of the proportionate share of personal exemptions and deductions over $50,000.

3. Head of Households

If taxable income is:	The tax is:
Not over $12,500	2 percent of taxable income excluding the proportionate share of personal exemptions and deductions allowed for in R.S. 47:294.
Over $12,500 but not over $50,000	$250 plus 4 percent of the excess over $12,500. This amount is to be reduced by 2 percent of the first $12,500 of the proportionate share of personal exemptions and deductions and 4 percent of the proportionate share of personal exemptions and deductions over $12,500.
Over $50,000	$1,750 plus 6 percent of the excess over $50,000. This amount is to be reduced by 2 percent of the first $12,500 of the proportionate share of personal exemptions and deductions and 4 percent of the proportionate share of personal exemptions and deductions over $12,500 but not over $50,000 and 6 percent of the proportionate share of personal exemptions and deductions over $50,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:295 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Revenue, Policy Services Division, LR 29:1502 (August 2003), amended LR 35:

Family Impact Statement

This proposed Rule, LAC 61:I.1310, which establishes the individual income tax tables based on the new individual income tax brackets provided by Act 396 of the 2008 Regular Session of the Louisiana Legislature, 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. The implementation of this proposed Rule will have no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budgets;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform this function.

Interested persons may submit written data, views, arguments or comments regarding this proposed rule to Leonore Heavey, Senior Policy Consultant, Policy Services Division, by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098 or by fax to 225-219-2759. All comments must be received no later than 4:30 p.m, Wednesday July 29, 2009. A public hearing will be held on Thursday July 30, 2009 at 1:30 p.m. in the River room on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Cynthia Bridges
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Individual Income Tax Tables

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This proposed amendment to LAC 61:I.1310 establishes the individual income tax tables based on the new income tax rates and brackets provided for in Act 396 of the 2008 Regular Session. The Act imposes the individual income tax on joint returns as follows: 2% of the first $25,000, 4% of income from $25,000 to $100,000, and 6% of income over $100,000. For single filer returns the bracket thresholds are one-half those of joint returns.

Implementation of this proposed regulation as amended will result in additional costs to the state of less than $100,000 associated with system reprogramming, testing, and form adjustment to incorporate the changes.

This additional cost will be absorbed within the current agency budget.

There will be no costs or savings to local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Effective January 1, 2009 Act 396 of 2008 expands the 4 percent income tax bracket. This will result in a decrease in state revenues. The income tax losses over the next several years are $359 million for FY 09/10, $251 million for FY 10/11, $262 million for FY 11/12 and $273 million for FY 12/13, according to the Legislative Fiscal Office.

There will be no impact on local revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed amendment establishes for resident, non-resident, and part-year resident individuals tax tables that these individuals will use to determine the tax due on their tax table income beginning with the 2009 tax year.

The effect on individuals from this proposed amendment is for a lesser amount of individual income tax to be assessed than was previously.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed amended rule should not affect competition or employment.

Cynthia Bridges	Robert E. Hosse
Secretary	Staff Director
0907#080	Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

General and WMA Turkey Hunting Regulations
(LAC 76:XIX.113)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the turkey rules and regulations for the 2010 season.

Title 76
WILDLIFE AND FISHERIES
Part XIX. Hunting and WMA Regulations
Chapter 1. Resident Game Hunting Season
§113. General and WMA Turkey Hunting Regulations

A. General Regulations. Only gobblers (male turkeys) may be taken. Taking of hen (female) turkeys, including bearded hens, is prohibited. Still hunting only. Use of dogs, electronic calling devices and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzleloading shotguns, using shot not larger than #2 lead or BB steel shot, and approved archery equipment but by no other means. Shooting turkeys from a moving or stationary vehicle is prohibited. Shotguns capable of holding more than three shells prohibited. The running of coyote with dogs is prohibited in all turkey hunting areas during the open turkey season. No person shall hunt, trap or take turkeys by the aid of baiting or on or over any baited area. Baiting means placing, exposing, depositing or scattering of corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed so as to constitute a lure, attraction or enticement to, on or over any areas where hunters are attempting to take turkeys. A baited area is any area where corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed capable of luring, attracting or enticing turkeys is directly or indirectly placed, exposed, deposited, distributed or scattered. Such areas remain baited areas for 15 days following complete removal of all such corn, wheat or other grain, salt, or other feed. Wildlife agents are authorized to close such baited areas and to place signs in the immediate vicinity designating closed zones and dates of closures. No person hunting turkeys more than 200 yards from a baited area will be in violation of the turkey baiting regulation.

B. Tags

1. Prior to hunting turkeys, all turkey hunters, regardless of age or license status, must obtain turkey tags and have them in their possession while turkey hunting. Immediately upon killing a turkey, hunters must attach a carcass tag to the turkey before it is moved from the site of the kill and must document the kill on the turkey harvest report card. The date of kill and parish of kill must be recorded on the carcass tag. The tag must remain attached to the turkey while kept at camp or while it is transported to the domicile of the hunter or to a cold storage facility. Hunters who keep the carcass or meat at a camp must also comply with game possession tag regulations. Within 72 hours of the kill, the hunter must report the kill and record the validation number on the turkey harvest report card. Hunters may report turkeys by calling the validation phone number or using the validation web site.

2. Turkey hunters purchasing licenses by phone or internet will be given an authorization number and a LDWF identification number that will serve as their license and tags until the physical license and tags arrive by mail. Turkey hunters who have purchased a license with tags, but have not yet received their physical license and tags, must immediately tag their kill with a possession tag before

moving it from the site of the kill. The authorization number and LDWF identification number must be recorded on the possession tag. Hunters must retain documentation of any turkeys killed and upon receiving their physical tags and harvest report card, validate their kill as required in these regulations. The tags for turkeys killed prior to receiving the physical tags must be removed from the turkey harvest report card and discarded.

3. Tags removed from the turkey harvest report card prior to killing a turkey are no longer valid and if lost will not be replaced. Duplicate tags and turkey harvest report cards are available to replace lost report cards and attached tags. Hunters will be charged a fee for duplicate turkey harvest report cards and tags. Hunters that have killed a turkey prior to losing their remaining tag and harvest report card must remove and discard the duplicate tag to account for the original tag that was used and validated. Hunters must record any previously validated turkey on the duplicate turkey harvest report card.

C. Possession of Live Wild Turkeys. No person shall take live wild turkeys or their eggs from the wild. No person shall possess captive live wild turkeys, (*Meleagris gallopavo silvestris, M. g. osceola, M. g. intermedia, M. g. merriami, M. g. mexicana*) or their eggs, regardless of origin, without a valid game breeder license. No pen–raised turkeys from within or without the state shall be liberated (released) within the state.

D. Statewide Youth and Physically Challenged Season Regulations. Only youths 17 years of age or younger or hunters possessing a Physically Challenged Hunter Permit with wheelchair classification may hunt. Youth 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 youth younger than 16 years of age. Adults accompanying youth may not possess a firearm or bow. Youths may possess only one firearm or bow while 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. Only one gobbler per day may be taken and any gobbler taken by the hunter during this special season counts towards their season bag limit of 2.

E. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

F. Turkey Hunting Area Descriptions

1. Area A

a. All of the following parishes are open:

i. Beauregard;

ii. Bienville;

iii. Claiborne (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);

iv. East Baton Rouge;

v. East Feliciana;

vi. Grant (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);

vii. Jackson;

viii. LaSalle;

ix. Lincoln;

x. Livingston;

xi. Natchitoches (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);

xii. Rapides (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);

xiii. Sabine;

xiv. St. Helena;

xv. Tangipahoa;

xvi. Union;

xvii. Vernon (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);

xviii. West Baton Rouge;

xix. West Feliciana (including Raccourci Island);

xx. Winn (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);

b. Portions of the following parishes are also open:

i. Allen—North of LA 104, west of LA 26 south of junction of LA 104 to US 190, north of US 190 east of Kinder, west of US 165 south of Kinder;

ii. Avoyelles—That portion bounded on the east by the Atchafalaya River, on the north by Red River to the Brouillette Community, on the west by LA 452 from Brouillette to LA 1, on the south by LA 1, eastward to Hamburg, thence by the West Atchafalaya Basin Protection levee southward;

iii. Calcasieu—North of I-10;

iv. Caldwell—West of Ouachita River southward to Catahoula Parish line;

v. Catahoula—South and west of the Ouachita River from the Caldwell Parish line southward to LA 8 at Harrisonburg, north and west of LA 8 from Harrisonburg to the LaSalle Parish line. ALSO that portion lying east of LA 15;

vi. Evangeline—North and west of LA 115, north of LA 106 west of LA 115 to US 167, west of US 167 south to LA 10, north of LA 10 west of US 167 to LA 13, west of LA 13 south of LA 10 to Mamou and north of LA 104 west of Mamou;

vii. Franklin—That portion lying east of LA 17 and east of LA 15 from its juncture with LA 17 at Winnsboro;

viii. Iberville—West of LA 1. EXCEPTION: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries;

ix. Jefferson Davis—North of US 190 from junction with LA 26 to Kinder, west of US 165 and north of I-10 west from junction of US 165;

x. Madison—That portion lying east of US 65 from East Carroll Parish line to US 80 and south of US 80. Also, all lands east of the main channel of the Mississippi River;

xi. Morehouse—West of US 165 from the Arkansas line to the junction of LA 140 at Bonita, north and west of LA 140 to junction of LA 830-4 (Cooper Lake Road), west of LA 830-4 to US 165 at Bastrop, south of US 165 to junction of LA 3051 (Grabault Road) south of LA 3051 to junction of LA 138, west of LA 138 to junction of LA 134, north of LA 134 to the Ouachita Parish line;

xii. Ouachita—That portion west of the Ouachita River;

xiii. Pointe Coupee—All of the parish except that portion bounded on the north by LA Hwy. 1, from Innis to the junction of LA Hwy 417, on the west by LA Hwy. 417

southward toward McCrea, on the south by LA Hwy. 417 from McCrea to its junction with Delhi Lane, then by Delhi Lane to LA Hwy. 418, then LA Hwy. 418 northward to LA Hwy. 1 at Innis. EXCEPTION: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries.

xiv. Richland—That portion south of US 80 and east of LA 17;

xv. St. Landry—That portion bounded on the west by the West Atchafalaya Basin Protection Levee and on the east by the Atchafalaya River. EXCEPTION: the Indian Bayou Area, see Federal Lands Hunting Schedule for Indian Bayou Area dates;

xvi. Upper St. Martin—All within the Atchafalaya Basin. EXCEPTIONS: Sherburne WMA and Indian Bayou Area, see WMA Turkey Hunting Schedule for special season dates on all state, federal and private lands within Sherburne WMA boundaries and see Federal Lands Hunting Schedule for Indian Bayou dates;

xvii. Tensas—That portion west of US 65 from the Concordia Parish line to its juncture with LA 128, north of LA 128 to St. Joseph; west and north of LA 605, 604 and 3078 northward to Port Gibson Ferry. Also all lands east of the main channel of the Mississippi River;

2. Area B

a. All of the following parishes are open:

i. Caddo;

ii. DeSoto;

iii. Red River;

iv. St. Tammany;

v. Washington.

b. Portions of the following parishes are open:

i. Ascension—All east of the Mississippi River;

ii. Bossier—All open except that portion bounded on the north by I-20, on the west by LA 164, on the south by LA 164, and on the east by the Webster Parish Line;

iii. East Carroll—East of US 65 from Arkansas state line to Madison Parish line;

iv. Iberville—All east of the Mississippi River;

v. Webster: All open except that portion bounded on the north by I-20, on the east by U.S. 371, on the south by LA 164, and on the west by the Bossier Parish line (Exception: See Federal Lands Hunting Schedule for Kisatchie National Forest dates);

3. Area C

a. All of the following parishes are open:

i. Concordia;

b. Portions of the following parishes are open:

i. Caldwell—All east of the Ouachita River;

ii. Catahoula—All of the parish EXCEPT for that portion located in Area A;

iii. Franklin—West of LA 17 from the Richland Parish line southward to Winnsboro, west of LA 15 southward to the Catahoula Parish line;

iv. Richland—West of LA 17 from Franklin Parish line to Ringle Road, south of Ringle Road to Ferguson Road, south of Ferguson Road to Little Road, south of Little Road to Big Creek, east of Big Creek to Franklin Parish line;

v. Tensas—East and south of US 65 from Concordia Parish line to LA 128, south of LA 128 to St. Joseph, east and south of LA 605, 604 and 3078 northward to Port Gibson Ferry.

4. Turkey season dates on Wildlife Management Areas, National Wildlife Refuges, Kisatchie National Forest and U.S. Army Corps of Engineers land located within Areas A, B, and C may vary from the season set for the parish in which they are located. Seasons for these lands are specified in LAC 76:XIX.115.

G. WMA Turkey Hunting Regulations

1. WMAs with youth turkey hunts are closed to all activities except turkey hunting by authorized youth hunt participants and fishing on the day(s) of the youth hunt.

2. Self-Clearing Permits: All turkey hunts, including lottery hunts, are self-clearing. Hunters must check in daily by obtaining a permit from a self-clearing station prior to hunting. The self-clearing permit must be in the hunter's possession while hunting. Upon completion of each days hunt, the hunter must check out by completing and depositing the hunter report portion of the permit in the check-out box at a self-clearing station before exiting the WMA.

3. Lottery Hunts: All or portions of some WMA seasons are designated as lottery hunts and are restricted to hunters selected by pre-application lottery. To apply for these lottery hunts, a hunter must submit a completed official application form to the Baton Rouge office by the deadline printed on the application. A non-refundable fee of $5 must be sent with each application. Applicants for WMA youth hunts must be 17 years of age or younger and at least 8 years old on the day of the hunt. Applicants may submit only one application and may be selected for only one WMA Turkey Lottery Hunt annually. Submitting more than one application will result in disqualification. Hunters must abide by self-clearing permit requirements. Hunters chosen for WMA lottery hunts may be accompanied by one person. The person accompanying a lottery hunter shall not possess a firearm/bow or take a turkey, and must remain within a distance that allows normal voice contact with the lottery hunter at all times. Youths chosen for special youth only hunts will be assigned a guide on the day of the hunt. One person may accompany the youth and guide, but may not hunt.

4. WMA Physically Challenged Hunt (Wheelchair Confined): Open only to hunters with a Physically Challenged Hunter Permit with wheelchair classification. During this hunt, ATVs may be used by hunters on all designated ATV trails in accordance with the Physically Challenged Hunter Permit. Hunters must abide by self-clearing permit requirements.

5. Rules Specific to Certain WMAs

a. Bens Creek—No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

b. Sandy Hollow—No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

c. Sherburne—All turkeys taken must be checked at the WMA headquarters.

d. Tunica Hills (North Tract)—Area closed to all users one day after close of turkey season until August 31.

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 25:2263 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2375 (November 2002), LR 29:2512 (November 2003), LR 30:2874 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2469 (November 2007), LR 35:91 (January 2009), LR 35:

Family Impact Statement

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).

Interested persons may submit written comments on the proposed rule to Kenneth Ribbeck, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000 no later than 4:30 p.m., September 8, 2009.

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 statement, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Robert J. Samanie, III
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: General and WMA Turkey Hunting Regulations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Establishment of turkey hunting regulations is an annual process that is carried out using existing staff and funding levels. No increase or decrease in costs to state or local governmental units associated with implementing the proposed rule is anticipated.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections of state or locatl governmental units are enticipated to be negligible from the proposed action.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule modifies the list of trukey hunting areas that will be open for turkey hunting in Louisiana beginning with the 2010 turkey season. Louisiana turkey hunters will benefit from having an additional area in Quachita parish to hunt turkeys. Turkey hunters generate income to retail outlets, landowners and commercial operations through hunting lease payments and purchases of outdoor related equipment and associates items (food, fuel, clothing, shotgun shells, etc). Some local businesses and landowners in and near the newly opened area may experience a slight increase in revenue from economic activities associated with turkey hunting.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be little or no effet on competition in the public and private sectors resulting from the proposed action.

Wynnette Kees
Deputy Undersecretary
0907#029

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Turkey Seasons (LAC 76:XIX.115)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the turkey dates and limits for the 2010 season.

Title 76
WILDLIFE AND FISHERIES
Part XIX. Hunting and WMA Regulations
Chapter 1. Resident Game Hunting Season
§115. Turkey Hunting Areas, Seasons, and Bag Limits

A. Daily limit is one gobbler. Season limit is two gobblers. Turkeys taken on WMAs are part of the season bag limit. Only one turkey may be taken during WMA lottery hunts.

B. Turkey season will open in designated areas on the Saturday nearest March 22. The Area A turkey season will be 30 consecutive days in length, the Area B turkey season will be 23 consecutive days in length, and the Area C turkey season will be 16 consecutive days in length. Wildlife Management Areas, National Forests, National Wildlife Refuges, and U.S. Army Corps of Engineers land may vary from this framework. Deviation from this framework may occur in those years when the Saturday nearest March 22 falls the day before Easter.

C. Statewide Youth Turkey and Physically Challenged Season on private lands shall be the weekend prior to the statewide turkey season.

D. Only those Wildlife Management Areas listed herein are open to turkey hunting. All other Wildlife Management Areas are closed.

E. 2010 Turkey Hunting Schedule

Area	Season Dates
A	March 20 - April 18
B	March 20 - April 11
C	March 20 - April 4
Private Lands Youth and Physically Challenged Hunter (Wheelchair Confined) Hunt	March 13-14

F. Wildlife Management Area Turkey Hunting Schedule

WMA	Non-Lottery Hunt Dates	Lottery Hunt Dates
Bayou Macon	None	April 10-11
Bens Creek	March 20-April 4	None
Big Lake	March 20-April 4	None
Bodcau	March 20-April 4	None

WMA	Non-Lottery Hunt Dates	Lottery Hunt Dates
Boeuf	March 20-28	None
Clear Creek	March 29-April 18	March 20-21 March 27-28
Camp Beauregard	March 20-28	None
Dewey Wills		April 10-11 April 17-18
Fort Polk	March 20-April 18	None
Grassy Lake	March 20-28	None
Hutchinson Creek	March 20-April 18	None
Jackson-Bienville	March 20-April 4	None
Lake Ramsey	March 20-April 4	None
Little River	March 20-April 4	None
Loggy Bayou	None	April 10-11
Peason Ridge	March 20-April 18	None
Red River	March 20-April 4	None
Sabine	None	March 20-21 March 27-28
Sandy Hollow	March 20-April 4	None
Sherburne	March 25-28	March 20-21 March 22-24
Sicily Island	None	March 20-22 March 23-25 March 26-28 March 29-April 4
Tangipahoa Parish School Board	March 20-April 18	None
Three Rivers	March 20-April 4	None
Tunica Hills South Tract	April 5-11	March 20-21 March 27-28 April 3-4
Tunica Hills North Tract	April 5-11	March 20-21 March 27-28 April 3-4
Union	None	April 10-11
Walnut Hills	March 20-April 18	None
West Bay	None	March 20-21 March 27-28

G. Wildlife Management Area Lottery Youth Hunts

WMA	Lottery Youth Hunt Date
Bens Creek	March 13
Big Lake	March 13
Clear Creek	March 13
Fort Polk/Peason Ridge/ Calcasieu Ranger Dist.	March 13
Grassy Lake	March 13
Jackson-Bienville	March 13
Loggy Bayou	April 3
Sherburne	March 13-14
Sicily Island	March 13
Spring Bayou	March 13
Thistlethwaite	April 3
Tunica Hills	March 13
Union	April 3
West Bay	March 13

H. Wildlife Management Area Physically Challenged (wheelchair confined) Hunt

1. Jackson-Bienville WMA will be open April 10-18 to holders of valid Physically Challenged Hunter (wheelchair classification) Permits.

I. Federal Lands Turkey Hunting Schedule

1. Kisatchie National Forest (KNF) turkey hunting schedule: Caney Ranger District, March 20-April 4; all remaining KNF lands, March 20-April 11 (including Catahoula and Red Dirt National Wildlife Management Preserves).

2. U.S. Army Corps of Engineers turkey hunting schedule: Indian Bayou Area, March 13-14 physically challenged lottery only hunt, lottery hunt only on March 20-21 and March 22-24, non-lottery hunt March 25-28. Old River Control and Lock Areas, March 20-April 4.

3. National Wildlife Refuges: Bogue Chitto NWR, March 20 - April 11; Lake Ophelia NWR, March 20 - April 4 hunt ends at 12:00 p.m. each day; Tensas NWR, March 13-14 (youth only), March 20-April 4; Upper Ouachita NWR, March 13 (youth lottery only).

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 25:2264 (November 1999), amended LR 26:2634 (November 2000), LR 27:2270 (December 2001), LR 28:2376 (November 2002), LR 29:2513 (November 2003), LR 30:2875 (December 2004), LR 31:3167 (December 2005), LR 32:2272 (December 2006), LR 33:2470 (November 2007), LR 35:90 (January 2009), LR 35:

Family Impact Statement

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).

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 Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the proposed Rule to Mr. Kenneth Ribbeck, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000 no later than 4:30 p.m., September 8, 2009.

Robert J. Samanie, III
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Turkey Seasons

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Establishment of turkey hunting regulations is an annual process that is carried out using existing staff and funding levels. No increase or decrease in costs to state or local governmental units associated with implementing the proposed rule is anticipated.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections from the sale of wild turkey licenses in Fiscal Year 2010 are estimated to be $60,231.00. Failure to adopt this rule would result in to turkey hunting seasons for 2010 and the subsequent loss of state revenue collections from the sale of turkey licenses. In addition, loss of tax revenues of an undeterminable amount may occur to both state and local governmental units from the foregone sales of supplies and equipment used in the pursuit of turkeys.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Approximately 18,000 resident and nonresident sportsmen and an undeterminable number of sporting good distributors, retail outlets and landowners are directly affected by the proposed rule. Turkey hunters in Louisiana generate income to retail outlets, landowners and commercial businesses through hunting lease payments and purchase of related outdoor equipment and associated items (food, fuel, clothing, shotgun shells, etc.). These land and business owners will be negatively impacted if turkey hunting seasons, rules and regulations are not established and promulgated. The actual amount of this impact is not estimable at this time. Resident and nonresident turkey hunters will be required to purchase a Louisiana wild turkey license in addition to their basic and big game hunting licenses, provided they are not exempt from purchasing a turkey license or do not already possess a license that includes wild turkey hunting privileges. The costs incurred by turkey hunters from the purchase of wild turkey licenses will be $5.50 for residents, non-resident active military, non-resident students and non-resident Louisiana natives, and $20.50 for other non-residents.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting supports approximately 13,084 full and part-time jobs in Louisiana, a portion of which are directly related to turkey hunting. Failure to establish turkey hunting seasons may have a negative impact on some of these jobs. It is anticipated that there will be little or no effect on competition in both the public and private sectors resulting from the proposed action.

Wynnette Kees	Robert E. Hosse
Deputy Undersecretary	Staff Director
0907#030	Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Wildlife Violator Compact
(LAC 76:I.309)

The Wildlife and Fisheries Commission does hereby give notice of its intent to enact Rules governing the Wildlife Violator Compact with the Department of Wildlife and Fisheries.

Title 76
WILDLIFE AND FISHERIES
Part I. Wildlife and Fisheries Commission and Agencies Thereunder
Chapter 3. Special Powers and Duties
Subchapter B. Enforcement
§309. Wildlife Violator Compact

A. Definitions

1. As used in this compact, unless the context requires otherwise:

Citation—any summons, complaint, summons and complaint, ticket, penalty assessment, or other official document issued to a person by a wildlife officer or other peace officer for a wildlife violation which contains an order requiring the person to respond.

Collateral—any cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.

Compliance—with respect to a citation means the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs, and surcharges, if any.

Conviction—a conviction, including any court conviction, for any offense related to the preservation, protection, management, or restoration of wildlife which is prohibited by state statute, law, regulation, ordinance, or administrative rule, and such conviction shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, the payment of a penalty assessment, a plea of nolo contendere and the imposition of a deferred or suspended sentence by the court.

Court—a court of law, including magistrate's court and the justice of the peace court.

Home State—the state of primary residence of a person.

Issuing State—the participating state which issues a wildlife citation to the violator.

License—any license, permit, or other public document which conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute, law, regulation, ordinance, or administrative rule of a participating state.

Licensing Authority—the department or division within each participating state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.

Participating State—any state which enacts legislation to become a member of this wildlife compact.

Personal Recognizance—an agreement by a person made at the time of issuance of the wildlife citation that such person will comply with the terms of the citation.

State—any state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Provinces of Canada, and other countries.

Suspension—any revocation, denial, or withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any license.

Terms of the Citation—those conditions and options expressly stated upon the citation.

Wildlife—all species of animals including, but not limited to, mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a participating state. Species included in the definition of "wildlife" vary from state to state and determination of whether a species is "wildlife" for the purposes of this compact shall be based on local law.

Wildlife Law—any statute, law, regulation, ordinance, or administrative rule developed and enacted for the management of wildlife resources and the uses thereof.

Wildlife Officer—any individual authorized by a participating state to issue a citation for a wildlife violation.

Wildlife Violation—any cited violation of a statute, law, regulation, ordinance, or administrative rule developed

and enacted for the management of wildlife resources and the uses thereof.

B. Procedures for Issuing State

1. When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a participating state in the same manner as though the person were a resident of the issuing state and shall not require such person to post collateral to secure appearance, subject to the exceptions noted in paragraph 2 of this subsection, if the officer receives the recognizance of such person that he will comply with the terms of the citation.

2. Personal recognizance is acceptable:

a. if not prohibited by local law, issuing agency policy, procedure or regulation, or by the compact manual; and

b. if the violator provides adequate proof of identification to the wildlife officer.

3. Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the participating state in which the wildlife citation was issued. The report shall be made in accordance with procedures specified by the issuing state and shall contain information as specified in the compact manual as minimum requirements for effective processing by the home state.

4. Upon receipt of the report of conviction or noncompliance pursuant to paragraph 3 of this subsection, the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in form and content as prescribed in the compact manual.

C. Procedure for Home State

1. Upon receipt of a report from the licensing authority of the issuing state reporting the failure of a violator to comply with the terms of a citation, the licensing authority of the home state shall notify the violator and shall initiate a suspension action in accordance with the home state's suspension procedures and shall suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority. All member states may honor a suspension based on failure to comply. Due process safeguards will be accorded.

2. Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter such conviction in its records and shall treat such conviction as though it occurred in the home state for the purposes of the suspension of license privileges.

3. The licensing authority of the home state shall maintain a record of actions taken and shall make reports to issuing states as provided in the compact manual.

D. Reciprocal Recognition of Suspension

1. All participating states shall recognize the suspension of license privileges of any person by any participating state as though the violation resulting in the suspension had occurred in their state and could have been the basis for suspension of license privileges in their state.

2. Each participating state shall communicate suspension information to other participating states in form and content as contained in the compact manual.

E. Applicability of Other Laws

1. Except as expressly required by provisions of this compact, nothing herein shall be construed to affect the right of any participating state to apply any of its laws relating to license privileges to any person or circumstance or to invalidate or prevent any agreement or other cooperative arrangement between a participating state and a nonparticipating state concerning wildlife law enforcement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:69.21-R.S. 56:69.31.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 35:

Family Impact Statement

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).

Interested persons may submit written comments on the proposed Rule to Lt. Col. Jeff Mayne, Enforcement Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, no later than 4:30 p.m., Thursday, September 3, 2009.

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.

Robert J. Samanie, III
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Wildlife Violator Compact

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

No implementation costs or savings to state or local governmental units are anticipated. Implementation of the proposed rule will be carried out using existing staff and funding level.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed Rule change is anticipated to 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)

Non-resident wildlife law violators who receive a citation from a state participating in a Wildlife Violator Compact will be directly impacted by the proposed rule. Their wildlife and fishing privileges could be affected if they choose to ignore a citation received from a compact state. A Wildlife Violator Compact is an interstate agreement between member states to enhance compliance with the hunting, fishing and other wildlife

laws of member states. It provides for the fair and impartial treatment of wildlife violators and establishes the conditions and procedures whereby a state may revoke, suspend or deny any person those privileges to acquire any license or permit, or restrict or prohibit any person the ability to take the wildlife resources of a compact state.

The cost of a citation depends on the severity of the offense and the penalty imposed by the compact state where the citation was received.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed Rule is anticipated to have no effect on competition or employment in the public or private sectors.

Wynnette Keys
Deputy Undersecretary
0907#028

Robert E. Hosse
Staff Director
Legislative Fiscal Office

Administrative Code Update

CUMULATIVE: JANUARY - JUNE 2009

LAC Title	Part.Section	Effect	Location LR 35 Month	Page
4	VII.1301-1305	Amended	Apr.	662
	VII. Chapter 24	Adopted	May	951
7	I.101	Amended	Apr.	632
	V.2501,2503,2505	Adopted	Mar.	406
	XIII.103,121,125,129	Amended	Apr.	626
	XIII.143,173,181,205	Amended	Apr.	626
	XXI.507	Amended	Mar.	406
	XXIII.181	Repromulgated	May	870
	XXV.101,103,109,113,141	Amended	Feb.	205
	XXVII.139	Repealed	Apr.	629
	XXVII.191-217	Adopted	Apr.	629
	XLV. Chapter 1	Adopted	Feb.	204
13	III.101-115,131-145	Amended	May	870
	III.117,147	Repealed	May	870
	III.301-319	Amended	May	883
	III.321	Repealed	May	883
	III.Chapter 17	Amended	Apr.	635
	III.Chapter 19	Adopted	Jan.	54
	V.Chapter 2	Amended	May	887
22	I.101	Amended	Jan.	85
	I.207	Amended	May	958
	I.303	Amended	Mar.	487
	I.315	Amended	Jan.	87
	I.403	Amended	Feb.	252
	III.4723	Amended	Feb.	238
	XIII.301,503	Amended	Jan.	65
	XV. Chapter 7	Adopted	Apr.	663
28	I.501	Amended	Feb.	223
	IV.103,301,504,701,703,803,1001	Amended	Feb.	227
	IV.1203	Amended	Apr.	647
	IV.1401-1409,1413-1417	Amended	Feb.	227
	IV.1705,1901	Amended	Feb.	227
	IV. Chapter 16	Adopted	Feb.	224
	VI.305,309,311	Amended	Feb.	235
	XXV.1101	Amended	Apr.	646
	XXVII.2511	Amended	Apr.	645
	XXXIII.301,311	Amended	Apr.	646
	LXXV. Chapter 1	Amended	May	891
	LXXXIII.301,611,1101,2401	Amended	Apr.	638
	LXXXIII.1403,3905	Amended	Apr.	641
	LXXXIII.1501-1505,1701-1707	Repealed	Apr.	638
	LXXXIII.3905,4311	Amended	Apr.	638
	CI. Chapters 1-15	Adopted	May	894
	CXI.305,307,309,311,312,313	Amended	Feb.	216
	CXI.309	Amended	Mar.	443
	CXI.315,501,701,2011,2701	Amended	Feb.	216
	CXI.501,511,1801,2007,2011	Repromulgated	Jan.	57
	CXI.2015,2305,2311,3505	Repromulgated	Jan.	57
	CXI. Chapter 18	Adopted	Feb.	214
	CXI.1901,1903,1907,1909	Amended	Feb.	208
	CXI.1911,1913,1915,1917	Amended	Feb.	208
	CXI.1905	Repromulgated	Feb.	208
	CXI.1919,1921,1923,1925	Adopted	Feb.	208
	CXV.337	Amended	June	1100
	CXV.501,502	Repromulgated	Mar.	443
	CXV.502	Amended	June	1099
	CXV.519	Amended	June	1100
	CXV.723	Amended	June	1098
	CXV.1103	Amended	Apr.	641
	CXV.1103	Amended	June	1097
	CXV.1110	Adopted	June	1098
	CXV.1118	Adopted	Apr.	641
	CXV.1309	Amended	June	1098
	CXV.2321	Amended	Mar.	443
	CXXXI.239	Amended	Feb.	222
	CXXXI.241	Amended	Apr.	644
	CXXXI.305,309	Amended	Feb.	222
	CXXXI.309	Amended	May	893
	CXXXI.311	Amended	Apr.	642
	CXXXI.313	Amended	Feb.	221
	CXXXI.348	Adopted	Feb.	220
	CXXXI.629	Amended	Feb.	221
	CXXXI.410	Amended	May	894
	CXXXI.710	Adopted	Apr.	645
	CXXI.1103	Amended	Apr.	643
28	CXXXV.115	Amended	June	1097
32	III.601	Amended	Jan.	66
	V.601	Amended	Jan.	66
33	I.807	Amended	Jan.	62
	I.2701,2703,2705,2707,2709,2711	Adopted	Mar.	449
	I.2713,2715,2717,2719,2721	Adopted	Mar.	449
	I.3931	Amended	June	1106
	III.111,2123,2143	Amended	June	1101
	III.301,303,305,307,309,311,313	Adopted	Mar.	456
	III.501	Amended	Mar.	456
	III.506,507,2160,3003	Amended	June	1106
	III.5116,5122,5311,5901	Amended	June	1106
	III.535,537	Adopted	Apr.	658
	III.1432,1434	Amended	Mar.	461
	III.1435,1437	Adopted	Mar.	461
	III.2117	Amended	May	924
	V.3099	Amended	June	1106
	VII.508,709,717,719	Amended	May	925
	IX.1105,1113,1123	Amended	Mar.	445
	IX.1123	Amended	Apr.	654
	IX.2301,4901,4903	Amended	June	1106
	IX.2501,2505,2515,2703	Amended	Apr.	648
	IX.2903,2905,4903	Amended	Apr.	648
	IX.7301,7303,7305,7307,7309	Amended	May	926
	IX.7313,7395	Amended	May	926
	XV.1599	Amended	June	1106
35	I.1507,1509	Amended	May	950
	I.1721	Amended	Mar	463
	V.6359	Amended	Mar	463
	XIII.503,505,506,510,515	Amended	June	1114
	XIII.507	Repealed	June	1114
	XIII.516,521,591	Adopted	June	1114
	XIII.520	Repromulgated	June	1114
	XIII.525,535,560,565,599	Amended	June	1114
37	XIII. Chapter 133	Adopted	May	957
	XIII. Chapter 135	Adopted	Apr.	675
42	VII.2159,3311,	Amended	Jan.	84
	VII.2711	Repromulgated	Jan.	82
	IX.2159,3311	Amended	Jan.	84
	XI.2405	Amended	Jan.	82
	XI.2405	Repromulgated	Mar.	490
	XI.2731	Repromulgated	Jan.	83
	XIII.2159,3311	Amended	Jan.	84
43	I. Chapter 41	Adopted	Jan.	73
	VI.101,103,301,303,305	Amended	Feb.	249
	VI.307,309,501,505,507	Amended	Feb.	249
	VI.701,703,705	Amended	Feb.	249
	VI.105	Adopted	Feb.	249
46	I.701	Amended	Jan.	64
	I.1107	Adopted	Jan.	64
	I.2117	Amended	May	949
	XI.102,108	Amended	Jan.	53
	XI.737	Adopted	Jan.	53
	XIX.1503	Amended	Feb.	236
	XXI.301,311	Amended	Jan.	64
	XXXIII.306,415,419,420,706	Repromulgated	Jan.	67
	XXVII.301,306,318	Repealed	May	953
	XXVII.307,308,310,501	Amended	May	953
	XXVII.320	Adopted	May	953
	XLV.315	Amended	June	1110
	XLV.411	Amended	Mar	464
	XLV.1303,1305	Amended	Feb.	240
	XLV.1304,1307,1319,1321	Adopted	Feb.	240
	XLV.1323,1325,1327,1357	Adopted	Feb.	240
	XLV.1365,1367,1369	Adopted	Feb.	240
	LI.109,301,501	Amended	June	1111
46	LX.3303,3311,3313,3315	Amended	June	1113
	LX.3307,3309	Repealed	June	1113
	LXXXV.700,711	Amended	Feb.	244

LAC Title	Part.Section	Effect	Location LR 35 Month	Page
48	I. Chapter 60	Adopted	Mar.	466
	I.9335	Amended	Feb.	245
48	I.9729	Amended	Feb.	248
50	III.2303	Amended	Jan.	69
	III.2311	Adopted	June	1111
	III.20301-20305	Adopted	Jan.	72
	V.965	Amended	Apr.	674
	V.1125,1127	Adopted	May	955
	V. Chapters 53-61	Adopted	May	955
	IX.8301,8305	Adopted	Jan.	70
	XI.16705	Adopted	May	957
	XV.7107	Amended	Jan.	69
	XV.10701	Amended	Jan.	73
	XV.10703	Adopted	Jan.	73
	XV. Chapters 251-257	Adopted	Feb.	245
	XVII.301,303,501	Repromulgated	Jan.	71
	XXI.14301	Amended	Mar.	482
	XXXI.101,103,105,107	Adopted	June	1112
	XXVII.351,353	Adopted	Jan.	70
51	II.117	Amended	Feb.	249
	XII.101,913,1139,1507,1509	Amended	Mar.	483
	XII.313	Repealed	Mar.	483
	XII. Chapter 19	Adopted	Mar.	483
52	I.1318-1321	Adopted	Mar.	407
55	I.301	Amended	June	1136
	I.1505,1543	Amended	Mar.	491
	V. Chapter 31	Adopted	Apr.	677
	VI.703,705	Amended	Mar.	490
	VII.309	Amended	June	1136
	VII.317	Amended	Jan.	89
58	I.305	Amended	Feb.	271
	XIII.101	Adopted	May.	949

LAC Title	Part.Section	Effect	Location LR 35 Month	Page
61	I.1501	Amended	Feb.	255
	I.1661-1671	Adopted	Apr.	632
	III.101	Amended	June	1138
	III.501	Adopted	Feb.	254
	III.2111	Repealed	June	1137
	III.2501	Adopted	June	1137
	V.101,303,703,705,901,907	Amended	Mar.	491
	V.1103,1301,1305,1307,1503	Amended	Mar.	491
	V.2101,2501,2503,3101,3501	Amended	Mar.	491
67	I. Chapter 1	Amended	May	966
	III.403,1957,1983,1998,2013	Amended	Apr.	689
	III.2303,2547	Amended	Feb.	270
	III. 5567	Adopted	May	966
	III.7388,7389,7390,7391	Amended	May	961
	III.7392,7393,7395	Amended	May	961
	III.7399	Adopted	May	961
	V.2301	Amended	May	961
70	III.115	Amended	Feb.	271
76	I.318	Adopted	Mar.	501
	I.319,321	Amended	Apr.	702
	III.329	Amended	May	968
	III.335	Amended	Apr.	707
	V.125	Amended	Apr.	702
	V.701	Amended	Apr.	690
	VII.205	Adopted	Apr.	702
	VII.357	Amended	Apr.	704
	VII.527	Adopted	Mar.	503
	VII.529	Adopted	Mar.	503
	VII.905	Amended	June	1139
	VII.1101	Amended	June	1140
	XI.307	Adopted	Apr.	704
	XIX.113	Amended	Jan.	91
	XIX.115	Amended	Jan.	90

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POTPOURRI

Department of Economic Development
Office of Business Development
Office of Entertainment Industry Development

Musical and Theatrical Income Tax Credit Program
(LAC 61:I.1615-1627)

In accordance with the Administrative Procedures Act, R.S. 49:950 et seq., and R.S. 47:6034, the Department of Economic Development hereby gives notice that it is seeking to incorporate changes to the Notice of Intent, published in the April 2009 issue of the *Louisiana Register* (pages 727-732). Changes to the proposed Rule include: 1) the addition of a tax credit for limited state-certified musical or theatrical productions and 2) procedural changes relating to administration of the program.

Interested persons may submit their written comments to Philip Mann by 5 p.m. on August 20, 2009 at 1045 North Third Street, Baton Rouge, LA 70802 or via email to pmann@la.gov.

A public hearing to receive comments on the amended Notice of Intent will be held on August 21, 2009 at 10 a.m. at the Department of Economic Development, 1051 North Third Street, Baton Rouge, LA 70802.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue
Chapter 16. Louisiana Entertainment Industry Tax Credit Programs
Subchapter C. Musical and Theatrical Production Income Tax Credit Program

§1615. Purpose

A. The purpose of this Chapter is to administer the Musical and Theatrical Production Income Tax Credit Program as established by R.S. 47:6034.

B. The purpose of this program is to encourage development of the state as a leader in the live performance industry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:

§1617. General Description

A. The program offers five types of tax credits, which fall into two categories:

1. productions:

a. qualified production expenses made from investments in a state-certified musical or theatrical production;

b. qualified transportation costs for performance related property;

c. payroll of Louisiana residents employed in connection with a state-certified musical or theatrical production;

d. employment of Louisiana college, universities and vocational-technical students in connection with a state-certified musical or theatrical production;

2. infrastructure projects:

a. construction of new facilities, or repair or renovation of existing facilities related to such productions and performances.

B. Tax credits are earned in the calendar year expended, to the extent the expenditures receive final certification from the department.

C. Tax credits associated with a state-certified musical or theatrical production or a state-certified musical or theatrical facility infrastructure project shall never exceed the total base investment in that production or infrastructure project and transportation expenditures.

D. Tax credits shall be available on a first come, first served basis, based upon date of final certification and qualification of expenditures. If the total amount of credits applied for in any particular year exceeds the aggregate amount of tax credits allowed for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

E. Base investment tax credits shall be transferable only once.

F. No tax credits shall be granted under this program until the rules are approved by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs, in accordance with the provisions of the Administrative Procedures Act.

G. Applicants may apply for more than one entertainment tax credit program administered by the department, provided that:

1. separate applications are submitted for each program;

2. expenditures shall only qualify for one specified program; and

3. multiple applications shall not result in any duplication of tax credits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:

§1619. Definitions

A. Terms not otherwise defined in this Chapter shall have the same meaning given to them in R.S. 47:6034, unless the context clearly requires otherwise.

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

Base Investment—actual investment made and expended in this state by a state-certified musical or theatrical production:

a. as production-related costs; or

b. as capital costs of a state-certified musical or theatrical facility infrastructure project.

Begin Construction—construction of an infrastructure project shall be deemed to begin when:

a. In the case of construction a new building, either:

i. materials to be used in the project, representing at least 5 percent of total budgeted costs , are placed on the project site; or

ii. other work representing at least 5 percent of the preliminary construction budget and visible from a simple inspection (such as landfill, soil reinforcement or pouring a foundation) is performed on the site. (Such "other work" shall not include services in preparation for construction such as surveying, engineering, cutting or removal of trees, demolition of existing structures, clearing the land surface.)

b. In the case of repairs to or renovation of an existing structure:

i. materials to be used in the project, representing at least 10 percent of the total budgeted costs of materials, are placed at the project site; or

ii. written evidence of other work representing at least 10 percent of the preliminary construction budget, is submitted for approval to the department. Such other work may include research, planning and design purposes, such as environmental studies as may be required for historic renovation projects.

Department—Louisiana Department of Economic Development, or its successor, represented by its secretary or his designee.

Director—Director of the Office of Entertainment Industry Development or his designee.

Expended in the State or Expenditures in the State—shall mean:

a. an expenditure to acquire or lease immovable property located in the state;

b. an expenditure to acquire movable property from a source within the state which is subject to state sales and use tax; or

c. an expenditure as compensation for services performed within the state which is subject to state income tax.

Expenditure—actual payment of cash or cash equivalent for goods or services, as evidenced by an invoice, receipt, or other such document.

Indirect costs—costs of operation that are not directly associated with a specific production, such as clerical salaries and general administrative costs.

Limited State-Certified Musical or Theatrical Production—a musical or theatrical production or a series of productions occurring in Louisiana by a non-profit community theater that held a public performance before an audience within this state during the 2008 calendar year which has been certified, verified, and approved in accordance with R.S. 47:6034(B)(11).

Louisiana Resident—

a. a natural person who:

i. is a Louisiana domiciliary;

ii. maintains a permanent place of abode within Louisiana and spends in the aggregate more than six months of each year in Louisiana; or

c. pays taxes to Louisiana on the amount of money paid to such person for which a tax credit is sought.

b. a company:

i. in which a Louisiana resident has ownership or control;

ii. organized or authorized to do business in Louisiana;

iii. that lends the services of such Louisiana resident for a state-certified musical or theatrical production; and

iv. pays taxes to Louisiana on the amount of money paid to such person for such services.

Non-Profit Community Theater—a non- profit resident theater or producing organization incorporated as a 501(C)(3) organization recognized by the Louisiana Secretary of State.

Office—Office of Entertainment Industry Development.

Originate—shall include, but not be limited to, state-certified musical or theatrical productions which are:

a. pre-Broadway try-outs;

b. resident or regional productions;

c. national touring companies producing their first public performance in Louisiana; or

d. concert tours producing their first public performance in Louisiana.

Payroll—all salary, wages, and other compensation, including related benefits, for services performed in Louisiana.

Production Expenditures–a contemporaneous exchange of cash or cash equivalent for goods or services related to development, production, or operating expenditures in this state for a state-certified production as follows.

a. Eligible expenditures shall include, but not be limited to set construction and operation, special and visual effects, costumes, wardrobes, make-up accessories, costs associated with sound, lighting, staging, payroll and other related costs.

b. Ineligible expenditures shall include, but not be limited to any expenditures later reimbursed by a third party, any costs related to the transfer of tax credits, and any other indirect costs.

Secretary—Secretary of the Department of Economic Development, or his designee.

State-Certified Musical or Theatrical Infrastructure Project—a capital infrastructure project in the state directly related to the production or performance of musical or theatrical productions as defined in this Section, and movable and immovable property and equipment related thereto, or any other facility which supports and is a necessary component of such facility, and any expenditures in the state related to the construction, repair, or renovation of such project, which are certified, verified, and approved as provided for in this Section.

State-Certified Musical or Theatrical Production—a concert, musical or theatrical production, or a series of productions occurring over the course of a 12-month period, and the recording or filming of such production, which originate, are developed, or have their initial public performance before a paying audience within Louisiana, or which have their United States debut within Louisiana, and the production expenditures, expenditures for the payroll of residents, transportation expenditures, and expenditures for employing college and vocational-technical students related to such production or productions, that are certified, verified,

and approved as provided for in this Section. Non-qualifying projects include, but are not limited to non-touring music and cultural festivals, industry seminars and trade shows.

Student—a natural person enrolled in a Louisiana higher education facility, such as a college, university, or a vocational-technical college.

Transferee—an individual or entity that receives a transfer of base investment tax credits.

Transferor—an individual or entity that makes a transfer of base investment tax credits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:

§1621. Certification Procedures

A. Application

1. An application for a state-certified production or a state-certified infrastructure project shall be submitted to the department, including:

a. all information required by R.S. 47:6034(E)(2)(a);

b. an application fee of 0.2 percent of the estimated total tax credits, with a minimum fee of $200, and a maximum fee of $5,000; and

c. the applicant shall provide additional information upon request.

2. Each application shall identify only one production or infrastructure project and only one contact person for such production or project.

B. Qualification

1. The department shall determine whether a production or infrastructure project qualifies, by meeting all requirements of R.S. 47:6034 and these regulations, and taking the following factors into consideration:

a. the contribution of the production or infrastructure project to establishing the state as a leader in the live performance industry;

b. the impact of the production or infrastructure project on the employment of Louisiana residents;

c. the impact of the production or infrastructure project on the overall economy of the state;

d. in the case of productions, the potential for students to gain work experience in an arts related position;

e. in the case of infrastructure projects, the availability and kind of existing facilities in the proposed area.

C. Initial Certification

1. Upon finding the production or infrastructure project qualifies, the department shall issue an initial certification letter which shall include:

a. classification as a state-certified production or state-certified infrastructure project;

b. a unique identifying number;

c. the total base investment to be expended;

d. the persons to whom tax credits are to be allocated and the estimated amount of tax credits allocated to each; and

e. for state-certified infrastructure projects, the years in which tax credits may be taken or transferred.

2. Brand. As a condition for receiving tax credits, state certified productions and infrastructure projects may be required to display the state brand or logo. Any such requirement will be detailed in the initial certification letter.

3. Duration of Effect

a. The applicant shall countersign the initial certification letter, acknowledging the conditions therein stated, and return an original to the department within 30 business days of receipt.

b. If a countersigned original is not returned to the department, within the allotted time frame, it shall be nullified unless reissued or confirmed by the department.

c. For productions, initial certification shall be effective for a period of 12 months prior to and 12 months after the date of initial certification.

i. Productions returning to the state after Broadway performances shall be eligible for recertification, provided that the production returns to the state within 24 months of the date of original certification.

D. Final Certification and Audit Requirements

1. After review and upon a determination of qualification and initial certification, an applicant may obtain final certification as follows.

a. A cost report shall be submitted by the applicant, certified by an independent certified public accountant and complying with the minimum standards as required by R.S. 47:6034.

b. The cost report may be subject to additional audit at the applicant's expense. The department shall select the auditor and determine the audit standards.

c. Additional information may be requested in order to make a determination of eligibility.

d. The department shall review the cost report and supporting information, and following verification of qualifying expenditures, shall issue a final tax credit certification letter.

e. Multiple requests for final certification may be submitted.

i. Each submission must be accompanied by an audited cost report indicating expenditures.

ii. Two submissions shall be certified at no additional fee by the department.

iii. Additional charges may apply for three or more certification requests.

E. Appeal Process

1. In the event that an application for certification is denied, the applicant may appeal as follows.

a. An applicant may appeal within 30 days from receipt of a denial. A rebuttable presumption of receipt will occur from the sending of the denial by electronic mail to an address provided by the applicant or by a return receipt evidencing delivery by U.S. Postal Service or private carrier.

b. The appeal is made by delivery of a written objection with supporting documentation to the secretary.

c. The secretary shall review the objection and supporting documentation and provide the applicant with a written response within 30 business days. This written response shall be the final agency determination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:

§1623. Additional Program Procedures—Production

A. Production Expenses Made from Investment in State-Certified Musical or Theatrical Productions

1. Qualification of Tax Credits

a. The department shall determine which production expenditures qualify under these regulations and the terms of R.S. 47:6034.

b. Examples of qualifying expenditures are set forth in R.S. 47:6034(B)(6)(a).

2. Duration of Tax Credits

a. Tax credits may be granted under R.S. 47:6034 until such statute is amended, modified or repealed.

3. Amount of and Limitations upon Tax Credits

a. Tax credits shall be available on a first come, first served basis, based upon date of final certification and qualification of expenditures. If the total amount of credits applied for in any particular year exceeds the aggregate amount of tax credits allowed for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

b. For State Certified Musical or Theatrical Productions

i. If the total base investment is more than $100,000 dollars, but less than $300,000 dollars, a tax credit of 10 percent applies.

ii. If the total base investment is more than $300,000 dollars, but less than $1,000,000 dollars, a tax credit of 20 percent applies.

iii. If the total base investment is more than $1,000,000 dollars, a tax credit of 25 percent applies.

c. For Limited State-Certified Musical or Theatrical Productions

i. A tax credit may be granted for base investments made by non-profit community theaters for each of the 2009 and 2010 calendar years.

ii. If the total base investment is more than $25,000 but less than $300,000, a tax credit of 10 percnet of the base investment applies.

iii. Applicants shall be limited to a maximum of two applications per year, for the 2009 and 2010 calendar years.

iv. The total amount of tax credits eligible to be issued shall not exceed $250,000 for each of the calendar years 2009 and 2010.

4. Earning of Tax Credits

a. Credits are earned when qualified expenditures receive final certification.

b. A state certified production may submit multiple requests for final certification.

c. Tax credits associated with a state-certified musical or theatrical production shall never exceed the total base investment in that production and transportation expenditures.

B. Transportation Costs for Performance-Related Property

1. The department shall determine which transportation expenditures qualify under these regulations and the terms of R.S. 47:6034.

2. Transportation expenditures shall mean:

a. type of services covered shall include, but not be limited to:

i. packaging;

ii. crating; and

iii. transportation;

b. items covered, shall include but not be limited to:

i. sets;

ii. costumes; or

iii. other tangible property whether such items are manufactured in or out of the state;

c. transportation with a Louisiana nexus, with transportation either:

i. to the state, for use in a state certified production; or

ii. from the state, after use in a state certified production.

iii. provided that services are purchased through a company which has a significant business presence in Louisiana;

iv. significant business presence in the state shall mean a transportation company that:

(a). is registered to do business in the state;

(b). has one office in the state; and

(c). employs at least one full-time employee in the state.

3. An additional tax credit shall apply for qualified transportation expenditures that receive final certification, as follows:

a. 100 percent for qualified expenditures incurred until December 31, 2010;

b. 50 percent for qualified expenditures incurred between January 1, 2011and December 31, 2011;

c. 25 percent for qualified expenditures incurred between January 1, 2012 and December 31, 2012;

d. no credits are available for transportation expenditures incurred after December 31, 2012.

C. Employment of State Residents

1. An additional 10 percent tax credit shall be available for payroll expenditures of state residents.

2. No more than $1,000,000 paid to a single person shall be eligible for payroll tax credit.

3. This payroll tax credit may not be combined with the student tax credit component of R.S. 47:6034.

D. Employment of College and Vocational-Technical Students

1. An additional 0.10 percent tax credit shall be available for production expenditures of students in connection with a state-certified musical or theatrical production, including but not limited to, the following positions:

a. actor;

b. writer;

c. producer;

d. stage hand;

e. director or technical positions relating to lighting, sound, actual stage work; and

f. positions indirectly serving the production in accounting, law, management and marketing.

2. This tax credit may not be combined with the state resident tax credit component of R.S. 47:6034.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:

§1625. Certification Procedures—Infrastructure

A. Qualification of the Infrastructure Project

1. Tax credits may be granted only for:

a. infrastructure projects directly related to the production or performance of musical or theatrical productions;

b. equipment, movable and immovable property related thereto; and

c. any other facility which supports and is a necessary component of such a facility.

2. The department shall determine which projects are "directly related" to the production or performance of musical or theatrical productions, taking into consideration all relevant factors such as; the frequency of performances, the configuration of stage and seating, and the presence of specialized lighting and/or sound equipment.

3. The department shall determine whether a facility "supports" or is a "necessary component" of a state certified infrastructure project. Examples of qualifying facilities would be a parking garage, gift shop or costume storage. Examples of non-qualifying facilities would be hotels, golf courses and shopping centers.

4. The department shall determine whether a "multi-purpose" infrastructure project qualifies under the terms of R.S. 47:6034.

a. Upon a determination of qualification as a multi-purpose infrastructure project, the applicant must provide contractual assurances that:

i. the facility will be used to produce or support musical or theatrical productions, for the useful life of the facility;

ii. the useful life of the facility shall be determined by the department and shall be set forth in the initial certification.

B. Duration of Tax Credit

1. Tax credits may be granted under R.S. 47:6034 until January 1, 2014.

C. Amount of and Limitations upon Tax Credit

1. If the total base investment is more than $100,000, but less than $300,000, a tax credit of 10 percent applies.

2. If the total base investment is more than $300,000, but less than $1,000,000, a tax credit of 20 percent applies.

3. If the total base investment is more than $1,000,000, a tax credit of 25 percent applies.

4. No more than $10,000,000 may be granted per state certified infrastructure project.

5. No more than $60,000,000 may be granted, per year, for all state certified infrastructure projects.

a. Tax credits shall be available on a first come, first served basis, based upon date of final certification and qualification of expenditures. If the total amount of credits applied for in any particular year exceeds the aggregate amount of tax credits allowed for that year, the excess shall be treated as having been applied for on the first day of the subsequent year,

b. Fifty percent of the tax credits annually granted for infrastructure projects shall be reserved for projects located outside of Jefferson and Orleans parishes, provided that the availability of tax credits for infrastructure projects in Jefferson and Orleans parishes shall not be conditioned upon the granting of infrastructure tax credits for projects outside of those parishes.

D. Earning of Tax Credits

1. Construction of the infrastructure project shall begin within six months of the date of initial certification.

2. Credits are earned when qualified expenditures receive final certification.

3. An infrastructure project may submit multiple requests for final certification, however;

a. Twenty-five percent of the total base investment must be expended before requesting the first certification of qualified expenditures.

b. Fifty percent of the total base investment must be expended within two years of the date of initial certification.

c. In the case of multiple use facilities, no tax credits will be earned until the facility directly used in the theatrical or musical productions is complete.

4. Tax credits associated with a state-certified infrastructure project shall never exceed the total base investment and transportation expenditures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:

§1627. Application of the Tax Credit

A. Prior to claiming a tax credit on any tax return, or transferring any tax credit, a person must apply for and obtain final certification.

B. After receiving final certification, a person may transfer the credit as follows

1. Only one transfer is allowed.

2. The credit, and/or refund of an overpayment, may be transferred by sending a written notice of such transfer to the Department of Revenue.

C. An owner of tax credits may claim tax credits against its Louisiana income tax liability by submitting its final certification, or written notice of transfer pursuant to this rule, evidencing the dollar amount of tax credits being claimed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6034(E).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:

Sherri McConnell
Director

0907#099

POTPOURRI

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Advanced Notice of Initiation of the Triennial
Revision of the Water Quality Standard
(LAC 33:IX.Chapter 11)

The Department of Environmental Quality is requesting public comment regarding the review of LAC 33:IX.Chapter 11. Federal law governing water quality standards requires that states review and revise, as appropriate, their water quality standards at least once every three years (Water Quality Act of 1987 PL 100-4 Section 303 (c)). These regulations are promulgated by the Department of Environmental Quality under the authority of La. R.S. 30:2074(B)(1). This is a preliminary step in the review and rulemaking process. Official rulemaking will be initiated after review and consideration of the comments received on this advanced notice.

All interested persons are encouraged to submit written comments on any portion of the water quality standards in LAC 33:IX.Chapter 11. Comments are due no later than 4:30 p.m., September 21, 2009, and should be submitted to Kimberly Corts, Office of Environmental Assessment, Water Quality Assessment Division, Box 4314, Baton Rouge, LA 70821-4314. The Environmental Regulatory Code version of LAC 33:IX, Water Quality, can be accessed electronically at: www.deq.louisiana.gov/portal/tabid/1674/Default.aspx#ERC.

Information on purchasing the book is available on the same website.

Herman Robinson, CPM
Executive Counsel

0907#036

POTPOURRI

Department of Environmental Quality
Office of the Secretary
Legal Affairs Division

Extension of Comment Period for Advanced Notice of
Rulemaking on Criteria Pollutant Emissions Inventory
(LAC 33:III.111, 311, 501, 605, 918, 919, 1513, 2115, 2153)

The Louisiana Department of Environmental Quality is granting the request for an extension of the comment period on the draft proposed regulations regarding criteria pollutant emissions inventory, LAC 33:III.111, 311, 501, 605, 918, 919, 1513, 2115, and 2153 (AQ300). The Potpourri notice requesting comments on this advanced draft rule was published on pages 1038-1048 of the May 20, 2009, issue of the *Louisiana Register.* All interested persons are invited to continue to submit written comments on the draft regulation. Persons commenting should reference this draft regulation by AQ300. Such comments must be received no later than July 28, 2009, at 4:30 p.m., and should be sent to Jackie Heber, Office of Environmental Assessment, Plan Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to FAX (225) 219-3240 or by email to jackie.heber@la.gov.

Copies of the draft rule 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 AQ300. This draft rule is available on the Internet at http://www.deq.louisiana.gov/portal/tabid/1669/Default.asp, under May 2009, 0905Pot1. The draft rule 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

0907#037

POTPOURRI

Department of Health and Hospitals
Board of Veterinary Medicine

Fall/Winter Examination Dates

The Louisiana Board of Veterinary Medicine will administer the State Board Examination (SBE) for licensure to practice veterinary medicine on the first Tuesday of every month. Deadline to apply for the SBE is the third Friday prior to the examination date desired. SBE dates are subject to change due to office closure (i.e., holiday, weather).

The board will accept applications to take the North American Veterinary Licensing Examination (NAVLE) which will be administered through the National Board of Veterinary Medical Examiners (NBVME), formerly the National Board Examination Committee (NBEC), as follows:

Test Window Date	Deadline To Apply
November 23 through December 19, 2009	Saturday, August 1, 2009

The board will also accept applications for and administer the Veterinary Technician National Examination (VTNE) for state registration of veterinary technicians as follows:

Test Date	Deadline To Apply
Friday, January 15, 2010	Friday, December 4, 2009

Applications for all examinations must be received on or before the deadline. No late application will be accepted. Requests for special accommodations must be made as early as possible for review and acceptance. Applications and information may be obtained from the board office at 263 Third Street, Suite 104, Baton Rouge, LA 70801 and by request via telephone at (225) 342-2176 or by e-mail at admin@lsbvm.org; application forms and information are also available on the website at www.lsbvm.org.

Wendy D. Parrish
Executive Director

0907#017

POTPOURRI

Department of Health and Hospitals
Emergency Response Network Board

Standard LERN Entry Criteria;
Standard Destination Protocol

On June 18, 2009, the Louisiana Emergency Response Network Board (R.S. 40:2842(1)) adopted and promulgated "Standard LERN Entry Criteria" and "Standard Destination Protocol" for use in all Regions, except Region 7, of the Louisiana Emergency Response Network (R.S. 40:2842(3)), replacing the "LERN Entry Criteria" and "LERN Region 4 LCC Destination Protocol," adopted and promulgated November 15, 2007, as follows:

STANDARD LERN ENTRY CRITERIA

Pre-Hospital & Hospital Triage Protocol

- Unmanageable Airway
- Tension Pneumothorax
- Traumatic cardiac arrest
- Burn patient without patent airway
- Burn patient >40% BSA without IV

YES → Call LCC

Neurologic Trauma

- GCS <14 + one or more of the following:
- Penetrating head injury or depressed skull fracture
- Open head injury with or without CSF leak
- Deterioration of the GCS
- Lateralizing signs or paralysis (i.e., one-sided weakness, motor, or sensory deficit)

YES → Call LCC

Physiologic

- SBP <90 (adults & > 9 y/o)
  - <70 + 2 [age (yrs)] (age 1 to 8)
  - <70 (age 1 to 12 months)
  - <60 (term neonate)
- RR <10 or >29 (adults & ≥ 9 y/o)
  - <15 or >30 (age 1 to 8)
  - <25 or >50 (<12 m/o)

YES → Call LCC

Anatomic

- All penetrating injuries to neck, torso & extremities proximal to elbow & knee
- Flail Chest
- 2 or more proximal long-bone fractures
- Crush, degloved or mangled extremity
- Amputation proximal to wrist & ankle
- Pelvic Fracture
- Hip fractures (hip tenderness, deformity, lateral deviation of foot)
- Major joint dislocations (hip, knee, ankle, elbow)
- Open Fractures
- Fractures with neurovascular compromise (decreased peripheral pulses or prolonged capillary refill, motor or sensory deficits distal to fracture, etc.

YES → Call LCC

Mechanism

- Falls > 20 ft. (adults)
  > 10 ft. (child) or 2 to 3 times height
- High-risk auto crash
  Intrusion > 12 in, occupant site:
  >18 in. any site
  - o Ejection, partial or complete from automobile
  - o Death in same passenger compartment
- Auto vs. pedestrian/bicyclist thrown, run over or significant (>20 MPH) impact
- Motorcycle crash >20 MPH

YES → Call LCC

Special

- Pregnancy >20 weeks
- Burns (will follow ABA guidelines)

YES → Call LLC

Other

- Age ≥55 y/o or <8 y/o
- Anticoagulation & bleeding disorders
- End stage renal disease
- Transplant patients

YES → Call LCC

STANDARD DESTINATION PROTOCOL

- Unmanageable Airway
- Tension Pneumothorax
- Traumatic cardiac arrest
- Burn patient without patent airway
- Burn patient >40% BSA without IV

YES → Closest ED

NO ↓

Neurologic Trauma

- GCS <14
- Penetrating head injury or depressed skull fracture
- Open head injury with or without CSF leak
- Deterioration of the GCS
- Lateralizing signs or paralysis (i.e., one-sided weakness, motor, or sensory deficit)

YES → LERN Level I or II

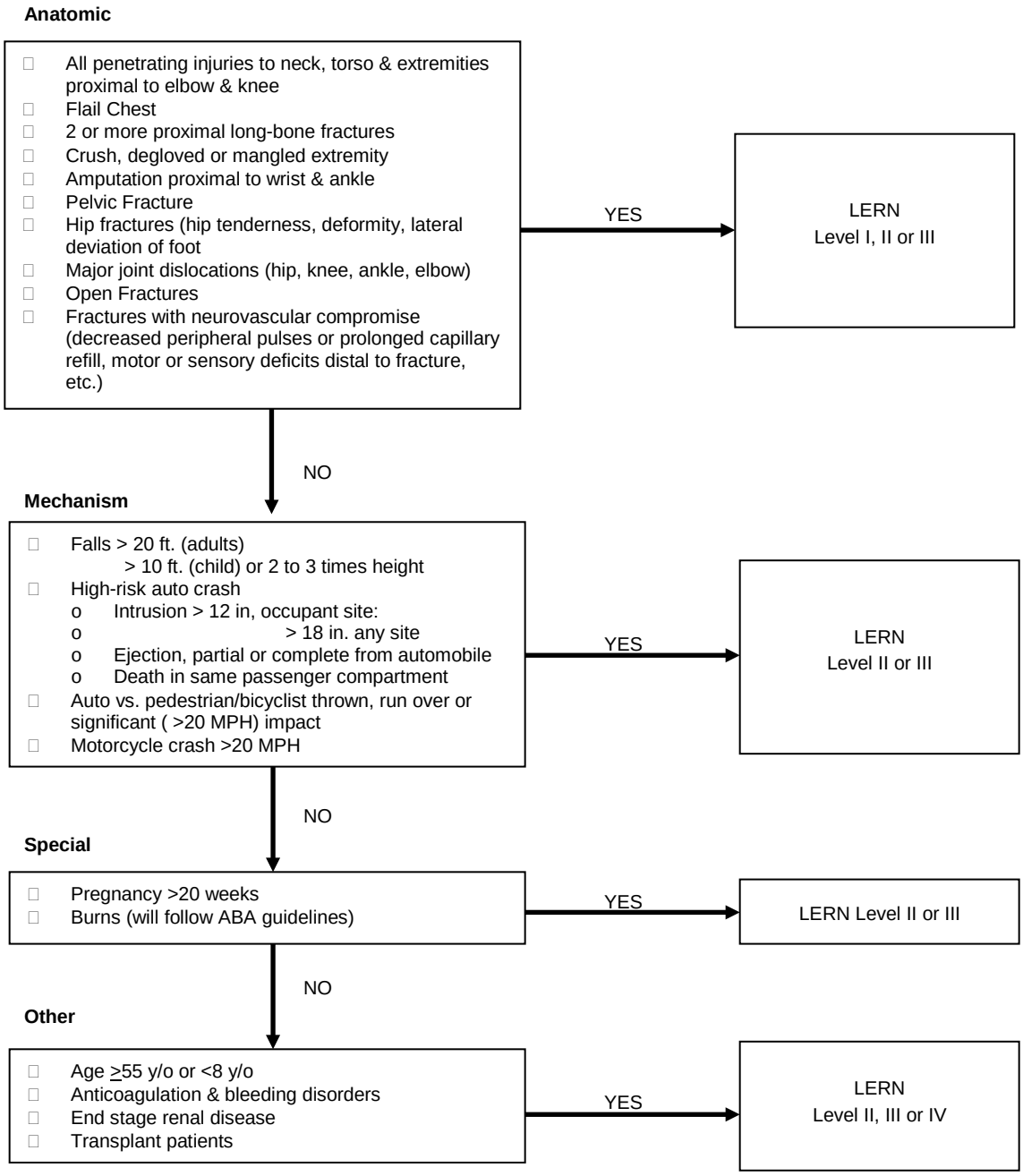
NO ↓

Physiologic

- SBP <90 (adults & > 9 y/o)
  <70 + 2 [age (yrs)] (age 1 to 8)
  <70 (age 1 to 12 months)
  <60 (term neonate)
- RR <10 or >29 (adults & ≥ 9 y/o)
  <15 or >30 (age 1 to 8)
  <25 or >50 (<12 m/o)

YES → LERN Level I, II or III

NO ↓



Coletta Barrett, RN, MHA
Chair

0907#024

POTPOURRI

Department of Health and Hospitals
Office of Public Health

2008 Louisiana Annual Beach Report

The Louisiana Office of Public Health (OPH) is requesting written comments from the public on the agency's *2008 Louisiana Annual Beach Report.* The agency continues to operate a monitoring program for marine beach environments in Louisiana through the U.S. Environmental Protection Agency's Beach Environmental Assessment and Coastal Health Act of 2000. The OPH will continue the monitoring and public notification program for Louisiana's coastal recreation waters with a grant provided through the Beaches Environmental Assessment and Coastal Health Act 2000 (BEACH Act) for the purpose of protecting public health at Louisiana's beaches. The BEACH Act requires that coastal states adopt water quality standards that EPA has chosen for coastal recreation waters, and to notify the public if water quality standards for pathogen indicators are exceeded. Under the Beach Act, Louisiana is required to identify coastal recreation waters in the state; identify bathing beaches adjacent to coastal recreation waters; evaluate and rank beaches; develop a sampling, monitoring and notification program; develop a method for issuing beach advisories and develop a method of public notification. The *2008 Louisiana Annual Beach Report* provides monitoring and notification results for 2008 and describes how beaches considered for monitoring under the program during 2008 were assigned to a monitoring tier, which determines where, when and how monitoring and public notification will take place. The *2008 Louisiana Annual Beach Report* can be viewed at the following locations:

Office of Public Health
Center for Environmental Health Services
Beach Monitoring Program
Room 146-14
628 N. 4th Street
Baton Rouge, LA 70821

The Louisiana Beach Monitoring Program website at:
www.ophbeachmonitoring.com

All interested persons are encouraged to submit written comments by August 20, 2009 to:

Gordon Leblanc, Program Administrator
Office of Public Health
Beach Monitoring Program
P.O. Box 4489
Baton Rouge, LA 70821
FAX (225) 342-7607
E-mail: Gordon.Leblanc@la.gov

If you have any questions please contact Jerome A. Freedman at (225) 342-7541.

Alan Levine
Secretary

0907#016

POTPOURRI

Department of Insurance
Office of Health

Annual HIPAA Assessment Rate

Editor's Note: This Potpourri is being repromulgated because of an error upon submission. The original Potpourri can be viewed in its entirety on page 1184 of the June 20, 2009 *Louisiana Register*.

Pursuant to Louisiana Revised Statutes 22:1071(D)(2), the annual HIPAA assessment rate has been determined by the Department of Insurance to be .0003 percent.

James J. Donelon
Commissioner

0907#025

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
Joe G. Strahan	Richland	M	Pardue	002	115700
KFS Investments, L.L.C.	Alliance	L	La Citrus Lands Inc	003	179841
KFS Investments, L.L.C.	Alliance	L	La Citrus Lands Inc Swd	005	181246
KFS Investments, L.L.C.	Alliance	L	Citrus Land Of La	001	204716
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Byso H2 Ra Su;E B Schwing A	001	53812
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Baist Cooperage	002	56150
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Baist Cooperage	003	58348
Bayou Sorrel Oil LLC	Bayou Sorrel	L	C2 Ra Sub;E B Schwing et al B	003	61008
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Byso I Rb Su;Bst Cooperage	008	61446
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Baist Cooperage	006	61447
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Bayou Sorrel Swd	006	64274

Operator	Field	District	Well Name	Well Number	Serial Number
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Baist Cooperage St U 1	005	64457
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Schwing Lbr Co Swd	008	64946
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Schwing Lbr Co	009	65375
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Baist Cooperage	016	65804
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Byso D Ra Su;Baist Coop St U1	006	83466
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Baist Cooperage	006D	106664
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Vua;Baist Cooperage St U1	005D	116520
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Baist Cooperage	003D	118329
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Schwing Lbr Co	017-D	134123
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Baist Cooperage	008-D	134436
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Schwing Lbr Co	020	179943
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Baist Cooperage	031	180925
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Y Ra Sua; Schwing Lbr Co	018	182318
Bayou Sorrel Oil LLC	Bayou Sorrel	L	E B Schwing Etal B	007	182338
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Baist Cooperage	029	182778
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Byso H2 Ra Su;Schng Lbr Co	021	183150
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Baist Cooperage	030	183444
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Schwing Lbr Co	022	183463
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Baist Cooperage	028	186956
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Byso K Ra Su; Schwing Lbr Co	023	201928
Bayou Sorrel Oil LLC	Bayou Sorrel	L	Baist Cooperage St U1	008	216741
Bayou Sorrel Oil LLC	Bayou Sorrel	L	E Ra Sub;Baist Cooperage St U1	008-D	217435
MC Gas Co.	Monroe	M	Domino	A-2	135714
MC Gas Co.	Monroe	M	Madison	001	204642
MC Gas Co.	Monroe	M	Domino	001	204769
MC Gas Co.	Monroe	M	Madison	002	204770
Ch Tuttle etal	Wildcat-No La Shreveport Dist	S	C H Tuttle	001	12395
Davis Oil Company	LaRose	L	P G Lake	001	125086

James H. Welsh
Commissioner

0907#052

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 8 claims in the amount of $26,821.82 were received for payment during the period June 1, 2009 - June 30, 2009.

There were 8 claims paid and 0 claims denied.

Latitude/Longitude Coordinates of reported underwater obstructions are:

2905.278	8903.411	Plaquemines
2917.146	9028.443	Terrebonne
2922.603	8945.694	Plaquemines
2922.610	8949.290	Plaquemines
2923.304	8936.396	Plaquemines
2932.980	8932.070	Plaquemines
2940.894	8930.379	St. Bernard
2950.431	8941.364	St. Bernard

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

0907#100

POTPOURRI

Department of Revenue
Office of the Secretary

Organizational Meeting Announcement of Act 442

The organizational meeting for the Collaborative Working Group will be held on Thursday, August 6, 2009 at 2:00 p.m. in the Griffon Room on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana.

Section 4 of Act 442 of the 2009 Regular Session of the Louisiana Legislature establishes a collaborative working group of state and local tax administrators and industry representatives for the purpose of assisting in developing policy regarding the determination of which items should be considered as moveable or immovable property for the purposes of state and local sales and use tax.

Under the Act, representatives of each of the following shall serve as members of the group:

(1) The Louisiana Association of Business and Industry.

(2) The Louisiana Hospital Association.

(3) The Louisiana Chemical Association.

(4) The Louisiana Pulp and Paper Association.

(5) The Louisiana Mid-Continent Oil and Gas Association.

(6) The Society of Louisiana Certified Public Accountants.

(7) The tax section of the Louisiana State Bar Association.

(8) The Louisiana Association of Tax Administrators.

(9) The Police Jury Association of Louisiana.

(10) The Louisiana Municipal Association.

(11) The Louisiana School Boards Association.

(12) Three persons designated by the Louisiana Department of Revenue.

Section 4B of the Act requires the Department of Revenue to call an organizational meeting of the group no later than August 15, 2009, at which the group shall elect a chairman who shall be responsible for calling future meetings and organizing the work of the group. The group shall meet at least once each calendar quarter thereafter. The members of the group shall serve without compensation.

The group shall study and develop specific proposals on the definition of tangible personal property under Chapters 2, 2-A, 2-B and 2-D of Title 47 of the Louisiana Revised Statutes of 1950. The group shall report its policy recommendations to the chairmen of the House Committee on Ways and Means and Senate Committee on Revenue and Fiscal Affairs no later than January 31, 2011.

The group shall cease to exist on June 30, 2011.

Further information regarding the organization meeting may be obtained from Leonore Heavey, Assistant Director, Policy Services Division, PO Box 44098, Baton Rouge, LA 70804-4098, phone (225) 219-2780.

Cynthia Bridges
Secretary

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