CONTENTS July 2019

I. EXECUTIVE ORDERS

JBE 19-05 Flags at Half-Staff—Honorable Dr. Donald Elliott "Doc" Hines 837
JBE 19-06 Louisiana Highly Automated Large Air Craft Systems—(L-UAS) Commission 837

II. EMERGENCY RULES

Children and Family Services

Child Welfare Section—Adoption Subsidy Program and Adoption Petition Program (LAC 67:V.4901, 4903, 5101, 5103, and 5105) 839
State Central Registry (LAC 67:V.1103) 841
State Central Registry and Child Protective Services Administrative Appeal (LAC 67:V.1103 and 1111) 842

Governor

Board of Examiners for New Orleans and Baton Rouge—Steamship Pilots for the Mississippi River Standards of Conduct (LAC 46:LXX.6311) 843
Board of Regents—Office of Student Financial Assistance—Scholarship/Grant Programs TOPS Exceptions (LAC 28:IV.1501, 1503, 1507, 1509, and 1511) 844
Coastal Protection and Restoration Authority—Cessation of Activities on Levees and Flood Control Structures (LAC 43:XXXI.401) 846

Health

Bureau of Health Services Financing—Abortion Facilities—Licensing Standards (LAC 48:I.4431) 848
Ground Ambulance Provider Fees and Enhanced Reimbursements for Qualifying Ground Ambulance Service Providers (LAC 48:I.4001 and 50.XXVII.331) 850
Inpatient Hospital Services—Reimbursement Methodology—Outlier Pool Rate Increase (LAC 50:V.954) 852
Nursing Facilities—Licensing Standards—Virtual Visitation (LAC 48:I.9781) 852
Pharmacy Benefits Management Program—Pharmacy Copayment (LAC 50:XXIX.111) 853
Office of Public Health—Registration of Foods, Drugs, Cosmetics and Prophylactic Devices (LAC 49:Chapter 5 and LAC 51.VI.301) 854

Public Safety and Corrections

Office of State Fire Marshal—Fireworks Public Displays and Operators (LAC 55:V.Chapter 19) 856
Uniform Construction Code Council—Temporary Exemption to Certification Requirement (LAC 55:VI.901) 858

Revenue

Office of Alcohol and Tobacco Control—CBD Product Public Safety Regulations (LAC 55:VII.Chapter 6) 859

Wildlife and Fisheries

Wildlife and Fisheries Commission—Closure of Spring Inshore Shrimp Season in State Inside Waters 866
Exemption for Use of Tested and Certified Natural Deer Urine Attractants during the 2019-2020 Deer Hunting Season 866

III. RULES

Civil Service

Board of Ethics—Food and Drink Limit (LAC 52:I.Chapter 17) 868

Economic Development

Office of Business Development—Entertainment Industry Tax Credit Programs—Recodifiation (LAC 61I.Chapters 61-19) 868

Education

Board of Elementary and Secondary Education—Bulletin 139—Louisiana Child Care and Development Fund Programs—CCAP Household Eligibility (LAC 28:CLXV.509 and 511) 900
Bulletin 745—Louisiana Teaching Authorizations of School Personnel—Teaching Authorizations—Issuance, Denial, and Reinstatement (LAC 28:CLXXII.Chapter 1) 900
Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs—Early Childhood Ancillary Programs (LAC 28:XLV.101, 303, 305, and 749) 902
Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs—Quality Rating Calculation (LAC 28:XLV.407) 904

This public document was published at a total cost of $1,660. Two hundred fifty copies of this public document were published in this monthly printing at a cost of $1,660. The total cost of all printings of this document including reprints is $1,660. 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.

The Office of the State Register provides auxiliary aids for the *Louisiana Register* for visually impaired individuals. By appointment, oral presentation of the *Louisiana Register* is available at the Office of the State Register, or an audio cd of requested sections of the *Louisiana Register* can be provided for the production cost incurred. For more information contact the Office of the State Register.

Governor
Division of Administration—Racing Commission—Petition for Adoption of Rules (LAC 35:I.304) 904
Health
Bureau of Health Services Financing—Early and Periodic Screening, Diagnosis and Treatment—Personal Care Services (LAC 50:XV.Chapter 73) 905
Nursing Facilities—Reimbursement Methodology (LAC 50:II.20026) 908
Pharmacy Benefits Management Program—State Supplemental Rebate Agreement Program (LAC 50:XXIX.Chapter 11) 909
Board of Nursing—Application Fee for Compact Licensure (LAC 46:XLVII.3341) 909
Undergraduate Clinical Courses (LAC 46:XLVII.3324) 910
Emergency Response Network Board—LERN Destination Protocol: BURN (LAC 48:I.19201) 911
Public Safety and Corrections
Office of State Police—Accident Reports (LAC 55:I.Chapter 8) 912
Office of the State Fire Marshal—Uniform Construction Code Council—State Uniform Construction Code Recodification (LAC 17:I.Chapters 1 and 3) 912
Department of Revenue
Policy Services Division—Mandatory Electronic Filing of Tobacco Tax Returns and Payment of Tax (LAC 61.III.1533 and 1534) 932
Wildlife and Fisheries
Wildlife and Fisheries Commission—2019-2020 Hunting Regulations and Seasons—(LAC 76:V.119 and 76:XIX.Chapter 1) 933

IV. NOTICES OF INTENT
Children and Family Services
Economic Stability Section—Public Assistance Programs (LAC 67:III.Chapter 12, 1503, Chapter 19, 2005, and Chapter 53) 968
Civil Service
Board of Tax Appeals—Procedure and Practice (LAC 69:I.Chapter 3, 501, 701, and 1101) 974
Education
Board of Elementary and Secondary Education—Administrative Board Operations and Programs (LAC 28:I.501, 503, 721, and Chapters 21-31) 977
Bulletin 111—The Louisiana School, District, and State Accountability System—School Performance Scores; Inclusion in Accountability; and Interests and Opportunities Index Calculations (LAC 28:XI.301, 307, 607, and Chapter 8) 984
Bulletin 126—Charter Schools—Alternative Education Sites (LAC 28:CXXXIX.107) 986
Bulletin 140—Louisiana Early Childhood Care and Education Network—Academic Approval; Accountability; and Coordinated Enrollment (LAC 28:CLXVII.313, 503, 509, 511, and 709) 988
Bulletin 741—Louisiana Handbook for School Administrators—Curriculum and Instruction TOPS University Diploma (LAC 28:CXV.Chapter 23) 991
Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators Curriculum and Instruction—TOPS University Diploma and the Career Diploma (LAC 28:LXXIX.2109 and 2317) 994
Bulletin 746—Louisiana Standards for State Certification of School Personnel Certifications and Endorsements (LAC 28:CXXXI.203, Chapters 3, 417, 506, and Chapters 6-7) 997
Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities—Alternate Assessments (LAC 28:XCVII.505) 1003
Health
Bureau of Health Services Financing—Facility Need Review—Hospital Off-Site Emergency Departments (LAC 48:I.Chapter 125) 1004

V. ADMINISTRATIVE CODE UPDATE
Cumulative—January 2019 through June 2019 1008

VIII. POTPOURRI
Agriculture and Forestry
Office of the Commissioner—Medical Marijuana Program 1010
Environmental Quality
Office of the Secretary, Legal Affairs and Criminal Investigations Division—Notice of Public Hearing Substantive Changes to Proposed Rule WQ099—Water Quality Trading (LAC 33:IX.2603, 2605, 2607, 2611, and 2619) 1011
Governor
Coastal Protection and Restoration Authority—Deepwater Horizon Oil Spill Louisiana Trustee Implementation Group Final Supplemental Restoration Plan and Environmental Assessment for the Lake Charles Science Center and Educational Complex Project Modification 1012
Division of Administration, Racing Commission—Notice of Public Hearing 1012

Health
Board of Dentistry—Public Hearing 1012
Board of Medical Examiners—Public Hearing Notice 1013
Board of Veterinary Medicine—Fall/Winter Examination Dates 1013
Natural Resources
Office of Conservation—Orphaned Oilfield Sites 1014
Revenue
Office of Alcohol and Tobacco Control—Public Hearing Notice Regarding Proposed Private Label Alcohol (LAC 55:VII.405)) 1015
Wildlife and Fisheries
Wildlife and Fisheries Commission—Dredging (LAC 76:XIII.101) 1015
Workforce Commission
Office of Worker's Compensation Administration—Weekly Compensation Benefits Limits 1016

IX. INDEX 1017

Executive Orders

EXECUTIVE ORDER JBE 19-5

Flags at Half-Staff—Honorable
Dr. Donald Elliott "Doc" Hines

WHEREAS, Honorable Dr. Donald Elliott "Doc" Hines died on June 18, 2019, at the age of 85;

WHEREAS, born in Bunkie, on November 14, 1933, he was a lifelong resident of the community and practiced as a family physician;

WHEREAS, he graduated from Southwestern Louisiana Industrial Institute (SLI) in Lafayette and received his Doctor of Medicine from the Louisiana State University School of Medicine at the LSU Health Sciences Center in New Orleans;

WHEREAS, Dr. Hines served as a 2nd Lieutenant in the United States Navy from 1959 to 1963 and was awarded the Commendation Medal by the United States Navy in 1963 for bravely jumping out of a helicopter into the swamps south of New Iberia to save fellow military servicemen who were stranded and in need of medical attention following the crash of an aircraft;

WHEREAS, Dr. Hines began his medical practice in Bunkie in 1966 and was a member of the Louisiana Medical Society and the Avoyelles Parish Medical Society;

WHEREAS, he served on the Avoyelles Parish School Board in 1972 and continue to serve until he was elected to the State Senate in 1993;

WHEREAS, Hines was appointed by Governor Edwin Edwards to the Louisiana Wildlife and Fisheries Commission from 1984 to 1990 where he ultimately served as Chairman;

WHEREAS, from 1993 to 2008, Dr. Hines was a member of the Louisiana State Senate for District 28 and served as the Senate President from 2004 to 2008;

WHEREAS, while in the Senate, he was one of leading members in helping with the recovery efforts after Hurricane Katrina, including securing funding to transform the Haas Auditorium in Bunkie, Louisiana, into a hurricane evacuation and civic center;

WHEREAS, his love for people and his passion for quality medical care was evident as he chaired the task force that created the Louisiana Children's Health Insurance Program (LaCHIP) and authored the Rural Hospital Preservation Act, the Senior Prescription Program, and helped to establish the Gene Therapy Research Initiative;

WHEREAS, Hines received the Avoyellean of the Year by the Avoyelles Journal in 1995 and was inducted into the Louisiana Political Museum and Hall of Fame in Winnfield in 2006;

WHEREAS, in his later years, Dr. Hines fostered a strong relationship with the Casa Aleluya Orphanage in Guatemala that inspired him to initiate several projects such as telemedicine and new dialysis equipment to ensure that the children had access to medical care, as well as instrumental in the purchase of a portable X-Ray and Film Reader and other lab services for the medical clinic at the orphanage;

WHEREAS, for his contributions in Guatemala, he was honored by the Georgia Partnership for Telehealth and recognized as the Global (International) Champion of the Year 2013; and

WHEREAS, Dr. Hines is survived by his loving wife of 62 years, the former Jacqueline Ewing of Marksville; six children, Donna Louise Newton (Jordan) of Bunkie, Richard Arvie Hines (Andrea) of Lafayette, Christopher Arthur Hines (Deidre) of Bunkie, Henry Arthur Hines of Bunkie, Scott Alan Hines (Laura) of Lafayette, and Virginia Marie Long (Chase) of Bunkie; 21 grandchildren and 9 great-grandchildren.

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

SECTION 1: As an expression of respect and to honor the Honorable Dr. Donald Elliott "Doc" Hines, the flags of the United States and the State of Louisiana shall be flown at half-staff over the State Capitol and all state buildings on Thursday, June 20, 2019.

SECTION 2: This Order is effective upon signature and shall remain in effect until sunset, Thursday, June 20, 2019.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 19th day of June, 2019.

John Bell Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Aroin
Secretary of State
1907#051

EXECUTIVE ORDER JBE 19-6

Louisiana Highly Automated
Large Air Craft Systems—(L-UAS) Commission

WHEREAS, Louisiana is positioned as an international leader in the development and implementation of highly automated Large-Unmanned Air Craft Systems (L-UAS) technology and capabilities;

WHEREAS, the State of Louisiana will establish a commitment to develop L-UAS in support of first responder search and rescue, disaster recovery and damage assessment, environmental emergency monitoring, large oil spill monitoring in the Gulf of Mexico, and coastal erosion through partnerships that align the unique resources of state and local government, institutions of higher education, Louisiana-based federal government installations, and private sector organizations;

WHEREAS, the State of Louisiana can provide a single point of contact through which the state's partners can work with the Federal Aviation Administration; and

WHEREAS, the State of Louisiana desires to develop a diversified L-UAS workforce within Louisiana aligned, coordinated, and leveraged with industry, federal, state and local resources, both public and private, toward common goals for creating 21st century jobs.

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

SECTION 1: Houma-Terrebonne Airport Commission is granted the charter as a Louisiana State designated General Aviation airport that will develop the L-UAS infrastructure and flight operation center through the creation of the UAS Gulf of Mexico Center of Excellence.

SECTION 2: The Department of Transportation and Development (DOTD), Division of Aviation may provide any technical assistance necessary in support of an FAA Certificate of Authorization for a L-UAS technical demonstration at the Houma-Terrebonne Airport.

SECTION 3: DOTD may provide support to the L-UAS Operation Center of the Houma-Terrebonne Airport through a Memorandum of Understanding to provide reach-back connectivity with the Louisiana Optical Network Infrastructure for all participating government agencies, academic institutions, and aligned private companies.

SECTION 4: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the implementation of the provisions of this Order.

SECTION 5: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 19th day of June, 2019.

John Bell Edwards
Governor

ATTEST BY
THE GOVERNOR
R. Kyle Aroin
Secretary of State
1907#052

Emergency Rules

DECLARATION OF EMERGENCY

Department of Children and Family Services
Child Welfare Section

Adoption Subsidy Program and Adoption Petition Program
(LAC 67:V.4901, 4903, 5101, 5103, and 5105)

The Department of Children and Family Services (DCFS), Child Welfare, has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953(B) to amend LAC 67:V, Subpart 6 Adoptions, Chapter 49 Adoption Subsidy Program, Sections 4901 and 4903 and Chapter 51, Adoption Petition Program, Sections 5101, 5103, and 5105. This declaration is necessary to extend the original Emergency Rule since it is effective for a maximum of 120 days and will expire before the Final Rule takes effect. This Emergency Rule extension is effective on July 29, 2019, and shall remain in effect for a period of 120 days.

The Department considers emergency action necessary to facilitate the expenditure of IV-E funds for extended foster care services to the estimated 20 children who are currently eligible for these adoption subsidy services initiated after their sixteenth birthday as specified in Act 649 of the Regular Session of the Louisiana Legislature.

Title 67
SOCIAL SERVICES
Part V. Child Welfare
Subpart 6. Adoptions

Chapter 49. Adoption Subsidy Program

§4901. Subsidizing the Adoption of Children with Special Needs

A. Overview of Program Purpose

1. The Subsidized Adoption Program enables the Department of Children and Family Services to make payments to adoptive parents on behalf of a child who otherwise might not be adopted because of special needs or circumstances. Subsidy payments shall be limited to a child(ren) for whom adoption is indicated but placement through existing resources is unavailable because of the child's physical or mental condition, race, age, membership in a sibling group which should not be separated, or other serious impediments or special needs. The adoption subsidy applies to a special needs child for whom the Department of Children and Family Services holds full and permanent custody prior to the adoptive placement or to a special needs child, SSI or AFDC eligible, for whom a private nonprofit agency holds custody and to nonrecurring adoption expenses only for special needs children who are adopted independently. The adoption subsidy may be extended for children who were adopted from foster care and initially began receiving the subsidy after age 16, but prior to age 18, if the adoptive parents remain financially responsible for the child, and the child meets the same eligibility criteria as children eligible for the department's Extended Foster Care program. No child may have an adoption subsidy initiated for the first time after age 18. The adoption laws of the state of Louisiana shall be adhered to, and the granting of a subsidy shall not affect the legal status of the child nor the rights and responsibilities of the adoptive parents.

2. The prospective adoptive family must meet basic adoption eligibility requirements in all respects except for the ability to assume complete financial responsibility for the child's care.

B. Types of Subsidy. The child may be subsidized for the following services up to age 18, or up to age 21 if eligible for an extension of the adoption subsidy.

1. Maintenance. The maintenance subsidy includes basic living expenses such as board, room, clothing, spending money, and ordinary medical and dental costs. The maintenance supplement may be ongoing, but must be renewed on a yearly basis. An extension of an adoption subsidy for youth who have turned 18 must be reviewed quarterly to ensure ongoing eligibility, but only needs to be renewed annually as long as eligibility criteria continue to be met. The amount of payment shall not exceed 80 percent of the state's regular foster care board rate based on the monthly flat rate payments for the corresponding age group. Changes in the maintenance subsidy rate care may occur once a year and the adjustment is made at the time of a change in the child's age group. The monthly maintenance shall not be based on specialized foster care arrangements such as subsidized foster care, alternate family care, or therapeutic foster care.

2. Special Board Rate

a. Foster parents adopting a foster child for whom a special board rate was received may request up to a maximum of 80 percent of the special board rate amount of $300. This includes adoptive parents who were not previously certified as the child's foster parent(s), if the care and needs of the child in the adoptive home warrant this same special board rate. Therefore, under the Adoption Subsidy Program, the special board component for these type homes shall not exceed $240. The continued need for the special board rate shall be reviewed at the time of the annual review for children under age 18. At age 18, the extension of an adoption subsidy shall be reviewed a minimum of quarterly.

b. For the child placed in a Subsidized Foster Home, Alternate Family Care facility, or a Therapeutic Family Care facility, the maximum amount of the special board component of the adoption subsidy shall not exceed $258. This amount equals the Flexible Family Fund (monitored by the Office for Citizens with Developmental Disabilities and the Office of Behavioral Health and administered by the 10 human service districts/authorities) authorized for the care of children with severe emotional disturbance or severe intellectual/developmental disabilities who are in their own homes.

3. - 3.a.i. ...

ii. psychiatric, or psychological expenses, special equipment, prosthetic devices, or speech therapy;

B.3.a.iii. - C. ...

1. Before a child is certified by the Division of Child Welfare as eligible for a subsidy, resources for adoptive placement without such benefits must be explored by the adoption worker. This will include recruitment of adoptive parents, registrations for a reasonable period on state, regional, and/or national adoption resources exchanges, and referral to appropriate specialized adoption agencies.

C.2. - D.1. ...

a. The income scale determining eligibility for the non IV-E maintenance subsidy shall be utilized by the Department of Children and Family Services, Division of Child Welfare to determine eligibility for non IV-E benefits. The scale is based on 60 percent of Louisiana's median income for a family of four, adjusted for family size as published by the U.S. Department of Health and Human Services. Figures in the column on the left refer to the number of family members, including the adoptive child(ren). Figures in the column on the right refer to family gross income. Persons living in the household who are not dependent on the adoptive family's income even though related, are not counted. Families whose income falls below the figures in the right column may apply for subsidy.

b. The Division of Child Welfare, Adoption Subsidy Program, will determine the appropriateness of subsidy benefits, the type of subsidy, and the level of the subsidy. An agreement form between the Division of Child Welfare and the prospective adoptive parents with clearly delineated terms must be signed prior to the granting of the final decree.

c. Income Chart

Family Size	Gross Annual Income
1 person	$23,371
2 persons	$30,562
3 persons	$37,753
4 persons	$44,944
5 persons	$52,135
6 persons	$59,326
7 persons	$60,674
8 persons	$62,022
9 persons	$63,371
10 persons	$64,719
11 persons	$66,067
12 persons	$67,416
13 persons	~~$~~$68,764
14 persons	$70,112

d. For each additional family member six persons, add three percentage points to the percentage for a six-person household (132 percent), and multiply the new percentage by 60 percent of the state's estimated median income for a four-person household.

2. IV-E Placements. Federal regulations prohibit the use of an income eligibility requirement (means test) for prospective adoptive parents in determining the availability of payments or other types of adoption assistance. The eligible child who has met the "special needs" requirements in Section 473(c) of the Social Security Act will be eligible for payments and other types of services and assistance under the Title IV-E Adoption Assistance Program. Parents with whom such a child is placed for adoption are eligible to receive Title IV-E payments and other assistance on behalf of that child, under an agreement with the state agency.

3. A child adopted from foster care after age 16 but prior to age 18 and receiving an adoption subsidy already may be allowed an extension of the adoption subsidy if requested by the family for the adoptive family to continue receiving the adoption subsidy payments on behalf of the child after the child turns 18 and up to age 21 as long as the family retains financial responsibility for the child, the child meets the same eligibility criteria as children eligible for the department's Extended Foster Care program and all other eligibility criteria for the original subsidy remain in effect. Ongoing eligibility must be reassessed by DCFS/CW quarterly, but renewal of the subsidy only completed annually. If notified by the family the child and family are no longer eligible or interested in receiving the extended subsidy; or, if at reassessment it is determined the child and family are no longer eligible for the extended subsidy, the subsidy shall be ended immediately.

E. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1790-1792 and P.L. 96-272 (Title IV-E).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Human Development, LR 4:388 (October 1978), repealed by the Department of Social Services, Office of Community Services, LR 18:79 (January 1992), promulgated and amended LR 18:966 (September 1992), amended by the Department of Children and Family Services, Child Welfare, LR 45:

§4903. Nonrecurring Expenses in Adoptions

A. The Division of Child Welfare sets forth criteria for reimbursement of nonrecurring expenses associated with the adoption of children with special needs.

1. The amount of the payment made for nonrecurring expenses of adoption shall be determined through agreement between the adopting parent(s) and the Division of Child Welfare. The agreement must indicate the nature and amount of the nonrecurring expenses to be paid.

2. - 3. ...

4. To be eligible, the child must meet the criteria previously established by the Division of Child Welfare to be designated as a "child with special needs". Furthermore, the child must have been placed for adoption in accordance with applicable state laws.

5. - 6. ...

7. Reimbursement is limited to costs incurred by or on behalf of adoptive parents that are not otherwise reimbursed from other sources. Payments for nonrecurring expenses shall be made directly by the Division of Child Welfare.

8. – 9. ...

AUTHORITY NOTE: Promulgated in accordance with 45 CFR Part 1356, as published in the Federal Register on December 14, 1988, Section 1711 of the Tax Reform Act of 1986 as it relates to the Adoption Assistance Program under Title IV-E, and Act 345 of the 1990 Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 17:386 (April 1991), amended by the Department of Children and Family Services, Child Welfare, LR 45:

Chapter 51. Adoption Petition Program

§5101. Certificate of Adoption in Private Adoptions

A. - C.2.b. ...

c. Attorneys representing prospective adoptive couples living in Louisiana for private adoptions must request the court having jurisdiction to order a Louisiana child abuse/neglect records check from the Division of Child Welfare's Regional Office for the parish of residence of the prospective adoptive couple with the results of said check to be submitted in writing to the court. The court order shall be sent to the attention of the Adoption Petition Unit.

d. The mailing addresses of the regional offices of the Division of Child Welfare where this form may be obtained are as follows:

i. Greater New Orleans;

(a). Jefferson District, Box 10009, Jefferson, LA, 70181;

(b). Orleans District, Regional Office, 1450 Poydras Street, Suite 1600, New Orleans, LA, 70112;

ii. Baton Rouge Regional Office, Box 3318, Baton Rouge, LA 70821;

iii. Lafayette Regional Office, 825 Kaliste Saloom Rd, Lafayette, LA 70508;

iv. Lake Charles Regional Office, Box 1486, Lake Charles, LA 70602;

v. Alexandria Regional Office, Box 8557, Alexandria, LA 71306;

vi. Shreveport Regional Office, 1525 Fairfield Avenue, Shreveport, LA 71101-4388;

vii. Monroe Regional Office, Box 3047, Monroe, LA 71210;

viii. Thibodaux Regional Office, 1416 Tiger Drive, Thibodaux, LA 70301;

ix. Covington Regional Office, 351 Holiday Blvd., Covington, LA 70433.

e. - f. ...

D. The Department of Children and Family Services, Division of Child Welfare in carrying out the duties as detailed in the Children's Code, Title XII, Chapter 10, Article 1229 (A) shall include in the report to the court a copy of the Certificate of Adoption for the prospective adoptive couple or report to the court in writing that no Certificate of Adoption has been obtained in accordance with the Louisiana Children's Code.

AUTHORITY NOTE: Promulgated in accordance with the Children's Code, Title XII, Chapter 2.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 18:747 (July 1992), amended by the Department of Children and Family Services, Child Welfare, LR 45:

§5103. When the Petitioner Is the Stepparent of the Adoptee

A. DCFS/CW shall no longer provide a full investigation and court report in stepparent adoptions unless so ordered by the court. Henceforth, adoption petition workers shall investigate stepparent adoptions only to the extent necessary. The investigation shall:

A.1. - B.2.b.vi. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 9:427.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Human Development, Division of Evaluation and Services, LR 10:342 (April 1984), amended by the Department of Children and Family Services, Child Welfare, LR 45:

§5105. Intercountry Adoptions

A. The Department of Children and Family Services, Division of Child Welfare, hereby adopts Intercountry Adoptions Policy. This policy authorizes certain consenting licensed private child placing agencies to conduct and certify the validity of home studies; to contract with qualified professionals to complete home studies; and to certify the validity of home studies completed by professionals under contract with them to complete home studies; certifying to the U.S. Immigration and Naturalization Service that the Louisiana prerequisite of a valid home study has been completed as required before an intercountry adoption can be consummated.

AUTHORITY NOTE: Promulgated in accordance with the United States Immigration and Nationality Act of 1952, as amended (Title 8, U.S.C. aliens and nationality).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Human Development, LR 7:408 (August 1981), amended by the Department of Children and Family

Marketa Garner Walters
Secretary

1907#025

DECLARATION OF EMERGENCY

Department of Children and Family Services
Child Wefare Section

State Central Registry (LAC 67:V.1103)

The Department of Children and Family Services (DCFS) has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 (B) to amend LAC 67:V, Subpart 3, Child Protective Services, Chapter 11, Section 1103. This emergency rule shall be effective June 11, 2019, and shall remain in effect for a period of 120 days.

The department considers emergency action necessary to assure compliance with Act 243 of the 2019 Regular Session of the Louisiana Legislature. Information on individuals listed on the State Central Registry will be released in accordance with R.S. 40:2008.10 for therapeutic group homes licensed or applying for licensure by the Louisiana Department of Health (LDH). The information will be released in accordance with the rule and upon receipt of a written request containing the individual's consent, and payment of the SCR clearance fee.

Title 67
SOCIAL SERVICES
Part V. Child Welfare
Subpart 3. Child Protective Services

Chapter 11. Administration and Authority

§1103. State Central Registry

A. - G.11. ...

12. DCFS will disclose to a therapeutic group home licensed by the Louisiana Department of Health (LDH), or applicant for a license from LDH, information on perpetrators of child abuse and/or neglect who are listed on the state central registry upon receipt of the $25 fee for the clearance; and, the individual's written and signed consent for the following:

a. any person who owns, operates or manages a licensed therapeutic group home;

b. any person who has applied for a license to operate a therapeutic group home;

c. any person who is employed by, is contracted by, volunteers at, or interns with a therapeutic group home;

d. any person who has applied to be employed or contracted by a therapeutic group home;

e. any person who has applied to volunteer or intern with a therapeutic group home.

13. The information on the SCR for the above persons may be released to the LDH as required for LDH licensure of the therapeutic group home. This release shall not apply to contractors and other individuals providing a service at the therapeutic group home who are not employees, volunteers, interns, or contracted members of the staff of the therapeutic group home, including but not limited to plumbers, landscapers, or visiting resources.

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

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

Marketa Garner Walters
Secretary

1907#003

DECLARATION OF EMERGENCY

Department of Children and Family Services
Child Welfare Section

State Central Registry and Child Protective Services
Administrative Appeal (LAC 67:V.1103 and 1111)

The Department of Children and Family Services (DCFS) has exercised the emergency provision of the Administrative Procedure Act, R.S. 49:953 (B) to amend LAC 67:V, Subpart 3, Child Protective Services, Chapter 11, Sections 1103 and 1111. This Emergency Rule extension is effective July 12, 2019, will remain in effect until the Final Rule becomes effective.

The department considers emergency action necessary to assure compliance with 42 USC 9858f for child care background clearances to be completed within 45 days of submission; and to provide individuals opportunities for administrative appeals when DCFS intends to justify/validate them for their involvement as a perpetrator of child abuse and/or neglect in accordance Louisiana Children's Code, Article 616.1.1. A failure to comply with the timeframe for the background clearance may result in the loss of federal funds to the state.

Title 67
SOCIAL SERVICES
Part V. Child Welfare
Subpart 3. Child Protective Services
Chapter 11. Administration and Authority
§1103. State Central Registry

A. - C.1. ...

2. Individuals in investigations in families who have been determined to be justified/valid as a perpetrator of child abuse and/or neglect for a tier 1, 2, or 3 finding, as defined in LAC 67:V.1103.A, subsequent to July 1, 2018, shall be provided written notice of the SCR and the rules governing maintenance and release of SCR records. As of August 1, 2018, the written notice shall also inform the individual of their right to an administrative appeal pursuant to LAC 67:V.1111. The individual's name will not be placed on the SCR until the individual has exhausted his right to an administrative appeal. If the individual fails to request an administrative appeal within 20 days of the written notification of the justified/valid finding, withdraws their request for an administrative appeal, or the justified/valid finding is upheld by an administrative law judge, the individual's name will be immediately placed on the SCR.

D. – G.11. ...

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

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

§1111. Child Protective Services Administrative Appeal

A. The Department of Children and Family Services (DCFS) establishes an administrative appeal process with the Division of Administrative Law (DAL). The purpose is to provide individuals the right to appeal DCFS Child Protective Services investigation findings of justified/valid. Any individual with a justified/valid finding of child abuse or neglect may request an appeal of their justified/valid finding directly with DAL.

B. Individuals with justified/valid findings in an investigation prior to August 1, 2018, will have the right to an administrative appeal of any/all of their DCFS findings of justified/valid. When a request for an SCR clearance is received by DCFS, or DCFS verifies that an individual has a justified/valid finding, and the individual is listed as a perpetrator with a justified/valid finding of abuse or neglect in an investigation prior to August 1, 2018; the individual will be notified in writing of their right to an administrative appeal. The individual will have 20 days from the date of the written notification to request an appeal through DAL.

C. Any individual notified of a DCFS justified/valid finding in an investigation subsequent to August 1, 2018, will have the right to an administrative appeal of any/all of their DCFS findings of justified/valid. The individual will

have 20 days from the date of the written notification to request an appeal through the DAL.

D. When DCFS receives a request for an SCR clearance on an individual who is a prospective or current employee in a licensed/registered child care setting by the Louisiana Department of Education, a current or prospective employee of an Office of Juvenile Justice juvenile facility, a current or prospective employee in a specialized provider, juvenile detention facility provider licensed by DCFS; or, a current or prospective employee of DCFS in a position whose duties include the investigation of child abuse or neglect, supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys, they may request an expedited appeal. A request for an expedited appeal shall be submitted to DAL within 10 days of the date of the written notification. If the appeal is not submitted within the 10 days, the individual has 20 days from the date of the written notification to request a non-expedited appeal through DAL.

E. - I. ...

I.1. the individual does not request an administrative appeal with DAL within 20 days of the date of the written notification of their right to appeal the DCFS determination;

I.2. - K. ...

AUTHORITY NOTE: Promulgated in accordance with Act 348 of 2017 and Children's Code Article 616.1.1., and 42 USC 9858f.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Division of Child Welfare, LR 44:1002 (June 2018), effective July 1, 2018, amended LR 45:218 (February 2019), amended LR 45:

Marketa Garner Walters
Secretary

1907#027

DECLARATION OF EMERGENCY

Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River

Standards of Conduct
(LAC 46:LXX.6311)

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and under the authority of R.S. 34:1041, et seq. and Title 46, Professional and Occupational Standards, Part LXX. River Pilots, Subpart 3. Board of Examiners for the New Orleans and Baton Rouge Steamship Pilots, et seq. the Board of Examiners for New Orleans-Baton Rouge Steamship Pilots for the Mississippi River declares an emergency to exist and adopts by emergency process the attached regulation for the increased mandatory rest period for New Orleans-Baton Rouge Steamship Pilots.

Due to the safety sensitive nature of the duties performed by state commissioned pilots, this board has a strong commitment to the public and maritime industry. The board has promulgated standards of conduct, in order to further enhance the safety and well being of the citizens of Louisiana and New Orleans-Baton Rouge Steamship Pilots as well as to prevent any imminent peril to public health, safety and welfare, and to achieve and maintain reliable, safe and efficient pilotage services.

The board has the authority to compel each and every individual pilot to be available for and accept orders for pilotage assignments in declared emergency situations or in other overriding operational conditions. This Emergency Rule amends LAC 46:LXX.6311 to provide for an increased mandatory rest period for New Orleans-Baton Rouge Steamship Pilots during time periods of extreme Mississippi River gauge levels and river currents.

This Emergency Rule becomes effective upon the signature of the President of the Board of Examiners for New Orleans-Baton Rouge Steamship Pilots for the Mississippi River and shall remain in effect for 120 days, unless rescinded, renewed or until permanent rules and regulations become effective.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXX. River Pilots
Subpart 3. Board of Examiners for the New Orleans and Baton Rouge Steamship Pilots
Chapter 63. Standards of Conduct
§6311. Mandatory Rest Period

For the purpose of this rule, a turn is the time-period from dispatch to the termination of the allotted travel time.

B. All pilots shall have a minimum of twelve hours rest period between turns.

C. For the purpose of this rule, the rest period begins at the termination of the allotted travel time at the completion of one turn and ends at the time of dispatching for the next turn.

D. Notwithstanding Subsection B, the captain of the station and shift pilots shall be exempt from the minimum 12 hours rest period in between turns. However, in no case shall the captain of the station and shift pilots exceed 12 bridge hours in any 24 hour period.

E. Notwithstanding Subsection B, any pilot completing a turn lasting less than 4 bridge hours or receiving a discharge, shall not be required to comply with the mandatory 12 hours rest period. However, in no case shall any pilot acquire more than 12 hours in a 24 hour period. Pilots requesting twelve hours rest period shall not be called or dispatched in less than 12 hours from the completion of their finishing time.

F. Notwithstanding Subsection B, during a state of declared emergency all pilots shall be exempt from the minimum 8 hours rest period in between turns. However, in no case shall any pilot exceed 12 bridge hours in any 24 hour period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:1041 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots, LR 31:56 (January 2005), amended by the Office of the Governor, Board of Examiners for New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, LR 36:500 (March 2010), LR 38:3167 (December 2012), LR 45:

Captain Robert D. Heitmeier
President

1907#018

DECLARATION OF EMERGENCY

Board of Regents
Office of Student Financial Assistance

Scholarship/Grant Programs—TOPS Exceptions
(LAC 28:IV.1501, 1503, 1507, 1509, and 1511)

The Louisiana Board of Regents is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:950 et seq.)] to amend and re-promulgate the rules of the Scholarship/Grant programs [R.S. 17:3021-3025, R.S. 3041.10-3041.15, R.S. 17:3042.1.1-3042.8, R.S. 17:5001 et seq., and R.S. 56:797.D(2)].

This rulemaking implements Act 402 of the 2019 Regular Session of the Louisiana Legislature with respect to the Grant Opportunity for Youth ChalleNGE Program (GO Youth ChalleNGe).

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

This Declaration of Emergency is effective June 19, 2019, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act. (SG19187E)

Title 28
EDUCATION
Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs
Chapter 15. Grant Opportunity for Youth ChalleNGe Skills Training Program

§1501. General Provisions

A. Legislative Authority. The Louisiana Grant Opportunity for Youth ChalleNGe Skills Training Program (the GO-Youth ChalleNGe Program) was created by Act 826 of the 2003 Regular Session of the Louisiana Legislature.

B. Purpose. It is the purpose of the program to encourage and assist those students who graduate from the Louisiana National Guard's Youth ChalleNGe Program to continue their education and enhance their employment opportunities by providing tuition at an eligible Louisiana postsecondary institution.

C. Effective Dates. The program shall be available to any student who completes the Louisiana National Guard's Youth ChalleNGe Program after June 30, 2003.

D. Eligible Courses of Study. The program grant may be used to pursue any postsecondary certificate, diploma, associate, or baccalaureate undergraduate degree required to obtain employment in a high demand, high skill, high wage career.

E. Eligible Institutions. Eligible students may use the program grant at the following institutions:

1. Any Louisiana public postsecondary institution; and

2. a regionally accredited independent college or university in the state that is a member of the Louisiana Association of Independent Colleges and Universities.

F. Grant Amounts. The program grant shall be paid for a period not to exceed the equivalent of two academic years in an amount:

1. equal to the actual cost of tuition for a student enrolled in a Louisiana public postsecondary institution;

2. equal to the average tuition amount paid for students attending public postsecondary institutions for a student enrolled at a regionally accredited independent college or university in the state that is a member of the Louisiana Association of Independent Colleges and Universities. See §1903.B.8 for method of computation.

G. Definitions. For the purposes of this Chapter, the following definitions are applicable.

Certification—the time at which LOSFA has received both the certification from the State Military Department and the results of the FAFSA data from the federal processor.

FAFSA—the free application for federal student aid used to apply for federal grant aid and eligibility for other federal assistance.

Graduate—a student who has completed the Louisiana GO-Youth ChalleNGe Program and, no later than 18 months after entry into the program, received a Louisiana high school equivalency diploma or, beginning in the 2019-2020 academic year, a student who has completed the Louisiana Youth ChalleNGe Program and, no later than 24 months after entry into the program, received a high school diploma.

Program—the GO-Youth ChalleNGe Program.

Resident of Louisiana—a student who actually resides in Louisiana during the 24 months prior to the month the student enrolls for the first time as a full-time student in an eligible institution as a recipient of a grant under the program.

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 30:782 (April 2004), repromulgated by the Board of Regents, Office of Student Financial Assistance, LR 44:545 (March 2018), LR 45:

§1503. Establishing Initial Eligibility

A. To establish initial eligibility for participation in the program, the student must meet all of the following criteria:

1. be a citizen of the United States or designated by the U.S. Citizenship and Immigration Services (USCIS) as a permanent resident; and

2. be a resident of Louisiana, as defined in §1501; and

3. graduate from the residential phase of the Louisiana National Guard's Youth ChalleNGe Program; and

4. have earned a Louisiana high school equivalency diploma or a Louisiana high school diploma; and

5. not have a criminal conviction, except for misdemeanor traffic violations; and

6. if the student has been in the United States Armed Forces and has separated from such service, has received an honorable discharge or general discharge under honorable conditions; and

7. submit a FAFSA for every year of enrollment in a postsecondary institution.

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 30:782 (April 2004), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:546 (March 2018), LR 45:

§1505. Deadline to Enroll as a Full-Time Student

A. In order to receive a grant under the program, a student must have met the criteria defined in §1503 and, unless granted an exception for cause by the Louisiana Board of Regents (the board), enrolled as a full-time student:

1.a. not later than the semester or term, excluding summer semesters or sessions, immediately following the first anniversary of the date that the student graduated from the Louisiana National Guard's Youth ChalleNGge Program; or

b. beginning in the 2020-2021 academic year, not later than the semester or term, excluding summer semesters or sessions, immediately following the fifth anniversary of the date the student graduated from the Louisiana National Guard's Youth ChalleNGe Program; or

2. if the student Joins the United States Armed Forces upon graduation from the Louisiana National Guard's Youth ChalleNGe Program, not later than the semester, excluding summer semesters or sessions, immediately following the 5th anniversary of the date that the student graduated Louisiana National Guard's Youth ChalleNGe Program or within one year from the date of discharge or one year from separation from active duty, whichever is earlier.

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 30:783 (April 2004), amended by the Board of Regents, Office of Student Financial Assistance, LR 44:546 (March 2018), LR 45:

§1507. Maintaining Eligibility

A. To continue receiving the program grant, the student must meet all of the following criteria:

1. have received the program grant for not more than two years, unless granted an exception for cause; and

2. continue to enroll each subsequent semester or quarter (excluding summer sessions and intersessions unless required by the institution for a particular course of study) as a full-time student, unless granted an exception for cause; and

3. maintain *steady academic progress* as defined in §301; and

4. earn at least 24 hours each *academic year* as defined in §301, unless granted an exception for cause; and

5. maintain a cumulative grade point average of at least 2.50 on a 4.00 scale at the end of each academic year ; and

6. not have a criminal conviction, except for misdemeanor traffic violations; and

7. if the student has been in the United States Armed Forces and has separated from such service, has received an honorable discharge or general discharge under honorable conditions; and

8. submit a FAFSA or renewal FAFSA for each academic year during which the student is enrolled in a postsecondary institution.

B. Students failing to meet the requirements listed in §1507.A.3 and 5 may have their tuition grants reinstated upon *regaining steady academic progress* (see §301) and/or attainment of the required GPA, if the student has maintained other continuation requirements and the period of ineligibility did not persist for more than one year from the date of loss of eligibility. If the one-year period is interrupted due to a student's active duty in the United States Armed Forces, the one-year period will be extended for the length of time equal to the student's active-duty service, not to exceed four years.

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 30:783 (April 2004), repromulgated by the Board of Regents, Office of Student Financial Assistance, LR 44:546 (March 2018).

§1509. Responsibilities of the State Military Department (SMD)

A. The State Military Department is responsible for determining whether participants in the Louisiana Youth ChalleNGe Program meet the eligibility requirements to participate in the program set forth in §1503.A.1-6 above. The submission of a student's data for the GO-Youth ChalleNGe Program shall constitute a certification by the State Military Department that the student meets the requirements of §1503.A.1-6, specified above, except that:

1. the certification shall not include the certification of residency required by §1503.A.2, if a participant does not meet the residency requirement at the time the participant is awarded a Louisiana high school equivalency certificate; and

2. the certification shall not include the certification of high school graduation required by §1503.A.4.

B. For each student determined to be eligible to participate in the program, the State Military Department shall provide the following student data in an electronic file format acceptable to LOSFA:

1. name;

2. permanent mailing address;

3. telephone number;

4. date enrolled in the Louisiana Youth ChalleNGe Program;

5. date the student completed the residential phase of the Louisiana National Guard's Youth ChalleNGe Program;

6. date received a Louisiana high school equivalency diploma;

7. students' order of merit ranking within their class; and

8. if the student does not have 24 months of Louisiana residency at the time the Louisiana high school equivalency certificate is awarded, the date of initial Louisiana residency.

C. To the extent funds are appropriated to the State Military Department to fund the program, the State Military Department shall take such actions as are necessary to promptly transfer such funds to LOSFA.

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 30:783 (April 2004), repromulgated by the Board of Regents, Office of Student Financial Assistance, LR 44:546 (March 2018).

§1511. Responsibilities of LOSFA

A. Upon certification by the SMD that students have met program criteria, LOSFA shall make the students eligible for the program grant as long as funds appropriated for that purpose are available.

B. LOSFA shall determine whether participants meet the residency requirement in §1503.A.2 above, if the residency

requirement has not been met at the time the participant earns a Louisiana high school equivalency certificate.

C. LOSFA shall determine the date on which participants graduated from high school as required by §1503.A.4.

D. Upon receipt of bills from institutions submitted in accordance with §1903.B, LOSFA will reimburse the institution for each eligible student in accordance with §1903.

E. LOSFA shall conduct audits of the Louisiana Youth ChalleNGe Program campuses and postsecondary institutions to ensure compliance with program requirements.

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 30:783 (April 2004), repromulgated by the Board of Regents, Office of Student Financial Assistance, LR 44:547 (March 2018), amended LR 45:

Robyn Rhea Lively
Senior Attorney

1907#006

DECLARATION OF EMERGENCY

Office of the Governor
Coastal Protection and Restoration Authority

Cessation of Activities on Levees and Flood Control Structures (LAC 43:XXXI.401)

In accordance with R.S. 49:214.5.2.A(6), R.S. 49:214.5.6(D), and R.S. 49:214.5.2.A(5) the Coastal Protection and Restoration Authority Board has exercised its emergency authority to utilize the full police power of the state to address the loss and devastation to the state and individuals arising from hurricanes, storm surges, flooding, and addresses activities that may obstruct or interfere with the safety and integrity of the levees. This Emergency Rule is effective at 12:00 AM, June 30, 2019 and shall expire on the earlier of its expiration date as provided by statute (R.S. 49:954), or upon the lifting by the Governor of the Declaration of Emergency set forth in Proclamation No. 33 JBE 2019.

Title 43
NATURAL RESOURCES
Part XXXI. Coastal Protection and Restoration Authority
Chapter 4. Coastal Protection and Restoration Authority
§401. Restricted Use during Emergency

A. Purpose. Activities on and in the vicinity of riverine levees, flood control levees, and other flood control structures can impact the soundness and effectiveness of those levees and flood control structures. Threats are enhanced as river stages rise. Levee failure during high river stages can be catastrophic. The Mississippi River and its Tributaries (MRandT) have risen to dangerously high levels in recent days prompting a Declaration of Emergency by the Governor of Louisiana (Proclamation No. 33 JBE 2019), and currently pose real and present danger to life and property if levees and/or flood control structures are breached.

B. Effective Jurisdiction. These emergency prohibitions of activities on levees and flood control structures will be effective and enforced for all Mississippi River and Tributaries (MR and T) projects, or a federal, state or local flood control structure that is or is designed to prevent or reduce flooding, including but not limited to all levees and flood control structures south of the Old River Control Structure, the Atchafalaya Basin and River, and any levee or flood control structure in the Coastal Area as defined in R.S. 49:214.2(4).

C. All pedestrian and vehicular traffic, including but not limited to, the driving and/or parking of vehicles, all-terrain vehicles, and mowing equipment, is prohibited within 300 feet of the levee centerline of the MRandT projects, or a federal, state or local flood control structure that is or is designed to prevent or reduce flooding except as provided in Subsection F. In addition, work of any nature within 300 feet of the levee centerline of the Mississippi River and Tributaries (MRandT) projects, or a federal, state or local flood control structure that is or designed to prevent or reduce flooding (including but not limited to placement of dumpsters, heavy equipment, heavy machinery, heavy trucks and/or stockpiles of supplies of any significant weight (fuel tanks, piping, etc.), transport of heavy loads over the levee or disturbing the grass cover or seepage areas, all subsurface work within 1,500 feet of a MRandT levee, or a federal, state or local flood control structure that is or is designed to prevent or reduce flooding including but not limited to pile driving, digging, excavation, and trenching, and seismic surveys/demolition using explosives within 5,000 feet of any MRandT project, or a federal, state or local flood control project that is or is designed to prevent or reduce flooding is hereby prohibited during the Declaration of Emergency or until this Emergency Rule is rescinded. Temporary measures such as sandbags, gabion baskets, water-filled tubes or other temporary flood-fighting measures shall be subject to prohibitions on vehicular and pedestrian traffic and any activity that disturbs the performance of such measures, however, subsurface and permitting restrictions established herein shall not apply to such temporary structures.

D. No person shall tie or moor logs, rafts, boats, water craft, or floating objects of any description within 100 feet of the original toe of any levee (the original toe being that established when there is no water against the levee) or 180 feet from the centerline of the levee, whichever distance is further from the centerline of the levee, or, when the water is against the levees, tie or moor floating objects insecurely to mooring posts, revetments, trees or other stationary or supposedly stationary objects on the foreshore where they can be driven against the levees during windstorms or high water events.

E. Waivers to recognized, permitted and current businesses may be granted on a case by case basis, and are dependent on the surrounding surface and subsurface ground conditions in the vicinity of the proposed project or activity, the distance the project is away from the levee and the forecasted river stages. All applications for a waiver must provide a statement that the applicant agrees to hold harmless and indemnify the Coastal Protection and Restoration Authority Board, the Coastal Protection and Restoration Authority, levee districts and authorities, the state, or any employee or agent thereof for any and all

liability arising out of the issuance or use of a waiver, including damage to any levee or flood protection structure. All waiver applications must include a copy of the applicant's existing permit and a detailed description of the activities for which a waiver is being requested. No waiver will be granted for subsurface work within 1,500 feet of a MRandT levee, hurricane protection project or a federal, state or local flood control project, and seismic surveys/demolition using explosives within 5,000 feet of any MRandT project, or a federal, state or local flood control project that is or is designed to prevent or reduce flooding. Requests for waivers shall be submitted to, the levee district of jurisdiction and:

Louisiana Coastal Protection and Restoration Authority, Operations Division,
ATTN: Billy Wall, P.E.,
P.O. Box 44027, Baton Rouge, LA 70804,
CPRARequest@la.gov

F. The Coastal Protection and Restoration Board (CPRA Board) and the Coastal Protection and Restoration Authority (CPRA) recognize the historic nature of this high water event. In this regard, levee districts are permitted to coordinate with the U.S. Army Corps of Engineers, CPRA Board, CPRA, and other state and local law enforcement officials to establish limited viewing areas that have a full-time law enforcement presence when open to the public.

G. Authorization and Delegation. The Coastal Protection and Restoration Authority Board is authorized, in Revised Statutes Title 49, Section 214.5.2.A.(6), to establish procedures in accordance with the Administrative Procedure Act to enforce compliance with the comprehensive master and annual coastal protection plan as defined in R.S. 49:214 et seq, including but not limited to addressing activities that may obstruct or interfere with the safety and integrity of the levees. Revised Statutes Title 49, Section 214.5.6 (D) provides that the "full police power of the state shall be exercised" by the CPRA Board and CPRA "to address the loss and devastation to the state and individuals arising from hurricanes, storm surges and flooding". It is further authorized in La. Revised Statutes Title 49, Section 214.5.2.A.(5), to delegate any of its powers, duties and functions to the executive director of the Coastal Protection and Restoration Authority, and to state agencies and political subdivisions, including flood protection authorities or levee districts. This emergency regulation is enacted in furtherance of that authority. R.S. 29:724 authorizes the issuance of executive orders, proclamations and regulations in times of emergency. This regulation is promulgated in conjunction with the Governor's Declaration of Emergency (Proclamation No. 33 JBE 2019) pertaining to the imminent threat of flooding of the Mississippi River and its tributaries.

H. Construction with Other Statutes, Ordinances and Regulations. To the extent any local ordinance, rule, regulation, and/or permitting requirement of a local governing body conflicts with the provisions of this regulation, this regulation shall control. However, nothing in this regulation shall be construed to supplant or override any local ordinance, rule, regulation, and/or permitting requirement that provides for a more stringent or restrictive limitation on use of a levee, hurricane protection project or a federal, state or local flood control project, and nothing shall be construed to prevent the simultaneous enforcement of this regulation and a consistent local prohibition or limitation. This regulation will not be construed to override existing limitations on use of levees, hurricane protection projects or federal, state or local flood control projects, including, but not limited to, the provisions of R.S. 38:213 (restricting riding or hauling on levees), R.S. 38:225, R.S. 38:226 or to interfere in any way with other statutory prohibitions of a more general nature, such as the trespass prohibitions found in Title 14 of the Louisiana Revised Statutes, all of which may be enforced simultaneously with this regulation.

I. Effectiveness. Except as noted in the following sentence, this emergency regulation is effective as of 12:00 A.M., June 30, 2019, and shall expire on the earlier of its expiration date as provided by statute (R.S. 49:954), or upon the lifting by the Governor of the Declaration of Emergency set forth in Proclamation No. 33 JBE 2019. This regulation shall become effective as to established and permitted commercial businesses operating within an area affected by this regulation 72 hours after the effective date and time of this regulation (as noted in the prior sentence), provided that if such permitted business has, prior to expiration of such 72-hour period, applied for a waiver as set forth above in Section D of this regulation, such waiver application shall act as a temporary waiver permit until CPRA has taken action on that business's waiver request.

J. Enforcement. The CPRA Board, CPRA, levee districts as well as all other state and local law enforcement officials are hereby authorized to enforce the provisions of this regulation.

K. Fees, Fines and Penalties. Violators of this regulation shall be subject to a civil fine imposed by the Coastal Protection and Restoration Authority of up to $10,000 for each violation. Second and any subsequent violations shall be subject to a civil fine of up to $20,000 for each violation. Violators shall also be subject to the provisions of R.S. 29:724 (E) which provides for up to $500 and six months in jail for violations of rules or regulations promulgated in conjunction with a declaration of emergency by the governor. Further, nothing in this regulation is intended to interfere with or prohibit the imposition of other applicable fines and penalties provided by other statutes and regulations in addition to those imposed by this regulation.

L. Non-Interference with Official Duties. This regulation shall not be construed to restrict the proper officers of the state or of any levee district or parish or the federal government and the employees and agents of such governmental entities while in the performance of their duty in inspecting, guarding, or repairing the levees or flood control projects.

AUTHORITY NOTE: Promulgated in accordance with R.S 49:214.3.1(A)(2), R.S. 49:214.3.1(B)(1)(k), R.S. 49:214.5.6(D), and R.S. 49:214.5.2

HISTORICAL NOTE: Promulgated by the Coastal Protection and Restoration Authority, LR 45:

Kyle R. "Chip" Kline, Jr.
Chairman

1907#009

DECLARATION OF EMERGENCY

Department of Health
Bureau of Health Services Financing

Abortion Facilities—Licensing Standards
(LAC 48:I.4431)

The Department of Health, Bureau of Health Services Financing amends LAC 48:I.4431 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 40:2175.1 et seq. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing repealed and replaced the provisions governing the licensing standards for abortion facilities in order to incorporate the changes imposed by legislation, and further revise and clarify those provisions (*Louisiana Register*, Volume 41, Number 4).

Act 97 of the 2016 Regular Session of the Louisiana Legislature increased the time period required for certain pre-operative services. Act 563 of the 2016 Regular Session of the Louisiana Legislature provides that at least 72 hours before the abortion, the pregnant woman seeking an abortion shall be given a copy of certain printed information, including resources, programs and services for pregnant women who have a diagnosis of fetal genetic abnormality, and given printed information about resources, programs and services for infants and children born with disabilities, as well as other related matters. Act 593 of the 2016 Regular Session of the Louisiana Legislature provides for the disposal, by interment or cremation, of fetal remains and designates procedures for giving patients options for arrangements. The department promulgated an Emergency Rule which amended the provisions governing outpatient abortion clinics in order to comply with the provisions of Acts 97, 563 and 593 (*Louisiana Register*, Volume 42, Number 12).

This Emergency Rule is being promulgated in order to continue the provisions of the December 3, 2016 Emergency Rule. This action is being taken to protect the health and welfare of Louisiana citizens by assuring the health and safety of women seeking health care services at licensed abortion facilities.

Effective July 29, 2019, the Department of Health, Bureau of Health Services Financing amends the provisions governing the licensing standards for abortion facilities.

Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 3. Licensing and Certification
Chapter 44. Abortion Facilities
Subchapter C. Pre-operative, Intra-operative, and Post-Operative Procedures
§4431. Screening and Pre-Operative Services

A. - E.1. ...

2. Requirements

a. Except as provided in Subparagraph b below, at least 72 hours prior to the pregnant woman having any part of an abortion performed or induced, and prior to the administration of any anesthesia or medication in preparation for the abortion on the pregnant woman, the physician who is to perform the abortion or a qualified person who is the physician's agent shall comply with all of the following requirements:

i. perform an obstetric ultrasound on the pregnant woman, offer to simultaneously display the screen which depicts the active ultrasound images so that the pregnant woman may view them and make audible the fetal heartbeat, if present, in a quality consistent with current medical practice. Nothing in this Section shall be construed to prevent the pregnant woman from not listening to the sounds detected by the fetal heart monitor, or from not viewing the images displayed on the ultrasound screen;

ii. provide a simultaneous and objectively accurate oral explanation of what the ultrasound is depicting, in a manner understandable to a layperson, which shall include the presence and location of the unborn child within the uterus and the number of unborn children depicted, the dimensions of the unborn child, and the presence of cardiac activity if present and viewable, along with the opportunity for the pregnant woman to ask questions;

iii. offer the pregnant woman the option of requesting an ultrasound photograph or print of her unborn child of a quality consistent with current standard medical practice that accurately portrays, to the extent feasible, the body of the unborn child including limbs, if present and viewable;

iv. from a form that shall be produced and made available by the department, staff will orally read the statement on the form to the pregnant woman in the ultrasound examination room prior to beginning the ultrasound examination, and obtain from the pregnant woman a copy of a completed, signed, and dated form; and

v. retain copies of the election form and certification prescribed above. The certification shall be placed in the medical file of the woman and shall be kept by the outpatient abortion facility for a period of not less than seven years. If the woman is a minor, the certification shall be placed in the medical file of the minor and kept for at least ten years from the time the minor reaches the age of majority. The woman's medical files shall be kept confidential as provided by law.

b. If the pregnant woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, then the physician who is to perform the abortion or a qualified person who is the physician's agent shall comply with all of the requirements of §4431.E.2.a at least 24 hours prior to the woman having any part of an abortion performed or induced.

c. - e. Repealed.

E.3. - G.1. ...

a. Except as provided in Subparagraph b below, at least 72 hours before the abortion the physician who is to perform the abortion or the referring physician shall provide informed consent to the pregnant woman seeking an abortion, pursuant to all laws, rules and regulations regarding informed consent. The informed consent shall be communicated both orally and in-person, and in writing, and shall be provided in a private room. Documentation of all

such informed consent provided shall be maintained in the patient's medical record.

b. If the woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, then the physician who is to perform the abortion or the referring physician shall comply with all of the requirements of §4431.G.1 at least 24 hours prior to the abortion.

1.c. - 3....

a. Except as provided in Subparagraph b below, at least 72 hours before a scheduled abortion the physician who is to perform the abortion, the referring physician, or a qualified person shall inform the pregnant woman seeking an abortion, orally and in-person that:

i. - iv. ...

b. If the woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, then the physician who is to perform the abortion the referring physician, or a qualified person shall comply with all of the requirements of §4431.G.3 at least 24 hours prior to the abortion.

4. ...

a. At least 72 hours before the abortion, the pregnant woman seeking an abortion shall be given a copy of the printed materials, pursuant to any applicable state laws, rules, and regulations, by the physician who is to perform the abortion, the referring physician, or a qualified person. These printed materials shall include any printed materials necessary for a voluntary and informed consent, pursuant to R.S. 40:1061.17. However, if the pregnant woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, she shall be given a copy of the printed materials at least 24 hours prior to an elective abortion procedure by the physician who is to perform the abortion or a qualified person as defined in R.S. 40:1061.17(B)(4)(c).

i. - NOTE. Repealed.

b. At least 72 hours before the abortion, the pregnant woman or minor female considering an abortion shall be given a copy of the department's *Point of Rescue* pamphlet and any other materials described in R.S. 40:1061.16 by the physician who is to perform the abortion or a qualified person as defined in R.S. 40:1061.17(B)(4)(c), except in the case of medical emergency defined by applicable state laws. However, if the pregnant woman or minor female considering an abortion certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, she shall be given a copy of these printed materials at least 72 hours prior to an elective abortion procedure by the physician who is to perform the abortion or a qualified person as defined in R.S. 40:1061.17(B)(4)(c), except in the case of medical emergency defined by applicable state laws.

i. The physician or qualified person shall provide to the woman, or minor female seeking an abortion, such printed materials individually and in a private room for the purpose of ensuring that she has an adequate opportunity to ask questions and discuss her individual circumstances.

ii. The physician or qualified person shall obtain the signature of the woman or minor female seeking an abortion on a form certifying that the printed materials were given to the woman or minor female.

iii. In the case of a minor female considering an abortion, if a parent accompanies the minor female to the appointment, the physician or qualified person shall provide to the parent copies of the same materials given to the female.

iv. The signed certification form shall be kept within the medical record of the woman or minor female for a period of at least seven years.

c. At least 72 hours before the abortion, the pregnant woman seeking an abortion shall be given a copy of a printed informational document including resources, programs and services for pregnant women who have a diagnosis of fetal genetic abnormality and resources, programs and services for infants and children born with disabilities. However, if the pregnant woman certifies in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy, she shall be given a copy of these printed materials at least 24 hours prior to an elective abortion procedure by the physician who is to perform the abortion or a qualified person as defined in R.S. 40:1061.17(B)(4)(c).

d. If the pregnant woman seeking an abortion is unable to read the materials, the materials shall be read to her. If the pregnant woman seeking an abortion asks questions concerning any of the information or materials, answers shall be provided to her in her own language.

NOTE: The provisions of this Section requiring a physician or qualified person to provide required printed materials to a woman considering an abortion shall become effective 30 days after the department publishes a notice of the availability of such materials.

5. ...

a. Prior to the abortion, the outpatient abortion facility shall ensure the pregnant woman seeking an abortion has certified, in writing on a form provided by the department that the information and materials required were provided at least 72 hours prior to the abortion, or at least 24 hours prior to the abortion in the case of a woman who has given prior certification in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy. This form shall be maintained in the woman's medical record.

b. ...

c. The pregnant woman seeking an abortion is not required to pay any amount for the abortion procedures until the 72-hour period has expired, or until expiration of the 24-hour period applicable in the case of a woman who has given prior certification in writing that she currently lives 150 miles or more from the nearest licensed outpatient abortion facility that is willing and able to perform the abortion at the particular woman's stage of pregnancy.

6. - 7.b. ...

8. Disposition of Fetal Remains

a. Each physician who performs or induces an abortion which does not result in a live birth shall ensure that the remains of the fetus are disposed of by interment or cremation, in accordance with the provisions of R.S. 8:651 et seq., and the provisions of LAC 51:XXVI.102 of the *Sanitary Code*.

b. Prior to an abortion, the physician shall orally and in writing inform the pregnant woman seeking an abortion in the licensed abortion facility that the pregnant woman has the following options:

i. the option to make arrangements for the disposition and/or disposal of fetal remains by interment or cremation, in accordance with the provisions of R.S. 8:651 et seq.; or

ii. the option to have the outpatient abortion facility/physician make the arrangements for the disposition and/or disposal of fetal remains by interment or cremation, in accordance with the provisions of R.S. 8:651 et seq.

c. The pregnant woman shall sign a consent form attesting that she has been informed of these options, and shall indicate on the form whether she wants to make arrangements for the disposition of fetal remains or whether she wants the facility to make arrangements for the disposition and/or disposal of fetal remains.

d. the requirements of §4431.G.8 regarding dispositions of fetal remains, shall not apply to abortions induced by the administration of medications when the evacuation of any human remains occurs at a later time and not in the presence of the inducing physician or at the facility in which the physician administered the inducing medications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2175.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:700 (April 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 45:

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello 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.

Rebekah E. Gee MD, MPH
Secretary

1907#030

DECLARATION OF EMERGENCY

Department of Health
Bureau of Health Services Financing

Ground Ambulance Provider Fees and Enhanced Reimbursements for Qualifying Ground Ambulance Service Providers (LAC 48:I.4001 and 50.XXVII.331)

The Department of Health, Bureau of Health Services Financing amends LAC 48:I.4001 and 50.XXVII.331 in the Medical Assistance Program as authorized by R.S. 36:254 and R.S. 46:2625 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.

Act 299 of the 2019 Regular Session of the Louisiana Legislature directs the Department of Health, Bureau of Health Services Financing to amend the provisions governing the health care service provider fees for ground ambulance service providers to include non-emergency ground ambulance services, and to include non-emergency ground ambulance services in enhanced reimbursement for emergency ground ambulance transportation services. In order to comply with the requirements of Act 299, the department amends the provisions governing provider fees and emergency medical transportation enhanced reimbursements.

This action is being taken in order to secure enhanced federal funding. It is estimated that implementation of this Emergency Rule will increase revenue collections in the Medicaid Program by approximately $13,310,860 and increase expenditures by $13,310,860 for state fiscal year 2019-2020.

Effective July 1, 2019, the Department of Health, Bureau of Health Services Financing amends the provisions governing healthcare service provider fees and emergency medical transportation.

Title 48
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part I. General Administration
Subpart 1. General

Chapter 40. Provider Fees

§4001. Specific Fees

A. Definitions

*Emergency Ground Ambulance Service Provide*r-a non-public, non-federal provider of emergency and non-emergency ground ambulance services.

***

B. – D. ...

E. Emergency and Non-Emergency Ground Ambulance Services. Effective August 1, 2016, a fee shall be imposed on emergency ground ambulance service providers for emergency ground ambulance services in accordance with R.S. 46:2626. Effective July 1, 2019, this fee shall also include non-emergency ambulance services.

1. The total assessment for the initial state fiscal year in which the assessment is charged shall not exceed the lesser of the following:

a. ...

b. 1 1/2 percent of the net operating revenue of all emergency ground ambulance service providers assessed relating to the provision of emergency and non-emergency ground ambulance transportation.

2. Except for the first year maximum fee of 1 1/2 percent of the net operating revenue, the department shall not impose any new fee or increase any fee on any emergency ground ambulance service provider on or after July 1, 2016, without first obtaining either of the following:

a. ...

b. written agreement of those providers subject to the fee which provide a minimum of 65 percent of the emergency and non-emergency ground ambulance transports.

3. After the initial year of assessment, the assessment shall be a percentage fee, determined at the discretion of the secretary and subject to the provisions below in collaboration with the express and written mutual agreement of the emergency ground ambulance service providers subject to the assessment and which make up a minimum of 65 percent of all emergency and non-emergency ground ambulance transports in the state of Louisiana.

a. ...

4. Repealed.

F. - F.5. ...

AUTHORITY NOTE: Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601-2605, redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and P.L. 102-234.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), amended LR 20:51 (January 1994), LR 26:1478 (July 2000), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 33:100 (January 2007), amended by the Department of Health, Bureau of Health Services Financing, LR 42:1887, 1888 (November 2016), LR 43:73 (January 2017), repromulgated LR 43:323 (February 2017), amended LR 44:1015 (June 2018), LR 44:1894 (October 2018), LR 45:

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXVII. Medical Transportation Program

Chapter 3. Emergency Medical Transportation

Subchapter B. Ground Transportation

§331. Enhanced Reimbursements for Qualifying Emergency Ground Ambulance Service Providers

A. Emergency Medical Transportation

1. Qualifying emergency ambulance service providers assessed a fee as outlined in LAC 48:I.4001.E.1.a-b shall receive enhanced reimbursement for emergency ground ambulance transportation services rendered during the quarter through the Supplemental Payment Program described in the Medicaid State Plan.

2. Effective for dates of service on or after July 1, 2019, qualifying emergency ambulance service providers assessed a fee as outlined in LAC 48:I.4001.E.1.a-d shall receive enhanced reimbursement for non-emergency ground ambulance transportation services rendered during the quarter through the Supplemental Payment Program described in the Medicaid State Plan.

B. - B.4. ...

C. Payment Methodology

1. Payment will include non-emergency ground ambulance services after July 1, 2019. The enhanced reimbursement to each qualifying emergency ground ambulance service provider shall not exceed the sum of the difference between the Medicaid payments otherwise made to these providers for the provision of emergency and non-emergency ground ambulance transportation services and the average amount that would have been paid at the equivalent community rate.

2. - 2.a. ...

3. The specific methodology to be used in establishing the enhanced reimbursement payment for ambulance providers is as follows.

a. The department shall identify Medicaid ambulance service providers that qualify to receive enhanced reimbursement Medicaid payments for the provision of emergency and non-emergency ground ambulance transportation services.

b. For each Medicaid ambulance service provider identified to receive enhanced reimbursement Medicaid payments, the department shall identify the emergency and non-emergency ground ambulance transportation services for which the provider is eligible to be reimbursed.

c. For each Medicaid ambulance service provider described in Subparagraph C.3.a of this Section, the department shall calculate the reimbursement paid to the provider for the provision of emergency and non-emergency ground ambulance transportation services identified under Subparagraph C.3.b of this Section.

d. ...

e. For each Medicaid ambulance service provider described in Subparagraph C.3.a of this Section, the department shall subtract an amount equal to the reimbursement calculation for each of the emergency and non-emergency ground ambulance transportation services under Subparagraph C.3.c of this Section from an amount equal to the amount calculated for each of the emergency and non-emergency ground ambulance transportation services under Subparagraph C.3.d of this Section.

f. For each Medicaid ambulance service provider described in Subparagraph C.3.a of this Section, the department shall calculate the sum of each of the amounts calculated for emergency and non-emergency ground ambulance transportation services under Subparagraph C.3.e. of this Section.

g. - h. ...

D. Effective Date of Payment

1. The enhanced reimbursement payment shall be made effective for emergency ground ambulance transportation services provided on or after August 1, 2016, and for non-emergency ground transportation services provided after July 1, 2019. This payment is based on the average amount that would have been paid at the equivalent community rate.

2. After the initial calculation for fiscal year 2015-2016 for emergency ground ambulance transportation services and after the initial calculation for fiscal year 2019-2020 for non-emergency ground ambulance transportation

services, the department will rebase the equivalent community rate using adjudicated claims data for services from the most recently completed fiscal year. This calculation may be made annually but shall be made no less than every three years.

E. - E.1. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 42:1890 (November 2016).

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 Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Steele 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.

Rebekah E. Gee MD, MPH
Secretary

1907#013

DECLARATION OF EMERGENCY

Department of Health
Bureau of Health Services Financing

Inpatient Hospital Services
Reimbursement Methodology
Outlier Pool Rate Increase
(LAC 50:V.954)

The Department of Health, Bureau of Health Services Financing amends LAC 50:V.954 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.

House Concurrent Resolution 5 (HCR 5) of the 2019 Regular Session of the Louisiana Legislature directed the Department of Health, Bureau of Health Services Financing to set the catastrophic outlier pool aggregate payment amount in Medical Assistance Program to be no less than fifty percent of the amount of the total hospital outlier claims submitted with dates of service in state fiscal year 2017-2018. In order to comply with the requirements of HCR 5, the department amends the provisions governing the reimbursement methodology for inpatient hospital services to increase outlier pool payments.

This action is being taken to promote the health and welfare of Medicaid recipients by ensuring continued access to inpatient hospital services. It is estimated that implementation of this Emergency Rule will increase programmatic expenditures in the Medicaid Program by $11,092,179 for fiscal year 2019-2020.

Effective July 1, 2019, the Department of Health, Bureau of Health Services Financing amends the provisions governing inpatient hospital services reimbursement to increase outlier pool payments.

Title 50
PUBLIC HEALTH─MEDICAL ASSISTANCE
Part V. Hospital Services
Subpart 1. Inpatient Hospital Services
Chapter 9. Non-Rural, Non-State Hospitals
Subchapter B. Reimbursement Methodology
§954. Outlier Payments

A. - I.2. ...

J. Effective on or after July 1, 2019, the outlier pool for admissions during SFY 2019 and subsequent state fiscal years shall cover eligible claims and shall not exceed $21,092,179 annually. Payment shall be the costs of each hospital's eligible claims less the prospective payment, divided by the sum of all eligible claims costs in excess of payments, multiplied by $21,092,179.

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 36:519 (March 2010), amended LR 39:3096 (November 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 45:

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 Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Steele 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.

Rebekah E. Gee MD, MPH
Secretary

1907#012

DECLARATION OF EMERGENCY

Department of Health
Bureau of Health Services Financing

Nursing Facilities—Licensing Standards
Virtual Visitation (LAC 48:I.9781)

The Department of Health, Bureau of Health Services Financing adopts LAC 48:I.9781 as authorized by R.S. 36:254 and 40:1193.1-1193.11. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, 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.

Act 596 of the 2018 Regular Session of the Louisiana Legislature, hereafter referred to as the Nursing Home Virtual Visitation Act, enacted R.S. 40:1193.1-1193.11 which directed the Department of Health to establish provisions governing nursing facility virtual visitation in

order to provide for consent, by a nursing facility resident or a legal representative, relative to the authorization for installation and use of a monitoring device in the room of the resident.

In compliance with the requirements of Act 596, the Department of Health, Bureau of Health Services Financing amended the provisions governing the licensing of nursing facilities in order to adopt provisions governing virtual visitation (*Louisiana Register*, Volume 44, Number 11). This Emergency Rule is being promulgated in order to continue the provisions of the November 20, 2018 Emergency Rule. This action is being taken to promote the health and well-being of Louisiana residents in nursing facilities that consent to the authorization for installation and use of a monitoring device in the resident's room.

Effective July 20, 2019, the Department of Health, Bureau of Health Services Financing amends the provisions governing the licensing of nursing facilities in order to adopt provisions governing virtual visitation.

Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 3. Licensing and Certification
Chapter 97. Nursing Facilities
Subchapter C. Resident Rights
§9781. Virtual Visitation

A. Each nursing facility licensed by the Department of Health shall comply with the provisions of the Nursing Home Virtual Visitation Act of 2018 enacted by the Louisiana Legislature, or such amendments enacted thereafter.

B. The term *monitoring device*, as used in this Section, shall have the same meaning as defined in the Nursing Home Virtual Visitation Act of 2018.

C. Capacity to Consent to Virtual Visitation

1. A resident's capacity to consent to the authorization for installation and use of a monitoring device is presumed if the resident has not been interdicted and has no current documented medical diagnosis affecting capacity.

2. Any question as to capacity of a non-interdicted resident to consent to the authorization for installation and use of a monitoring device shall be determined by the resident's admitting physician, the resident's personal physician, or the medical director of the nursing facility; such determination shall be documented in the resident's medical record.

3. The nursing facility shall have a policy regarding capacity to consent to the authorization for installation and use of a monitoring device in a resident's room; such policy shall include, at a minimum, the provisions of §9781.C.1 and §9781.C.2.

AUTHORITY NOTE: Promulgated in accordance with R.S.36:254 and 40:1193.1-1193.11.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 45:

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Castello 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.

Rebekah E. Gee MD, MPH
Secretary

1907#031

DECLARATION OF EMERGENCY

Department of Health
Bureau of Health Services Financing

Pharmacy Benefits Management Program
Pharmacy Copayment (LAC 50:XXIX.111)

The Department of Health, Bureau of Health Services Financing amends LAC 50:XXIX.111 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, Bureau of Health Services Financing received approval from the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) of a State Plan Amendment (SPA) relative to assessing drug copays to managed care enrollees and compliance with federal cost sharing rules. The department promulgated an Emergency Rule which amended the provisions governing copayment in the Pharmacy Benefits Management Program in order to add a copay tier to allow individuals with a household income of less than or equal to $800 per month to be charged $0 drug copays from April 1, 2019-December 31, 2019 to align with the corresponding CMS-approved SPA in compliance with federal regulations and CMS requirements (*Louisiana Register*, Volume 45, Number 4).

This Emergency Rule is being promulgated in order to continue the provisions of the April 1, 2019 Emergency Rule. This action is being taken in order to avoid federal sanctions.

Effective July 31, 2019, the Department of Health, Bureau of Health Services Financing amends the provisions governing copayment in the Pharmacy Benefits Management Program.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXIX. Pharmacy
Chapter 1. General Provisions
§111. Copayment

A. - A.1. ...

* * *

a. For dates of service April 1, 2019 through December 31, 2019, recipients with a household income of less than or equal to $800 per month will not be subject to copay.

A.2. - C.4. ...

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, LR 32:1055 (June 2006), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1181 (June 2017), LR 43:1553 (August 2017), LR 45:

Interested persons may submit written comments to Jen Steele, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. Steele 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.

Rebekah E. Gee MD, MPH
Secretary

1907#032

DECLARATION OF EMERGENCY

Department of Health
Office of Public Health

Registration of Foods, Drugs, Cosmetics and Prophylactic Devices
(LAC 49:Chapter 5 and LAC 51.VI.301)

The Louisiana Department of Health, Office of Public Health (LDH/OPH), pursuant to the emergency rulemaking authority granted by R.S. 40:4(A)(13), hereby adopts the following Emergency Rule for the protection of public health. This Emergency Rule is promulgated specifically in accordance with R.S. 49:953(B) of the Administrative Procedure Act (R.S. 49:950 et seq.).

The LDH/OPH finds it necessary to make changes to the Louisiana Administrative Code given the need for regulation of the cannabidiol-containing products made legal for sale to consumers under the provisions of Act No. 164 of the 2019 Louisiana Legislature. The following changes will authorize the LDH/OPH the ability to properly register these items, inspect firms that manufacture such items for human consumption, and conduct oversight of labelling, which could affect the health of Louisiana's citizens and visitors. Further, this Emergency Rule will provide the state health officer the ability to make critical decisions that protect human health. Accordingly, the following Emergency Rule, effective upon signature, shall remain in effect for a maximum of 120 days, or until the final Rule is promulgated, whichever occurs first.

This rule amends §501, §503, §509, and §515, repeals §511, and adds new §§517-529 of Chapter 5 of Title 49—Public Health—Food, Drugs, and Cosmetics. Changes to §501 amend typographical errors in the original language and add new definitions. Changes to §503 reflect changes to the name of the unit and the agency since the promulgation of the original language. Changes to §509 reflect the schedule actually being followed for registrations, which matches with the state's fiscal year (July 1 – June 30). Changes to §515 address the deletion of date language for February 1, 1986. §511 referenced a delinquent penalty schedule no longer in use or authorized by state law. §§517-529 are the new industrial-hemp-derived cannabidiol product registration rules.

Additionally, this rule amends §301 of Chapter 3 of Part VI of Title 51—Public Health—Sanitary Code. Changes to §301 update an adoption-by-reference of federal regulations and add a new rule regarding the inspection of manufacturers of cannabidiol-containing products for human consumption

Title 49
PUBLIC HEALTH—FOOD, DRUGS, AND COSMETICS

Chapter 5. Registration of Foods, Drugs, Cosmetics and Prophylactic Devices

§501. Definitions
[Formerly 49:2.2100]

A. Unless otherwise specifically provided herein, the following words and terms used in this Chapter of Title 49, and all other Chapters of Title 49 which are adopted or may be adopted, are defined for the purposes thereof as follows.

Accrediting Body—for the purposes of this Chapter, the International Organization for Standardization (ISO).

* * *

Cannabidiol—a nonpsychotropic cannabinoid found in *Cannabis sativa* L. and other conspecifics that can have a variety of physiological effects on the human body.

CBD—cannabidiol.

Certificate of Analysis—a document produced by an approved laboratory attesting to the composition of a product.

Certificate of Registration (FD-8)—certificate issued by the Food and Drug/Milk and Dairy Unit attesting that products produced or distributed by the holder's company have been registered with that entity.

* * *

Dietary Supplement—means a product other than tobacco intended to supplement the diet that is not represented for use as a conventional food, that is not a drug, and that is labeled as a dietary supplement and bears or contains one or more of the following dietary ingredients or a concentrate, metabolite, constituent, extract, or combination thereof: a vitamin, a mineral, a botanical, an amino acid, or a dietary substance for use by man to supplement the diet by increasing the total dietary intake.

* * *

Food—includes all substances and preparations used for or entering into the composition of food, drink, confectionery, chewing gum or condiment for man.

Industrial Hemp—the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis.

Industrial-Hemp-Derived Cannabidiol Products (IHDCP)—any product intended for consumption and containing cannabidiol that was made from industrial hemp.

Industrial Hemp-Derived Cannabidiol Products Database—repository of information on products and firms that are registered with the Food and Drug/Milk and Dairy Unit of LDH/OPH that fall into the category of industrial-hemp-derived cannabidiol products.

* * *

QR Code—Quick Response Code, a type of machine-readable, two-dimensional barcode that stores information about a product.

* * *

THC—delta-9 tetrahydrocannabinol.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1482(J), R.S. 40:4(A)(13), R.S. 40:5(A)(8)(17) and R.S. 40:604.

HISTORICAL NOTE: Adopted by the Louisiana State Board of Health, September 1968, amended by the Louisiana Department of Health, Office of Public Health, LR 45:

§503. Registration Provisions [Formerly 49:2.2110]

A. In accordance with the provisions of R.S. 40:627, each manufacturer, packer or proprietor of processed foods, proprietary or patent medicines, prophylactic devices and cosmetics in packaged form shall register each separate and distinct product annually with the Louisiana Food and Drug /Milk and Dairy Unit/ LDH/OPH.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1482(J), R.S. 40:4(A)(13), R.S. 40:5(A)(8)(17) and R.S. 40:604..

HISTORICAL NOTE: Adopted by the Louisiana State Board of Health, September 1968, amended by the Louisiana Department of Health, Office of Public Health, LR 45:

§509. Product Registration Procedure [Formerly 49:2.2140]

A. In accordance with the provisions of R.S. 40:627 and 628 and in order to establish revised procedures for the annual registration of products, manufacturers, packers, processors and distributors of all processed foods, proprietary or patent medicines, prophylactic devices and cosmetics in packaged form, whose names appear on the labels, must submit an application for registration of such products on or before July 1 of each year. Certificates of registration will be issued to each firm for a period of one year expiring on June 30 of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1482(J), R.S. 40:4(A)(13), R.S. 40:5(A)(8)(17) and R.S. 40:604.

HISTORICAL NOTE: Adopted by the Louisiana State Board of Health, September 1968, amended by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 10:9 (January 1984), LR 9:562 (August 1983), amended by the Department of Health and Human Resources, Office of Preventive and Public Health Services LR 11:1161 (December 1985), amended by the Louisiana Department of Health, Office of Public Healt45:

§511. Late Registration Penalty Fees [Formerly 49:2.2150]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 40:604, and R.S. 40:627(D).

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Office of Preventive and Public Health Services, September 1968, amended by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 10:9 (January 1984), LR 9:562 (August 1983), amended by the Department of Health and Human Resources, Office of Preventive and Public Health Services LR 11:1161 (December 1985), repealed by the Louisiana Department of Health, Office of Public Health, LR 45:

§515. Late Registration Penalty Fee Assessment [Formerly 49:2.2170]

A. The late registration penalty fees as established by Act 344 of the 1985 Louisiana Legislature will assess each manufacturer, packer, or proprietor a penalty of $10 for failure to register each separate and distinct product annually. The penalty assessed shall be in addition to the examination and investigation charge (registration fee). No manufacturer, packer, or proprietor shall be assessed a late registration penalty fee of more than $100 in any calendar year.

B. ...

C. Late registration penalty fees will be imposed on those firms which fail to submit an application for registration and registration fees on or before July 1 of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(13), R.S. 40:604, and R.S. 40:627(D).

HISTORICAL NOTE: Adopted by the Louisiana State Board of Health, September 1968, amended by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 10:9 (January 1984), LR 9:562 (August 1983), amended by the Department of Health and Human Resources, Office of Preventive and Public Health Services LR 11:1161 (December 1985),amended by the Louisiana Department of Health, Office of Public Health, LR 45:

§517. Registration of Industrial-Hemp-Derived Cannabidiol Products

A. In accordance with the provisions of R.S. 3:1470 as promulgated by the 2019 Legislature, manufacturers or distributors of industrial-hemp-derived cannabidiol products must register each separate and distinct product with the Food and Drug/Milk and Dairy Unit of LDH/OPH annually and initially within 90 days of the effective date of these regulations or prior to marketing the products in the state of Louisiana, whichever comes first.

B. The manufacturer of any product that is not registered within the specified timeframe will be deemed to be in violation of these rules with respect to such product(s).

C. In lieu of the annual examination and administration charge normally collected under R.S. 40:628(B), the applicant for an industrial-hemp-derived cannabidiol product registration must provide (both initially and on or before July 1 of each year) the Food and Drug/Milk and Dairy Unit of LDH/OPH with an application form, a cashier's check or money order made payable to the department in the amount of $50 per each separate and distinct CBD product, specimen copies of labeling in paper or electronic format, and a list of all products the applicant wishes to register with the department. If the packet meets these regulatory requirements, the department will issue to the applicant an FD-8a Certificate of IHDCP (Industrial Hemp-Derived Cannabidiol Products Database) Registration and the application information will be entered into the LDH/OPH Industrial-Hemp-Derived Cannabidiol Products Database.

D. No person is authorized to distribute any industrial-hemp-derived cannabidiol products in the state of Louisiana unless that person has first obtained a Certificate of IHDCP Registration from the Food and Drug/Milk and Dairy Unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1482(J), 40:4(A)(13), and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Health, Office of Public Health, LR 45:

§519. Industrial-Hemp-Derived Cannabidiol Products Labeling Requirements: Certificate of Analysis

A. In addition to the requirements enumerated in R.S. 40:608, industrial-hemp-derived cannabidiol products must bear labeling that includes a scannable bar code, QR code, or a web address linked to a document or website containing the certificate of analysis for that product.

B. The certificate of analysis must be from a laboratory that is accredited by LDH/OPH.

C. The certificate of analysis must include, at a minimum, the following information:

1. the batch number of the product;
2. the date the batch was received by the laboratory;
3. the date the testing was completed;
4. the laboratory methodology used for each analysis referenced in the report;
5. the amount of THC by dry weight in milligrams;
6. the amount of CBD by dry weight in milligrams;
7. the amount of any detected residual solvent in the product in parts per million;
8. the amount of any detected pesticide residues in the product in parts per million;
9. the amount of any microbiological contaminants in the product in colony-forming units (CFU) per gram; and
10. the amount of any detected heavy metal traces in the product in parts per million.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1482(J), 40:4(A)(13), and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Health, Office of Public Health, LR 45:

§521. Industrial-Hemp-Derived Cannabidiol Products Labeling Requirements: Disclaimer

A. Each primary container of industrial-hemp-derived cannabidiol product must bear the following statement: "This product has not been evaluated by the Food and Drug Administration and is not intended to diagnose, treat, cure, or prevent any disease."

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1482(J), 40:4(A)(13), and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Health, Office of Public Health, LR 45:

§523. Industrial-Hemp-Derived Cannabidiol Products Labeling Requirements: Health Claims Prohibited

A. No product labeling or advertising material for any industrial-hemp-derived cannabidiol product sold or otherwise distributed in the state of Louisiana may bear any implicit or explicit health claims.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1482(J), R.S. 40:4(A)(13), and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Health, Office of Public Health, LR 45:

§525. Industrial-Hemp-Derived Cannabidiol Products Labeling Requirements: Dietary Supplements Prohibited

A. No industrial-hemp-derived cannabidiol product may be marketed as a dietary supplement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1482(J), R.S. 40:4(A)(13), and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Health, Office of Public Health, LR 45:

§527. Penalties for Violations of Requirements to Register Industrial-Hemp-Derived Cannabidiol Products

A. Any person who violates the provisions requiring registration of industrial-hemp-derived cannabidiol products is subject to the penalties provided for by R.S. 3:1484 and other sanctions as provided for by the State Food, Drug, and Cosmetic Law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1482(J), R.S. 40:4(A)(13), and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Health, Office of Public Health, LR 45:

§529. Exemptions

A. Industrial-hemp-derived cannabidiol products that have been produced in accordance with R.S. 40: 1046 or that are FDA-approved pharmaceuticals are not subject to the requirements of this regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1482(J), R.S. 40:4(A)(13), and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Health, Office of Public Health, LR 45:

Title 51

PUBLIC HEALTH—SANITARY CODE

Part VI. Manufacturing, Processing, Packing and Holding of Food, Drugs and Cosmetics

Chapter 3. Current Good Manufacturing Practices in Manufacturing, Processing, Packing or Holding Human Food

§301. General Provisions; Code of Federal Regulations [formerly paragraph 6:039]

A. The criteria in 21 CFR 117 Subpart B and Subpart F (Code of Federal Regulations) shall apply in determining whether the facilities, methods, practices, and controls used in the manufacturing, processing, packing or holding of food are in conformance with or are operated or administered in conformity with good manufacturing practices to assure that food for human consumption is safe and has been prepared, packed and held under sanitary conditions.

B. In accordance with R.S. 3:1468, facilities producing industrial-hemp-derived cannabidiol products intended for human consumption will be inspected under the provisions of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with the provisions of R.S. 40:4(A)(1)(a). Also see R.S. 40:601 et seq., and R.S. 3:1468.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 28:1234 (June 2002), amended by the Louisiana Department of Health, Office of Public Health, LR 45:

Interested persons may submit written comments to Michael Vidrine, Director, Sanitarian Services, Office of Public Health, Louisiana Department of Health, P.O. Box 4489, Baton Rouge, LA 70821-4489. He is responsible for responding to inquiries regarding this Emergency Rule.

Jimmy Guidry, MD
State Health Officer
and
Rebekah E. Gee, MD, MPH
Secretary

1907#050

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections
Office of State Fire Marshal

Fireworks Public Displays and Operators
(LAC 55:V.Chapter 19)

In accordance with the provisions of R.S. 40:1563(F) and R.S. 51:650 et seq., relative to the authority of the Office of State Fire Marshal regarding the regulation of fireworks, and in accordance with the provisions of the Administrative

Procedure Act, R.S. 49:950 et seq., the Office of State Fire Marshal finds that an imminent peril to the public safety and welfare requires adoption of a Rule upon shorter notice than that provided in R.S. 49:953(A), as provided in R.S. 49:953(B)(1)(a), as fireworks season is immediately upon the Office of State Fire Marshal and this Rule requires licensed operators provide site plans to the Office of State Fire Marshal detailing the discharge and fallout areas of the fireworks as it relates to the proxmity of the public. This Rule also explains the training and certification process to persons seeking a Class C pyrotechnic operator's license who conduct outdoor firework displays for the general public, as required in R.S. 51:655; adopts the necessary chapters of NFPA 1123, *Code for Fireworks Display*, to ensure the proper measures and equipment are present for the protection and safety of the public; and requires fire extinguishers on site for the storage or display of fireworks. It is necessary to adopt this Emergency Rule in place until the corresponding permanent rules can be adopted. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and is adopted on June 27, 2019, and shall take effect on June 27, 2019, and be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Title 55

PUBLIC SAFETY

Part V. Fire Protection

Chapter 19. Fireworks

§1901. Fireworks/Public Display

A. Pursuant to R.S. 51:655, any person, firm or corporation, or other legal entity desiring a permit for a public display may apply to either the Office of State Fire Marshal, 8181 Independence Blvd., Baton Rouge, Louisiana 70806, or to any certified local authority, which application shall contain the following information in the form of an affidavit sworn and subscribed by a duly licensed and qualified notary public:

1. the date, time and place of the public display including the length of time;

2. a site plan detailing the information regarding the discharge and fallout areas as it relates to the proximity of the public and all fire prevention plans and provisions which will be present and in force and available to assure the public safety at the public display;

3. a copy of the license by the Office of State Fire Marshal licensing the manufacturer, importer, distributor, jobber, or retailer who will be supplying and/or conducting the public display or sufficient detail on the individual firm, corporation or other legal entity who will be supplying and/or conducting the public display to ensure the state fire marshal or his certified local authority that the fireworks and the actual presentation and conduct of the public display will not endanger the public safety; such facts required in lieu of a license include business history, including length of time in business; representative clients; references from public officials in fire safety; educational background of employees; and any and all other types of information which would ensure the fire marshal or his certified authority that the public display will not endanger the public safety.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(F) and R.S. 51:650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, the Office of the State Fire Marshal, LR 7:642 (December 1981), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1699 (December 1997), LR 45:

§1902. Class C Pyrotechnic Operator Training and Certification Requirements

A. The purpose of this Section is to establish the pre-license training and certification requirements for Class C Pyrotechnic Operators. The state fire marshal shall establish a training program for the licensure of Class C Pyrotechnic Operators. A license may be granted upon demonstration that the applicant has a satisfactory understanding of the handling and use of Class C fireworks, equipment used for Class C public displays, and the operations of the display as defined herein.

B. Applicants for Class C Pyrotechnic operator licenses are required to meet the certification requirements pursuant to R.S. 51:655, et seq., and these rules. Upon completion of the pre-license training, an applicant is eligible to take the required examination. An applicant for a Class C Pyrotechnic Operator license shall pass an examination prescribed and administered by the Office of State Fire Marshal. Correctly answering 70 percent or more of the questions will be considered a passing score. If the applicant fails on the first attempt, he is eligible to immediately take the examination a second time. If, however, a passing score is not achieved on the second attempt the applicant may only attempt the examination once every 30 calendar days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(F) and R.S. 51:650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 45:

§1904. Adoption of NFPA Standard 1123, *Code for Fireworks Display*

A. For the purpose of establishing the criteria for a Class C Public Display and the associated Class C Public Display Operator license, the state fire marshal adopts the following sections of the 2018 edition of NFPA 1123, *Code for Fireworks Display*:

1. NFPA 1123, Chapter 3, Definitions;

2. NFPA 1123, Chapter 4, Requirements for Display Fireworks Aerial Shells and Equipment;

3. NFPA 1123, Chapter 5, Display Site Selection;

4. NFPA 1123, Chapter 8, Operation of the Display;

5. NFPA 1123, Chapter 10, Qualifications (10.1.2 excepted); and

6. NFPA 1123, Annex D.3, Requirements for Consumer Fireworks, Novelties, and Theatrical Pyrotechnics.

B. All Class C Pyrotechnic Operators shall maintain a copy of the currently adopted edition of NFPA 1123 at all Class C public displays.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(F) and R.S. 51:650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of the

State Fire Marshal, LR 45:

§1905. Retail Fireworks Sales

A. In addition to the requirements of Louisiana Revised Statutes including but not limited to Louisiana Revised Statutes 51:650, et seq., and more specifically Section 653

and 654, as well as Louisiana Revised Statutes 40:1563, et seq., and more specifically 1578.6 and 1605, licensed retail sellers of fireworks are required to comply with the following requirements.

1. There shall be no open flame heating devices in any location from which the sale of fireworks is made at retail.

2. There shall be no sleeping within the facility in which fireworks are sold, offered for sale or stored.

3. In any place where retail fireworks sales are made or offered or retail fireworks are stored there shall be a minimum of one unobstructed exit.

4. The physical facility, such as a fireworks stand, retail fast food outlet or any other similar facility out of which fireworks are sold, offered for sale or stored shall not be located less than 75 feet from any facility or mechanism in which flammable liquids are dispensed and/or stored above ground. Additionally, no fireworks shall be exploded within 75 feet from any facility or mechanism where flammable liquids are dispensed and/or stored above ground.

5. In any retail outlet except those which sell only fireworks, no fireworks shall be stored, displayed, or offered for sale within 10 feet of any required exit unless the fireworks are stored or contained within a container which will resist fire from any outside source.

6. No facility for the retail sale or storage of fireworks shall be located less than 25 feet from a public roadway.

7. All of the wiring in any facility for the retail sale or storage of fireworks shall be in accordance with the National Electric Code.

8. Any facility for the retail sale or storage of fireworks shall have available one serviceable fire extinguisher in accordance with NFPA 10 and LAC 55:V.3001, et seq.

9. In accordance with LAC 55:V.3015.A, all portable fire extinguishers maintained on the premises of any retail location, storage facility, or public display site shall be inspected annually by a contractor who holds a current and valid license from the Office of State Fire Marshal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1563(F) and R.S. 51:650 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of the State Fire Marshal, LR 9:691 (October 1983), LR 45:

Lt. Col. Jason Starnes
Undersecretary

1907#010

DECLARATION OF EMERGENCY

Department of Public Safety and Corrections
Uniform Construction Code Council

Temporary Exemption to Certification Requirement
(LAC 55:VI.901)

The Department of Public Safety and Corrections, Office of State Fire Marshal, Louisiana State Uniform Construction Code Council (LSUCCC) has exercised the emergency provision in accordance with R.S. 49:953(B) of the Administrative Procedure Act, to amend, supplement and expand portions of and readopt LAC 55:VI.Chapter 9 in the state Uniform Construction Code as authorized by R.S.40:1730.34, R.S.40:1730.35, R.S.40:1730.36 and R.S. 40:1730.38. Furthermore, the LSUCCC has found an immediate need to adopt amendments of the current registration provisions in Title 55 Part VI Section 901 regarding provisional registrations of inspectors to insure health and safety for the public.

The state of Louisiana has experienced a large shortage of certified inspectors across all regions. The LSUCCC is promulgating this Rule adoption and amendments to provide greater health and safety for the public and those providing inspections of structures. This amendment will also provide for a longer transition period for inspectors who have previously served in the military thus creating a larger pool of potential employees to fill the void. This rule was first adopted and published in the February 2007 edition of the *Louisiana Register* (Vol. 33, No. 2). The Rule became effective on February 20, 2007. This Emergency Rule is being promulgated to continue those provisions. It was favorably voted on by the Uniform Construction Code Council on May 14, 2019. By signature of the agency head, Chief H. "Butch" Browning, Jr., it was adopted and became effective on June 19, 2019. It shall be in effect for the maximum period allowed under the Act (120 days) or until adoption of the final Rule, whichever occurs first.

The public welfare dictates that these changes be implemented immediately through the adoption of the Emergency Rule to promote greater access to more inspectors and to insure safety to existing facilities undergoing renovations and for new proposed facilities.

Title 55
PUBLIC SAFETY
Part VI. Uniform Construction Code Enforcement
Chapter 9. Temporary Exemption to Certification Requirement

§901. Employment after January 1, 2007

A. Upon employment or if currently employed and promoted to a specific certification by a parish, municipality, or other political subdivision, an individual must be granted a provisional F certificate of registration without certification by a recognized code organization or testing agency, provided that such individual is under the supervision of a registered code enforcement officer who is certified by the International Code Council. Provisional F certifications shall be as follows.

1. A provisional F certification shall be valid for 12 months from date of hire or promotion.

2. A provisional F certification for veterans shall be valid for 24 months from date of hire or promotion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:293 (February 2007), amended LR 35:2821 (December 2009), repromulgated LR 36:329 (February 2010), amended LR 40:2611 (December 2014), LR 45:

Chief H. "Butch" Browning, Jr
State Fire Marshal

1907#005

DECLARATION OF EMERGENCY

Department of Revenue
Office of Alcohol and Tobacco Control

CBD Product Public Safety Regulations
(LAC 55:VII.Chapter 6

The Louisiana Department of Revenue, Office of Alcohol and Tobacco Control, pursuant to the emergency rulemaking authority granted by R.S. 49:953(B) of the Administrative Procedure Act (R.S. 49:950, et seq.) and the specific rule making authority granted by R.S. 3:1483, hereby adopts the following Emergency Rule for the protection of public health. The effective date of this Rule is upon signature.

The Louisiana Department of Revenue, Office of Alcohol and Tobacco Control, finds it necessary to make immediate changes to the Louisiana Administrative Code given the need for regulation of industrial hemp-derived CBD products for consumption and topical use as defined under the provisions of Act No. 164 of the 2019 Louisiana Legislature. The following regulations will give the ATC the ability to properly license and regulate the retail sale of industrial hemp-derived CBD products for consumption and topical use, which will affect the health of Louisiana citizens and give the commissioner of the Office of Alcohol and Tobacco Control the ability to make critical decisions that protect human health. This rule creates §601 through §619 to address retail CBD licensure, permitting, and related matters since this is not addressed otherwise by existing law or regulation.

This Rule shall have the force and effect of law upon signature and will remain in effect 120 days, unless renewed by the commissioner of alcohol and tobacco control or until permanent rules are promulgated in accordance with law.

Title 55
PUBLIC SAFETY
Part VII. Alcohol and Tobacco Control
Chapter 6. CBD Product Public Safety Regulations
§601. CBD Retail and Wholesale Permits

A.1.Each person who sells or is about to engage in the business of selling at retail or wholesale, any industrial hemp-derived product or hemp-derived product that contains CBD intended for consumption or topical use as defined in R.S. 3:1481(5) shall first apply for and obtain a CBD retail and/or wholesale permit for each physical place of business from the Office of Alcohol and Tobacco Control. Online retail sales of industrial hemp-derived CBD products intended for consumption or topical use shall be allowed with a CBD retail permit and physical place of business within the State. Any industrial hemp-derived product or hemp seed incapable of germination that has been approved by the United States Food and Drug Administration and does not contain any amount of cannabidiol shall not fall under the regulations of this chapter.

2. The commissioner of the Office of Alcohol and Tobacco Control shall have the authority to issue permanent and temporary retail and wholesale permits for industrial hemp-derived CBD products and the permit shall only authorize the storage and sales of said products to take place at each physical place of business so permitted.

a. Existing retail businesses that desire to have industrial hemp-derived CBD products on their premises for sale to consumers shall have until August 1, 2019 to apply for a temporary CBD retail permit with the Office of Alcohol and Tobacco Control.

b. Applicants for initial applications for CBD retail permits received by the Office of Alcohol and Tobacco Control shall receive a temporary CBD retail permit and have until January 31, 2020 to properly register their industrial hemp-derived CBD products with the Louisiana Department of Health and until February 28, 2020 to obtain label approval for their industrial hemp-derived CBD products from the Louisiana Department of Health.

c. All industrial hemp-derived CBD products not registered with the Louisiana Department of Health by January 31, 2020 shall be removed from retail premises. All industrial hemp-derived CBD products which have not received label approval from the Louisiana Department of Health by February 28, 2020 shall be removed from retail premises.

d. A temporary CBD permit holder which has properly registered all of its industrial hemp-derived CBD products with the Louisiana Department of Health may apply for a permanent CBD retail permit with the Office of Alcohol and Tobacco Control.

3. The CBD retail permit shall not authorize the permittee to sell or offer for sale any industrial hemp-derived CBD product that:

a. is derived from any source that is not hemp;

b. contains a tetrahydrocannabinol (THC) concentration of more than 0.3 percent on a dry weight basis;

c. is intended for inhalation;

d. is an alcoholic beverage containing CBD or hemp;

e. is marketed as a dietary supplement, unless approved by the United States Food and Drug Administration;

f. is a food product or beverage containing CBD or hemp, unless the United States Food and Drug Administration approves CBD and/or hemp as a food additive.

g. contains a medical claim, unless approved by the United States Food and Drug Administration;

4. The CBD retail permit shall only authorize the permittee to sell or offer for sale an industrial hemp-derived CBD products that is:

a. produced from hemp grown by a licensee authorized to grow hemp by the United States Department of Agriculture or under an approved state plan pursuant to the Agriculture Improvement Act of 2018, P.L. 115-334, or under an authorized state pilot program pursuant to the Agriculture Act of 2014, P.L. 113-79;

b. registered with the Louisiana Department of Health in accordance with the State Food, Drug, and Cosmetic Law (R.S. 40:601 et seq.); and

c. labeled in accordance with the State Food, Drug, and Cosmetic Law (R.S. 40:601 et seq.) and approved by the Louisiana Department of Health. The label shall have:

i. the following words printed clearly on its label "This product has not been evaluated by the Food and Drug

Administration and is not intended to diagnose, treat, cure, or prevent any disease," unless approved by the United States Food and Drug Administration and

ii. a scannable bar code, QR code, or web address linked to a document or website that contains a certificate of analysis as required by R.S. 3:1482(D).

5. If the permit holder is a corporation or limited liability company, the permit holder shall notify the Office of Alcohol and Tobacco Control in its initial application and renewal applications of all officers, directors, managers, shareholders, members, or persons qualified to conduct or manage the business and same shall meet the qualification requirements of an applicant.

6. The CBD retail and wholesale permits shall be considered a privilege and is not transferrable, assignable, or heritable. The permit must be returned to the Office of Alcohol and Tobacco Control or surrendered to an agent of the commissioner within five days of permit closure, when the ownership of the business is transferred, or the business is terminated. When the ownership of the business is transferred, the new owner shall be allowed to continue to operate using the transferor's permit until a new permit is issued or denied, only if the new owner notifies the Office of Alcohol and Tobacco Control of the transfer within five days of the transfer and applies for a new CBD retail or wholesale permit within fifteen days of the transfer of ownership. If the permit holder is a corporation or limited liability company, the permit holder shall notify the Office of Alcohol and Tobacco Control of any changes in the officers, directors, managers, shareholders, members, or persons previously qualified to conduct or manage the business within fifteen days of the date of such changes. The notification shall include the suitability documents and information for each new individual required to possess the qualifications of the applicants. However, in the event of the dissolution of a partnership by death, the surviving partner or partners may operate under the partnership permit.

7. Receivers and trustees in bankruptcy may operate under the permit of the person succeeded.

8. When the location of a place of business is proposed to be changed, the proposal shall be received and must be approved by the issuing authority before such action is taken. The change of location shall be noted on the permit by the issuing authority and the permit shall be invalid unless the notation is made.

9. The permit, in addition to any other permit required to be displayed, shall be posted in a conspicuous place on the licensed premises, so as to be easily seen and read by the public. No other signs or notices, except those required by state or federal law, shall be required to be displayed by the retail dealer.

10. A partnership may include a surviving spouse not separate in community and that spouse may operate under the partnership permit for the remainder of the term.

11. A partnership, corporation, or any other authorized legal entity recognized under the laws of the state of Louisiana may include a spouse who has a regime of separation of property, pursuant to Civil Code Article 2370, and may include a spouse who owns the interest in the partnership, corporation, or other legal entity as that spouse's separate property, pursuant to Civil Code Article 2341, and that spouse may operate under the permit of the partnership, corporation, or other legal entity for the remainder of the term after final conviction of the other spouse for any felony that is not directly related to the CBD retail or wholesale permit.

12. The failure of a retail dealer to publicly display his permits, as required by Paragraph 5 above, shall be grounds for the withholding, suspension, or revocation of the CBD retail and/or wholesale permit.

B.1. The commissioner shall collect an initial and annual licensure permit fee in the amount of one hundred seventy-five dollars per year for CBD retail permits and one hundred and seventy-five dollars per year for CBD wholesaler permits.

2. The expiration of CBD retail and wholesale dealer permits shall be staggered to expire in accordance with the following schedule that is meant to coincide with the renewal dates for alcohol permits for each parish. If the renewal dates for alcohol permits changes, then the CBD retail dealer permit may be renewed at the same time.

Parish Code	Parish Name	Month Permit Expires
01	Acadia	October
02	Allen	March
03	Ascension	January
04	Assumption	November
05	Alveolus	July
06	Beauregard	March
07	Bienville	September
08	Bossier	September
09	Caddo	September
10	Calcasieu	March
11	Caldwell	December
12	Cameron	March
13	Catahoula	December
14	Claiborne	September
15	Concordia	December
16	DeSoto	September
17	East Baton Rouge	January
18	East Carroll	December
19	East Feliciana	August
20	Evangeline	July
21	Franklin	December
22	Grant	December
23	Iberia	October
24	Iberville	July
25	Jackson	December
26	Jefferson	February
27	Jefferson Davis	March
28	Lafayette	October
29	Lafourche	November
30	LaSalle	December
31	Lincoln	September
32	Livingston	August
33	Madison	December
34	Morehouse	December
35	Natchitoches	December
36	Orleans	May
37	Ouachita	December
38	Plaquemines	April
39	Point Coupee	July
40	Rapides	July
41	Red River	September
42	Richland	December
43	Sabine	September
44	St. Bernard	April
45	St. Charles	April
46	St. Helena	August
47	St. James	April
48	St. John	April

Parish Code	Parish Name	Month Permit Expires
49	St. Landry	July
50	St. Martin	October
51	St. Mary	November
52	St. Tammany	August
53	Tangipahoa	August
54	Tensas	December
55	Terrebonne	November
56	Union	December
57	Vermillion	March
58	Vernon	March
59	Washington	August
60	Webster	September
61	West Baton Rouge	July
62	West Carroll	December
63	West Feliciana	August
64	Winn	December

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control LR 45:

§603. Submission of Applications

A. All applications for CBD retail and wholesale permits shall be mailed or delivered to the commissioner in Baton Rouge, Louisiana, unless additional methods are made available by the commissioner. All applications for local permits (if required) shall be mailed or delivered to the respective local authorities, unless additional methods are made available by the local governing authority. An applicant shall mail or deliver both her applications for state and local permits (if required) within twenty-four hours of each other. If she fails to do so, her state application may be withheld and the permits denied. Upon receipt of an application, the commissioner or the local authorities, as the case may be, shall stamp the day, month, and year received, and the commissioner may verify that the applicant does not owe the state or the political subdivision in which the business is located any delinquent sales taxes, penalties, or interest, excluding items under formal appeal pursuant to the applicable statutes. The commissioner and officers or employees specifically so authorized by the commissioner and local authorities may issue the permits immediately after proper investigation but, for a period of thirty-five days after issuance, such permits shall operate on a probationary basis subject to final action on or withholding of the permits.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control LR 45:

§605. Qualifications

A. Upon application for initial permit licensure or annual permit license renewal for a CBD retail or wholesale permit, the applicant may be required to submit to a criminal background check. The applicant may be required to submit fingerprints and other identifying information to the Agency along with an application to the Louisiana Bureau of Criminal Identification and Information, who shall forward results of the criminal background check to the Office of Alcohol and Tobacco Control. The costs of providing the criminal background check shall be assessed by the bureau, as specified in R.S. 15:587(B), 2 and paid by the applicant. Information obtained from the criminal background check may be used by the Office of Alcohol and Tobacco Control to determine the applicant's eligibility for a CBD retail or wholesale permit and/or renewal pursuant to this chapter.

B. No person shall be eligible to obtain or hold a permit if convicted under state or federal law of a felony within the ten years immediately preceding the date of application.

C. Failure to meet or maintain qualifications is a ground for the denial, withholding, suspension, or revocation of a CBD retail and/or wholesale permit.

D. The applicant is responsible for any employee working under the applicant's license and CBD retail and wholesale permit holders shall maintain a record containing the name, date of hire, social security number, and date of employment termination for every employee.

E. Applicants for CBD retail and wholesale permits shall:

1. be a person of good character and reputation and over eighteen years of age. In considering a person's good character or reputation, the commissioner may consider a person's arrests in determining suitability.

2. be a citizen of the United States and the state of Louisiana and a resident of the state of Louisiana continuously for a period of not less than two years next preceding the date of the filing of the application.

3. be the owner of the place of business or have a bona fide written lease therefor for the place of business wherein the storage and retail/wholesale sales of industrial hemp-derived CBD products intended for consumption or topical use shall take place.

4. have not had a license or permit to sell or deal in CBD or hemp, issued by the United States, any state, or by any political subdivision of a state authorized to issue permits or licenses, revoked within two years prior to the application.

5. have not been adjudged by the commissioner, or convicted by a court of violating any of the provisions of this Chapter. If the applicant has been so convicted, the granting of a permit or of a renewal shall be within the discretion of the commissioner.

6. not owe the state or the local governmental subdivisions in which the application is made any delinquent taxes, penalties, or interest, excluding items under formal appeal pursuant to applicable statutes.

7. not be the spouse of a person who does not meet the requirements of Paragraphs (1) and (4) through (6) of this Subsection; however, in such cases the age of the ineligible spouse shall be immaterial. For purposes of this Paragraph, the term "spouse" shall also include persons who are considered married outside of the United States, persons who ordinarily hold themselves out as husband and wife, or persons who file their state and federal income tax returns as either "married filing jointly" or "married filing separate".

F. If the applicant is a partnership recognized by Louisiana law, or anyone in such partnership with or financed by another, all members of such partnership, or all the persons furnishing the money shall also possess the qualifications required of an applicant. The application shall name all partners or financial backers and furnish their social security numbers and proper addresses. If a partner of a partnership applying for retail or manufacturer's permits is a corporation or limited liability company, the requirements as to citizenship and residence shall not apply to officers, directors, and stockholders of the corporation or members of

the limited liability company. The corporation or limited liability company shall either be organized under the laws of the state of Louisiana or qualified to do business within the state of Louisiana.

G.1. If the applicant is a corporation or a limited liability company, all officers and directors and all stockholders or members owning in the aggregate more than five percent of the stock or of the membership interest in a limited liability company and the person or persons who shall conduct or manage the business shall possess the qualifications required of an applicant and shall furnish their federal identification number, their Louisiana Department of Revenue business account number, their social security number, and their correct home address. The requirements as to citizenship and residence do not apply to either the officers, directors, or stockholders of corporations, or the officers, managers, or members of limited liability companies. The corporation or limited liability company shall be either organized under the laws of the state of Louisiana or qualified to do business within the state of Louisiana.

2. Notwithstanding any other provisions of law to the contrary, the commissioner may accept from a publicly traded or other corporation or entity, the necessary documentation of those persons described in Subsection H of this Section and three officers of the corporation in full satisfaction of the requirements of this Section.

H. Notwithstanding the provisions of Subsections B, the commissioner may grant or continue a permit with respect to an applicant, even though the applicant's spouse has been convicted of a felony, if the applicant:

1. Had state and local permits prior to the spouse's felony conviction, and

2.a. Has a regime of separation of property, pursuant to Civil Code Article 2370, and is the owner of the premises or has a bona fide written lease therefor, or

b. Owns the permitted premises as the applicant's separate property, pursuant to Civil Code Article 2341.

I. In order to determine suitability, members of a partnership recognized by Louisiana law, the officers and directors of a corporation, the stockholders of a corporation, and members of a limited liability company owning more than five percent of such a corporation or company may be required to submit fingerprints and other identifying information to the Agency along with an application to the Louisiana Bureau of Criminal Identification, who shall forward results of the criminal background check to the Office of Alcohol and Tobacco Control. The costs of providing the criminal background check shall be assessed by the bureau, as specified in R.S. 15:587(B), 2 and paid by the applicant.

J. All licensees and persons required to be qualified pursuant to the provisions of this Chapter shall have a continuing duty to inform the commissioner of any action which they believe would constitute a violation of this Chapter. No person who so informs the commissioner shall be discriminated against by an applicant or licensee because of supplying such information.

K. All licensees and any other persons who have been found suitable in accordance with the provisions of this Section shall maintain suitability throughout the term of the license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control LR 45:

§607. Misstatement or Suppression of Fact

A. Any misstatement or suppression of fact in an application for an initial permit, application for renewal of a permit, special event permit, or any accompanying affidavit to the Office of Alcohol and Tobacco Control is ground for the denial, withholding, suspension, or revocation of a permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control LR 45:

§609. Inspection and Examination

A. The commissioner or her agent may inspect any place of business where industrial hemp-derived CBD products are offered for wholesale and/or retail sale to the public and she or her agent may examine, at all reasonable hours, the books, records, and other documents of all CBD retail and wholesale permit holders.

B. No person shall refuse to allow, on demand, the commissioner or her agent to make a full inspection of a place of business where industrial hemp-derived CBD products are offered for wholesale and/or sale to the public, nor shall any person refuse to allow, on demand, the commissioner or her agent to examine and audit the books and records of any business where industrial hemp-derived CBD products are offered for wholesale and/or sale to the public, nor shall any person in any way hinder or prevent such an inspection or audit.

C. Any refusal by a CBD retail or wholesale permit holder to allow the commissioner or her agent to inspect the permitted place of business or to examine and audit the books and records of the permitted business as provided within this section is grounds for the suspension of a permit, in addition to other penalties provided in this chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control LR 45:

§611. Prohibition on Sales to Minors

A. No Person holding a CBD retail permit and no servant, agent, or employee of the permittee shall sell any industrial hemp-derived CBD product to any person under the age of eighteen years of age.

B. To ensure that no industrial hemp-derived CBD product is sold to a person under the age of eighteen years of age, a CBD retail permit holder and their servants, agents, and employees may require all persons attempting to purchase CBD products to produce for inspection either:

1. A valid, current, Louisiana driver's license which contains a photograph of the person presenting the driver's license.

2. A valid, current, driver's license of another state which contains a photograph of the person and birth date of the person submitting the driver's license.

3. A valid, current, special identification card issued by the state of Louisiana pursuant to R.S. 40:1321 containing a photograph of the person submitting the identification card.

4. A valid, current, passport or visa issued by the federal government or another country or nation, that

contains a permanently attached photograph of the person and the date of birth of the person submitting the passport or visa.

5. A valid, current, military or federal identification card issued by the federal government containing a photograph of the person and date of birth of the person submitting the identification card.

6. A valid, current, special identification card of another state which contains a photograph of the person and birth date of the person submitting the identification card.

7. LA Wallet digitized identification shall be the only digital identification that may be accepted by CBD retailers. CBD retailers may choose to accept digitized identification or they may still require a physical identification when checking identification. Retailers whom the Agency has required to utilize scanners shall still be required to request and scan a physical identification and may not accept digitized identification. Digitized identification may be accepted by establishments provided that all employees have been properly trained prior to acceptance in accordance with the requirements of LAC 55:VII.401(D).

C. Each form of identification listed above must on its face establish the age of the person as eighteen years or older, and there must be no reason to doubt the authenticity or correctness of the identification. No form of identification mentioned above shall be accepted as proof of age if it is expired, defaced, mutilated, or altered. If the state identification card or lawful identification submitted is a duplicate, the person shall submit additional information which contains the name, date of birth, and picture of the person. A duplicate driver's license shall be considered lawful identification for the purposes of this Paragraph, and a person shall not be required to submit additional information containing the name, date of birth, and picture of the person. In addition, an educational institution identification card, check cashing identification card, or employee identification card shall not be considered as lawful identification for the purposes of this Paragraph.

§613. Administrative Hearings & Penalties

A. Any person who violates any of the provisions of this chapter or the provisions of R.S. 3:1481 et seq.; or who alters, forges, or counterfeits, or uses without authority any permit, license, or other document provided for in this chapter, who operates without a permit, or who fails to collect or to timely pay the assessments, fees, and penalties due or assessed pursuant to this chapter or R.S. 3:1481 et seq., shall be subject, in addition to any unpaid assessments, late fees, or collection costs, to a civil penalty of not more than five hundred dollars for each act of violation and for each day of violation. Each day on which a violation occurs shall constitute a separate offense.

B. Any licensee who violates any of the provisions of this chapter shall be subject to having his permit suspended, revoked, or placed on probation, in addition to any other penalties authorized herein or by law.

C. In combination with or in lieu of suspension, revocation, or probation, whoever violates the provisions of this chapter shall be fined as follows:

1. On a first offense, the offender shall be fined not more than three hundred dollars.

2. On a second offense that occurs within three years of the first offense, the offender shall be fined not more than one thousand dollars and/or have its permit suspended.

3. On a third offense that occurs within three years of the first offense, the offender shall be fined not more than five thousand dollars and/or have its permit suspended or revoked.

4. On a fourth offense that occurs within three years of the first offense, the offender shall have its permit revoked.

D. Any fine imposed upon any permittee or the revocation or suspension of a permit is in addition to and is not in lieu of or a limitation upon any other penalty imposed by law and not contained in this Chapter.

E. The procedure for the suspension or revocation of permits shall be substantially as follows:

1. The commissioner may have periodic examinations made of the business of all persons holding permits under this Chapter. If a violation of any provision of this Chapter or of the law is observed, the commissioner may give the permittee a written warning. If the permittee has been previously warned or if the violation is of a sufficiently serious nature, the commissioner may instruct any agent or employee of the commissioner to prepare and file, upon information and belief based upon the facts in hand, a petition for suspension or revocation of the permit, setting forth the facts and circumstances of the violation, and shall thereupon summon the permittee to appear and show cause why the permit should not be suspended or revoked.

2. The secretary of the Department of Revenue, municipal authorities, sheriffs, and other law enforcing officers may have periodic investigations made of the business of all permittees within their respective jurisdictions. If any violation of any provision of this Chapter or of any law is observed, such authorities may give the permittee a written warning. If the permittee has been previously warned or if the violation is of a sufficiently serious nature, they shall file an affidavit with the commissioner, setting forth the facts and circumstances of the violation. Thereupon, the commissioner shall summon the permittee to appear and show cause why his permit should not be suspended or revoked.

3. Any person may file with the commissioner or with the municipal officers or parish authorities a sworn petition requesting that a permit be suspended or revoked. If the petition is filed with the local authorities, they shall immediately transmit it to the commissioner. When such a petition is received by the commissioner, she shall summon the permittee to appear and show cause why her permit should not be suspended or revoked.

4. No such petition shall be considered by the commissioner unless sworn to by the petitioner in an affidavit which also affirms that the petitioner, together with witnesses, if any, will appear at the hearing to establish the allegations of the petition, and unless the petition sets forth facts constituting a cause or causes enumerated in or authorized by this Chapter for the suspension or revocation of a permit.

5. If the agency finds that public health, safety, or welfare imperatively requires emergency action, and

incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. These proceedings shall be promptly instituted and determined.

F. No permit shall be withheld, suspended, or revoked except for causes specified in this Chapter. If a person holds more than one permit and any one of them is suspended or revoked, the commissioner may suspend or revoke all of his permits.

G. Conviction by a court of violation of the provisions of this Chapter is not a condition precedent to the refusal, suspension, or revocation of a permit under this Chapter for a violation of any of the provisions of this Chapter or the law. When there has been a previous criminal prosecution for the same or similar act upon which the refusal, suspension, or revocation of a permit is being considered, evidence of a conviction or an acquittal in a court of competent jurisdiction shall be admissible in a proceeding before the commissioner. The commissioner shall withhold, suspend, or revoke permits for violations of this Chapter, regardless of any prosecution in the court or of the result of any such prosecution.

H. When a permit is revoked for any legal cause, the commissioner may, at the same time, order that no state or local permit shall be issued covering the same premises until two years after the date of revocation.

I. Whenever the commissioner is to hold a hearing pursuant to the provisions of this Chapter, she shall issue a written summons or notice thereof to the applicant or permittee, directing her to show cause why her permit should not be suspended or revoked. The notice or summons shall state the time, place, and hour of the hearing, which shall be not less than ten nor more than thirty calendar days from the date of the notice. The notice or summons shall enumerate the cause or causes alleged for suspending or revoking the permit. All notices or summonses shall be either delivered to the applicant or permittee in person or sent by certified mail to the applicant or permittee and directed to him at the mailing address as given in his last application for the permit. When so addressed and mailed, notices or summonses shall be conclusively presumed to have been received by the applicant or permittee.

J. Hearings by the commissioner shall, in her discretion, be held either at the agency headquarters in Baton Rouge, the agencies New Orleans' office, in the parish in which the licensed premises in question is located, or at another location designated by the commissioner.

K. To the extent practicable, the commissioner may authorize the use of teleconference, video link, or other visual remote communications technology for the conducting of any hearing pursuant to the following requirements:

1. Prior to authorizing the use of teleconference, video link, or other visual remote communications technology for the conducting of any hearing, the commissioner shall provide the permittee with written notice of his intent to do so. The notice shall be sent by certified mail to the permittee at the address of his place of business as given in his application for the permit and shall be sent not less than ten nor more than thirty calendar days from the scheduled hearing date. When so addressed and mailed, the notice shall be conclusively presumed to have been received by the permittee.

2. Any party objecting to the commissioner's authorization of the use of teleconference, video link, or other visual remote communications technology to conduct all or any portion of any authorized hearing shall provide the commissioner with written notification of the objection at least five days prior to the scheduled hearing date. Upon receipt of any objection, the commissioner shall not allow the use of teleconference, video link, or other visual remote communications technology to conduct any portion of the hearing for which a proper objection was raised. Failure of a permittee to object in writing within at least five calendar days prior to the scheduled hearing date shall conclusively constitute a waiver of any objections.

3. Any use of teleconference, video link, or other visual remote communications technology for the conducting of any hearing shall be done in real-time.

L. Hearings may be held by the commissioner or by any person designated and authorized by the commissioner. If the hearing is to be held by a person designated by the commissioner, that person shall take an oath for the faithful performance of his duties. The oath may be administered by anyone qualified by law to administer oaths in this state. The commissioner, or the person designated to hold a hearing, may administer oaths, issue subpoenas for the attendance of witnesses and the production of books, papers, accounts, and documents, and examine witnesses and receive testimony at the hearing.

M. If a person fails to comply with a subpoena issued by the commissioner or by any duly authorized person holding the hearing or if a witness refuses to testify in any matter regarding which he may be lawfully interrogated, the person conducting the hearing shall adjudge him guilty of contempt and may fine him not more than one hundred dollars or imprison him for not more than thirty days, or both. The sheriff of the parish in which the hearing is held shall execute the judgment of contempt.

N. If a permittee or applicant who has been notified of a hearing does not appear, the hearing may proceed without her and the commissioner may consider and dispose of the case, but in all cases the commissioner, upon application or ex propria motu, may grant continuances from time to time. If the continuance be granted to a fixed future date by written consent or in the presence of the permittee, applicant, or his counsel, no further notice of the hearing date need be given. In all other cases the same notice of hearing as in original hearings shall be given.

O. In determining cases involving the suspension or revocation of permits, if the commissioner finds that the violation is of a minor nature, or that there are extenuating circumstances, or that there are reasonable grounds to expect that the permittee will not again violate any of the provisions of this Chapter, the commissioner may suspend the permit for such time as she thinks proper. If the permittee has previously been fined or had a permit suspended or revoked, or if the violation is flagrant or serious, the commissioner may revoke the permit or permits and shall immediately notify the state and local authorities of this action. When the commissioner either suspends or revokes a permit, all permits to deal in industrial hemp-derived CBD products as herein defined and all similar local permits are ipso facto

suspended or revoked without action on the part of state or local governing authorities. The commissioner shall retain jurisdiction to re-open cases at any time upon petition or ex propria motu, and for good cause shown may modify, revise, or reverse her former findings and decisions, and all such re-opened cases shall be heard and determined under the same rules of procedure as original cases.

P. In hearings of the commissioner which finally result in withholding the issuance of a permit or in suspending or revoking a permit, the commissioner shall assess the costs of the hearing to the applicant or permittee. The costs are recoverable by the commissioner in any appellate proceeding instituted by the applicant or permittee or in any other judicial proceeding.

Q. Decisions of the commissioner in withholding, suspending, or revoking permits and of local authorities in withholding permits are final and binding on all parties unless appealed in the manner provided in section R below and finally reversed by the courts.

R. Any party aggrieved by a decision of the commissioner to withhold, suspend, or revoke a permit or of the local authorities to withhold a permit may, within ten days of the notification of the decision, take a devolutive appeal to the district court having jurisdiction of the applicant's or permittee's place of business, proposed or actual as the case may be. Such appeals shall be filed in the district courts in the same manner as original suits are instituted therein. The appeals shall be tried de novo. Either party may amend and supplement her pleadings and additional witnesses may be called and heard. When there has been a previous criminal prosecution for the same or similar act upon which the refusal, suspension, or revocation of a permit is being considered, evidence of a conviction or an acquittal in a court of competent jurisdiction is admissible in the trial of the appeal. Within ten calendar days of the signing of the judgment by the district court in any such appeal case, the commissioner or the applicant for a permit or permittee, as the case may be, may devolutively appeal the judgment to the appellate court of proper jurisdiction. These appeals shall be perfected in the manner provided for in civil cases and shall be devolutive only. If the district court determines that the decision of the commissioner or of the local authorities in withholding, suspending, or revoking the permit was in error, the decision of the commissioner or local authorities shall not be voided if the commissioner or local authorities take an appeal to the court of appeals in the time provided for suspensive appeals.

S. All proceedings in the district and appellate courts arising under this Part are civil in nature and shall be heard summarily by the court, without a jury, shall take precedence over other civil cases, and shall be tried in chambers or in open court, in or out of term.

T. The courts of this state shall have jurisdiction to issue restraining orders and writs of injunction restraining the commissioner as provided in the constitution, but no writ or order shall issue before a decision has been made by the commissioner either withholding the application for a permit, or suspending or revoking a permit under the provisions of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control LR 45:

§615. CBD Server Training

A. All permittees and their employees who may be called upon to sell or serve industrial hemp-derived CBD products to consumers at retail must complete the ATC online CBD server training course within thirty days after receiving their CBD retail permit or within thirty days after becoming employed by a permittee, whichever occurs first. All individuals completing CBD server training shall receive a certificate of completion evidencing their training which shall be valid for one year and must be renewed prior to expiration. Individuals who are certified and the permittee they are employed by may receive a warning in lieu of penalties for a first offense violation of a CBD/hemp product sale to a minor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control LR 45:

§617. CBD Special Event Permits

A. For purposes of this regulation, special events are defined as events, held at any location, where industrial hemp-derived CBD products are sold as an incidental part of the event for payment rendered or are supplied as part of a general admission or other type fee.

B. For such events, this office may issue a special temporary CBD retail permit to existing CBD retail permit holders authorizing the sale of industrial hemp-derived CBD products that have been registered and had their labels approved by the Louisiana Department of Health at the special event for a maximum duration of three consecutive days only, but wholesalers may deliver products to the event up to two days prior to the effective date of the permit. No More than 12 such permits shall be issued to any one person, organization, or entity within a single calendar year.

C. The commissioner shall collect special event licensure permit fee for each CBD Special Event Permit in the amount of one hundred dollars.

D. No industrial hemp-derived CBD product intended for consumption or topical use shall be given away free of charge at a special event, even by a special event permit holder, unless authorized in writing by the Louisiana Office of Alcohol and Tobacco Control.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control LR 45:

§619. No Donations or Free CBD Products

A. No industrial hemp-derived CBD product shall be donated or given away free of charge outside the confines of a permitted wholesale or retail permit holder’s place of business, nor shall same be sold through a vending machine, unless authorized in writing by the Louisiana Office of Alcohol and Tobacco Control.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control LR 45:

Juana Marine-Lombard
Commissioner

1906#011

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Closure of Spring Inshore Shrimp
Season in State Inside Waters

The secretary of the Department of Wildlife and Fisheries has been notified that the occurrence of small juvenile white shrimp collected in biological samples within inside state waters has rapidly increased. Closing these waters is necessary to protect developing white shrimp.

In accordance with the emergency provisions of R.S. 49:953 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 declaration of emergency adopted by the Wildlife and Fisheries Commission on May 2, 2019 which authorized the secretary of the Department of Wildlife and Fisheries to close the 2019 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 2019 spring inshore shrimp season will close on Friday, June 28, 2019 at 6:00 p.m. in all state inside waters from the Mississippi/Louisiana state line westward to the Louisiana/Texas state line except for the following waters:

The open waters of the Louisiana portion of Mississippi Sound and the open waters of Breton and Chandeleur Sounds as bounded by the double-rig line described in R.S. 56:495.1(A)2. The open waters of the Louisiana portion of Mississippi Sound are defined as beginning at a point on the Mississippi/Louisiana state line at 30 degrees 10 minutes 21.955 seconds north latitude, 89 degrees 26 minutes 12.992 seconds west longitude; thence southerly to a point at 30 degrees 08 minutes 03.07 seconds north latitude, 89 degrees 26 minutes 27.05 seconds west longitude; thence southwesterly to a point at 30 degrees 04 minutes 40.57 seconds north latitude, 89 degrees 28 minutes 46.59 seconds west longitude; thence southeasterly to a point on the western shore of Three-Mile Pass (30 degrees 03 minutes 00.0 seconds north latitude, 89 degrees 22 minutes 23.0 seconds west longitude); thence northeasterly to a point on Isle Au Pitre (30 degrees 09 minutes 20.5 seconds north latitude, 89 degrees 11 minutes 15.5 seconds west longitude), which is a point on the double–rig line as described in R.S. 56:495.1(A)2.

All state outside waters seaward of the Inside/Outside Shrimp Line, as described in LAC 76:VII.370 will remain open to shrimping until further notice.

Jack Montoucet
Secretary

1907#007

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Exemption for Use of Tested and Certified
Natural Deer Urine Attractants

During the 2019-2020 Deer Hunting SeasonChronic Wasting Disease (CWD) is a terminal illness that affects deer populations and has been detected in free-ranging and captive deer herds in 26 states, but not in Louisiana. CWD has been detected in deer urine and will remain on the landscape for an indefinite period once introduced. Due to the continued threat of CWD entering Louisiana, precautionary steps have been taken to minimize introduction of the disease. New testing procedures have been made available to producers of deer urine that can detect the presence of CWD in urine-based products, thereby decreasing the risk of using tested urine based products within the state.

In accordance with the provisions of R.S. 49:953(H) which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to employ emergency procedures to promulgate rules and regulations relative to hunting seasons and all rules and regulations pursuant thereto, R.S. 56:115 and 56:116 which provide that the Wildlife and Fisheries Commission may set seasons and establish associated rules and regulations for hunting deer, the Wildlife and Fisheries Commission hereby adopts the following Emergency Rule amending the Deer Hunting Season Regulations for the 2019-2020 season:

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. - D.12. …

E. General Deer Hunting Regulations

1. - 10. …

11. It is unlawful to use or possess scents or lures that contain natural deer urine or other bodily fluids while taking, attempting to take, attracting or scouting wildlife~~.~~ ,except natural deer urine products produced by manufacturers or entities that are actively enrolled and participating in the Archery Trade Association Deer Protection Program, which have been tested using real-time quaking induced conversion (RT-QuIC) and certified that no detectable levels of Chronic Wasting Disease (CWD) are present and are clearly labeled as such.

E.12. - G.18. …

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), LR 36:1566 (July 2010), LR 37:2190 (July 2011), LR 38:1732 (July 2012), LR 39:2292 (August 2013), LR 40:1540 (August 2014), LR 41:963 (May 2015), LR 42:1112 (July 2016), LR 43:1423 (July 2017), LR 44:1277 (July 2018), LR .

This Emergency Rule shall become effective September 1, 2019, and remain in effect for the duration of the 2019-2020 Deer Hunting Season. The Secretary of the Department of Wildlife and Fisheries is authorized to take any necessary steps on behalf of the Commission to promulgate and effectuate this Emergency Rule.

Alfred R. Sunseri
Chairman

1907#016

Rules

RULE

Department of Civil Service
Board of Ethics

Food and Drink Limit
(LAC 52:I.Chapter 17)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Civil Service, Board of Ethics, has amended the Rules for the Board of Ethics to bring them into compliance with current statutory provisions and Section 1115.1C of the Code of Governmental Ethics. This Rule is hereby adopted on the day of promulgation.

Title 52
ETHICS
Part I. Board of Ethics
Chapter 17. Code of Governmental Ethics
§1703. Food and Drink Limit

A. In accordance with R.S. 42:1115.1(C), beginning on July 1, 2019, the limit for food, drink or refreshments provided in R.S. 42:1115.1A and B is $62.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1115.1.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 36:304 (February 2010), amended LR 36:1466 (July 2010), LR 38:1951 (August 2012), LR 39:3062 (November 2013) LR 40:1678 (September 2014), LR 41:1262 (July 2015), LR 44:1237 (July 2018), LR 45:868 (July 2019).

Kathleen M. Allen
Ethics Administrator

1907#054

RULE

Department of Economic Development
Office of Business Development

Entertainment Industry Tax Credit Programs—Recodifiation
(LAC 61:I.Chapters 61-69)

The Subchapters of LAC 61:I.Chapter 16 have been divided and moved to LAC 61:I.Chapters 61 - 69.

Title 61
REVENUE AND TAXATION
Part I. Taxes Collected and Administered by the Secretary of Revenue
Chapter 61. Motion Picture Production Tax Credit Program
§6101. Purpose

A. The purpose of this Chapter is to implement the Motion Picture Investor Tax Credit Program as established by R.S. 47:6007.

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

1. to encourage development of a strong capital and infrastructure base within the state for the motion picture and related industries;

2. to achieve a self-supporting, independent, indigenous industry; and

3. to encourage development of state of the art motion picture production and post-production facilities:

a. in the short-term, to attract private investors in state-certified productions and state-certified infrastructure projects;

b. in the long-term, to encourage the development of a skilled state workforce trained in the film and video industry.

C. This Chapter shall apply to any person:

1. claiming a credit;
2. transferring or selling a credit; or
3. acquiring a credit under this program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1125.1.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:52 (January 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:868 (July 2019).

§6103. General Description

A. The program offers two distinctive incentives: production and infrastructure.

1. Production

a. If the total base investment exceeds $300,000, each investor shall be allowed a tax credit based upon their investment as follows:

i. for state-certified productions initially certified on or after January 1, 2004, but before January 1, 2006:

(a). a 10 percent tax credit, if the total base investment is more than $300,000 and less than $8,000,000;

(b). a 15 percent tax credit, if the total base investment is more than $8,000,000.

ii. a 25 percent tax credit for state-certified productions initially certified on or after January 1, 2006, but before July 1, 2009;

iii. a 30 percent tax credit for state-certified productions initially certified on or after July 1, 2009.

b. An additional payroll tax credit shall be allowed for any base investment expended on behalf of employing Louisiana residents on state-certified productions as follows:

i. a 10 percent tax credit for state-certified productions initially certified before July 1, 2009; or

ii. a 5 percent payroll tax credit for state-certified productions initially certified on or after July 1, 2009.

2. Infrastructure

a. If the total base investment exceeds $300,000, each investor shall be allowed a tax credit based upon their investment as follows:

i. a 40 percent tax credit for state-certified infrastructure projects, for which applications for initial

certification were received by the office and the department prior to January 1, 2009:

(a). for applications received before August 1, 2007, there shall be no per project cap on tax credits, except as otherwise provided by the terms of the initial certification;

(b). for applications received after August 1, 2007, the total tax credit allowed for a state-certified infrastructure project shall not exceed $25,000,000 per project.

B. Investor tax credits shall be transferable under the following conditions.

1. Tax credit shall be earned by investors at the time expenditures are made in a state-certified production or state-certified infrastructure project.

2. Credits become transferable only after final certification of expenditures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1125.1.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:53 (January 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:868 (July 2019).

§6105. Definitions

A. Terms not otherwise defined in this Chapter shall have the same meaning given to them in R.S. 47:6007, 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.

Allocatee—an individual or entity that received an allocation of investment tax credits.

Allocator—an individual or entity that makes an allocation of investment tax credits.

Base Investment—cash or cash equivalent investment made and used for:

a. production expenditures in the state for a state-certified production;

b. infrastructure expenditures in the state for the development of a state-certified infrastructure project. Infrastructure Expenditures shall include, but are not limited to, expenditures for infrastructure project development, film and television production spaces, post-production equipment, facilities, equipment for distribution companies domiciled within Louisiana, transportation equipment, land acquisition and closing costs, construction costs, design and professional consulting fees associated with the state-certified infrastructure project, furniture, fixtures, equipment, and financing costs. Infrastructure expenditures shall not include indirect costs, any amounts that are later reimbursed by a third party, any costs related to the allocation or transfer of tax credits, any amounts that are paid to persons or entities as a result of their participation in profits from the exploitation of the state-certified Infrastructure Project.

Begin Construction—for projects with applications filed after August 1, 2007, construction of an infrastructure project shall begin when:

a. in the case of a new building, either:

i. materials to be used in the project, worth more than 5 percent of the construction budget, are placed at the project site; or

ii. other work is performed on the site which is visible from a simple inspection and reasonably indicates that the work has begun, such as substantial land fill, soil reinforcement or pouring of a foundation. The following are examples of services which do not indicate that work has begun; services of surveyors or engineers; cutting or removal of trees; demolition of existing structures or clearing of the land surface;

b. in the case of a retrofit project to an existing structure:

i. materials to be used in the project, worth more than 10 percent of the construction budget, are placed at the project site; or

ii. equipment to be used in the project, worth more than 20 percent of the construction budget, is placed and operational at the project site.

Commencement of Production—beginning principal photography or equivalent process.

Commissioner—Commissioner of Administration.

Cost Report of Production Expenditures—a report of production expenditures formatted in accordance with LED accounting guidelines, which may be issued with initial certification, posted on LED's website or otherwise communicated by LED to applicant in writing.

Department—Louisiana Department of Economic Development, or its successor.

Developer—a person responsible for the development of a state-certification infrastructure project.

Director—Director of the Office of Entertainment Industry Development (the office).

Division—Division of Administration.

Expended in the State—

a. an expenditure to lease immovable property located in the state;

b. an expenditure as compensation for services performed in the state; or

c. an expenditure to purchase or lease tangible personal property within the state where the transaction is subject to the state sales or lease tax provisions of Title 47 of the Louisiana Revised Statutes of 1950:

i. a transaction that is subject to the states sales or lease tax provision of Title 47 of the Louisiana Revised Statutes of 1950 shall include transactions that are also subject to statutory exclusion or exemption.

Expenditure—actual payment of cash or cash equivalent, paid by or on behalf of a state certified production or state-certified infrastructure project, exchanged 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 or infrastructure project, such as clerical salaries, general administrative costs and other overhead charges.

Louisiana Publisher—a company primarily engaged in trade, professional or scholarly publishing, which sells or licenses copyrights or the right of use of copyrights in its ordinary course of business, and has a physical location in Louisiana with at least one full-time employee working at such a location on a regular basis. Registering with the Louisiana Secretary of State or appointing a registered agent in Louisiana does not establish a physical location in

Louisiana. A procurement company shall not be considered a Louisiana publisher.

Louisiana Resident—a natural person who is a legal resident, who has been domiciled in and maintained a permanent place of abode in Louisiana for no less than 12 consecutive months, and who has filed a Louisiana state income tax return.

Louisiana Screenplay—

a. a screenplay created by a Louisiana resident; or

b. a screenplay purchased, optioned, licensed or otherwise acquired from a Louisiana publisher, in each case, as evidenced by documents such as certificate of authorship, a WGA registration certificate, the records of the United States Copyright Office, or a reasonable legal opinion issued to the office.

Non-Applicable Production Expenditures—the following expenses are not eligible to earn tax credits:

a. expenditures for marketing and distribution;

b. non-production related overhead;

c. amounts reimbursed by the state or any other governmental entity;

d. costs related to the transfer of tax credits;

e. amounts that are paid to persons or entities as a result of their participation in profits from the exploitation of the production;

f. the application fee;

g. state or local taxes;

h. any other expenditure not allowed by law or regulation.

Office—Office of Entertainment Industry Development.

Payroll—all salary, wages and other compensation, including benefits paid to an employee and taxable in this state. However, payroll for purposes of the additional tax credit for Louisiana-resident payroll shall exclude any portion of an individual salary in excess of one-million dollars.

Person—there are two kinds of persons; natural and juridical.

a. A natural person is a human being.

b. A juridical person is an entity to which the law attributes personality, such as a corporation, partnership or limited liability company.

Procurement Company—any person or entity that purchases, leases or otherwise obtains goods or services from sources outside of the state, for the ultimate use, benefit or enjoyment of a state-certified production company.

Production Expenditures—preproduction, production and postproduction expenditures directly incurred in this state that are directly used in a state-certified production, whether the production company directly contracts or subcontracts such work, including without limitation the following:

a. set construction and operation;

b. wardrobes, make-up, accessories, and related services;

c. costs associated with photography and sound synchronization, lighting, and related services and materials;

d. editing and related services;

e. rental of facilities and equipment;

f. leasing of vehicles;

g. costs of food and lodging;

h. digital or tape editing, film processing, transfer of film to tape or digital format, sound mixing, special and visual effects (if services are performed in Louisiana);

i. total aggregate payroll (limited to the amount of total payroll expended in Louisiana and which is taxable to the recipient in Louisiana. A Louisiana tax return is required to be filed reflecting the amount of compensation paid while the recipient is located in Louisiana. If the recipient is not a Louisiana resident, then a non-resident income tax return should be filed);

j. music, if performed, composed or recorded by a Louisiana resident , or released or published by a Louisiana-domiciled and headquartered company;

k. airfare, if purchased through a;

l. insurance costs or bonding, if purchased through a Louisiana company;

m. payments to a loan-out or personal services corporation for the services of an out-of-state hire are allowed as long as the services are performed in Louisiana on a state certified production;

n. cost of the independent audit.

Production Facility—a physical facility that provides the goods or services necessary for completing the major activities of motion picture production.

Program Issuance Cap—for applications submitted on or after July 1, 2017, the office may issue no more than $150,000,000 in tax credits ("total cap") in any fiscal year, with $7,500,000 reserved for qualified entertainment companies ("QEC cap"), $7,500,000 reserved for Louisiana screenplay productions ("LA screenplay cap"), $15,000,000 reserved for independent film productions ("independent film cap"), with the remaining $120,000,000 available for general allocation to any state certified production ("general cap").

Qualified Louisiana Production Company—an LED-approved motion picture production company, meeting the eligibility criteria for §1615, Louisiana Screenplay Credit.

Secretary—Secretary of the Department of Economic Development.

Source within the State—a physical facility in Louisiana, operating with posted business hours and employing at least one full-time equivalent employee.

State-Certified Infrastructure Project—shall mean a film, video, television, and digital production and postproduction facility, and movable and immovable property and equipment related thereto, or any other facility which supports and is a necessary component of such proposed state-certified infrastructure project, all as determined and approved by the office, the Secretary of the Department of Economic Development, and the Division of Administration under such terms and conditions as are authorized by this Section. The term *infrastructure project* shall not include movie theaters or other commercial exhibition facilities.

State-Certified Production—a production approved by the office and the secretary which is produced by a motion picture production company domiciled and headquartered in Louisiana and which has a viable multi-market commercial distribution plan.

Transferee—an individual or entity that receives a transfer of investor tax credits.

Transferor—an individual or entity that makes a transfer of an investor tax credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:53 (January 2010), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 43:300 (February 2017), LR 43:2102 (November 2017), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:869 (July 2019).

§6107. Certification Procedures

A. Application and Expenditure Verification Report Fees

1. An application for initial certification shall be submitted with an application fee of 0.5 percent of the estimated total tax credits, with a minimum fee of $500, and a maximum fee of $15,000, payable to the office, as required by R.S. 36:104.

a. All applications shall include information as required by R.S. 47:6007(D)(2)(a).

b. In addition, the following program specific information is required.

i. Production:

(a). working title of the production. Should the title change, the state-certified production needs to inform the office as soon as that change is made;

(b). name of the requesting production company;

(c). name, telephone number, e-mail address and attesting signature of the requesting production company's contact person;

(d). approximate beginning and ending date of production in Louisiana;

(e). Louisiana office address;

(f). telephone number of requesting company's Louisiana office address;

(g). estimated total production-related costs of production;

(h). estimated total amount of production-related costs to be expended in Louisiana;

(i). estimated total payroll to be paid by the requesting production company to Louisiana residents employed by the requesting production company in connection with the production;

(j). a preliminary budget including the estimated Louisiana payroll and estimated in-state investment;

(k). a copy of script (including synopsis) will be made available to OEID and subsequently returned to the applicant;

(l). list of principal creative elements such as principal cast, producer, and director; and

(m). facts sufficient for the office and the department to determine each of the following:

(i). that the requesting production company is a motion picture production company as defined in R.S. 47:6007(B)(6);

(ii). that the requesting production company is domiciled and headquartered in Louisiana; and

(iii). that the requesting production company has either a viable multi market distribution plan or a signed distribution agreement with either a major theatrical exhibitor, television network or cable television programmer for distribution of the production.

ii. Infrastructure:

(a). working name of the infrastructure project;

(b). name of the requesting infrastructure company;

(c). name, telephone number, e-mail address and attesting signature of the requesting infrastructure company's contact person;

(d). approximate beginning and ending date of construction in Louisiana;

(e). Louisiana office address;

(f). telephone number of requesting company's Louisiana office address;

(g). estimated total project-related costs or total costs associated with the infrastructure project;

(h). a preliminary operating budget including the estimated Louisiana payroll and estimated in-state investment;

(i). a detailed business plan outlining the exact proposed costs;

(j). total number of jobs to be created by the infrastructure project.

c. Expenditure Verification Report Fee. The department shall directly engage and assign a CPA to prepare an expenditure verification report on an applicant's cost report of production or project expenditures. Applicants shall submit an advance deposit at the time of application, and shall later be assessed the department's actual cost based upon an hourly rate not to exceed $250, in the amounts set forth below:

i. for applicants with project expenditures greater than $50,000 but less than $300,000, an advance deposit of $5,000, with a maximum fee of $10,000;

ii. for applicants with project expenditures greater than $300,000 but less than $25,000,000, an advance deposit of $7,500, with a maximum fee of $15,000;

iii. for applicants with project expenditures greater than $25,000,000, an advance deposit of $15,000, with a maximum fee of $25,000;

iv. if CPA actual costs exceed the advance deposit, the applicant will be billed and LED will not issue any pending final certification letter until receipt of any outstanding balance. Any unused balance shall be refunded to the applicant within 60 days following receipt of CPA's final invoice and payment of all CPA costs;

v. if at the time of application for initial certification, the department is notified that post-production activities will take place in Louisiana, and subsequently such activities are performed in Louisiana, a supplemental request for certification of expenditures directly relating to such post-production activity may be submitted. An advance deposit fee of $7,500 shall be due at time of request for a supplemental verification report, and applicant will again be liable for the actual costs subject to the conditions set forth above.

2. All applicants shall participate in a career based learning and training program approved by the office. To

meet this requirement, at the time of application, applicants may choose a method of participation from the list below:

a. provide a minimum of 3 paid internship positions provided to students enrolled in an accredited high school, community college, university or qualified community based program, for a minimum of 75 hours per student and a total of 225 hours; or

b. a minimum of 8 hours of classroom workshop provided to students enrolled in an accredited high school, community college, university or qualified community based program; or

c. a minimum of 8 hours of studio employment and professional skills tour provided to students enrolled in high school, community college, university or qualified community based program; or

d. a minimum of 8 hours of continuing education for educators or faculty to observe the set operations, post production and other specialized departments;

e. financial contribution or donation to a specific local educational agency or higher education institution specializing in arts, media and entertainment career oriented program. Financial contributions calculated at 0.25 percent of the estimated tax credit reservation; or

f. other method of participation approved by the office.

B. Qualification. The office and the secretary, and in the case of infrastructure projects, the division, shall determine whether a production or infrastructure project qualifies for certification, by meeting all requirements of R.S. 47:6007 and these regulations, and taking the following factors into consideration:

1. the impact of the production or infrastructure project on the immediate and long-term objectives of R.S. 47:6007;

2. the impact of the production or infrastructure project on the employment of Louisiana residents;

3. the impact of the production or infrastructure project on the overall economy of the state.

C. Initial Certification

1. Application Review Process, Provisional Allocation and Reservation of Tax Credits

a. Project-Based Production Tax Credit—For Applications Submitted prior to July 1, 2017

i. After review and upon a determination of qualification, the office and the secretary shall issue an initial certification letter indicating the amount of tax credits certified for the state certified production, or a written denial.

b. Project-Based Production Tax Credit—for Applications Submitted on or after July 1, 2017

i. Beginning July 1, 2017 and thereafter, the office will accept and review applications on a monthly basis. All applications received by the 15th of the month will be treated as received on the last business day of the month ("monthly initial certification pool") and processed accordingly.

ii. After review and upon determination of qualification, the office and the secretary shall issue an initial certification letter, or a written denial. The initial certification letter will provisionally allocate tax credits based upon expected the cost report submission date and availability of tax credits in any given year.

iii. Tax credits provisionally allocated in the initial certification letter shall be reserved until thirty days following the identified start date of principal photography.

iv. The production company shall provide written evidence that principal photography has begun by the identified date by submitting documents such as call sheets, site visit reports from local film commission staff, or as otherwise approved by the office. Upon receipt, the office will issue an email confirmation, acknowledging the continued tax credit reservation and effectivity of the initial certification letter.

v. If the production company is unable to begin principal photography by the identified date, it shall provide written notice to the office and provide written reasons for the delay and the anticipated new start date of principal photography. The office may, in its sole discretion, grant a one-time extension to such production company. Unless otherwise approved by the secretary for good cause shown, the extension shall not exceed 30 days.

vi. If the production company fails to provide appropriate written evidence that principal photography has begun by identified date or other approved date, the office will send production company a notice of disqualification and;

(a). the amount of credits reserved shall be added back into the available amount for that fiscal year, or rolled forward into the then current year, as applicable;

(b). the initial certification letter issued shall be deemed void, and the applicant shall be disqualified from earning any tax credits on the applicable state certified production;

(c). the applicant shall forfeit all application fees;

(d). any unused CPA advance deposit fees shall be refunded within 30 days;

vii. a production company so disqualified may re-submit a new application for the same project, which will be evaluated by the office as a new state certified production, with a new application date and subject to all applicable fee and filing requirements.

2. Additional information may be requested by the office, the department and/or the division in order to make a determination of eligibility for the program.

3. Cap Management—Phase 1- Initial Certification—Tentative Reservation

a. The reservation of tax credits shall be administered on a first come, first serve basis, until any of the caps have been met:

i. QEC;

ii. LA screenplay;

iii. independent film;

iv. general; or

iv. total cap.

b. Qualifying LA screenplay or independent film projects shall be allocated credits first from the available LA screenplay or independent film caps. On the day that the LA screenplay or independent film caps are met, credits shall be reserved from any remaining general cap.

c. If the LA screenplay and independent film caps have not been met by April 30 of any year, any residual amount of unreserved credits may be available for general allocation by the office, in addition to any residual general cap.

d. If the QEC cap is not met in any fiscal year, any residual unreserved credits shall carry forward for use by QEC's in subsequent years.

e. On the day that the total or general cap is reached, the credits remaining for allocation shall be reserved on a prorated basis amongst the monthly initial certification submission pool.

f. If the total amount of credits applied for in any particular year exceeds the total or general cap for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

4. Duration of Effect—for Applications Submitted prior to July 1, 2017

a. Once an initial certificate is issued by the office, the department (and the division where appropriate), the applicant or official representative must countersign and return an original to the office, within 30 business days, acknowledging initial certification status.

b. For productions, initial certification shall be effective for a period 12 months prior to and 12 months after the date of initial certification, unless the production has commenced, in which case the initial certification shall be valid until the production is completed.

5. Duration of Effect—for Applications Submitted on or after July 1, 2017.

a. Once an initial certification letter is issued, the applicant or official representative must countersign and return an original to the office, within 30 business days, acknowledging initial certification status and the reporting requirement for start date of principal photography.

b. The initial certification letter shall be effective for qualifying expenditures made within a period of twelve months prior to the date of application and twenty-four months after the date of initial certification letter, except that:

i. state certified productions for scripted episodic content ("SEC's"), with estimated expenditures of at least $10,000,000 in state expenditures per calendar year, shall be issued an initial certification letter effective for qualifying expenditures made until 60 months after the date of initial certification, under terms and conditions approved by the office and the secretary, as set forth in the initial certification letter.

ii. when determining the amount and appropriate allocation and reservation of credits for SEC's, the office shall review all pertinent information, including but not limited to; whether the project is a pilot, TV series from a pilot formerly shot in Louisiana, a recurring TV series or a relocating TV series.

iii. unless otherwise approved by the office and the secretary, SEC tax credits will be allocated from the general cap, and initially reserved for two seasons. SEC applicants shall periodically provide updates to the office, and the initial certification letter may be subsequently revised to allow for additional allocations and reservations of credits for seasons three through five, if applicable.

D. Final Certification; Audit Requirements

1. Prior to any final certification of credits, the motion picture production company applicant shall submit to the office a notarized statement demonstrating conformity with and agreeing to the following:

a. to pay all undisputed legal obligations incurred in the state;

b. to publish upon completion of principal photography a notice at least once a week for three consecutive weeks in local newspapers in regions where filming has taken place, notifying creditors to file any claims within a specific date;

c. that the outstanding obligations are not waived should a creditor fail to file by the specific date;

d. to delay any claims for credits until the office delivers written notice to the Secretary of the Department of Revenue that the production company has fulfilled all requirements for the credit.

2. When requesting final certification of credits, the motion picture production company or infrastructure project applicant shall submit to the office the following:

a. a cost report, certified by a state licensed, independent certified public accountant and complying with the minimum standards as required by R.S. 47:6007(D)(2)(d). The cost report may be subject to additional audit by the department, the division, or the Department of Revenue, at the applicant's expense.

i. Incorrect Reporting. If an applicant submits a cost report required by the provisions of this Chapter and the report made and filed contains material misstatements, including but not limited to misrepresentation in or intentional omission from the cost report of events, transactions, or other significant information there may be cause for an additional audit.

ii. Related Party Transactions. If an audit contains related party transactions in excess of 20 percent of the total expenditures reported in the submitted audit there may be cause for an additional audit.

iii. Reimbursement of Audit Costs. The department may undertake additional audit at the applicant's expense, to be performed by a state certified public accountant also certified in financial forensics or also certified as a fraud examiner. Audit fees will be assessed at the department's contracted fee, with a minimum of $2,000 and a maximum of $15,000 fee per audit.

b. additional information as may be requested.

3. Final Allocation and Issuance of Tax Credits

a. Project-Based Production Credit—for Applications Submitted prior to July 1, 2017

i. After review and upon a determination of qualification, the office and the secretary shall issue a final certification letter indicating the amount of tax credits certified for the state certified production, or a written denial.

b. Project-Based Production Tax Credit—for Applications Submitted on or after July 1, 2017

i. Beginning July 1, 2017 and thereafter, the office will accept and review requests for final certification on a monthly basis. Applicants shall have completed all required steps for certification of credits, and requests shall be evidenced by submission of a signed attestation form to the office. All requests received by the 15th of the month will be treated as received on the last business day of the month, ("monthly final certification submission pool") and processed accordingly.

ii. After review and determination of qualification, the office and the secretary shall issue a final certification letter, in accordance with the provisional allocations and amounts set forth in the initial certification letter, or a written denial.

iii. In the event that less than the reserved amount of tax credits has been verified, any unused credits will be released and may be available for issuance by the office.

iv. In the event that more than the reserved amount of tax credits has been verified, the office shall preliminarily issue tax credits in an amount not to exceed the total indicated in the initial certification letter, but may at its discretion, subsequently issue a supplemental tax credit for any excess expenditures, subject to availability of credits in any given fiscal year.

4. Cap Management—Phase 2- Final Certification—Tax Credit Issuance

a. The issuance of tax credits shall be administered on a first come, first serve basis, until any of the caps have been met; QEC, LA screenplay, independent film, general or total cap.

b. Qualifying LA screenplay or independent film projects shall be issued credits first from the available LA screenplay or independent film caps. On the day that the LA screenplay or independent film caps are met, credits shall be issued from any remaining general cap.

c. If the LA screenplay and independent film caps have not been met by April 30 of any year, any residual amount of credits may be available for issuance by the office, in addition to any residual general cap.

d. If the total cap has not been met by May 30 of any year, the office shall review any projects with excess expenditures for which credits have neither been certified nor denied, and may issue supplemental tax credits from any remaining general cap. Such projects shall all be treated as received on June 15th and processed accordingly.

e. If the QEC cap is not met in any fiscal year, any residual credits shall carry forward for use by QEC's in subsequent years.

f. On the day that the total or general cap is reached, the credits remaining for allocation shall be issued on a prorate basis amongst the monthly final certification submission pool.

g. If the total amount of credits applied for in any particular year exceeds the total or general cap for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

E. Appeal Process. In the event that an application for initial or final certification is denied:

1. the office shall promptly provide written notice of such denial to the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means;

2. the applicant may appeal as follows:

a. an applicant may appeal within 30 days from receipt of a denial. Receipt will be conclusively presumed 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 and also in the case of infrastructure projects to the commissioner;

c. within 30 days of receipt of a timely appeal, the secretary (or his designee) and the commissioner, where applicable, will review the appeal, and issue a joint written determination. The secretary and the commissioner may extend the time for the determination for an additional 30 days. In the event the secretary and the commissioner do not agree, or fail to issue a determination within the required time, the appeal is deemed denied;

d. the written determination shall be the final agency decision of the department, and the division where applicable;

e. the applicant may appeal an adverse decision to the Nineteenth Judicial District Court.

3. initial certification letters that were issued to an applicant, but subsequently deemed void by the office, following a notice of disqualification for failure to begin principal photography by an agreed upon identified date or other approved date, shall not be subject to appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:55 (January 2010), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development and the Louisiana Economic Development Corporation, LR 37:514 (February 2011), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:39 (January 2016), amended by the Department of Economic Development, Office of Entertainment Industry Development, LR 43:2102 (November 2017), repromulgated LR 43:2473 (December 2017), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:871 (July 2019).

§6109. Additional Program Provisions—Production

A. Payroll Tax Credit

1. To the extent base investment is expended on payroll for Louisiana residents employed in connection with a state-certified production:

a. for state-certified productions initially certified before July 1, 2009, each investor shall be allowed an additional tax credit of 10 percent of such payroll;

b. for state-certified productions initially certified after July 1, 2009, each investor shall be allowed an additional tax credit of 5 percent of such payroll.

2. However, if the payroll to any one person exceeds $1,000,000, this additional credit shall exclude any salary for that person in excess of $1,000,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1125.1.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:56 (January 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:874 (July 2019).

§6111. Additional Program Provisions—Infrastructure

A. Tax credits may be granted only for infrastructure projects directly related to the acquisition and construction of a film, video, television, or video production or postproduction facility and shall not apply to any infrastructure project such as a hotel or lodging facility, golf course, or retail shopping facility or other facility which the

department and the division deem unrelated to such purposes.

1. If an infrastructure project may be used for other purposes unrelated to the production or postproduction activities, tax credits may be granted for that portion of the project that is deemed by the department and the division to be necessary to support or secure production or postproduction activities.

2. In the case of immovable assets deemed related, an applicant must provide assurances that:

a. such assets will exclusively support the initially certified film infrastructure project; and

b. that the applicant will not divert the use of the assets to purposes that do not promote or provide for the productions within the state of Louisiana.

3. In the case of movable assets deemed related, an applicant must provide assurances that:

a. the moveable assets shall remain in Louisiana, for as long as specified in any agreements pursuant to §1611.A.4 below;

b. be used in the production of motion pictures or other visual media productions within the state of Louisiana; and

c. used for not less than 80 percent of the asset's useful life.

4. Assurances may be secured by appropriate agreements, including, but not limited to the following terms and conditions:

a. a requirement of approval prior to sale of such assets;

b. a requirement for a minimum number of years before such assets may be transferred to a different owner;

c. limitations on transferability of the tax credits for current or future holders;

d. a reserve fund that may be re-captured by the state; and/or

e. a structured release of tax credits.

5. Any conditions to meet the requirements of this Subsection shall be explicitly stated in the initial certification issued for the project.

a. In the event an applicant fails to meet the conditions, as specified in the certification letter, any such acts, omissions or failures shall constitute a default, and the office shall retain all rights to modify the terms and conditions of the certification, and to reclaim disbursed credits in an amount commensurate with the scope of the unmet performance objectives and the foregone benefits to the state. Reclamation shall not begin unless the office has determined, after an analysis of the benefits of the project to the state and the unmet performance objectives, that the state has not satisfactorily or adequately recouped its costs through the benefits provided by the project.

B. For infrastructure applications received prior to August 1, 2007:

1. the applicant shall have 24 months from the date of approval of the rules or January 1, 2008, whichever is earlier, in which to qualify for the 40 percent tax credits earned on expenditures;

2. a minimum of 20 percent or $10,000,000 of the total base investment (as provided for in the initial certification) that is unique to film production infrastructure shall be expended before any infrastructure tax credits can be earned.

3. payment of tax credits earned may be structured over the course of two or more tax years, and may be made after the year expenditures are made, as provided for in the initial certification.

C. For infrastructure applications received after August 1, 2007 and before January 1, 2009:

1. the tax credit shall be 40 percent of the base investment expended in this state on projects, provided that:

a. the total base investment expended in this state, exceeds $300,000;

b. the total tax credit allowed shall not exceed $25,000,000;

2. if all or a portion of an infrastructure project is a facility which may be used for other purposes unrelated to production or postproduction activities, then no tax credits shall be earned on such multiple-use facilities until the production or postproduction facility is complete;

3. construction of the infrastructure project shall begin within six months of the preliminary certification;

4. credits may not be earned until 25 percent of the total base investment, provided for in the preliminary certification of an infrastructure project, has been certified as expended;

5. no tax credit shall be allowed for expenditures made for any infrastructure project after December 31, 2008, unless 50 percent of the total base investment provided for in the initial certification of the project has been expended prior to that date. The expenditures may be finally certified at a later date;

a. transactions qualifying toward he 50 percent expenditure requirement include, but are not limited to, an arm's length transaction in which the obligation is secured by the subject of the transaction and the maturity date for such obligation occurs after December 31, 2008, if such transaction was executed on or before December 31, 2008. However, such transactions shall not qualify to earn tax credits, or otherwise be deemed to be expenditures, until actual payments are made and the transaction meets the definition of *expenditure* provided in §1605.B above;

6. expenditures shall be certified by the department, office and division and credits are not transferable until such certification;

7. for purposes of allowing tax credits against state income tax liability and transferability of the tax credits, the tax credits shall be deemed earned at the time expenditures are made, provided that all requirements of this Subsection have been met and after the tax credits have been certified;

8. the department, office and division may require the tax credits to be taken and/or transferred in the period in which the credit is earned or may structure the tax credit in the initial certification of the project to provide that only a portion of the tax credit be taken over the course of two or more tax years;

9. the credit shall be allowed against the income tax for the taxable period in which the credit is earned or for the taxable period in which initial certification authorizes the credit to be taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1125.1.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:56 (January 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:874 (July 2019).

§6113. 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 a final certification. The investor tax credit may be earned, transferred, allocated, and claimed as follows.

1. Earn. Individuals or entities may earn investor tax credits pursuant to R.S. 47:6007(C)(1).

a. Once tax credits are earned by an individual or entity, such individual or entity and any subsequent transferee, may transfer or allocate the investor tax credits.

2. Transfer. Any motion picture investor tax credits not previously claimed by any taxpayer against its income tax may be transferred or sold to another Louisiana taxpayer or to the office, pursuant to R.S. 47:6007(C)(4).

a. A single transfer or sale may involve one or more transferees. Transferors and transferees shall submit to the Office and to the Department of Revenue in writing, a notification of any transfer or sale of tax credits within thirty days after the transfer or sale of such credits and shall include a processing fee of two hundred dollars per transferee.

b. If the investor tax credits (evidenced by a certification letter) are transferred to the office:

i. on and after January 1, 2007, and prior to December 31, 2008 the state shall make payment to the investor at a value of 72 percent of the face-value of the credits;

ii. on January 1, 2009, and every second year thereafter, the percent of the value of the tax credits paid by the state shall increase 2 percent until the percentage reaches 80 percent;

iii. for state certified productions which receive initial certification on or after July 1, 2009, the state shall make payment to the investor at a value of 85 percent of the face-value of the credits.

3. Allocate. If the investor tax credits are earned by, or allocated or transferred to, an entity not taxed as a corporation, the entity may allocate the credit by issuing ownership interests to any individuals or other entities on such terms that are agreed to by the relevant parties and in accordance with the terms of the allocating entity's operating agreement or partnership agreement. These terms may result in the allocation of up to 100 percent of the investor tax credits to any individual or entity regardless of the federal tax treatment of the allocation:

a. the allocating entity:

i. may be treated as a partnership for federal or state tax purposes; or

ii. may be treated as an entity that is disregarded as an entity separate from its owners for federal or state tax purposes, and in which case, each holder may agree that it will not treat the allocating entity as a partnership or itself as a partner or the ownership interest in the allocating entity as a partnership interest for federal tax or state tax purposes.

4. Claim. Tax credits may be claimed as follows:

a. an owner of tax credits may apply the credits to offset an outstanding Louisiana income tax liability for any tax year beginning in the year that the investor initially earned the tax credit or in any year thereafter within the 10 year carry forward period;

b. in the case of tax credits owned (held) by an entity not taxed as a corporation, the credits shall be deemed to flow through or be allocated to partners or members at the end of the tax year in which the entity acquired the credits unless the partnership or membership agreement provides otherwise;

c. any individual or entity shall be allowed to claim the investor tax credit against its Louisiana income tax liability:

i. whether or not any such individual is a Louisiana resident; and

ii. whether or not any such entity is domiciled in Louisiana, organized under Louisiana law, or headquartered in Louisiana;

d. an investor tax credit, in the hands of the taxpayer that earned the credit or received it by flow-through, cannot be used to eliminate any penalties and interest on overdue income taxes from prior tax years:

i. however, an investor tax credit that is purchased is treated as property and can be applied to penalties and interest on overdue income taxes from prior tax years pursuant to R.S. 47:1675(H)(1)(c):

(a). penalties and interest will continue to accrue until the taxes on which such penalties and interest are accruing are paid;

(b). the date of payment is the date that the Louisiana Department of Revenue receives a return from a taxpayer on which the investor tax credits are claimed.

B. If the investor tax credits (evidenced by a tax credit certification letter) are transferred or allocated as provided herein.

1. The transferor shall submit to the office the original certificate of ownership, evidencing the investor tax credits being transferred or allocated, as required by R.S. 47:6007(C)(5).

2. After receipt, the office may issue to each transferee or allocatee, a certificate of ownership signed by the director reflecting:

a. such transferee's or allocatee's name;

b. the dollar amount of investor tax credits transferred or allocated;

c. the calendar year in which the investor tax credits were originally earned;

d. the state-certified infrastructure project or the state-certified production with respect to which such investor earned the investor tax credits; and

e. the identifying number assigned to such state-certified infrastructure project or state-certified production.

3. If the certificate of ownership submitted evidences more investor tax credits than actually transferred or allocated, then the office may issue an additional certificate of ownership, reflecting any remaining investor tax credit balance.

4. Any person or entity engaged in the business of buying and reselling tax credits may elect to maintain its certificate of ownership on file with the office, such that it

need not surrender, and have reissued, its certificate of ownership each time it sells a tax credit.

a. In such cases, the office may issue comporting certificates of ownership to transferees or allocates, designated by the transferor or allocator in writing, until such time as the tax credits represented in the original certificate have been exhausted.

5. Any taxpayer claiming investor tax credits against its Louisiana income tax liability shall submit to the Department of Revenue, with its Louisiana income tax return for the year in which the taxpayer is claiming the investor tax credits, an original certificate of ownership issued by the office or the transfer notice pursuant to this rule, evidencing the dollar amount of the investor tax credits being claimed.

6. The failure of the office to timely issue a certificate of ownership in accordance with this rule shall not:

a. void or otherwise affect, in any way, the legality or validity of any transfer of investor tax credits;

b. prohibit any Louisiana taxpayer from claiming investor tax credits against its Louisiana income tax liability, if the investor tax credits are otherwise transferred or claimed in accordance with R.S. 47: 6007 and these rules; or

c. result in any recapture, forfeiture or other disallowance of investor tax credits under R.S. 47:6007(E) or (F) or otherwise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development and the Office of the Governor, Division of Administration, LR 36:57 (January 2010), amended by the Department of Economic Development, Office of the Secretary, Office of Business Development, and the Louisiana Economic Development Corporation, LR 37:515 (February 2011), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:876 (July 2019).

§6115. Louisiana Screenplay Credit

A.1. For state-certified productions initially certified on or after July 1, 2015, with expenditures occurring on or after July 1, 2015, a state-certified production company which demonstrates that it owned or optioned to own a Louisiana screenplay, which has been held by a qualified Louisiana production company for a minimum of 12 months prior to production, may be eligible for an additional 15 percent of base investment tax credit.

2. *Louisiana Screenplay*—

a. a screenplay created by a Louisiana resident; or

b. a screenplay purchased, optioned, licensed or otherwise acquired, from a Louisiana publisher:

i. in each case, as evidenced by documents such as certificate of authorship, a WGA registration certificate, the records of the United States Copyright Office, or a reasonable legal opinion issued to the office.

3. *Qualified Louisiana Production Company* (*QLPC*)—a motion picture production company, organized under Louisiana law, or otherwise domiciled and authorized to do business in Louisiana, having its principal place of business in Louisiana, which files Louisiana income tax returns and can also demonstrate:

a. the power and authority to make creative decisions with respect to a motion picture being produced by a state-certified production company, including but not limited to final cut authority; and

b. either of the following:

i. Louisiana ownership—must be able to prove that the company is 100 percent owned by a Louisiana resident or residents, who are natural persons who have been domiciled in and maintained a permanent place of abode in Louisiana for no less than 12 consecutive months prior to beginning of pre-production; or

ii. Louisiana employees—must be able to prove that the company has directly employed a minimum of 3 full-time Louisiana residents for a minimum of 12 months prior to beginning of pre-production.

4. LED shall post on its website a listing of approved Louisiana publishers and qualified Louisiana production companies.

B. If LED determines that an expenditure is a related party transaction, after review of CPA's verification report and any other supplemental support documentation, in addition to any other appropriate limitations or exclusions, such related party transactions shall not qualify for the additional 15 percent copyright credit.

C. LED shall not issue a final certification letter certifying any credits pursuant to the provisions of this section, until promulgation of a rule in the *Louisiana Register*, pursuant to the Administrative Procedure Act.

D. LED staff are available to assist interested parties in understanding the eligibility criteria and applying for this additional credit, and would suggest the following sequence of steps.

1. Interested motion picture production companies should apply to LED for approval as a QLPC.

2. Interested publishing house companies should apply to LED for approval as a Louisiana publisher.

3. Following QLPC approval, QLPC's may apply to LED for project approval of state-certified productions as usual, applying either on their own behalf, or their associated project company may apply, but at time of application it must be able to demonstrate the relationship between QLPC and state certified production company applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 43:301 (February 2017), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:877 (July 2019).

§6117. Louisiana Music

A. For state certified productions initially certified on or after July 1, 2015, with expenditures occurring on or after July 1, 2015, to be eligible for an additional 15 percent tax credit for music expenditures, an applicant company must meet the following criteria:

1. services performed in Louisiana—music expenditures were for services performed in Louisiana, with job titles such as composer, songwriter, performer, musician, sound designer, arranger, producer. The purchase of a pre-existing musical work from a procurement company will not qualify; and

2. Louisiana copyright ownership—must be able to prove that the sound recording copyright or musical copyright is either:

a. owned in whole or in no part less than 25 percent by a Louisiana resident or residents, or

b. owned by a company headquartered in the state, with a majority ownership (51 percent+) of Louisiana residents;

c. the purchase of a copyright from a procurement company will not qualify.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:1656 (October 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:877 (July 2019).

§6119. Louisiana Promotional Graphic

A. For state-certified productions initially certified on or after August 1, 2015, to be eligible for the entire 30 base investment tax credit, motion picture production applicants with base investments in excess of $300,000 must be able to demonstrate, at time of request for final certification, that either that they have complied with the Louisiana promotional graphic requirements set forth below, or that an alternative marketing opportunity has been approved in writing by LED.

1. Approved Louisiana promotional graphic requirements:

a. a five-second long static or animated graphical brand or logo promoting Louisiana, that has been approved in writing by LED;

b. for feature films, or other production types with a customary end credit crawl, the approved logo is to be placed in the end credits, before the below-the line crawl for the life of the production;

i. LED shall deem "life of the production" to mean that the approved logo is permanently embedded within the subject of the state certified production; and

c. the production company includes an approved Louisiana promotional link or prominent credit to Louisiana on its own website, or that of an approved affiliated company.

2.a. Alternative marketing opportunities shall be proposed to LED at the time of application for initial certification, setting forth the details and estimated value of the proposed opportunity or justification of value taking into consideration the additional five percent credit being sought. LED shall either approve or deny such options in writing at time of initial certification.

b. Acceptable examples of alternative marketing opportunities may include, but not be limited to a combination of the following:

i. a produced in Louisiana card featuring an approved version of the logo during the opening credits of a feature film;

ii. an approved promotional featurette highlighting Louisiana as a tourist destination included on the DVD release of the production;

iii. an approved version of the logo placed in the opening title sequence or as a bumper into or out of commercial breaks for Television productions;

iv. significant community service projects in Louisiana;

v. red carpet screening event in Louisiana;

vi. sponsorship of a film festival or other approved event in Louisiana;

vii. an official advertising poster for the state-certified production and a still frame from the production, or, at the discretion of LED, a significant set piece, prop, or costume from the production may be donated on the condition that they may be used for unlimited marketing purposes by the state;

viii. access to a standard or electronic press kit, clip from the motion picture or special interview with the principles involved in the production (actors, directors, producers, etc) promoting Louisiana as a business destination for unlimited use for marketing purposes by LED;

ix. other alternatives as proposed by production companies and approved by LED.

B. Failure to demonstrate such compliance at time of final certification shall result in a reduced base investment credit amount of 25 percent.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:1656 (October 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:878 (July 2019).

§6121. Louisiana Filmmaker Credit

A. For state-certified productions initially certified on or after July 1, 2015, with expenditures occurring on or after July 1, 2015, to be eligible for the 30 percent base investment tax credit, motion picture production applicants with base investments in excess of $50,000 but less than $300,000, must be able to demonstrate at time of request for final certification that 90 percent of the Louisiana base investment expended on above the line services has been expended for the services of Louisiana residents and that at least 90 percent of the total production jobs have been filled by Louisiana residents. No credits shall be earned by applicant, and LED shall void any initial certification letter issued and deny final certification requests if applicant fails to demonstrate such compliance.

B. Compensation for above the line services performed in Louisiana shall be paid directly to a Louisiana resident, and any payments made to a loan-out company shall not be considered Louisiana resident payroll for the purposes of above-the-line percentage calculations.

C. Production jobs may include, but not be limited to cast and crew positions customarily considered below the line in the film and television industry, such as: production manager, cinematographer, set designer, make-up artist. Extras shall not be considered a production job for purposes of production job percentage calculations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 43:301 (February 2017), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:878 (July 2019).

Chapter 63. Motion Picture Production Tax Credit Program—Qualified Entertainment Company Payroll Tax Credit Program

§6323. General

A. Purpose. The purpose of this Sub-chapter is to implement the Qualified Entertainment Company Payroll Tax Credit Program as established by Act 309 of the 2017 Regular Session of the legislature, contained within the Motion Picture Production Tax Credit Program, pursuant to the provisions of R.S. 47:6007.

B. Program Description. The Qualified Entertainment Company Payroll Tax Credit Program provides payroll tax credits as an inducement for qualified entertainment companies ("QEC"s) to permanently locate new or expand existing operations in Louisiana.

C. No other LED incentives for QEC payroll expenditures. A QEC shall not receive any other incentive administered by LED that is based directly upon any QEC Payroll, for which the QEC is obligated or has received benefits under the QEC Contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Entertainment Industry Development LR 44:1992 (November 2018), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:879 (July 2019).

§6324. Definitions

A. Terms not otherwise defined in this sub-chapter shall have the same meaning given to them in R.S. 47:6007, unless the context clearly requires otherwise.

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

Affiliate—

a. any business entity that is:

i. controlled by the QEC;

ii. a controlling owner of the QEC; or

iii. controlled by an entity described in Subparagraph a or b;

b. control, for purposes of this definition, means owning either directly or indirectly through control of or by another business entity:

i. a majority of the voting stock or other voting interest of such business entity or the QEC; or

ii. stock or other interest whose value is a majority of the total value of such business entity or the QEC;

c. a controlled or controlling business entity will be deemed a non-affiliate (not an affiliate) if the department determines that neither the QEC nor any of its controlling owners exercise authority over the management, business policies and operations of the business entity.

Approved Rehire Employees—a former employee who was previously on the payroll of the QEC, or QEC parent entity, subsidiary, or affiliate in Louisiana, but has been off such payroll for a period of at least four months, may be considered a new job if rehired into a position that is not part of the baseline jobs. When determining New Job qualification, at the discretion of LED, LED shall consider all relevant factors including but not limited to; ES4's, W2's and QEC re-hiring practices, and the intent of the QEC payroll tax credit program to permanently locate new or expand existing operations in Louisiana.

Baseline Jobs—the number of employees of a QEC, including affiliates, working an average of 30 hours per week, during the payroll period including the twelfth of the month, in the month completed prior to the contract effective date, as verified on the applicable ES-4 form or equivalent filing form. Baseline jobs must be maintained in any year for which the QEC requests tax credits.

Baseline Job Payroll—W-2, Box 1 wages for baseline jobs.

Contract Effective Date—the date the application and application fee are received by LED, or a later contract effective date as agreed to between the parties. The contract effective date cannot be earlier than the date the application and application fee are received by LED.

Department—Louisiana Department of Economic Development, also known as "LED"

LDR—Louisiana Department of Revenue

Minimum Payroll Threshold—a minimum QEC Payroll of $45,000 per New Job, or for a partial year employee, shall mean $3,750 per month for each month from the date of initial employment.

New Jobs—

a. full-time employment in Louisiana, working an average of 30 hours or more per week;

b. filled by Louisiana residents;

c. at the project site; and

d. with the exception of Approved Rehire Employees, who were not previously on the QEC's Louisiana payroll, nor previously on the payroll of the QEC's parent entity, subsidiary, or affiliate in Louisiana, or previously on the payroll of any business whose physical location and employees are substantially the same as those of the QEC in Louisiana, as confirmed by an independent CPA in an annual expenditure verification report submitted to LED for review, and approved by the secretary. New Jobs shall not mean:

i. baseline jobs existing one month prior to contract effective date; or

ii. jobs located at facilities other than the approved Project Site.

Office—Office of Entertainment Industry Development, also known as "OEID"

Program Issuance Cap—for applications submitted on or after July 1, 2017, the office may issue no more than $150,000,000 in tax credits ("total cap") in any fiscal year, with $7,500,000 reserved for qualified entertainment companies ("QEC cap"), $7,500,000 reserved for Louisiana screenplay productions ("LA screenplay cap"), $15,000,000 reserved for independent film productions ("independent film cap"), with the remaining $120,000,000 available for general allocation to any state certified production ("general cap").

Project Site—the facility name and street address, as stated in the QEC contract.

QEC Payroll—W-2, Box 1 wages. For a partial year employee, the minimum payroll threshold may be met if the payroll for the partial year employee meets or exceeds $3,750.00 per month for each month from the date of initial employment.

QEC Payroll Tax Credits—a tax credit for expenditures related to QEC payroll, authorized by the Motion Picture Production Tax Credit Program, R.S. 47:6007.

Resident—a natural person who is required to file a Louisiana resident individual income tax return, as verified by independent CPA's on the annual verification report.

Secretary—Secretary of the Department of Economic Development

Total Jobs—the number of baseline jobs plus new jobs.

Total Payroll—the amount of baseline jobs payroll plus new jobs payroll.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Entertainment Industry Development LR 44:1992 (November 2018), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:879 (July 2019).

§6325. QEC Application and Application Fee

A. Application

1. A QEC application form shall be submitted to the office, via registered mail or if available, submitted electronically, to include;

a. a detailed company description, explaining how the business is directly or indirectly engaged in the development of audio, visual, or both audio-visual entertainment products for public consumption;

b. number of current and proposed new employees, with payroll estimates and average hours worked per week;

c. disclosure of affiliates;

d. most recent ES-4 tax form;

e. any other additional information as requested by the office or the secretary.

B. Application Fee

1. A non-refundable application fee of 0.5 percent of the estimated total tax credits, with a minimum fee of $500, and a maximum fee of $15,000, shall be submitted with the QEC application, payable to the office, as required by R.S. 36:104.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Entertainment Industry Development LR 44:1993 (November 2018), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:880 (July 2019).

§6326. QEC Application Review and Qualification Determination

A. Application Review

1. When determining which applicants may qualify, the office and the secretary shall consider a number of discretionary factors, including but not limited to:

a. entertainment business type:

i. eligible business types- may include but not be limited to;

(a). visual effect companies;

(b). entertainment business back-office support

ii. ineligible business types- may include but not be limited to:

(a). telecommunication;

b. number and payroll of current and proposed new jobs;

c. location of facility that will be the project site;

d. number and location of similar entertainment business facilities in Louisiana;

e. business history, i.e. start-up company or track record of established business;

f. the impact of the business on the overall economy of the state;

g. conviction for a criminal offense related to obtaining or attempting to obtain tax credits;

h. availability of tax credits in any given year.

B. Qualification Determination

1. Upon a determination of qualification, LED will contact applicant to discuss contract terms and to request an expenditure verification report fee advance deposit of $7,500.

2. Upon a determination of non-qualification, the office and the secretary shall issue a denial letter to the applicant indicating the reason for denial, and the Office shall provide written notice to the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means. The denial letter shall be the final agency decision of LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Entertainment Industry Development LR 44:1993 (November 2018), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:880 (July 2019).

§6327. QEC Contract

A. Upon a determination of qualification, and receipt of the $7,500 expenditure verification report fee advance deposit, the office and the secretary may enter into a QEC contract with an applicant, which shall include but not be limited to:

1. job and payroll estimates, per calendar year;

2. tax credit reservation schedule, per fiscal year;

3. expenditure verification report fees;

4. procedure for requesting final certification of tax credits;

5. requirements for eligibility to receive final certification of tax credits, including but not limited to retention of baseline jobs, establishment of new jobs and attainment of minimum payroll threshold;

6. term for a period of up to five years, as may be offered by the office and the secretary;

7. designation of a single project site in Louisiana—the QEC payroll tax credits the applicant shall receive will be based upon the operations at the project site;

B. A fee of $250 shall be filed with a request for any contract amendment, including but not limited to, a revision to the tax credit reservation schedule, a change in ownership, a change in name or a change in location.

C. An applicant may have multiple QEC contracts covering multiple locations. The eligibility of each location shall be determined separately;

D. For each QEC contract, LED shall certify that the applicant has a net overall increase in employment statewide for each new job;

E. A QEC contract may, with the written approval of the office and the secretary, be transferred to a business entity purchasing or continuing the operation of a project site.

Upon such transfer, the employment baseline shall be that of the transferee or purchaser during the 45 day period prior to the transfer or purchase;

F. The QEC contract may be renewed at the discretion of the office and the secretary, for an additional five years, if the applicant has complied with the terms of the QEC contract and has not performed any act, nor failed to perform any act, which would have made the applicant liable for suspension, and has otherwise complied with the provisions of R.S. 47:6007. The same approval process as used for the original application and QEC contract will be followed for renewal QEC contracts, including additional application and expenditure verification report advance deposit fees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Entertainment Industry Development LR 44:1994 (November 2018), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:880 (July 2019).

§6328. QEC Final Certification Procedures

A. By March 1 of every year, QEC's may request final certification of credits by filing its employee W-2's with the office and its assigned CPA, and any other additional information as requested by LED to verify conformance with statutory requirements.

B. An expenditure verification report shall then be completed by an independent certified public accountant, licensed in the state of Louisiana and assigned by LED. Failure to submit W2's by March 1 may result in credit issuance being delayed into the next available fiscal year.

C. After receipt and review of the expenditure verification report, and any other supporting documentation, the office and the secretary shall issue a final tax credit certification letter to the QEC indicating the type, credit rate and amount of credits granted, in accordance with the provisional allocations and amounts set forth in the tax credit reservation schedule, or a written denial.

1. In the event that less than the reserved amount of tax credits has been verified, any unused credits will be released and made available for issuance by the office.

2. In the event that more than the reserved amount of tax credits has been verified, the office shall preliminarily issue tax credits in an amount not to exceed the total set forth in the tax credit reservation schedule, but may at its discretion, subsequently issue a supplemental tax credit for any excess expenditures, subject to availability of credits in any given fiscal year.

D. Tax credits shall be issued on a first come, first serve basis, until the QEC or total cap have been met, in accordance with program rules.

E. If the total amount of credits applied for in any particular year exceeds the total or QEC cap for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

F. After review of the expenditure verification report, final tax credit certification letter (if any), and any other pertinent factors, including but not limited to availability of tax credits in any given year, future year tax credit reservations may be revised, by amending the tax credit reservation schedule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6007.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Entertainment Industry Development LR 44:1994 (November 2018), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:881 (July 2019).

Chapter 65. Louisiana Sound Recording Investor Tax Credit Program

§6531. Purpose and Description of Louisiana Sound Recording Investor Tax Credit Program

A. The purpose of this program is to encourage development in Louisiana of a strong capital and infrastructure base for sound recording productions in order to achieve an independent, self-supporting sound recording industry, and to encourage investments in multiple state-certified sound recording production projects and infrastructure.

B. Approvals and certifications as to whether a project qualifies as a state-certified production as required for Sound Recording Investor Tax Credits are not to be considered as entitlements for sound recording production companies, and the Louisiana Department of Economic Development shall have the discretion to determine whether or not each particular sound recording or infrastructure project, meets the criteria for such qualification as provided herein.

C. These rules implement the Louisiana Sound Recording Investor Tax Credit pursuant to R.S. 47:6023. This credit was created by Act 485 (H.B. 631), Laws 2005 and amended by Act 368 (S.B. 70), Laws 2007 of Reg. Sess., effective July 1, 2007.

D. These provisions are in addition to and shall not limit the authority of the Secretary of the Department of Revenue to assess or to collect under any other provision of law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6023.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Department of Revenue, LR 34:1347 (July 2008), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 36:304 (February 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:881 (July 2019).

§6533. Definitions

A. The following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

Base Investment—shall mean the actual investment made and expended in the state by:

a. a state-certified production as production expenditures incurred in this state that are directly used in state-certified production or productions;

b. a person or other legal entity in the development of a state-certified infrastructure project. Infrastructure Expenditures shall include, but are not limited to, expenditures for sound recording infrastructure project development, sound recording production spaces, sound production equipment, facilities, equipment for sound recording companies domiciled within Louisiana, sound processing and recording equipment, land acquisition and closing costs, construction costs, design and professional consulting fees associated with the state-certified infrastructure project, furniture, fixtures, percussion, pianos, keyboards, organs, musical and amplification equipment,

and financing costs which shall remain permanently located within Louisiana for the useful life of the object. Infrastructure Expenditures shall not include indirect costs, any amounts that are later reimbursed by a third party, any costs related to the allocation of tax credits, or any amounts that are paid to persons or entities as a result of their participation in profits from the exploitation of the State-certified Infrastructure Project.

Department—the Louisiana Department of Economic Development, or its successor.

Expended in the State—an expenditure to acquire property from a source within the state which is subject to state sales or use tax, or an expenditure as compensation for services performed within the state which is subject to state income tax.

Holder—the holder of a partnership interest, membership interest, or other similar ownership interest on any entity not taxed as a corporation.

Investor—any individual or entity that makes an investment in a state-certified production or infrastructure project.

Production Expenses—production expenditures in the state directly relating to and proportionate with work performed in Louisiana on a state-certified production. In qualifying submitted expenditures as production-related costs LED may determine whether such expenditures represent legitimate expenditures for the actual cost of related goods or services, having economic substance and a business purpose related to the certified production and not constructive dividends, self-dealing, inflated prices or similar transactions entered into for the purpose of inflating the amount of tax credits earned rather than for the benefit of the production. See §1641 for illustrative examples of expenditures commonly associated with sound recording production projects.

Related Party Transaction—a transaction between parties deemed to be related by common ownership or control under generally accepted auditing principles.

Resident—a person domiciled in the state. Proof of domicile may include, but not be limited to, a driver's license issued by the state of Louisiana, or similar evidence which reasonably establish both identity and residency.

Secretary—Secretary of the Louisiana Department of Economic Development.

Series—a series of sound recordings occurring over a 12-month period may be considered for qualification. Illustrative examples of a permissible series include recordings made by a single artist or a singularly titled radio broadcast series. When determining eligibility the department shall consider common attributes, business purpose of the transactions and any other relevant factors. Combining multiple productions or recordings solely to achieve minimum spending requirements is not permitted.

Sound Recording—a recording of music, poetry, or spoken-word performance made in Louisiana, in whole or in part. The term *sound recording* shall not include the audio portions of dialogue or words spoken and recorded as part of television news coverage or athletic events.

Sound Recording Production Company—a company engaged in the business of producing sound recordings as defined in this Section. *Sound recording production company* shall not mean or include any person or company, or any company owned, affiliated, or controlled, in whole or in part, by any company or person, which is in default on a loan made by the state or a loan guaranteed by the state, nor which has ever declared bankruptcy under which an obligation of the company or person to pay or repay public funds or monies was discharged as a part of such bankruptcy.

State-Certified Musical Recording Infrastructure Project—a sound recording capital infrastructure project and base investment related to such project that are approved by the Louisiana Department of Economic Development.

State-Certified Production—a sound recording production or a series of productions occurring over the course of a 12-month period, and costs related to such production or productions that are approved by the Louisiana Department of Economic Development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6023.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Department of Revenue, LR 34:1347 (July 2008), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 36:304 (February 2010), LR 42:37 (January 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:881 (July 2019).

§6535. Rules of Application

A. The sound recording investor tax credit authorized by R.S. 47:6023(C) may be earned and claimed as follows.

1. There is authorized a credit against the state income tax for investments made in state-certified productions and state-certified sound recording infrastructure projects, which credit will be earned by investors at the time expenditures are certified by the Louisiana Department of Economic Development according to the total base investment certified for the sound recording production company per calendar year. No credit shall be allowed for any expenditures for which a credit was granted under R.S. 47:6007.

2. Applicants meeting the following criteria shall be eligible to receive tax credits as follows:

a. for state-certified productions initially certified prior to July 1, 2015:

i. 25 percent tax credit, if the total base investment is more than $15,000, or if a resident of this state, if the total base investment is more than $5,000;

b. for state-certified productions initially certified on and after July 1, 2015:

i. 18 percent tax credit, if the total base investment is more than $15,000, or if a resident of this state, if the total base investment is more than $5,000.

3. An application for initial certification of a project shall be submitted to the Louisiana Department of Economic Development prior to the granting of the credit, and the granting of the credits under this Rule shall be on a first-come, first-served basis based on when the proper cost reports as defined here under RS 47:6023, are submitted to DED for certification of tax credits, which shall be determined by the date of a signed receipt via certified or registered mail, courier, hand or other delivery, or the date on a proof of transmission via facsimile and/or by the DED stamped and staff initialed date. The Secretary of the Department of Economic development shall determine annually the annual aggregate maximum. If the total amount

of credits earned for any particular year exceeds the aggregate amount of tax credits allowed for that year, the excess will be treated as having been earned on the first day of the subsequent year.

a. Applications for a series of productions shall provide the titles, budgets and a brief description for each production in the series. The series of productions, as a combined group, must at least achieve, and may exceed the minimum investment. If one single project may, on its own, exceed the $15,000 minimum threshold, it must make separate application.

4. Individuals or entities may earn sound recording investor tax credits pursuant to R.S. 47:6023(C).

5. Any individual or entity shall be allowed to claim the sound recording investor tax credit authorized by R.S. 47:6023:

a. whether or not any such individual is a Louisiana resident; and

b. whether or not any such entity is domiciled in Louisiana, organized under Louisiana law, or headquartered in Louisiana.

6. Any applicant applying for the credit shall be required to reimburse the department for any audits required in relation to granting the credit.

7. Application Fee. Applicants with project expenditures greater than $15,000 shall submit a $250 fee with each application. LED shall waive the application fee for applicants with project expenditures up to $15,000.

8. Expenditure Verification Report Fee. The department shall directly engage and assign a CPA to prepare an expenditure verification report on an applicant's cost report of production or project expenditures. Applicants shall submit an advance deposit at the time of application, and shall later be assessed the department's actual cost based upon an hourly rate not to exceed $250, in the amounts set forth below:

a. for applicants with project expenditures greater than $5,000 but less than $50,000, an advance deposit of $2,500, with a maximum fee of $5,000;

b. for applicants with project expenditures greater than $50,000, an advance deposit of $5,000, with a maximum fee of $15,000;

c. any unused balance shall be refunded to the applicant within 60 days following receipt of CPA's final invoice and payment of all CPA costs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6023 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Department of Revenue, LR 34:1348 (July 2008), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 36:305 (February 2010), LR 42:38 (January 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:882 (July 2019).

§6537. Certification

A. Initial Certification of State-Certified Productions

1. To obtain the approval of the department for a "state-certified production" as required by R.S. 47:6023(B)(5) and (6), the sound recording production company that will produce the sound recording production must submit a written request to the department for approval of the production as a "state-certified musical recording infrastructure project" or as a "state-certified production" and setting forth the following facts, when applicable:

a. working title of the sound recording production for which approval is requested;

b. name of the requesting production company;

c. telephone number of requesting production company;

d. name and telephone number of the requesting production company's contact person;

e. approximate beginning and ending date of production in Louisiana;

f. Louisiana office address of requesting production company (if available);

g. telephone number of requesting production company's Louisiana office address (if available);

h. estimated total production-related costs of the sound recording production for which approval is requested;

i. estimated total amount of production-related costs to be expended in Louisiana in connection with the sound recording production for which approval is requested;

j. estimated total payroll to be paid by the requesting production company to Louisiana residents employed by the requesting production company in connection with the production for which approval is requested.;

k. facts sufficient to determine each of the following:

i. that the requesting production company is a sound recording production company as defined by R.S. 47:6023(B)(4);

l. for "state-certified productions" the application shall also include:

i. the distribution plan;

ii. a preliminary budget including estimated Louisiana payroll and estimated base investment;

iii. a description of the type of sound to be recorded;

iv. a list of the principal creative elements including performing artist(s) and producer;

v. the name and address of the recording studio or other location where the recording production will take place;

vi. a statement that the production will qualify as a state-certified production; and

vii. estimated start and completion dates;

m. for "state-certified sound recording infrastructure projects" the application shall also include:

i. a detailed description of the infrastructure project;

ii. a preliminary budget;

iii. a statement that the project meets the definition of a state-certified infrastructure project; and

iv. estimated start and completion dates;

v. a business plan for startup sound recording infrastructure companies.

2. The department shall submit its initial certification of a project as an "initial state-certified production" or an "initial state-certified musical recording infrastructure project" to investors and to the Secretary of the Department of Revenue, containing a unique identifying number. The department shall issue their written approval of a project as a

"state-certified musical recording infrastructure project" or of a sound recording production as a "state-certified production" within 90 business days after receiving a request with respect to such production that complies with Paragraph 1 of this Section. In the alternative, if the department determines that a request for approval of a project as a "state-certified musical recording infrastructure project" or of a sound recording production as an "initial state-certified production" received from a production company is not in compliance with Paragraph 1 of this Section, then within 45 business days after receiving such request, the department shall request in writing from the requesting production company any information necessary in their determination for such request to comply with Paragraph 1 of this Section. Upon receiving all of the requested additional information in writing from the production company, and if the department determine that the request for approval with respect to such project or production complies with Paragraph 1 of this Section, the department shall issue to the requesting production company their written approval of the project as a "state-certified musical recording infrastructure project" or of a sound recording production as a "state-certified production.:

3. The approval of a project as an "initial state-certified musical recording infrastructure project" or of a sound recording production as an "initial state-certified production" issued by the department pursuant to the above Paragraph 2 of this Section will include the following, as appropriate.

a. For initial state-certified musical recording infrastructure projects:

> "Based solely on our examination of the factual representations set forth in your request for state certification of ["Name of Project"] dated [Date of Request] attached hereto as Exhibit A, the Department of Economic Development does hereby certify that ["Name of the Project"] qualifies as of [Date] as a initial state-certified musical recording infrastructure project as such term is defined in Louisiana Revised Statutes 47:6023 B(6).
>
> ["Identifying Number"] is hereby assigned to ["Name of Project"] and such number shall constitute such project's identifying number as contemplated by R.S. 47: 6023 E(2)(c)."

b. For initial state-certified sound recording productions:

> "Based solely on our examination of the factual representations set forth in your request for state certification of ["Name of Production"] dated [Date of Request] attached hereto as Exhibit A, the undersigned does hereby certify that ["Name of the Production"] qualifies as of [Date] as a initial sound recording state-certified production as such term is defined in Louisiana Revised Statutes 47:6023 B(5).
>
> ["Identifying Number"] is hereby assigned to ["Name of Production"] and such number shall constitute such production's identifying number as contemplated by R.S. 47: 6023 E(2)(c)."

4. The initial certification shall be effective for expenditures made no more than 12 months prior to the date of application and shall be valid until the project is complete.

B. Final Certification of Sound Recording Investor Tax Credits

1. Upon project completion, the applicant shall make a request to LED to proceed to final certification by submitting to the department a cost report of production expenditures to be formatted in accordance with instructions of the department. The applicant shall make all records related to the cost report available for inspection by the department and the CPA selected by the department to prepare the expenditure verification report. After review and investigation of the cost report, the CPA shall submit to the department an expenditure verification report. The department shall review such expenditures and shall issue a tax credit certification letter to the investors and the Louisiana Department of Revenue indicating the amount of tax credits certified for the state-certified production or state-certified infrastructure project.

a. Incorrect Reporting. If an applicant submits a cost report required by the provisions of this Chapter and the report made and filed contains material misstatements, including but not limited to misrepresentation in or intentional omission from the cost report of events, transactions, or other significant information there may be cause for an additional audit.

b. Related Party Transactions. If an audit contains related party transactions in excess of 20 percent of the base investment there may be cause for an additional audit.

c. Reimbursement of Audit Costs. The department may undertake additional audit at the applicant's expense, to be performed by a state certified public accountant also certified in financial forensics or also certified as a fraud examiner. Audit fees will be assessed at the department's contracted fee, with a minimum of $2,000 and a maximum of $15,000 fee per audit.

2. After receiving a written request from an investor and after the meeting of all criteria, the department shall issue a letter of certification to such investor signed by the secretary reflecting the investor's name, the dollar amount of sound recording investor tax credits earned by the investor pursuant to R.S. 47:6023(C) through the date of such request, the calendar year in which the sound recording investor tax credits were earned by the investor, the state-certified sound recording infrastructure project or the state-certified production with respect to which the investor earned the sound recording investor tax credits, and the identifying number assigned to such state-certified sound recording infrastructure project or state-certified production.

3. The tax credits when issued and upon receipt shall not be transferred to any third party and will be held valid only to the party which was certified by the Department of Economic Development. After certification, the Louisiana Department of Economic Development shall submit the tax credit certification letter to the Department of Revenue on behalf of the investor who earned the sound recording tax credits. The Department of Revenue may require the investor to submit additional information as may be necessary to administer the provisions of this Section. Upon receipt of the tax credit certification letter and any necessary additional information, the secretary of the Department of Revenue shall make payment to the investor in the amount

to which he is entitled from the current collections of the taxes collected pursuant to Chapter 1 of Subtitle II of this Title, as amended.

4. Once certification of a project has been granted under the criteria established within this provision and pursuant to R.S. 47:6023, the granting of such credit will be based upon a first come, first serve basis of the approved cost report or audit and shall be set for a maximum aggregate amount not to exceed $2,160,000 during any calendar year. For purposes of this Section the applicant will be considered the investor.

5. If the total amount of qualifying credits in any particular year exceeds the aggregate amount of tax credits allowed for that year the excess credits will be treated as having been certified for the first day of the subsequent year.

6. The failure of the department to issue a letter of certification in accordance with this Subpart shall not:

a. void or otherwise affect, in any way, the legality or validity of any allocation of sound recording investor tax credits;

b. prohibit any Louisiana taxpayer from claiming sound recording investor tax credits against its Louisiana income tax liability if the sound recording investor tax credits are otherwise allocated or claimed in accordance with R.S. 47:6023(C) and this Subpart; or

c. result in any recapture, forfeiture or other disallowance of sound recording investor tax credits under R.S. 47:6023(G) or otherwise.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6023.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development and the Department of Revenue, LR 34:1348 (July 2008), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 36:305 (February 2010), LR 37:310 (January 2011), LR 42:38 (January 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:883 (July 2019).

§6539. Credits

A. Application of the Sound Recording Investor Tax Credits

1. The sound recording investor tax credit can be used to offset taxes, penalties and interest.

B. Recapture of Credits

1. If the Department of Economic Development and the Department of Revenue find that funds for which an investor received credits according to this program are not invested in and expended with respect to a state-certified production within 24 months of the date that such credits are earned, then the investor's state income tax for such taxable period shall be increased by such amount necessary for the recapture of credit provided by this program.

2. Credits previously granted to a taxpayer, but later disallowed, may be recovered by the secretary of the Department of Revenue through any collection remedy authorized by R.S. 47:1561 and initiated within three years from December 31 of the year in which the 24 month investment period specified in the above Paragraph ends.

3. The only interest that may be assessed and collected on recovered credits is interest at a rate three percentage points above the rate provided in Civil Code Article 2924(B)(1), which shall be computed from the original date of the return on which the credit was taken.

C. Brand

1. As a condition for receiving certification of tax credits under this Section, state-certified productions may be required to display the state brand or logo, or both, as prescribed by the secretary of the Department of Economic Development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6023.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, and the Department of Revenue, LR 34:1350 (July 2008), amended by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 36:307 (February 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:885 (July 2019).

§6541. Illustrative Examples of Production Expenses

A. Eligible. Eligible production expenditures shall include, but not be limited to, studio rental, musician/performance fees, travel and airfare if booked through a Louisiana travel agent, producer fees within limitation, legal fees within limitation, music copying fees, orchestration fees, music publishing/clearance fees, and fees for mixing and mastering only on recordings originally made in Louisiana.

B. Ineligible. Ineligible costs include, but are not limited to, CD duplication, costs for marketing and distribution and any costs associated with filming/video.

C. Limitations for Certain Transactions

1. Related Party Transactions. LED may request and use additional information in determining the extent to which expenditures for related party transactions will be certified, by requesting and obtaining documentation including, but not limited to, third-party contracts, notarized affidavits, tax records, W2's, 1099's and cancelled checks. Related party transactions may be referred to the Office of the Inspector General for further review.

2. Producer fees may be limited to no more than 20 percent of base investment.

3. Legal fees shall be limited to no more than 10 percent of base investment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6023.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 42:38 (January 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:885 (July 2019).

Chapter 67. Louisiana Digital Media and Software Act

§6761. Purpose

A. The purpose of this Chapter is to administer the Louisiana Digital Media and Software Act as established by R.S. 47:6022.

B. The purpose of this program is to encourage the development in Louisiana of a strong capital base for the

production of digital interactive media products and platforms in order to achieve a more independent, self-supporting industry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6022.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:632 (April 2009), amended LR 36:1981 (September 2010), LR 39:1009 (April 2013), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:885 (July 2019).

§6763. General Description

A. The program offers a tax credit for the producers of digital interactive media projects, which submitted applications prior to January 1, 2009 and for the producers of digital interactive media products and platform projects which submitted applications on or after July 1, 2009.

B. Tax credits are earned per calendar year at the time funds are expended in Louisiana on a state certified production.

C. Tax credits shall never exceed the total base investment in a state certified production.

D. For expenditures incurred prior to January 1, 2012, credits are non-refundable, transferable credits with a 10 year carryover period. For expenditures incurred on or after January 1, 2012, credits are refundable, contain no transferability or carryover provisions, and a company may elect, on a one time basis, to receive an 85 percent rebate instead of the refundable credit.

E. These rules shall be subject to oversight by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs, in accordance with the Administrative Procedure Act.

F. Applicants may apply for more than one tax credit program administered by the Department of Economic Development, provided that:

1. separate applications are submitted per 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. 47:6022.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:632 (April 2009), amended LR 36:1981 (September 2010), LR 39:1009 (April 2013), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:886 (July 2019).

§6765. Definitions

A. Terms not otherwise defined in this Chapter shall have the same meaning given to them in R.S. 47:6022, 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.

3D Geometry—electronic media representations, three dimensional representations of geometric data for the purposes of rendering 2D image and performing calculations.

Animated Images—electronic media representation of images that comprise a series of chronological fixed images.

Base Investment—the actual funds expended in Louisiana by a state-certified production as production-related costs for design or development of digital interactive media, including costs for payroll and component parts.

Commercial Distribution—distribution of digital content from producer to consumer. Examples may include but not be limited to physical distribution of DVD's from a store front retailer or digital distribution of content, streamed or downloaded via the internet.

Commercial Release—the date when the product is first commercially available for sale to or use by the general public, typically after beta testing or similar quality control testing by a limited number of users.

Company—an entity authorized to do business in the state of Louisiana, engaged in the business of producing digital interactive media as defined in this Section. Company shall not mean or include any company owned, affiliated, or controlled, in whole or in part, by any company or person which is in default on a loan made by the state or a loan guaranteed by the state, nor with any company or person who has ever declared bankruptcy under which an obligation of the company or person to pay or repay public funds or monies was discharged as part of such bankruptcy.

Component Parts—all elements that are integral to the functioning or development of such products and platforms. Some examples may be, but are not limited to: software, computer code, image files, music files, audio files, scripts and plays, concept mock-ups, software tools, and testing procedures. Shall also include, but not be limited to: computer servers, workstations, server racks, hard drives, optical drives, monitors, keyboards, integrated video and audio equipment, networking routers, switches, network cabling, and any other computer-related hardware necessary to create or operate a digital interactive media product or platform. *Create* or *operate* refers to the creation or operation of the digital platform or product and does not refer to the creation or operation of the parent company.

Department—Department of Economic Development.

Digital Content—intellectual property that is published or distributed via a digital media platform or product, including but not limited to software, computer code, image files, music files, audio files, video files, text, data, and streaming video.

Digital Interactive Media—products or platforms that are:

a. intended for commercial production, use or distribution;

b. contain at least two of the following types of data: text, sound, fixed images, video, or 3D geometry; and

c. that have all of the following three characteristics:

i. *digital*—a system that uses discrete (discontinuous) values ordinarily symbolized numerically to represent information for input, processing, transmission and storage. A digital system would be contrasted with an analog system which uses a continuous range of values to represent information. The term *digital* includes, but is not limited to information input, processed, transmitted and stored via the internet;

ii. *interactive*—a digital media system for inputting, processing, transmitting or storing information or data in which users of the system are able to respond to the digital media system by inputting, transmitting, processing or storing information or data in response to the information

or data provided to them through the digital media system. (*Digital media system* means communication delivered via electronic energy where the information stored, transmitted, or received is in digital form);

iii. *media*—tools used to store, transmit, distribute and deliver information and data. It includes methods and mechanisms for information distribution through, but not limited to distributed networks, such as the internet, and through compact disc, CD-ROM, various types of DVD, and other removable storage drives and devices;

d. digital interactive media may include, but not be limited to:

i. video or interactive games;

ii. simulation software;

iii. interactive educational or training products;

iv. internet sites designed and developed as social media;

v. software applications that provide connectivity; and communications between mobile devices and digital interactive media web platforms; and

vi. technology designed to stream live or pre-recorded video content over the internet to large simultaneous audiences;

e. digital interactive media shall not include:

i. software development primarily designed and developed for institutional, private or internal purposes;

ii. largely static internet sites designed to provide information about a person, business, or firm;

iii. products regulated under the Louisiana Gaming Control Law or the Indian Gaming Regulatory Act; or

iv. largely static retail websites. When determining eligibility, LED will consider amount of proposed programming work versus use of pre-built templates and any other factors it deems most appropriate under the circumstances.

Digital Media Products or Platforms—the basic infrastructure that allows various media file types to coexist in an integrated, customized content loop:

a. *product*—any audiovisual work embodied in software or other digital electronic form that are only capable of being used with a platform. Examples may include, but not be limited to software games;

b. *platform*—a software architecture that serves as a foundation or base upon which other products, processes or technologies are developed. Software platforms should provide base functionality and communicate back and forth with other software products.

Director—the director of Digital Media, who is the designee of the secretary of the Department of Economic Development.

Electronic Media—tools used to store, transmit, and receive digitized information that utilizes electronics or electromechanical energy to access the content.

Expended in Louisiana—an expenditure to lease immovable property located within the state; and expenditure as compensation for services performed in the state; or an expenditure to purchase or lease tangible personal property within the state where the transaction is subject to the state sales or lease tax provisions of Title 47 of the *Revised Statutes* of 1950. A transaction that is subject to the state sales or lease tax provisions of Title 47 of the *Revised Statutes* of 1950 shall include transactions which are also subject to a statutory exclusion or exemption.

Expenditure—actual payment of cash or cash equivalent for goods or services, as evidenced by an invoice, receipt or other such document. Cash or cash equivalent transactions may include but not be limited to: commercial or bank financed loans, actual physical transfer of coins and banknotes, other forms of transmission that will turn into cash very quickly, including written checks, credit cards, bank debit cards, and bank wire transfers. However, the receipt of a promissory note, the creation of an account receivable, or the sending of a customer invoice are not, by themselves, evidence of an *expenditure*. Owner-financed transactions will only qualify as an *expenditure* when actual cash or cash equivalent payments are made.

Fixed Images—electronic media representation in two dimensions that are static.

Indirect Costs—not direct production related costs. Costs of operation that are not directly associated with a specific production, such as clerical salaries and general administrative costs.

Interpersonal Communication Services—websites and other digital media that are primarily for the purposes of exchanging personal or business information, photos or news. Examples of this may be, but are not limited to: those listed in R.S. 47:6022(C)(4), web logs, product websites, social networking websites, video conferencing, internet telephony and instant messaging platforms.

Office—Office of Entertainment Industry Development.

Payroll—includes all salary, wages and other compensation sourced or apportioned to Louisiana, and federal payroll taxes such as the employer's portion of FICA/FUTA and workers' compensation insurance costs to the extent purchased from a source within the state. Fringe Benefits including health care costs, 401K contributions, dental plans, and life insurance will be considered if these costs are paid by the employer and costs are apportioned to services performed in Louisiana on a certified project.

Person—a natural person, corporation, partnership, limited partnership, limited liability company, joint venture, trust, estate or association.

Production Expenses—preproduction and production expenditures in the state directly relating to and proportionate with work performed in Louisiana on a state-certified production. In qualifying submitted expenditures as production-related costs, LED may determine whether such expenditures represent legitimate expenditures for the actual cost of related goods or services, having economic substance and a business purpose related to the certified production, and not constructive dividends, self-dealing, inflated prices or similar transactions entered into for the purpose of inflating the amount of tax credits earned rather than for the benefit of the production. See §1668 for detailed illustrative examples of eligible and ineligible expenditures commonly associated with digital interactive media projects.

Resident or *Resident of Louisiana*—a natural person and, for the purposes of determining eligibility for the tax incentives provided by this section, any person domiciled in the state of Louisiana and any other person who maintains a permanent place of abode within the state and spends in the aggregate more than six months of each year within the state.

Secretary—secretary of the Department of Economic Development.

State-Certified Production—a digital interactive media production, or a component part thereof, approved by the office.

Tax Credit—digital interactive media and software development *tax credit*.

Transferee—an individual or entity that receives a transfer of investor tax credits.

Transferor—an individual or entity that makes a transfer of an investor tax credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6022.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:633 (April 2009), amended LR 36:1981 (September 2010), LR 39:1010 (April 2013), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:886 (July 2019).

§6767. Certification Procedures

A. Application

1. An application for a state certified production shall be submitted to the director, including:

a. a distribution plan;

b. a preliminary budget, including estimated base investment;

c. a statement that the project will qualify as a state certified production; and

d. the applicant shall provide additional information upon request.

2. An application fee in the amount equal to 0.5 percent of the total estimated tax credits with a minimum fee of $500 and a maximum fee of $15,000 shall be submitted with each application.

3. Expenditure Verification Report Fee. Upon project completion, or no more than once annually, the department shall directly engage and assign a CPA to prepare an expenditure verification report on an applicant's cost report of production or project expenditures. Applicants shall submit an advance deposit at the time of application, or for projects with on-going approved activity, may submit a request for a supplemental annual verification report and submit a corresponding supplemental advance deposit, and shall later be assessed the department's actual cost based upon an hourly rate not to exceed $250, in the amounts set forth below:

a. for applicants with project expenditures less than $1,000,000, an advance deposit of $7,500, with a maximum fee of $15,000;

b. for applicants with project expenditures greater than $1,000,000, an advance deposit of $15,000, with a maximum fee of $25,000;

c. any unused balance shall be refunded to the applicant within 60 days following receipt of CPA's final invoice and payment of all CPA costs.

B. Qualification

1. The office shall determine whether a production or project qualifies, by meeting all requirements of R.S. 47:6022 and these regulations, and taking the following factors into consideration.

a. The contribution of the production or project to the goal of creating an independent, self-supporting digital interactive media industry.

b. The impact of the production or project on the employment of Louisiana residents.

c. The impact of the production or project on the overall economy of the state.

2. Duration of Tax Credits

a. Tax credits may be granted under R.S. 47:6022 until such statute is amended, modified or repealed.

3. Amount of Tax Credits. Tax credits are earned per calendar year at the time funds are expended in Louisiana on a state certified production.

a. For applications for state-certified productions submitted to the office prior to July 1, 2009 and subsequently approved by the office and the secretary, a tax credit shall be earned by producers as follows.

i. The producer shall earn tax credits at the rate of 20 percent of the base investment for the first and second years following certification of the project as a state certified production.

ii. The producer shall earn tax credits at the rate of 15 percent of the base investment for the third and fourth years following certification of the project as a state certified production.

iii. The producer shall earn tax credits at the rate of 10 percent of the base investment for the fifth and sixth years following certification of the project as a state certified production.

iv. No tax credits may be earned after the sixth year following certification of the project as a state certified production.

b. For applications for state-certified productions submitted to the office on or after July 1, 2009 but before July 11, 2011, and subsequently approved by the office and the secretary, a tax credit shall be earned by a digital interactive media company as follows.

i. Expenditures made on or after July 1, 2009 shall earn tax credits at the rate of 25 percent of the base investment:

(a). to the extent that base investment is expended on payroll for Louisiana residents employed in connection with a state-certified production, a digital interactive media company shall earn additional tax credits at the rate of 10 percent of payroll;

(b). the initial certification shall be effective for expenditures made prior to the date of initial certification and shall be valid until the production is completed.

(i). The production shall be considered complete when it receives its first commercial release, or other appropriate benchmark as agreed to between the parties and outlined in the initial certification.

ii. Expenditures made prior to July 1, 2009 may qualify for tax credits as follows.

(a). The initial certification shall indicate a beginning date for qualifying expenditures to earn tax credits (hereafter known as "start date") which shall be no earlier than June 30, 2005, the effective date of the original LA Digital Media Act, R.S. 47:6022.

(b). Tax credits shall be earned when expenditures are made, at the following rates.

(i). For each of the first and second years following the start date, the producer shall earn tax credits at the rate of 20 percent of the base investment.

(ii). For each of the third and fourth years following the start date, the producer shall earn tax credits at the rate of 15 percent of the base investment.

(iii). For each of the fifth and sixth years following the start date, the producer shall earn tax credits at the rate of 10 percent of the base investment.

(c). As an illustrative example, if a company applies on August 1, 2009, but indicates that it may have qualifying expenditures dating back to August 1, 2007, the producer would earn tax credits at the following rates.

(i). Expenditures made from August 1, 2007-June 30, 2009 would earn tax credits at the rate of 20 percent for the first and second years after the start date.

(ii). Expenditures made July 1, 2009 onwards would earn at the flat rate of 25 percent, with the possibility of an additional 10 percent for payroll expenditures.

(d). The initial certification letter shall specifically state the applicable tax credit rates for each state certified production.

c. For applications for state-certified productions submitted to the office on or after July 11, 2011 but before July 1, 2015, and subsequently approved by the office and the secretary, tax credits shall be earned by an approved digital media company as follows.

i. Expenditures made after July 1, 2009 shall earn tax credits at the rate of 25 percent of the base investment.

(a). To the extent that base investment is expended on payroll for Louisiana residents employed in connection with a state-certified production, a company shall earn additional tax credits at the rate of 10 percent of payroll.

(b). The initial certification shall be effective for expenditures made no more than six months prior to the date of initial certification and shall be valid until the project is completed.

(c). The production shall be considered complete when it receives its first commercial release, or other appropriate benchmark as agreed to between the parties and outlined in the initial certification.

d. For applications for state-certified productions submitted to the office on or after July 1, 2015, and subsequently approved by the office and the secretary, tax credits shall be earned by an approved digital media company at the prevailing statutory rate, currently as follows.

i. Qualifying expenditures made within the approved six-month "look back period" but prior to July 1, 2015 shall earn tax credits at the rate of 25 percent of the base investment, qualifying expenditures made after July 1, 2015 shall earn tax credits at the prevailing statutory rate, currently 18 percent of the base investment.

ii. To the extent that base investment is expended on payroll for Louisiana residents employed in connection with a state-certified production, qualifying expenditures made prior to July 1, 2015 shall earn tax credits at 10 percent of payroll, qualifying expenditures made after July 1, 2015 shall earn tax credits at the prevailing statutory rate, currently 7.2 percent of payroll.

iii. The initial certification shall be deemed effective from date of application and shall be valid for qualifying expenditures and activities as outlined between the parties in the initial certification letter.

C. Initial Certification

1. After review and upon a determination of qualification, initial certification will be issued by the office and the secretary, including:

a. classification of the project as a state certified production;

b. a unique identifying number;

c. the total anticipated base investment;

d. the entity names and allocation percentages for tax credits.

2. Additional information may be requested by the director in order to make a determination of eligibility for the program.

3. Initial certification shall be issued in the amount determined to be eligible, and shall be sent to each producer or digital media company and to the secretary.

4. Once an initial certification is issued, the applicant or official representative must countersign and return an original to the director, within 30 business days, acknowledging initial certification status.

5. As a condition for receiving certification of tax credits under this Section, state-certified productions may be required to display the state brand or logo, or both, as prescribed by the secretary and as outlined in the initial certification letter.

D. Final Certification and Accounting Requirements

1. Prior to final certification of tax credits of a state-certified production or any portion thereof, the producer or digital interactive media company shall submit to the office:

a. a cost report of production expenditures:

i. the cost report of expenditures shall be subject to an agreed-upon procedures engagement conducted by a certified public accountant in accordance with statements on standards for attestation engagements established by the American Institute of Certified Public Accountants;

ii. the accountant shall issue a report in the form of procedures and findings. The accountant shall be a certified public accountant licensed in the state of Louisiana and shall be an independent third party unrelated to the digital interactive media company;

iii. the agreed-upon procedures have been established by the office and the secretary, with assistance from the Society of Louisiana Certified Public Accountants, as promulgated in accordance with the Administrative Procedure Act;

b. any additional information as requested by the office and/or the secretary, reasonably necessary to determine eligibility for tax credits, including but not limited to a request for an additional audit at the applicants expense;

i. incorrect reporting—if an applicant submits a cost report required by the provisions of this Chapter and the report made and filed contains material misstatements, including but not limited to misrepresentation in or intentional omission from the cost report of events,

transactions, or other significant information there may be cause for an additional audit;

ii. related party transactions—if an audit contains related party transactions in excess of 20 percent of the total expenditures reported in the submitted audit there may be cause for an additional audit;

iii. reimbursement of audit costs—the department may undertake additional audit at the applicant's expense, to be performed by a state certified public accountant also certified in financial forensics or also certified as a fraud examiner. Audit fees will be assessed at the department's contracted fee, with a minimum of $2,000 and a maximum of $15,000 fee per audit.

2. Upon completion of all or a portion of a state-certified production, the office shall review the production expenses and upon a determination of qualification the office and the secretary will issue a final tax credit certification letter including:

a. the amount of tax credits;

b. the unique identifying number for the state certified production.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6022 and R.S. 36:104.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:633 (April 2009), amended LR 36:1983 (September 2010), LR 39:1011 (April 2013), LR 42:36 (January 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:888 (July 2019).

§6768. Illustrative Examples of Production Expenses

A. Eligible:

1. salary expenses directly relating to the development of a state certified production, with position titles including but not limited to programmer, game designer, industrial designer, and quality assurance/tester. When determining eligibility, LED will consider job title, job description, staff resumes and any other factors it deems most appropriate under the circumstances;

2. preproduction stage expenses such as design documents, mock-ups and prototypes;

3. testing software, source code development, patches, updates, sprites, three-dimensional models and level design:

a. *testing software*—activities entirely devoted to quality assurance of a product;

b. *three-dimensional models*—electronic media representations, three dimensional representations of geometric data for the purpose of rendering 2D images and performing calculations;

c. *updates*—activities directly relating to recalibrating or revising a product;

4. costs associated with photography and sound synchronization, lighting and related services;

a. lighting and related services—includes but not limited to, the use of motion capture technology or green screen technology;

5. rental of Louisiana facilities and equipment, that are directly related to production. If production facility hosts both qualifying and non-qualifying work areas, rent should be pro rated accordingly;

6. purchase of prepackaged audio files, video files, photographic, or libraries;

7. purchase of license to use pre-recorded audio files, video or photographic files;

8. development costs associated with producing audio files and video files to be used in the production of the end product under development;

9. purchase of game engines or content management platforms produced for general sale.

B. Ineligible:

1. salary expenses not directly related to the development of a state certified production, including but not limited to staff in the following departments: customer service, IT, clerical, sales and marketing, human resources, accounting, janitorial service. When determining eligibility, LED will consider job title, job description, staff resumes and any other factors it deems most appropriate under the circumstances;

2. salary expenses for C-level positions are not an eligible expenditure, unless applicant can demonstrate that services performed in Louisiana were directly related to the development of a state certified production. When determining eligibility, LED will consider size and nature of company, resumes and any other factors it deems most appropriate under the circumstances;

3. expenditures made prior to preproduction, such as research and development, workforce recruitment or intellectual property research;

4. expenditures for or related to marketing, promotion and distribution;

5. administrative, payroll, and management services which are not directly related to management of the state-certified production;

6. amounts that are later reimbursed by the state or any other governmental agency;

7. costs related to the transfer of tax credits;

8. amounts that are paid to persons or entities as a result of their participation in profits from the exploitation of the production;

9. application fee;

10. state or local taxes;

11. food, entertainment and lodging expenses;

12. cost of customization or custom development of a product is not an eligible production expense, unless the customization services are performed in Louisiana.

13. automobile expenditures such as mileage, purchase or maintenance costs;

14. parking fees;

15. furniture and fixture expenses;

16. digital content generated by the end user;

17. digital content comprised primarily of local news, events, weather, local market reports or public service content;

18. digital content expenses occurring after the state-certified production's commercial release;

19. audio/video content streamed through the internet or mobile platform is not an eligible production expense, unless it includes value added interactive functionality, as verified and approved by the director;

20. expenditures relating to the creation of standalone digital content simply transmitted through digital distribution methods, such as the original filming costs of a web based television series streamed through the internet;

21. maintenance services of existing software applications or products, generally performed by IT employees after commercial release, such as installation of security patches or modifications to debug or fix minor programming errors;

22. configuration services of existing software applications or products, generally performed by IT employees after commercial release, such as choosing from a number of defined options or modifying default capabilities to allow users different levels of access;

23. Data migration services, generally performed by IT employees after commercial release, such as the transfer of data from one back up tape to another, or costs with upgrading to a new version of a database system.

C. Limitations for Certain Transactions

1. Gamemaster positions are considered hybrid positions, involving both programmer and customer service functions. LED establishes a customary ratio of 50 percent programmer duties to 50 percent customer service. Salary expenses may therefore qualify on an allocated basis, proportionate with proven programmer duties. When determining eligibility, LED will consider size and nature of company, resumes and any other factors it deems most appropriate under the circumstances.

2. Hard costs for component parts, licenses and equipment may not exceed labor costs. LED establishes a customary expense ratio of 20 percent equipment versus 80 percent labor costs. When determining eligibility, LED will consider number of jobs to be created, proposed cost of component parts, licenses and equipment, company history and any other factors it deems most appropriate under the circumstances.

3. Project management fees may be limited to 20 percent of base investment.

4. Where goods are provided by a related party, qualifying expenditures are limited to fair market value, which may be established through the related party's historic dealings with unrelated parties, or actual transactions between other unrelated parties, for substantially similar goods. The comparable transactions must be substantially similar, considering the type of goods, the geographic market, and other pertinent variables.

For Example: The production company has recently acquired the same type of goods in Louisiana at the same price from an unrelated third party. If FMV cannot be established, qualifying expenditures will be limited to the internal cost recovery rate, consisting of actual documented acquisition cost, plus ongoing maintenance and upgrade cost, divided by anticipated utilization over the real useful life.

5. Where services are provided by a related party, qualifying expenditures are limited to the actual compensation paid by the related party to its employee actually performing the service (including employer-paid benefits), allocated to the production on an hourly basis. Related party transactions must be supported by an audit and documentation as requested by LED, which may include (but is not limited to) third-party contracts, notarized affidavits, tax records, and cancelled checks.

6. Sub-contractor development labor is limited to the actual compensation paid by the sub-contractor to its employee actually performing the service (including employer-paid benefits), allocated to the production on an hourly basis. Applicants must provide detailed accounting and verification of sub-contractor expenditures, including submission of agreements reflecting the scope of services provided in Louisiana and upon request allow the state to audit the sub-contractor's accounting records directly relating to any expenses claimed for tax credits.

7. Any expenses made on behalf of a state certified production, by an entity other than the applicant approved by LED and being claimed for tax credits (such as payments made by a sub-contractor) must be submitted with additional supporting documentation as requested by LED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6022.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 39:1012 (April 2013), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:890 (July 2019).

§6769. Use of Tax Credits

A. For tax credits earned by expenditures made on or before December 31, 2011:

1. prior to claiming a tax credit on any tax return, or transferring any tax credit, a person must apply for and obtain final certification;

2. after receiving final certification, a tax credit may be applied as follows:

a. the credit shall be allowed against the income tax due for applications submitted prior to July 1, 2009, and against the income or franchise tax due for applications submitted on or after July 1, 2009. The credit shall be allowed against the income or franchise tax due from a taxpayer for the taxable period in which the credit is earned as well as the immediately preceding period. If the tax credit allowed exceeds the amount of such taxes due from a taxpayer, then any unused credit may be carried forward by the taxpayer as a credit against subsequent tax liability for a period not to exceed 10 years. However, in no event shall the amount of the tax credit applied in a taxable period exceed the amount of such taxes due from the taxpayer for that taxable year;

b. all entities taxed as corporations for Louisiana income tax purposes shall claim any credit allowed under this section on their corporation income tax return, or in the case of applications submitted after July 1, 2009, their income and franchise tax returns;

c. individuals shall claim any credit allowed under this section on their individual income tax return;

d. entities not taxed as corporations shall claim any credits allowed under this Section on the returns of the partners or members as follows:

i. corporate partners or members shall claim their share of the credit on their corporation income tax returns;

ii. individual partners or members shall claim their share of the credit on their individual income tax returns;

iii. partners or members that are estates or trusts shall claim their share of the credit on their fiduciary income tax returns;

3. after receiving final certification, a tax credit may be transferred as follows:

a. any tax credits allocated to a person and not previously claimed by any taxpayer against his Louisiana

state income or franchise tax may be transferred or sold by such person to another person, subject to the following conditions:

i. a single transfer may involve one or more transferees;

ii. transferors and transferred shall submit to the office and the Department of Revenue in writing, a notification of any transfer or sale of tax credits within 30 days after the transfer or sale of such tax credits. The notification shall include the transferor's tax credit balance prior to transfer, the state-certified production number, the name of the state-certified production, the transferor's remaining tax credit balance after transfer, all tax identification numbers for both transferor and transferee, the date of the transfer, the amount transferred, a copy of the tax credit certificate, and any other information required by the office or the Department of Revenue;

iii. failure to comply with this Paragraph will result in disallowance of the tax credit until the taxpayers are in full compliance;

iv. the transfer or sale of this credit does not extend the time in which the credit can be used. The carry forward period for credit that is transferred or sold begins on the date on which the credit was originally earned;

v. the transferee shall apply such credits in the same manner and against the same taxes as the taxpayer originally awarded the credit.

B. For tax credits earned for expenditures made on or after January 1, 2012:

1. prior to claiming a tax credit on any tax return, a person must apply for and obtain final certification;

2. after receiving final certification, a company may elect to use a tax credit as follows:

a. refund—the tax credits shall be refundable and allowed against the individual or corporate income tax liability of the companies or financiers of the project in accordance with their share of the credit as provided for in the application for certification for the project. The credit shall be allowed for the taxable period in which expenditures eligible for a credit are expended as set forth in the final tax credit certification letter. Any excess of the credit over the income tax liability against which the credit may be applied shall constitute an overpayment, as defined in R.S. 47:1621(A), and the secretary of the Department of Revenue shall make a refund of such overpayment from the current collections of the taxes imposed by Chapter 1 of Subtitle II of Title 47, as amended. The right to a refund of any such overpayment shall not be subject to the requirements of R.S. 47:1621(B); or

b. rebate—at the time of final certification of tax credits, a company may elect, on a one-time basis, to receive a rebate of the credits. The amount of the rebate shall be 85 percent of the face value of the credits. Upon receipt of the final tax credit certification letter and any necessary additional information, the secretary of the Department of Revenue shall make payment to the company, or its irrevocable designee, which may include but not be limited to a bank or other lender, in the amount to which he is entitled from the current collections of the taxes collected pursuant to Chapter 1 of Subtitle II of Title 47, as amended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6022.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:634 (April 2009), amended LR 36:1984 (September 2010), LR 39:1014 (April 2013), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:891 (July 2019).

§6771. Recapture and Recovery of Tax Credits

A. If the office finds that funds for which a digital interactive media company received credits are not actually expended in Louisiana as a production-related cost of a state-certified production, then the digital interactive media company's state income tax for such taxable period shall be increased by such amount necessary for the recapture of credit provided by this Section.

B. Credits previously granted to a taxpayer, but later disallowed, may be recovered by the Secretary of the Department of Revenue through any collection remedy authorized by R.S. 47:1561 and initiated within three years from December 31 of the year in which the credits were earned.

1. The only interest that may be assessed and collected on recovered credits is interest at a rate of three percentage points above the rate provided in R.S. 9:3500(B)(1), which shall be computed from the original due date of the return on which the credit was taken.

2. The provisions of this Section are in addition to and shall not limit the authority of the secretary of the Department of Revenue to assess or to collect under any other provision of law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6022.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 35:634 (April 2009), amended LR 36:1985 (September 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:892 (July 2019).

§6773. Agreed-Upon Accounting Procedures

A. The agreed-upon accounting procedures shall be available to the public as follows:

1. posted on LouisianaEntertainment.gov;

2. available for viewing during regular business hours in the office;

3. sent to the applicant and incorporated into the initial certification letter; and

4. available upon written request to the director.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6022.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Business Development, Office of Entertainment Industry Development, LR 36:1985 (September 2010), amended LR 39:1015 (April 2013), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:892 (July 2019).

Chapter 69. Musical and Theatrical Production Income Tax Credit Program

§6990. 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 35:2173 (October 2009), repromulgated LR 36:2236 (October 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:892 (July 2019).

§6991. 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 35:2173 (October 2009), repromulgated LR 36:2236 (October 2010), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:893 (July 2019).

§6992. 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 directly related to in state production; 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, paid by or on behalf of a state certified production or state certified infrastructure project, exchanged for goods or services, as evidenced by an invoice, receipt or other such document. Cash or cash equivalent transactions may include but not be limited to: commercial

or bank financed loans, actual physical transfer of coins and banknotes, other forms of transmission that will turn into cash very quickly, including written checks, credit cards, bank debit cards, and bank wire transfers. However, the receipt of a promissory note, the creation of an account receivable, or the sending of a customer invoice are not, by themselves, evidence of an expenditure. Owner-financed transactions will only qualify as an expenditure when actual cash or cash equivalent payments are made.

Indirect Costs—costs of operation that are not directly associated with a specific production, such as clerical salaries and general administrative costs.

Infrastructure Expenditures—expenditures directly related to the state certified infrastructure project, shall include but not be limited to: land and acquisition costs, constructions costs, design fees, furniture, fixtures, equipment purchased subject to a sale agreement or capital lease. Infrastructure expenditures shall not include indirect costs such as general administrative costs, insurance, or any costs related to the transfer or allocation of tax credits. In qualifying submitted expenditures as production-related costs or capital costs related to an infrastructure facility, LED may determine whether such expenditures represent legitimate expenditures for the actual cost of related goods or services, having economic substance and a business purpose related to the certified production or facility, and not constructive dividends, self-dealing, inflated prices or similar transactions entered into for the purpose of inflating the amount of tax credits earned rather than for the benefit of the production or facility.

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

b. pays taxes to Louisiana on the amount of money paid to such person for which a tax credit is sought.

c. 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.

Multi-Purpose Facility—a building or building complex that is capable of more than one use. Examples may include, but not be limited to: a building complex containing a theatre and a restaurant; one building that can be configured in a variety of ways, such as the ability to host either a live performance stage production or a live sporting event.

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 engagement or remounts;

b. tour or resident production remounts;

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, fringe benefits taxed, sourced or apportioned to Louisiana, and federal payroll taxes such as the employer's portion of FICA/FUTA and workers' compensation insurance costs to the extent purchased from a source within the state. Fringe Benefits including health care costs, 401K contributions, dental plans, and life insurance will be considered if these costs are paid by the employer and costs are apportioned to services performed in Louisiana on a certified project.

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 performed in Louisiana. (See §1694 for detailed illustrative examples of eligible and ineligible expenditures commonly associated with musical or theatrical production projects.)

Secretary—secretary of the Department of Economic Development, or his designee.

Series of Productions—a new musical or theatrical production with multiple Louisiana performances in a 12 month period. Simply rebranding or renaming a series, without substantive creative changes, will make a series ineligible for recertification in subsequent years.

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, trade shows, and

any production activity taking place outside the state of Louisiana

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 35:2173 (October 2009), repromulgated LR 36:2237 (October 2010), amended LR 39:1015 (April 2013), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:893 (July 2019).

§6993. Certification Procedures

A. Application and Expenditure Verification Report Fees

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 0.5 percent of the estimated total tax credits, with a minimum fee of $500, and a maximum fee of $15,000; 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.

3. Expenditure Verification Report Fee. The department shall directly engage and assign a CPA to prepare an expenditure verification report on an applicant's cost report of production or project expenditures. For projects in excess of $50,000, the fees shall be as follows:

a. at the time of application, the applicant shall submit an advance deposit of $5,000;

b. prior to final certification of any tax credits, the applicant shall be assessed the department's actual cost for the CPA's expenditure report. The maximum fee shall be $15,000.

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.

i. Incorrect Reporting. If an applicant submits a cost report required by the provisions of this Chapter and the report made and filed contains material misstatements, including but not limited to misrepresentation in or intentional omission from the cost report of events, transactions, or other significant information there may be cause for an additional audit.

ii. Related Party Transactions. If an audit contains related party transactions in excess of 20 percent of the total expenditures reported in the submitted audit there may be cause for an additional audit.

iii. Reimbursement of Audit Costs. The department may undertake additional audit at the applicant's expense, to be performed by a state certified public accountant also certified in financial forensics or also certified as a fraud examiner. Audit fees will be assessed at

the department's contracted fee, with a minimum of $2,000 and a maximum of $15,000 fee per audit.

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 35:2175 (October 2009), repromulgated LR 36:2238 (October 2010), amended LR 39:1016 (April 2013), LR 42:40 (January 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:895 (July 2019).

§6994. Illustrative Examples of Production Expenses

A. Eligible:

1. salary expenses directly relating to the development of a state certified production, with position titles including but not limited to: stagehands, crew, electricians. When determining eligibility, LED will consider job title, job description, staff resumes and any other factors it deems most appropriate under the circumstances;

2. artist compensation directly relating to performance days in Louisiana;

3. set construction and operation expenses;

4. special and visual effects expenses;

5. costumes, wardrobes and make-up accessories expenses;

6. costs associated with sound, lighting and staging.

B. Ineligible:

1.a. salary expenses not directly related to the development of a state-certified production, including but not limited to staff in the following departments:

i. IT;

ii. clerical;

iii. human resources;

iv. janitorial service;

b. when determining eligibility, LED will consider job title, job description, staff resumes and any other factors it deems most appropriate under the circumstances;

2. state and local taxes;

3. any expenditures related to out of state production;

4. any costs later reimbursed by a third party;

5. any costs related to the transfer of tax credits.

C. Limitations for certain transactions:

1. artist compensation for non-performance days, such as rehearsals, shall be limited to no more than 20 percent of total base investment for performances in Louisiana;

2. where goods are provided by a related party, qualifying expenditures are limited to fair market value, which may be established through the related party's historic dealings with unrelated parties, or actual transactions between other unrelated parties, for substantially similar goods. The comparable transactions must be substantially similar, considering the type of goods, the geographic market, and other pertinent variables;

For Example: The production company has recently acquired the same type of goods in Louisiana at the same price from an unrelated third party. If FMV cannot be established, qualifying expenditures will be limited to the internal cost recovery rate, consisting of actual documented acquisition cost, plus ongoing maintenance and upgrade cost, divided by anticipated utilization over the real useful life.

3. where services are provided by a related party, qualifying expenditures are limited to the actual compensation paid by the related party to its employee actually performing the service (including employer-paid benefits), allocated to the production on an hourly basis. Related party transactions must be supported by an audit and documentation as requested by LED, which may include (but is not limited to) third-party contracts, notarized affidavits, tax records, and cancelled checks;

4. any expenses made on behalf of a state certified production, by an entity other than the applicant approved by LED and being claimed for tax credits, must be submitted with additional supporting documentation as requested by LED.

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 39:1016 (April 2013), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:896 (July 2019).

§6995. Additional Program Procedures—State-Certified Musical or Theatrical Production—Receiving Initial Certification prior to July 1, 2015

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. For applications received on or before January 1, 2013, 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 percent 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 35:2175 (October 2009), repromulgated LR 36:2239 (October 2010), amended LR 39:1017 (April 2013), repromulgated LR 42:41 (January 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:896 (July 2019).

§6996. Additional Program Procedures—State-Certified Musical or Theatrical Production—Receiving Initial Certification on or after July 1, 2015

A. State-certified musical or theatrical productions receiving initial certification on or after July 1, 2015 shall be eligible for the following types of tax credits at the prevailing statutory rates, currently as follows.

1. Base Investment Credit

a. If the total base investment is more than $100,000, but less than $300,000 dollars, a tax credit of 7.2 percent applies.

b. If the total base investment is more than $300,000, but less than $1,000,000, a tax credit of 14.4 percent applies.

c. If the total base investment is more than $1,000,000, a tax credit of 18 percent applies.

2. Louisiana Resident Payroll Credit. To the extent that base investment is expended on payroll for Louisiana residents, an additional tax credit of 7.2 percent applies.

3. Louisiana Student Credit. To the extent that base investment is expended to employ students enrolled in Louisiana colleges, an additional tax credit of 0.072 percent applies.

B. Louisiana Resident Payroll Cap. To the extent that base investment is expended on payroll for Louisiana residents, the additional payroll credit shall exclude any payroll amounts paid to one person exceeding $1,000,000.

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 42:41 (January 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:897 (July 2019).

§6997. Additional Program Procedures—State-Certified Higher-Education Musical or Theatrical Infrastructure Projects—Receiving Initial Certification on or after July 1, 2015

A. State-certified higher education musical or theatrical infrastructure projects receiving initial certification on or after July 1, 2015 shall be eligible for the following types of tax credits at the prevailing statutory rates, currently as follows:

1. base investment credit—qualifying expenditures made in Louisiana, on or before January 1, 2022, for theconstruction, repair or renovation of a state-certified higher education infrastructure project:

a. if the total base investment is more than $100,000, but less than $300,000 dollars, a tax credit of 7.2 percent applies;

b. if the total base investment is more than $300,000, but less than $1,000,000, a tax credit of 14.4 percent applies;

c. if the total base investment is more than $1,000,000, a tax credit of 18 percent applies;

2. Louisiana resident payroll credit:

a. to the extent that base investment is expended on payroll for Louisiana residents, an additional tax credit of 7.2 percent applies;

b. $1,000,000 salary cap. However, the additional payroll credit shall exclude any payroll amounts paid to one person exceeding $1,000,000;

3. Louisiana student credit:

a. to the extent that base investment is expended to employ students enrolled in Louisiana colleges, an additional tax credit of 0.072 percent applies.

B. Program and Project Caps. No more than $7.2 million in credits per project or $43,200,000 in total program credits shall be granted.

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 42:41 (January 2016), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:898 (July 2019).

§6998. Certification Procedures—Infrastructure [Formerly §1697]

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 restaurants, bars, hotels, golf courses and shopping centers.

4. The department shall determine whether a facility is a "multi-purpose" infrastructure project, taking into consideration relevant factors such as the frequency of musical or theatrical productions; the configurations and permanence of stage and seating; the percentage of square footage allocated to live performance versus total building square footage; the booking agent or management company's professional experience; applicant's ability to document ticket sales through an on-line event ticketing site or on-site box office and any other factors deemed relevant by LED.

a. Upon a determination of qualification as a multi-purpose infrastructure project, the applicant may be subject to the following additional restrictions, which shall be set forth in the initial certification.

i. Only expenditures directly related to a live musical or theatrical performance in Louisiana are eligible for tax credits and any expenditures unrelated to such productions shall be excluded. In calculating the estimated amount of qualifying versus non-qualifying expenditures, LED will select the methodology it deems most appropriate under the circumstances.

ii. Tax credits may be subject to a structured release over the course of two to five years.

iii. State certification of a multi-purpose facility project is conditioned upon continued primary use for live performance productions for a period of at least two calendar years from date of project completion.

(a). Evidence of Compliance. Applicant shall provide annual reports to LED for two calendar years, verifying continued use primarily as a live performance production facility, which may include but not be limited to

financial statements reflecting total ticket sales, food and beverage revenue, alcohol sales, and a detailed report of live performance productions held.

(b). Default. In the event applicant fails to comply with the continued use requirements during any of the specified years, applicant shall forfeit all unreleased tax credits (for the year in which it failed to comply and all future years).

iv. For the purposes of this section, entertainment typically performed in bars subject to a "cover charge" and non-traditional entertainment such as balloon artists, quiz shows and casting calls will not be considered a qualifying live performance production.

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. 25 percent of the total base investment must be expended before requesting the first certification of qualified expenditures;

b. 50 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.

E. Infrastructure Program Sunset Limitations

1. The final day that LED may grant tax credits under the infrastructure program is January 1, 2014.

2. In order to allow LED sufficient time prior to that date to verify project completion requirements and validate qualifying expenditures, LED recommends that state-certified infrastructure project applicants submit any requests for final certification of tax credits, with required cost report, to LED no later than August 1, 2013. LED shall make best efforts to timely process any requests received after this date.

3. In the event that either the program caps or geographic caps listed above are met for the calendar year 2013, LED shall publish notice on its website www.LouisianaEntertainment.gov and send out written notice to infrastructure applicants, advising them of cap fulfillment. Whereas excess expenditures are treated as having been applied on the first day of the subsequent year, and tax credits may not be awarded for 2014 expenditures, any 2013 excess expenditures will be considered non-qualifying.

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 35:2177 (October 2009), repromulgated LR 36:2240 (October 2010), amended LR 39:1017 (April 2013), repromulgated by the Department of Economic Development, Office of Business Development, LR 45:898 (July 2019).

§6999. 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 35:2177 (October 2009), repromulgated LR 36:2241 (October 2010), repromulgated by the Department of Economic Development, Office of Business Development, 45:899 (July 2019).

Anne G. Villa
Undersecretary

1907#053

RULE

Board of Elementary and Secondary Education

Bulletin 139—Louisiana Child Care and Development Fund Programs—CCAP Household Eligibility
(LAC 28:CLXV.509 and 511)

In accordance with R.S. 17:6 and R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 139—Louisiana Child Care and Development Fund Programs*. The amendments allow families experiencing homelessness to qualify for CCAP more than once in a lifetime and allow for the federally mandated graduated phase out of CCAP to avoid the loss of early childhood care and education for this fragile population. This Rule is hereby adopted on the day of promulgation.

Title 28
EDUCATION
Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs
Chapter 5. CCAP Household Eligibility
§509. Certification Requirements for Non-Categorically Eligible Households

A. - A.5.a.iv. …

b. Exception. The employment and training activity requirements provided in this Paragraph may be waived for parents or persons acting as parents who are experiencing homelessness and who demonstrate that they are seeking employment or participating in a transitional living program as defined in §103.

c. - e. …

AUTHORITY NOTE:Promulgated in accordance with R.S. 17:6 and 17:407.28. and 45 CFR Parts 98 and 99.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:43 (January 2016), amended LR 42:2175 (December 2016), LR 44:261 (February 2018), effective March 1, 2018, LR 45:900 (July 209).

§511. Household Certification Period

A. Eligible households may be certified for up to 24 months.

B. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.28. and 45 CFR Parts 98 and 99.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:44 (January 2016), amended LR 42:2176 (December 2016), LR 44:801 (April 2018), LR 45:900 (July 2019).

Shan N. Davis
Executive Director

1907#046

RULE

Board of Elementary and Secondary Education

Bulletin 745—Louisiana Teaching Authorizations of School Personnel—Teaching Authorizations Issuance, Denial, and Reinstatement
(LAC 28:CLXXII.Chapter 1)

In accordance with R.S. 17:6 and R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 745—Louisiana Teaching Authorizations of School Personnel*. The amendments include a records review process to appeal denied and revoked Teaching Authorizations, as well as the provisional issuance/reissuance outlined in LAC 28:CXXXI.Chapter 9 (Actions Related to the Suspension/Denial and Revocation of Louisiana Certificates) of *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. This Rule is hereby adopted on the day of promulgation.

Title 28
EDUCATION
Part CLXXII. Bulletin 745—Louisiana Teaching Authorizations of School Personnel
Chapter 1. Teaching Authorizations
§103. Teaching Authorizations

A. …

B. A TA will be denied to anyone who has:

1. - 2. …

3. been convicted of or pled *nolo contendere*, even if adjudication was withheld, to:

a. any felony offense;

b. a crime of violence outlined in R.S. 14:2(B);

c. a sex offense outlined in R.S. 15:541; or

d. any crime outlined in R.S. 15:587.1.

C. - F. …

G. Crimes are reported under R.S. 15:587.1, and include convictions for attempt, or conspiracy to commit any of these offenses. Conviction or plea of *nolo contendere*, even if adjudication was withheld, will be considered for the purpose of issuance. In addition, expungement, first offender pardon, and pre-trial diversion are disclosed in criminal background checks conducted in accordance with R.S. 17:15. Crimes considered for issuance of teaching authorizations are outlined in LAC 28:CXXXI.904.A.1-3, *Bulletin 746—Louisiana Standards for State Certification of School Personnel.*

H. Offenses of a jurisdiction other than Louisiana which, in the judgment of the bureau employee charged with responsibility for responding to the request, would constitute a crime under the provisions cited in Subsection A of this Section, and provisions listed under the federal criminal

code having analogous elements of criminal and moral turpitude will be considered for the purpose of teaching authorization eligibility. (Federal criminal code provisions are in title 18 of U.S.C.A., *Crimes and Criminal Procedure*.)

I. Convictions that are set aside pursuant to articles 893 or 894 of the *Louisiana Code of Criminal Procedure*, expunged, or which are pardoned subject to Louisiana first offender pardon laws nonetheless, will be treated as convictions for the purpose of denial, suspension, or revocation.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2134 (December 2018), repromulgated LR 45:39 (January 2019), amended LR 45:900 (July 2019).

§104. Issuance of a Denied Teaching Authorization

A. Issuance will never be considered for individuals who have been convicted of a crime as outlined in LAC 28:CXXXI.904.A.3, *Bulletin 746—Louisiana Standards for State Certification of School Personnel*.

B. Issuance of a denied TA will not be considered until at least five years have elapsed from the date of entry of final conviction, offense, or censure.

C. A request for an appeal of a denied TA will be submitted by the employing school governing authority.

D. An LEA may apply to BESE for issuance of a TA after the lapse of time indicated and under the following conditions:

1. there have been no further convictions, submission of fraudulent documentation, participation in cheating, or professional license/certificate censure; and

2. in criminal cases, there has been successful completion of all conditions/requirements of any parole and/or probation. The applicant must provide relevant documentation. The applicant must provide a current state and FBI criminal history background check from the state police that is clean and clear and evidence that there has been successful completion and relevant documentation of all conditions/requirements of any parole or probation.

E. Documentation to be submitted with an appeal request will include:

1. court records of the conviction;
2. verification of satisfactory completion of sentence;
3. state and federal criminal background check (CBC);
4. letters of recommendation; and
5. signed assurance by school governing authority.

F. Board of Elementary and Secondary Education Responsibilities

1. The board will consider the request for issuance and documentation provided. The board is not required to conduct a records review for any crimes outlined in LAC 28:CXXXI.904.A.3, and may summarily deny a request for issuance of a TA.

2. When the board or its designees conduct an issuance records review, board staff will notify the applicant of a date, time, and place when a committee of the board will consider the applicant's request. Only the written documentation provided prior to the records review will be considered.

3. The board reserves the right to accept or reject any document offered as evidence of rehabilitation and the right to determine if adequate rehabilitation has occurred and will determine if and when an applicant is eligible for issuance of a TA.

4. In accordance with R.S. 42:17(A)(1), the board may meet in executive session for discussion of the character, professional competence, or physical or mental health of a person.

5. The board may deny a request for a records review for any applicant who:

a. failed to disclose prior criminal convictions or expungements;

b. falsified academic records;

c. has been found to have participated in cheating in the administration of standardized tests;

d. received further criminal convictions or participated in cheating; or

e. has had professional license/certificate censure.

6. The committee of the board will make a recommendation to the full board regarding whether the teaching authorization should be issued to the applicant. Board staff will notify the applicant of the action of the board.

7. The action of the board is a final decision and can only be appealed to a court of proper jurisdiction in accordance with law.

G. A teaching authorization may be issued provisionally for a period of 90 days and pending ratification by BESE via a records review process and contingent upon the following:

1. the felony conviction occurred more than 10 years prior;

2. there are no additional convictions or repeat offenses; and

3. the conviction does not involve violence, sex, children, or any crime outlined in R.S. 15:587.1.

H. Candidates meeting criteria for provisional issuance will be issued a TA valid for 90 days from the date of issuance. The provisional issuance is subject to ratification of the board at the next convening meeting of BESE. If a forthcoming records review is not ratified by the board, the TA will be suspended and revoked.

I. Convictions for crimes of violence or crimes outlined in R.S. 15:587.1 must be considered on appeal directly to BESE and are not eligible for provisional issuance and board ratification.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:901 (July 2019).

§111. Reinstatement of Teaching Authorizations

A. Reinstatement will never be considered for an educator who has been convicted of a crime as outlined in LAC 28:CXXXI.904.A.3, *Bulletin 746—Louisiana Standards for State Certification of School Personnel*.

1. Repealed.

B. - E.7. …

F. A teaching authorization may be reinstated provisionally for a period of 90 days and pending ratification by BESE via a records review process and contingent upon the following:

1. the felony conviction occurred more than 10 years prior;

2. there are no additional convictions or repeat offenses; and

3. the conviction does not involve violence, sex, children, or any crime outlined in R.S. 15:587.1.

G. Candidates meeting criteria for provisional issuance will be issued a TA valid for 90 days from the date of issuance. The provisional issuance is subject to ratification of the board at the next convening meeting of BESE. If a forthcoming records review is not ratified by the board, the TA will be suspended and revoked.

H. Convictions for crimes of violence or crimes outlined in R.S. 15:587.1 must be considered on appeal directly to BESE and are not eligible for provisional issuance and board ratification.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:2136 (December 2018), repromulgated LR 45:40 (January 2019), amended LR 45:901 (July 2019).

Shan N. Davis
Executive Director

1907#037

RULE

Board of Elementary and Secondary Education

Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs
Early Childhood Ancillary Programs
(LAC 28:XLV.101, 303, 305, and 749)

Under the authority granted in R.S. 17:6 and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs*. The amendments provide for early childhood ancillary programs to mirror the existing program approval process for teacher preparation programs. This Rule is hereby adopted on the day of promulgation.

Title 28
EDUCATION
Part XLV. Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs

Chapter 1. Introduction

§101. Purpose

A. Bulletin 996 is intended to guide educator preparation providers in the development and review of new and existing teacher preparation programs, early childhood ancillary certificate programs and/or educational leader preparation programs, to guide the review of teacher and/or educational leader preparation programs in Louisiana, and to inform all interested persons of the Louisiana standards for teacher and educational leader preparation programs and the procedures for program evaluation.

B. - B.5. ...

C. Beginning December 2017, a uniform process for initial and ongoing program approval that applies equally to university and non-university teacher preparation programs, and/or educational leader preparation program providers, will be used. A uniform quality rating system will serve as the basis for renewal decisions.

D. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7(6), and 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 35:2326 (November 2009), LR 43:2485 (December 2017), LR 45:902 (July 2019).

Chapter 3. Initial State Approval for Teacher or Educational Leader Preparation Programs

§303. Initial Approval [Formerly §203]

A. - D. …

E. Upon receipt, teacher, early childhood ancillary certificate program, and/or educational leader proposals will undergo a preliminary review by the LDE for completeness. Proposals that are determined to be complete and meet all initial submission requirements will undergo an evaluation process conducted by a panel of reviewers. Proposals that do not meet all initial submission requirements will receive a notice of pending denial. Providers must provide the required material within seven days. If providers do not provide the required material, the proposal will be denied. Proposals may be resubmitted no sooner than one calendar year following the date of initial submission to the LDE.

F. Teacher, early childhood ancillary certificate program, and/or educational leader proposals that meet all initial submission requirements will be evaluated by a panel of reviewers. The panel will include at least one external reviewer. An external reviewer may serve as a preparation program administrator, a preparation program faculty member, or a current or former K-12 educator or leader. The panel will evaluate each proposal using an evaluation tool that was reviewed by representatives from LDE and BOR and will evaluate the proposal to ensure the proposal meets professional, state, and, when applicable, national standards for quality and state certification policy. The panel's evaluation will include an interview with the provider and at least one partner LEA. The panel may interview additional representatives of the provider and LEA partner organizations.

G. The result of the evaluation will be sent by the LDE to the teacher, early childhood ancillary certificate program, and/or educational leader provider. A proposal that fully meets all structural and policy requirements according to the program proposal guidelines will be recommended for BESE approval at the next scheduled BESE meeting. A proposal that is not recommended by the LDE for approval because it does not meet the policy or structural requirements according to the program proposal guidelines may be resubmitted to the LDE for reconsideration no sooner than one calendar year following the date of initial submission to the LDE. Proposals that are not recommended for approval a second time, or are recommended for approval by the LDE but not approved by BESE, may be resubmitted to the LDE

for reconsideration no sooner than two calendar years following the date of resubmission to the LDE.

H. BESE will notify the point of contact listed in the proposal submitted by the teacher, early childhood ancillary certificate program, and/or educational leader providers of the decision. Notification will be sent in writing via U.S. mail.

1. …

2. If BESE does not grant initial approval of the proposed program, the teacher, early childhood ancillary certificate program, or educational leader provider is eligible to resubmit the proposal. Proposals that are not recommended by BESE for approval may be resubmitted to the LDE for reconsideration no sooner than one calendar year following the date of initial submission to the LDE. Proposals that are not recommended by BESE for approval a second time may be resubmitted to the LDE for reconsideration no sooner than two calendar years following the date of resubmission to the LDE.

I. Teacher, early childhood ancillary certificate program, and/or educational leader proposals for initial approval will be accepted and considered by BESE twice per year. Application timelines will be established and published annually one year in advance of the notice of intent deadline for the first application cycle.

J. Approved teacher, early childhood ancillary certificate program, and/or educational leader preparation providers seeking approval to pilot innovative approaches to training teacher and/or educational leader candidates must request BESE approval to pilot such approaches and recommend certification of candidates upon completion of the program.

K. BESE may rescind program approval if the teacher, early childhood ancillary certificate program, and/or educational leader preparation program has been found to be or has been operating outside of the teacher preparation program requirements outlined in this Chapter and in LAC 28:CXXXI, *Bulletin 746—Louisiana Standards for State Certification of School Personnel*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), 17:7(6), and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:2453 (November 2004), amended LR 35:2327 (November 2009), LR 37:561 (February 2011), LR 43:2486 (December 2017), LR 45:902 (July 2019).

§305. Initial Approval of Early Childhood Ancillary Certificate Programs

A. Initial approval is granted upon approval by BESE and, when applicable, BOR, through submission of a proposal to the LDE.

B. University and non-university providers seeking approval to offer an early childhood ancillary certificate program must demonstrate eligibility by providing, at a minimum:

1. an official declaration of intent in the form of a letter from the head of the institution or organization to the review committee;

2. evidence of regional accreditation status (e.g., Southern Association of Colleges and Schools) for universities only;

3. evidence that the instructors who teach courses or provide direct coaching to teacher or educational leader candidates possess sufficient knowledge, skills, training, and expertise;

4. evidence to show that the tuition- and candidate-incurred costs for the early childhood ancillary certificate program have been established, and have considered any scholarship assistance provided by the LDE; and

5. a description of the provider's system for monitoring and evaluating its candidates, programs, operations, and the performance of its graduates. This description must reflect how the early childhood ancillary certificate program assesses programs effectiveness, and candidates as well as how the provider provides follow-up data on its graduates.

C. In order to be recommended for BESE approval, early childhood ancillary certificate programs must, at minimum:

1. be designed to develop and ensure candidates' mastery of the early childhood teacher competencies required for certification. The program design must:

a. center on courses and practice experiences that integrate content, theory, and practice;

b. expressly teach current Louisiana early learning and development standards and instructional resources; and

c. require candidates to demonstrate mastery of required competencies through a series of performance assessments;

2. include required applied practice experiences for teacher preparation, including at least two observations using the *Classroom Assessment Scoring System* (*CLASS*®); and

3. be jointly developed in partnership with members of the local early childhood care and education community network (LAC 28:CLXVII, *Bulletin 140—Louisiana Early Childhood Care and Education Network*). Evidence of partnership may include, but not be limited to, a formal agreement, such as a memorandum of understanding or memorandum of agreement, that describes shared roles and responsibilities for program design, program implementation, and program evaluation.

D. The LDE will utilize evaluation tools to conduct qualitative assessments of early childhood ancillary certificate proposals to make initial approval recommendations. The evaluation tools must align to the requirements set forth in this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), 17:7(6), and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:903 (July 2019).

Chapter 7. Louisiana State Standards for Educator Preparation Programs

Subchapter E. Early Childhood Ancillary Certificate Programs

§749. Minimum Requirements for Early Childhood Ancillary Certificate Programs

A. Early childhood ancillary certificate programs must result in one of the following:

1. a technical diploma or certificate of technical studies in an early childhood-related field from an accredited technical or community college; or

2. training hours and professional portfolio requirements that can be used to complete a child development associate (CDA) credential, either infant/toddler or preschool, awarded by the Council for Professional Recognition.

B. An early childhood ancillary certificate program must be comprised of a minimum of 120 training hours in early childhood education.

C. The program must sequentially develop and assess teacher candidates' mastery of applicable Louisiana teacher preparation competencies in accordance with LAC 28:CXXXI, Bulletin 746, through a combination of coursework, assessments, and related practice experiences.

D. Programs must include the following practice experiences, which directly align with and sequentially develop the competencies identified in LAC 28:CXXXI, Bulletin 746:

1. actual practice experiences must be provided in classroom settings; and

2. a minimum of two observations using the *Classroom Assessment Scoring System* (*CLASS*®) must be completed for each candidate.

E. The preparation provider must assess and document evidence of candidates' teaching competency for all candidates.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), 17:7(6), and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:903 (July 2019).

Shan N. Davis
Executive Director

1907#047

RULE

Board of Elementary and Secondary Education

Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs
Quality Rating Calculation (LAC 28:XLV.407)

Under the authority granted in R.S. 17:6 and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs*. The amendments incorporate the following domains into the teacher preparation quality rating system:

1. preparation program experience—measured by on-site reviews of each teacher preparation provider;

2. meeting educator workforce needs—measured by the percentage of program completers in high-need certification areas and/or the percentage of residents placed in high-need schools; and

3. teacher quality—measured by the program value-added results of the completers for up to, but not more than, three years following program completion.

This Rule is hereby adopted on the day of promulgation.

Title 28
EDUCATION
Part XLV. Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs
Chapter 4. Teacher Preparation Program Accountability and Renewal of Teacher Preparation Program Approval
§407. Quality Rating Calculation

A. - G. ...

H. The teacher quality score will be determined by the calculation of an index score, to be calculated as follows.

1. The number of program completers in each value-added level below will be multiplied by the corresponding index points displayed in the following table.

Completer Value-Added Result	Index Points
Ineffective	0
Effective: Emerging	50
Effective: Proficient	100
Highly Effective	150

2. The totals for each value-added category in Paragraph 1 of this Subsection will be added together.

3. The sum of the totals for each value-added category will be divided by the total number of program completers, yielding an index score between 0 and 150.

4. Using the index score, a teacher quality score between one and four will be assigned based on the ranges listed in the following table.

Teacher Quality Score	Score Range
Level 1	<65
Level 2	65.0-74.9
Level 3	75.0-84.9
Level 4	≥85

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), 17:7(6), and 17:7.2.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:2489 (December 2017), amended LR 45:904 (July 2019).

Shan N. Davis
Executive Director

1907#048

RULE

Office of the Govenor
Division of Administration
Racing Commission

Petition for Adoption of Rules (LAC 35:I.304)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 4:148, notice is hereby given that the Racing Commission has adopted LAC 35:I.304. The Rule sets forth the procedure that interested parties shall follow when petitioning the Louisiana State Racing Commission to

promulgate, amend, or repeal any rule. This Rule is hereby adopted on the day of promulgation.

Title 35
HORSE RACING
Part I. General Provisions
Chapter 3. General Rules
§304. Petition for Adoption of Rules

A. All rules of the commission shall be adopted, amended or repealed in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

B. The commission, on its own motion or on the petition of any interested person, may request the promulgation, amendment, or repeal of a rule.

1. Such petition shall:

a. be in writing;

b. state the name and address of its author;

c. contain a statement of either the terms or substance of the proposed rule, amendment, or repeal;

d. state the reasons or grounds for the proposed rule, amendment, or repeal;

e. include any data, views or arguments in support of the rules, amendment, or repeal.

2. The commission shall forward such petition of any interested person or party to the Rules Committee who shall consider the petition, and make recommendations to the full commission on proceeding with rulemaking in accordance with this part and the Administrative Procedure Act.

3. If the requested promulgation, amendment, or repeal of a rule is commenced by the commission on its own motion, the commission may initiate rulemaking in accordance with this part and the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:148.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Racing Commission, LR 45:905 (July 2019).

Charles A. Gardiner III
Executive Director

1907#023

RULE

Department of Health
Bureau of Health Services Financing

Early and Periodic Screening, Diagnosis and Treatment
Personal Care Services
(LAC 50:XV.Chapter 73)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XV.Chapter 73 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XV. Services for Special Populations
Subpart 5. Early and Periodic Screening, Diagnosis, and Treatment
Chapter 73. Personal Care Services
§7301. Introduction

A. Early Periodic Screening, Diagnosis and Treatment (EPSDT) Personal Care Services (PCS)

1. Personal Care Services are services which prevent institutionalization and enable the beneficiary to live in the community. PCS are tasks which are medically necessary when physical or cognitive limitations due to illness or injury necessitate assistance with:

a. eating;

b. toileting;

c. bathing;

d. bed mobility;

e. transferring;

f. dressing;

g. locomotion;

h. personal hygiene; or

i. bladder or bowel requirements.

2. 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 21:947 (September 1995), repromulgated for LAC codification, LR 29:177 (February 2003), amended by the Department of Health, Bureau of Health Services Financing, LR 45:905 (July 2019).

§7303. Services

A. The beneficiary shall be allowed the freedom of choice to select an EPSDT PCS provider.

B. EPSDT personal care services include:

1. basic personal care, including toileting, grooming, bathing and assistance with dressing;

2. assistance with bladder and/or bowel requirements or problems, including helping the beneficiary to and from the bathroom or assisting the beneficiary with bedpan routines, but excluding catheterization;

3. assistance with eating and food, nutrition, and diet activities, including preparation of meals for the beneficiary only;

4. performance of incidental household services essential to the beneficiary's health and comfort in her/his home. Examples of such activities are changing and washing bed linens and rearranging furniture to enable the beneficiary to move about more easily in his/her own home;

5. accompanying, not transporting the beneficiary to and from his/her physician and/or other medical appointments for necessary medical services; and

6. assistance with locomotion in their place of service, while in bed or from one surface to another. Assisting the beneficiary with transferring and bed mobility.

7. - 8. Repealed.

C. Intent of Services

1. EPSDT PCS shall not be provided to meet childcare needs nor as a substitute for the parent or guardian in the absence of the parent or guardian.

2. EPSDT PCS shall not be used to provide respite care for the primary caregiver.

3. EPSDT PCS provided in an educational setting shall not be reimbursed if these services duplicate services that are provided by or shall be provided by the Department of Education.

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 21:947 (September 1995), repromulgated for LAC codification, LR 29:177 (February 2003), amended by the Department of Health, Bureau of Health Services Financing, LR 45:905 (July 2019).

§7305. Beneficiary Qualifications

A. Conditions for Provision of EPSDT Personal Care Services

1. The person must be a categorically-eligible Medicaid beneficiary birth through 20 years of age (EPSDT eligible) and have been prescribed medically necessary, age appropriate EPSDT PCS by a practitioner (physician, advance practice nurse, or physician assistant).

2. An EPSDT-eligible shall meet medical necessity criteria as established by the Bureau of Health Services Financing (BHSF) which shall be based on functional and medical eligibility and impairment in at least two activities of daily living (ADL), as determined by BHSF or its designee.

3. EPSDT PCS shall be prescribed if medically necessary by the beneficiary's attending practitioner initially and every 180 days thereafter (or rolling six months), and when changes in the plan of care occur. The plan of care shall be acceptable only after the practitioner signs and dates the completed form. The practitioner's signature must be an original signature and not a rubber stamp.

4. 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 21:947 (September 1995), repromulgated for LAC codification, LR 29:177 (February 2003), amended LR 30:253 (February 2004), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:2259 (November 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 45:906 (July 2019).

§7307. Prior Authorization

A. EPSDT personal care services are subject to prior authorization (PA) by BHSF or its designee. A face-to-face medical assessment shall be completed by the practitioner. The beneficiary's choice of a personal care services provider may assist the practitioner in developing a plan of care which shall be submitted by the practitioner for review/approval by BHSF or its designee. The plan of care shall specify:

1. the specific personal care service(s) to be provided (i.e., activities of daily living for which assistance is needed); and

2. ...

B. Dates of service not included in the plan of care or provided prior to approval of the plan of care by BHSF or its designee are not reimbursable. The beneficiary's attending practitioner shall review and/or modify the plan of care and sign off on it prior to the plan of care being submitted to BHSF or its designee. A copy of the practitioner's prescription for EPSDT PCS shall be included with the plan of care at the time of submission for prior authorization and may not be dated after delivery of services has started. A copy of the prescription shall be retained in the EPSDT PCS provider's files.

C. A new plan of care shall be submitted at least every 180 days (rolling six months) with approval by the beneficiary's attending practitioner. The plan of care shall reassess the patient's need for EPSDT PCS, including any updates to information which has changed since the previous assessment was conducted (with explanation of when and why the change(s) occurred).

D. Amendments or changes in the plan of care shall be submitted as they occur and shall be treated as a new plan of care which begins a new six-month service period. Revisions of the plan of care may be necessary because of changes that occur in the beneficiary's medical condition which warrant an additional type of service, a change in frequency of service or a change in duration of service. Documentation for a revised plan of care is the same as for a new plan of care. Both a new start date and reassessment date shall be established at the time of reassessment. The EPSDT PCS provider may not initiate services or changes in services under the plan of care prior to approval by BHSF or its designee.

E. Beneficiaries who have been designated by BHSF as chronic needs are exempt from the standard prior authorization process. Although a new request for prior authorization shall still be submitted every 180 days, the EPSDT PCS provider shall only be required to submit a PA request form accompanied by a statement from a practitioner verifying that the beneficiary's condition has not improved and the services currently approved must be continued. Only BHSF or its designee can grant the designation of a chronic needs case to a beneficiary.

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 21:947 (September 1995), repromulgated for LAC codification, LR 29:177 (February 2003), amended LR 30:253 (February 2004), amended by the Department of Health, Bureau of Health Services Financing, LR 45:906 (July 2019).

§7309. Place of Service

A. EPSDT PCS shall be provided if medically necessary in the beneficiary's home or in another location outside of the beneficiary's home. The beneficiary's home is defined as the beneficiary's own home, which includes the following:

1. - 3. ...

4. a foster home; or

5. a supervised living facility.

6. - 6.a. Repealed.

B. Institutions such as hospitals, institutions for mental disease, nursing facilities, intermediate care facilities for individuals with intellectual disabilities, or residential treatment centers are not considered a beneficiary's home.

C. Medicaid prohibits multiple professional disciplines from being present in the beneficiary's residential setting at the same time. However, multiple professionals may provide services to multiple beneficiaries in the same residential setting when it is medically necessary. This includes but is not limited to nurses, home health aides, and therapists. BHSF or its designee will determine medical necessity for fee-for-service beneficiaries.

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 21:948 (September 1995), repromulgated for LAC codification, LR 29:178 (February 2003), amended by the Department of Health, Bureau of Health Services Financing, LR 45:906 (July 2019).

§7311. Service Limits

A. EPSDT PCS are not subject to service limits. The units of service approved shall be based on the physical requirements of the beneficiary and medical necessity for the covered services.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 21:947 (September 1995) repromulgated for LAC codification, LR 29:178 (February 2003), amended LR 30:253 (February 2004), amended by the Department of Health, Bureau of Health Services Financing, LR 45:907 (July 2019).

§7313. Standards for Payment

A. EPSDT PCS shall only be provided to EPSDT beneficiaries and only by a staff member of a licensed personal care services agency enrolled as a Medicaid provider. A copy of the current PCS license must accompany the Medicaid application for enrollment as a PCS provider and copies of current licenses shall be submitted to Provider Enrollment thereafter as they are issued, for inclusion in the enrollment record. The provider's record shall always include a current PCS license at all times. Medicaid enrollment is limited to providers located in Louisiana and certain out-of-state providers located only in the trade areas of Arkansas, Mississippi, and Texas.

B. The unit of service billed by EPSDT PCS providers shall be one-quarter hour, exclusive of travel time to arrive at the beneficiary's home. The entire 15 minutes of the unit of time shall have been spent providing services in order to bill a unit.

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 21:947 (September 1995), repromulgated for LAC codification, LR 29:178 (February 2003), amended by the Department of Health, Bureau of Health Services Financing, LR 45:907 (July 2019).

§7315. Provider Qualifications

A. Personal care services shall be provided by a licensed personal care services agency which is duly enrolled as a Medicaid provider. Staff assigned to provide personal care services to a beneficiary shall not be a member of the beneficiary's immediate family. Immediate family is defined as the father, mother, sister, brother, spouse, child, grandparent, in-law, or any individual acting as parent or guardian of the beneficiary. Personal care services may be provided by a person of a degree of relationship to the beneficiary other than immediate family, only if the relative is not living in the beneficiary's home, or, if she/he is living in the beneficiary's home solely because her/his presence in the home is necessitated by the amount of care required by the beneficiary.

B. An unrelated staff member of a licensed personal care services provider may not live in the same home as the beneficiary.

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 21:947 (September 1995), repromulgated for LAC codification, LR 29:178 (February 2003), amended by the Department of Health, Bureau of Health Services Financing, LR 45:907 (July 2019).

§7317. Provider Responsibilities

A. The licensed PCS agency is responsible for ensuring that all direct service workers providing EPSDT PCS meet all training requirements applicable under state law and regulations. The direct service worker must successfully complete the applicable examination for certification for PCS. Documentation of the direct service worker's completion of all applicable requirements shall be maintained by the EPSDT PCS provider.

B. The agency shall use an electronic visit verification (EVV) system for time and attendance tracking and billing for EPSDT PCS.

1. EPSDT PCS providers identified by BHSF shall use:

a. the (EVV) system designated by the department; or

b. an alternate system that:

i. has successfully passed the data integration process to connect to the designated EVV system; and

ii. is approved by the department.

2. Reimbursement for services may be withheld or denied if an EPSDT PCS provider:

a. fails to use the EVV system; or

b. uses the system not in compliance with Medicaid's policies and procedures for EVV.

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 21:947 (September 1995), repromulgated for LAC codification, LR 29:178 (February 2003), amended by the Department of Health, Bureau of Health Services Financing, LR 45:907 (July 2019).

§7319. EPSDT PCS Provider Responsibilities

A. Documentation

1. Documentation for EPSDT PCS provided shall include at a minimum, the following:

a. ...

b. daily notes by PCS provider denoting date of service and services provided (checklist is adequate);

c. - d. ...

e. health condition of beneficiary;

f. - h. ...

2. There shall be a clear audit trail between:

a. the prescribing practitioner;

b. ...

c. the person providing the personal care services to the beneficiary; and

d. ...

B. Agencies providing EPSDT PCS shall conform to all applicable Medicaid regulations as well as all applicable laws and regulations by federal, state, and local governmental entities including, but not limited to:

1. - 6. ...

7. Workman's Compensation; and

8. ...

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 21:947 (September 1995), repromulgated for LAC codification, LR 29:178 (February 2003), amended by the Department of Health, Bureau of Health Services Financing, LR 45:907 (July 2019).

§7321. Reimbursement

A. Reimbursement for EPSDT PCS shall be the lesser of billed charges or the maximum unit rate set by the department. The maximum rate is a flat rate for each approved unit of service provided to the beneficiary. This rate shall be adjusted as necessary by the department.

1. One quarter hour (15 minutes) is the standard unit of service, exclusive of travel time to arrive at the beneficiary's home.

2. ...

B. Personal Care Workers Wage Enhancement

1. An hourly wage enhancement payment in the amount of $2 will be reimbursed to providers for full-time equivalent (FTE) personal care workers who provide services to Medicaid beneficiaries.

a. At least 75 percent of the wage enhancement shall be paid to personal care workers as wages. If less than 100 percent of the enhancement is paid in wages, the remainder, up to 25 percent shall be used to pay employer-related taxes, insurance and employee benefits.

b. The minimum hourly rate paid to personal care workers shall be the current minimum wage plus 75 percent of the wage enhancement.

2. - 7.d.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 29:179 (February 2003), amended LR 33:2202 (October 2007), repromulgated LR 33:2425 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:2561 (November 2010), amended by the Department of Health, Bureau of Health Services Financing, LR 45:908 (July 2019).

§7323. Nonreimbursable Services

A. The following services are not appropriate for personal care and are not reimbursable as EPSDT personal care services:

1. - 4. ...

5. administration of medicine (an EPSDT PCS direct service worker may only remind/prompt about self-administered medication to an EPSDT eligible beneficiary who is over the age of 18);

6. cleaning of the home in an area not occupied by the beneficiary;

a. Repealed.

7. laundry, other than that incidental to the care of the beneficiary;

a. Repealed.

EXAMPLE: Laundering of clothing and bedding for the entire household, as opposed to simple laundering of the beneficiary's clothing or bedding.

8. shopping for groceries or household items other than items required specifically for the health and maintenance of the beneficiary, and not for items used by the rest of the household;

9. ...

10. teaching a family member or friend how to care for a beneficiary who requires frequent changes of clothing or linens due to total or partial incontinence for which no bowel or bladder training program for the patient is possible;

11. - 15. ...

16. specialized aide procedures such as:

a. rehabilitation of the beneficiary (exercise or performance of simple procedures as an extension of physical therapy services);

b. measuring/recording the beneficiary's vital signs (temperature, pulse, respirations and/or blood pressure, etc.) or intake/output of fluids;

c. ...

d. special procedures such as:

i. - viii. ...

ix. weight measurement; and

x. ...

17. - 29. ...

B. - D. 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 21:947 (September 1995), repromulgated for LAC codification, LR 29:179 (February 2003), amended by the Department of Health, Bureau of Health Services Financing, LR 45:908 (July 2019).

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.

Rebekah E. Gee MD, MPH
Secretary

1907#033

RULE

Department of Health
Bureau of Health Services Financing

Nursing Facilities
Reimbursement Methodology
(LAC 50:II.20026)

Editor's Note: This Rule is being repromulgated to correct a printing error. The original Rule may be veiwed on page 756 of the June 20, 2019 *Louisiana Register*.

The Department of Health, Bureau of Health Services Financing has adopted LAC 50:II.20026 in the Medical

Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R. S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part II. Nursing Facilities
Subpart 5. Reimbursement
Chapter 200. Reimbursement Methodology
§20026. Geriatric Training Nursing Facility Reimbursement Rate

Note: The provisions of this Section shall be subject to approval by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) of a State Plan amendment authorizing such payment.

A. Effective for dates of service on or after July 1, 2019, LDH shall provide a private nursing facility reimbursement rate of $365.68 per resident per day to an entity that meets the following criteria:

1. the entity has a cooperative endeavor agreement (CEA) with Louisiana State University (LSU) to operate the current John J. Hainkel, Jr. Home and Rehabilitation Center or any other future location used to operate John J. Hainkel, Jr. Home and Rehabilitation Center which has been approved by the parties and the department, as a geriatric training nursing facility.

B. The private nursing facility reimbursement rate established in Subsection A above is all-inclusive.

1. Add-ons, including, but not limited to, technology dependent care (TDC), nursing facility rehabilitation services and nursing facility complex care services add-ons shall not be permitted under this reimbursement rate.

C. Any nursing facility that meets the criteria set forth in Subsection A above shall file an annual cost report with LDH within five months following the end of the facility's fiscal year.

D. The provisions of this Rule shall be subject to approval by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) of a State Plan amendment authorizing such payment.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 45:756 (June 2019), repromulgated LR 45:909 (July 2019).

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.

Rebekah E. Gee MD, MPH
Secretary

1907#036

RULE

Department of Health
Bureau of Health Services Financing

Pharmacy Benefits Management Program
State Supplemental Rebate Agreement Program
(LAC 50:XXIX.Chapter 11)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XXIX.Chapter 11 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

Title 50
PUBLIC HEALTH-MEDICAL ASSISTANCE
Part XXIX. Pharmacy
Chapter 11. State Supplemental Rebate Agreement Program
§1101. General Provisions

A. The Centers for Medicare and Medicaid Services approved LDH to enter into state supplemental rebate agreements with pharmaceutical manufacturer(s). LDH may enter into an agreement with a pharmaceutical manufacturer to obtain a rebate(s) in addition to federal rebates pursuant to 42 U.S.C. 1396r. Participation by a pharmaceutical manufacturer in a state supplemental rebate agreement with the department is voluntary.

B. 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, Bureau of Health Services Financing, LR 43:966 (May 2017), amended LR 45:909 (July 2019).

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.

Rebekah E. Gee MD, MPH
Secretary

1907#034

RULE

Department of Health
Board of Nursing

Application Fee for Compact Licensure
(LAC 46:XLVII.3341)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:917-918, that the State Board of Nursing (LSBN) is implementing a law that became final during the 2018 Regular Legislative Session. Act 577 was passed which

allowed Louisiana to participate in the Nurse Licensure Compact (NLC) for registered nurses and licensed practical nurses. As a result, the State Board of Nursing (LSBN) will incur a slight increase in administrative costs and a relative increase in salary expenditures based on the number of registered nurse applications submitted.

In order to be party to the Multi-State Nurse Licensure Compact, an annual administrative fee of $6,000 will be paid to the compact's Interstate Commission for which LSBN will be responsible for $3,000 and the State Board of Practical Nurse Examiners (LSBPNE) will be responsible for $3,000. The LSBN anticipates having to attend quarterly Commission meetings costing approximately $4,000 annually. The LSBN anticipates funding the compact membership fee and travel expenses utilizing existing resources and budget authority.

As identified in Article III of La. R.S. 37:1018, staff must review applications to ensure that the applicant meets the criteria for compact licensure. By requiring a fee, the board will be able to offset administrative costs associated with reviewing applications and converting current licensees from a single-state license to a multi-state license. This Rule is hereby adopted on the day of promulgation.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLVII. Nurses: Practical Nurses and Registered Nurses
Subpart 2. Registered Nurses
Chapter 33. General
Subchapter C. Registration and Registered Nurse Licensure

§3341. Fees

A. Notwithstanding any provisions of this Chapter, the board shall collect in advance fees for licensure and administrative services as follows;

1. Licensure Fees:
   a. RN examination application—$100;
   b. RN endorsement application—$100;
   c. Enrollment application—$50;
   d. RN renewal application—$100;
   e. RN late fee - $50 (plus renewal fee);
   f. Retired license application (one-time fee)—$100;
   g. RN reinstatement application—$100;
   h. Initial APRN licensure application—$100;
   i. RN/APRN endorsement temporary permit fee—$100;
   j. APRN endorsement application—$100;
   k. APRN renewal application—$100;
   l. APRN late fee—$100 (plus renewal fee);
   m. APRN reinstatement application—$100;
   n. APRN prescriptive authority application—$100
   o. APRN prescriptive authority site change fee—$50;
   p. Reinstatement of prescriptive authority privileges—$100;
   q. Verification of licensure—$25;
   r. LARN Compact Conversion application—$50
2. Miscellaneous
   a. Consultation—$100/hour;
   b. Photo copies—$0.50/page;
   c. Certified Documents—$1.00/page;
   d. Listing of Registered Nurses/Advanced Practice
      i. Registered Nurses—$10 programming fee plus costs as follows $0.02/per name on disk
   e. Special Programming Request Actual Costs—minimum $100 per program

B. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918 and R.S. 37:927.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, LR 8:417 (August 1982), amended by the Department of Health and Hospitals, Board of Nursing, LR 14:533 (August 1988), LR 22:981 (October 1996), repromulgated LR 24:1293 (July 1998), amended LR 26:84 (January 2000), LR 30:2829 (December 2004), LR:31:2027 (August 2005), LR 36:1246 (June 2010), LR 37:3027 (October 2011). LR 40:1696 (September 2014), amended by the Department of Health, Board of Nursing, LR 45:910 (July 2019).

Dr. Karen C. Lyon
Executive Director

1907#002

RULE

Department of Health
Board of Nursing

Undergraduate Clinical Courses
(LAC 46:XLVII.3324)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:917-918, that the Louisiana State Board of Nursing (LSBN) has adopted Rule changes to LAC 46:XLVII 3324.C. and E. that allows discretion in rendering a decision for nursing students who falsify their application or fail to disclose information which should have been reported to LSBN. Some students are being penalized for actions that were taken at a young age or that they assumed were expunged from their record. The current rule denies enrollment/progression in clinical courses and the ability to resubmit an application for a minimum of five years. Because of the broad range of case-by-case circumstances, all students should be evaluated individually and decisions rendered in accordance with our current Just Culture philosophy as we do for other disciplinary actions. The Rule change states "up to five years" instead of a "minimum of five years" and allows staff and the appointing authority discretion in adjudicating each application. This allows for the situation to be evaluated and a fair decision rendered according to the severity of the infraction(s). A technical change in Chapter 33, Section 3324 C. is deemed necessary to give the appointing authority the flexibility to render a decision that is not aligned with a permanent action(s). This Rule is hereby adopted on the day of promulgation.

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XLVII. Nurses: Practical Nurses and Registered Nurses
Subpart 2. Registered Nurses
Chapter 33. General
Subchapter C. Registration and Registered Nurse Licensure
§3324. Permission to Enroll or Progress in Undergraduate Clinical Nursing Courses

A. - B.6. …

C. Applicants who falsify the application or fail to disclose information that should have been reported to the board may be denied enrollment/progression in clinical nursing courses and may not be eligible to resubmit an application until completion of the disciplinary process. Falsifying an application may result in denial of permission to enroll in clinical nursing courses or application for licensure as a registered nurse in Louisiana for up to five years.

D. …

E. Evidence of violation of R.S. 37:911 et seq., or of grounds for denial or delay of approval to enroll in clinical nursing courses as specified in LAC 46:XLVII.3331 or acts of omissions which constitute grounds for disciplinary action as defined in R.S. 37:921 and LAC 46: XLVII.3403 and 3405 may result in immediate denial to progress in clinical nursing courses until completion of the disciplinary process.

F. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 42:753 (May 2016), amended Department of Health, Board of Nursing, LR 46:911 (July 2019).

Dr. Karen C. Lyon
Executive Director

1907#001

RULE

Department of Health
Emergency Response Network Board

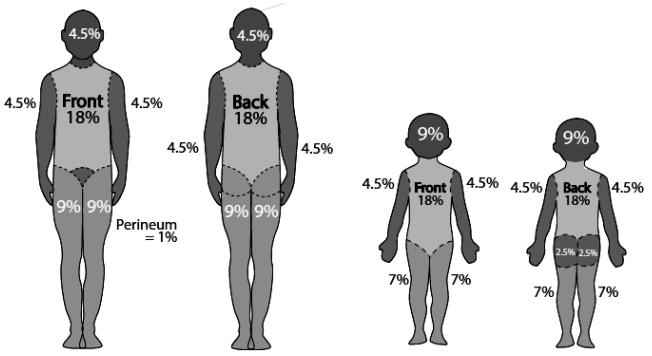
LERN Destination Protocol: BURN
(LAC 48:I.19201)

The Louisiana Emergency Response Network Board has exercised the provisions of R.S. 49:950 et seq., the Administrative Procedure Act, and does codify in LAC 48:I.Chapter 192, Section 19201, a rule approved by the Louisiana Emergency Response Network Board in a meeting of January 17, 2019, the following "LERN Destination Protocol: BURN", adopted as authorized by R.S. 9:2798.5. The Rule establishes the destination protocol for use by the LERN Communication Center for patients with burn injuries. This Rule is hereby adopted on the day of promulgation.

Title 48
PUBLIC HEALTH—GENERAL
Part I. General Administration
Subpart 15. Emergency Response Network
Chapter 192. Burn Protocols
§19201. LERN Destination Protocol: BURN

A. Call LERN Communication Center at 1-866-320-8293 for patients meeting the following criteria.

Burn Patient with Trauma	Yes→	See LERN Trauma Destination Protocol
↓ No		
• Burn patient without patent airway • Patients with facial / airway burns or anticipated airway compromise • Burn patient with > 40 % BSA without IV or IO access	Yes→	Transport to Closest ED
↓ No		
2nd and 3rd degree burns involving: • > 10% BSA • Face, hands, feet, genitalia, perineum, or major joints • Circumferential Burns • Electrical burns, including lightning injury • Chemical burns Or • Inhalation injury • All Third Degree Burns	Yes→	Transport to Closest Burn Center ** If distance or patient condition impedes transport to burn center, consider transport to most appropriate resourced hospital.*
↓ No		
Transport per Local EMS Protocols		
• In the event of a burn disaster, each burn center should immediately contact LERN. LERN Call Center (LCC) will conduct a bed poll. • In the event of a burn disaster and excess beyond capacity, the next geographically closest burn center should be alerted immediately by LERN.		



AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2846(A), R.S. 40:2845(A)(1) and R.S. 9:2798.5.

HISTORICAL NOTE: Promulgated by the Department of Health, Emergency Response Network, LR 45:911 (July 2019).

Paige Hargrove
Executive Director

1907#028

RULE

Department of Public Safety and Corrections
Office of State Police

Accident Reports (LAC 55:I.Chapter 8)

Editor's Note: This Rule is being repromulgated to correct a typographical error. The original Rule may be veiwed on page 582 of the April 20, 2019 *Louisiana Register*.

In accordance with the provisions of R.S. 32:398(F) relative to the authority of the Office of State Police to promulgate and enforce rules, the Office of State Police has adopted the following Rule regarding the establishment of costs for copies of accident reports. This Rule is hereby adopted on the day of promulgation.

Title 55
PUBLIC SAFETY
Part I. State Police

Chapter 8. Accident Reports

§801. Costs of Accident Reports

A. Pursuant to R.S. 32:398(F) the following fee scale shall be used for the sale of accident reports.

1. For a certified, paper copy or electronic copy of an accident report not exceeding two pages, the cost shall be $1.50.

2. For a certified, paper copy of an accident report exceeding two pages, the cost shall be $16.50.

3. For an electronic copy of an accident report exceeding two pages, the cost shall be $11.50.

B. Accident reports are available for purchase online at www.lsp.org or at each local Troop office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:398(F).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 45:582 (April 2019), repromulgated LR 45:912 (July 2019).

§802. Third Party Convenience Fee

A. Notice is hereby given that pursuant to R.S. 49:316.1(A)(2), the following third party convenience fee(s) shall apply to the purchase of an accident report:

1. For the purchase of an accident report by credit cards and similar types, the third party convenience fee shall be $2.50 + 2.5 percent.

2. For the purchase of an accident report by ACH payments and similar types, the third party convenience fee shall be $2.50 + $1.00.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:398(F).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 45:582 (April 2019), repromulgated, LR 45:912 (July 2019).

Lt. Col. Jason Starnes
Chief Administrative Officer

1907#021

RULE

Department of Public Safety and Corrections
Office of the State Fire Marshal
Uniform Construction Code Council

State Uniform Construction Code—Recodification
(LAC 17:I.Chapters 1 and 3)

Chapters 1 and 3 of LAC 17:I have been recodified. The text of these Chapters has been rearranged to provide greater readability and minimal codification.

Title 17
CONSTRUCTION
Part I. Uniform Construction Code

Chapter 1. Adoption of the Louisiana State Uniform Construction Code (Formerly LAC 55:VI.Chapter 3)

§101. Louisiana State Uniform Construction Code (Formerly LAC 55:VI.301.A)

A. In accordance with the requirements set forth in R.S. 40:1730.28, effective February 1, 2018 the following is hereby adopted as an amendment to the *Louisiana State Uniform Construction Code*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2380 (November 2015), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, Uniform Construction Code Council, LR 42:1672 (October 2016), LR 44:75 (January 2018), repromulgated LR 45:912 (July 2019).

§103. *International Building Code* (Formerly LAC 55:VI.301.A.1)

A. *International Building Code* (IBC), 2015 Edition, not including Chapter 1, Administration, Chapter 11, Accessibility, Chapter 27, Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. Furthermore, IBC shall be amended as follows and shall only apply to the *International Building Code*.

Amend	Chapter 2, Definitions.	Mini-Storage Facility- a self-service storage facility which rents or leases individual storage space to occupants for the storage and/or removal of personal property.
Amend	Chapter 9	To adopt and amend 2015 International Building Code
Amend	Section 903.2.1.1, Group A-2.	
Amend	Item 2	Item (2). The fire area has an occupant load of 300 or more.
Adopt	Item 4	Item (4). Open-air pavilions on three sides or more, not exceeding 12,000 square feet, shall not be required to comply with 903.2.1.3(1) and 903.2.1.3(2) where each side has unobstructed access to a public way (10'-0" wide by 10'-0")' high). No fixed elements, equipment, seating, etc. are permitted within the 10'-0" by 10'-0" access.
Adopt	Exceptions	(a). The requirements of Sections 903.2.1.2(1) and 903.2.1.2(2) shall not apply to a single multi-purpose room less than 12,000 sf when all of the following conditions are met. (1.) The single multi-purpose room shall not be used for display or exhibition, bars or taverns. (2.) The single multi-purpose room shall not share exit access with other occupancies. Non-separated accessory uses that are incidental or ancillary to the single multi-purpose room shall be considered as part of the assembly occupancy. The accessory uses shall not be limited to 10 percent of the single multi-purpose room floor area and/or building, but shall be included and considered as part of the limited assembly room floor area. (3.) The single multi-purpose room shall not be part of a fire area containing other assembly occupancies. (4.) A single multi-purpose room with an occupant load greater than 300 persons shall be provided with a fire alarm system in accordance with Section 907.2.1. (5.) The single multi-purpose room with its accessory or ancillary uses shall be separated, when part of a multiple occupancy, in accordance with Table 508.4 and Section 707 from the remainder of the building. The single multi-purpose room fire area containing the single multi-purpose room and its accessory or ancillary uses shall be less than 12,000 sf. (6.) Provide system smoke detection in all areas in accordance with Section 907 throughout the entire building.
Amend	Section 903.2.1.3, Group A-3.	
Adopt	Item 4	4. Open air pavilions on three sides or more, not exceeding 12,000 square feet, shall not be required to comply with Section 903.2.1.3(2) where each side has unobstructed access to a public way (10'-0" wide by 10'-0" high). No fixed elements, equipment, seating, etc. are permitted within the 10'-0" by 10'-0" access.
Adopt	Exceptions	(a). The requirements of Sections 903.2.1.2(1) and 903.2.1.2(2) shall not apply to a single multi-purpose room less than 12,000 sf when all of the following conditions are met: (1.) The single multi-purpose room shall not be used for display or exhibition. (2.) The single multi-purpose room shall not share exit access with other occupancies. Non-separated accessory uses that are incidental or ancillary to the single multi-purpose room shall be considered as part of the assembly occupancy. The accessory uses shall not be limited to 10 percent of the single multi-purpose room floor area and/or building, but shall be included and considered as part of the limited assembly room floor area. (3.) The single multi-purpose room shall not be part of a fire area containing other assembly occupancies. (4.) A single multi-purpose room with an occupant load greater than 300 persons shall be provided with a fire alarm system in accordance with Section 907.2.1. (5.) The single multi-purpose room with its accessory or ancillary uses shall be separated, when part of a multiple occupancy, in accordance with Table 508.4 and Section 707 from the remainder of the building. The single multi- purpose room fire area containing the single multi-purpose room and its accessory or ancillary uses shall be less than 12,000 sf. (6.) Provide system smoke detection in all areas in accordance with Section 907 throughout the entire building.
Amend	Section 903.2.9, Group S-1.	
Adopt	Item (5.)	Item (5). A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 sf (232 m^2).
Adopt	Exception	(1.) The requirement of Section 903.2.9(5) shall not apply to mini-storage facilities less than 12,000 sf. Mini-storage facilities, including mini-storage facilities which are climate-controlled, shall comply with 903.2.9(1) thru 903.2.9(4).
Amend	Section 903.2.7, Group M.	
Amend	Item (4.)	Item (4). A Group M occupancy used for the display and sale of upholstered furniture or mattresses where the floor area occupied by the upholstered furniture or mattresses exceeds 5,000 sf (464 m^2).
Amend	Section 903.2.8, Group R.	
Adopt	Exceptions	(a). An automatic sprinkler system is not required when not more than two dwelling or sleeping units are attached to a commercial or non-residential occupancy where all of the following conditions exist: (1.) The dwelling or sleeping units shall be separated vertically and/or horizontally from the non-residential occupancy as well as each other by two-hour construction in accordance with Sections 707 and 711. (2.) The entire building shall be smoke protected in accordance with Section 907. (3.) Egress from the dwelling or sleeping units shall not pass through the non-residential occupancy. (4.) The building shall not exceed two stories.
Adopt		(b.) An automatic sprinkler system is not required in Residential Group R-3, boarding houses (transient and nontransient) as defined by Section 310.5, where one of the following conditions exist: (1.) Every sleeping room has a door opening directly to the exterior at the street or finish grade. (2.) Every sleeping room has a door opening directly to the exterior which leads to an outside stair protected in accordance with Section 1027.

Amend	Section 1006	Amend and revise Tables 1006.3.2(1) and 1006.3.2(2).
Repeal		a. Delete from footnote "a": (1.) and provided with emergency escape and rescue openings in accordance with Section 1030.
Amend	Section 1010.1.9.6, Controlled Egress Doors in Groups I-1 and I-2.	
Amend	Section 1010.1.9.6	
Amend		(a.) Electric locking systems, including electromechanical locking systems and electromagnetic locking systems, shall be permitted to be locked in the means of egress in Group I-1 or I-2 occupancies where persons receiving care require their containment. Controlled egress doors shall be permitted in such occupancies where the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907, provided that the doors are installed and operate in accordance with all of the following: (1.) The door locks shall unlock on actuation of the automatic sprinkler system or automatic fire detection system. (2.) The door locks shall unlock on loss of power controlling the lock or lock mechanism. (3.) The door locking system shall be installed to have the capability of being unlocked by a switch located at the fire command center, a nursing station or other approved location. The switch shall directly break power to the lock. (4.) A means of manual mechanical unlocking must be provided at each door that is not in direct view of the remote release location required by Item 3. (5.) The procedures for unlocking the doors shall be described and approved as part of the emergency planning and preparedness required by Chapter 4 of the *International Fire Code*. (6.) All clinical staff shall have the keys, codes or other means necessary to operate the locking systems. (7.) Emergency lighting shall be provided at the door. (8.) The door locking system units shall be listed in accordance with UL 294.
Repeal	Exception 1and 2	Delete Exceptions 1 and 2.
Adopt		(9.) "Automatic" Re-Locking, after an emergency release as described above, shall be prohibited. A specific human action dedicated for re-locking doors must be provided at the remote control location or at each lock location. (10.) Document the "staff/patient ratio" for the occupants of the locked area to the authority having jurisdiction. The ratio shall be within state and federal licensing/certification guidelines. Please note that only "nurses" and "nurses' aides" assigned to the locked area shall be considered acceptable responsible staff in regard to this ratio documentation. (11.) Provide the reason for installing specialized security measures to the authority having jurisdiction. (12.) Documentation addressing each condition itemized above shall be provided to the authority having jurisdiction and shall include the signature of the building owner or the facility administrator.
Amend	Section 1010.1.9.7, Delayed Egress.	(a.) Delayed egress locking systems shall be permitted to be installed on doors serving any occupancy except the main entrance/exit for a Group A, and all exits for a Group H in buildings that are equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907. The locking system shall be installed and operated in accordance with all of the following: (1.) The delay electronics of the delayed egress locking system shall deactivate upon actuation of the automatic sprinkler system or automatic fire detection system, allowing immediate, free egress. (2.) The delay electronics of the delayed egress locking system shall deactivate upon loss of power controlling the lock or lock mechanism, allowing immediate free egress. (3.) The delayed egress locking system shall have the capability of being deactivated at the fire command center and other approved locations. (4.) An attempt to egress shall initiate an irreversible process that shall allow such egress in not more than 15 seconds when a force of not more than 15 pounds (67 N) is applied to the egress side door hardware for not more than 3 seconds. Initiation of the irreversible process shall activate an audible signal in the vicinity of the door. Once the delay electronics have been deactivated, rearming the delay electronics shall be by manual means only.
Amend	Exception	Where approved by the authority having jurisdiction, a delay of not more than 30 seconds is permitted on a delayed egress door.
		(5.) The egress path from any point shall not pass through more than one delayed egress locking system.
Repeal	Exception	In Group I-2 or I-3 occupancies, the egress path from any point in the building shall pass through no more than two delayed egress locking systems provided the combined delay does not exceed 30 seconds.
Amend		(6) A sign shall be provided on the door and shall be located above and within 12 inches (305 mm) of the door exit hardware. (6.1) For doors that swing in the direction of egress, the sign shall read: Push until alarm sounds. Door can be opened in 15 [30] seconds. (6.2) For doors that swing in the opposite direction of egress, the sign shall read: Pull until alarm sounds. Door can be opened in 15 [30] seconds. (6.3) (i). The sign shall comply with the visual character requirements in ICC A117.1. *Americans with Disabilities Act and Architectural Barriers Act—Accessibilities Guidelines (ADA/ABA-AG).*
Repeal	Exception	Where approved, in Group I occupancies, the installation of a sign is not required where care recipients who because of clinical needs require restraint or containment as part of the function of the treatment area.
Amend		(7.) Emergency lighting shall be provided on the egress side of the door. (8.) The delayed egress locking system units shall be listed in accordance with UL 294.

Amend	Section 1010.1.9.8, Sensor Release of Electrically Locked Egress Doors.	(a.) The electric locks on sensor released doors located in a required means of egress are permitted where installed and operated in accordance with all of the following criteria: (1.) The sensor shall be installed on the egress side, arranged to detect an occupant approaching the doors. The doors shall be arranged to unlock by a signal from or loss of power to the sensor. (2.) Loss of power to the lock or locking system shall automatically unlock the doors. (3.) Item 3 (a). The doors shall be arranged to unlock from a manual unlocking device located 40 inches to 48 inches (1016 mm to 1219 mm) vertically above the floor and within 5 feet (1524 mm) of the secured doors. Ready access shall be provided to the manual unlocking device and the device shall be clearly identified by a sign that reads "Push to Exit" When operated, the manual unlocking device shall result in direct interruption of power to the lock, independent of other electronics, and the doors shall remain unlocked for not less than 30 seconds. The sign shall comply with the visual character requirements in *Americans with Disabilities Act and Architectural Barriers Act—Accessibilities Guidelines (ADA/ABA-AG)*. (4.) Activation of the building fire alarm system, where provided, shall automatically unlock the doors, and the doors shall remain unlocked until the fire alarm system has been reset.
Adopt	Item (5.)	(5.) The activation of manual fire alarm boxes that activate the fire alarm system shall not be required to unlock the doors.
Amend	Item (6.)	(6.) Activation of the building automatic sprinkler system or fire detection system, where provided, shall automatically unlock the doors. The doors shall remain unlocked until the fire alarm system has been reset.
Amend	Item (7.)	(7.) The door locking system units shall be listed in accordance with UL 294.
Adopt	Item (8.)	(8.) Doors in buildings with an occupancy in Group A shall not be secured from the egress side during periods that the building is open to the general public.
Adopt	Item (9.)	(9.) Doors in buildings with an occupancy in Group R-3 or Group I-3 shall not be equipped with this locking system.
Adopt	Item (10.)	(10.) Doors serving any Group M occupancy shall be permitted to be equipped with this locking system in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907.
Adopt	Item (11.)	(11.) Emergency egress lighting shall be provided at the door.
Amend	Section 1010.1.9.9, Electromagnetically Locked Egress Doors.	(a.) a. Doors in the required means of egress shall be permitted to be locked with an electromagnetic locking system where equipped with hardware and where installed and operated in accordance with all of the following: (1.) The hardware that is affixed to the door leaf has an obvious method of operation that is readily operated under all lighting conditions. (2.) The hardware is capable of being operated with one hand. (3.) Operation of the hardware directly interrupts the power to the electromagnetic lock and unlocks the door immediately. (4.) Loss of power to the locking system automatically unlocks the door. (5.) Where panic or fire exit hardware is required by Section 1010.1.10, operation of the panic or fire exit hardware also releases the electromagnetic lock. (6.) The locking system units shall be listed in accordance with UL 294.
Amend	Section 1020.1, Construction.	
Amend	Exception	
Adopt	Item (6.)	(6). A fire-resistance rating is not required for corridors where the space or area served does not exceed the occupant load and common path of egress travel values, for each occupancy, listed in Table 1006.2.1. The travel distance to the exit from the space or area served shall not exceed the common path of travel.
Amend	Section 1020.5, Air Movement in Corridors.	Corridors that require protection under Table 1020.1—Corridor Fire-Resistance Rating, shall not serve as supply, return, exhaust, relief or ventilation air ducts.
Amend	Section 1027.6	
Amend	Exceptions	
Adopt	Item (4)	(4.) Exterior stairs or ramps which serve no more than one story above the level of exit discharge and constructed with non-combustible materials or constructed with fire retardant treated lumber, shall be allowed when the fire separation distance is between 5 and 10 feet measured from the exterior edge of the stairway or ramp.
Amend	Section 1030.1	
Amend	Exception	
Amend	Item (4.)	(4.) In other than Group R-3 occupancies, buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

Amend	Section 1603.1.5, Earthquake Design Data.	The following information related to seismic loads shall be shown, regardless of whether seismic loads govern the design of the lateral-force-resisting system of the building:
		a. seismic importance factor, I, and occupancy category;
		b. mapped spectral response accelerations, SS and S1;
		c. site class;
		d. spectral response coefficients, SDS and SD1;
		e. seismic design category;
		f. basic seismic-force-resisting system(s);
		g. design base shear;
		h. seismic response coefficient(s), CS;
		i. response modification factor(s), R;
		j. analysis procedure used;

Adopt	Exceptions	
Adopt	Item (1.)	(1.) Construction documents that are not required to be prepared by a registered design professional;
Adopt	Item (2.)	(2.) Construction documents for structures that are assigned to Seismic Design Category A.

Amend	Section 1609.1.2, Protection of Openings.	In wind-borne debris regions, glazing in buildings shall be impact resistant or protected with an impact-resistant covering meeting the requirements of an approved impact-resistant standard or ASTM E 1996 and ASTM E 1886 referenced herein as follows: a. Glazed openings located within 30 feet (9144 mm) of grade shall meet the requirements of the large missile test of ASTM E 1996. b. Glazed openings located more than 30 feet (9144 mm) above grade shall meet the provisions of the small missile test of ASTM E 1996.
Amend	Exceptions	
Amend	Item (1.)	(1.) Wood structural panels with a minimum thickness of 7/16 inch (11.1 mm) and maximum panel span of 8 feet (2438 mm) shall be permitted for opening protection in one- and two-story buildings classified as Risk Category 2. Panels shall be precut so that they shall be attached to the framing surrounding the opening containing the product with the glazed opening. Panels shall be predrilled as required for the anchorage method and shall be secured with the attachment hardware provided. Attachments shall be designed to resist the components and cladding loads determined in accordance with the provisions of ASCE 7, with corrosion-resistant attachment hardware provided and anchors permanently installed on the building. Attachment in accordance with Table 1609.1.2 with corrosion-resistant attachment hardware provided and anchors permanently installed on the building is permitted for buildings with a mean roof height of 45 feet (13 716 mm) or less where V_{asd} determined in accordance with Section 1609.3.1 does not exceed 140 mph (63 m/s).
Amend	Item (2.)	(2.) Glazing in Risk Category I buildings as defined in Section 1604.5, including greenhouses that are occupied for growing plants on a production or research basis, without public access shall be permitted to be unprotected.
Amend	Item (3.)	(3.) Glazing in Risk Category II, III or IV buildings located over 60 feet (18 288 mm) above the ground and over 30 feet (9144 mm) above aggregate surface roofs located within 1,500 feet (458 m) of the building shall be permitted to be unprotected.
Amend	Section 1612.4, Design and Construction.	
Repeal	Referenced ASCE 24-14, Freeboard.	Delete Referenced ASCE 24-14 Freeboard requirements and Table 1-1, Flood Design Class of Buildings and Structures.
Amend	Section 1613.1, Scope.	Every structure, and portion thereof, including nonstructural components that are permanently attached to structures and their supports and attachments, shall be designed and constructed to resist the effects of earthquake motions in accordance with ASCE 7, excluding Chapter 14 and Appendix 11A. The seismic design category for a structure is permitted to be determined in accordance with Section 1613 or ASCE 7-10. Figure 1613.5(1) shall be replaced with ASCE 7-10 Figure 22-1. Figure 1613.5(2) shall be replaced with ASCE 7-10 Figure 22-2.
Amend	Exceptions	
Adopt	Item (5.)	(5.) Structures that are not required to have a registered design professional in responsible charge;
Adopt	Item (6.)	(6.) structures that are assigned to Seismic Design Category A.
Amend	Chapter 29, Plumbing Systems.	
Amend	Section 2901, Scope.	The provisions of this Chapter and the *International Plumbing Code* shall govern the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing equipment and systems. Toilet and bathing rooms shall be constructed in accordance with Section 1210. Plumbing systems and equipment shall be constructed, installed and maintained in accordance with the *International Plumbing Code*.
Repeal	Section 2901, Scope.	Private Sewage disposal systems shall conform to the *International Private Sewage Disposal Code*.
Repeal	Section 2902	

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41:2380 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:75 (January 2018), repromulgated LR 45:912 (July 2019).

§105. *International Existing Building Code* (Formerly LAC 55:VI.301.A.2)

A. *International Existing Building Code* (IEBC), 2015 Edition, not including Chapter 1, Administration, and the standards referenced in that code for regulation of construction within this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 41: 2383 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:79 (January 2018), repromulgated LR 45:916 (July 2019).

§107. *International Residential Code* (Formerly LAC 55:VI.301.A.3.a)

A. *International Residential Code*, 2015 Edition, not including Parts I-Administrative, and VIII-Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. The enforcement

of such standards shall be mandatory only with respect to new construction, reconstruction, additions to homes previously built to the *International Residential Code*, and extensive alterations. 2018 *International Residential Code*, Appendix Q, Tiny Houses, with inspections on site and or in the manufacturing plant as required by the LSUCCC regulations. Appendix J, Existing Buildings and Structures, may be adopted and enforced only at the option of a parish, municipality, or regional planning commission.

Amend	Section R301.2.1., Part IV-Energy Conservation of the latest edition of the *International Residential Code*.	This section is hereby amended to require that supply and return ducts be insulated to a minimum of R-6.
Amend	Section R302.5.1, Opening Protection.	Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 13/8 inches (35 mm) in thickness, solid or honeycomb-core steel doors not less than 13/8 inches (35 mm) thick, or 20-minute fire-rated doors.
Repeal		Delete equipped with a self-closing device.
Amend	Section R303.4, Mechanical Ventilation.	When a blower door test is performed, and the air infiltration rate of a dwelling unit is less than 3 air changes per hour when tested in accordance with the 2009 IRC, Section N1102.4.2.1, the dwelling unit shall be provided with whole-house mechanical ventilation in accordance with Section M1507.3.
Amend		Additionally, IRC shall be amended as follows and shall only apply to the *International Residential Code*.
Amend	2015 IRC Section 313.1, Townhouse Automatic Sprinkler System. Per Act No. 685 of the 2010 Regular Session of the Louisiana Legislature.	The council shall not adopt or enforce any part of the *International Residential Code* or any other code or regulation that requires a fire protection sprinkler system in one- or two-family dwellings. Further, no municipality or parish shall adopt or enforce an ordinance or other regulation requiring a fire protection sprinkler system in one- or two-family dwellings.
Amend	Exception	
	Item (1)	(1.) If an owner voluntarily chooses to install an automatic residential fire sprinkler system, it shall be installed per Section R313.1.
Amend	2015 IRC Section 313.2, One- and Two-Family Dwellings Automatic Fire Systems. Per Act No. 685 of the 2010 Regular Session of the Louisiana Legislature.	The council shall not adopt or enforce any part of the *International Residential Code* or any other code or regulation that requires a fire protection sprinkler system in one- or two-family dwellings. Further, no municipality or parish shall adopt or enforce an ordinance or other regulation requiring a fire protection sprinkler system in one- or two-family dwellings.
Amend	Exception	
	Item (1.)	(1.) If an owner voluntarily chooses to install an automatic residential fire sprinkler system, it shall be installed per Section R313.2.1, Design and Installation.
Amend	Section R322.2.1, Elevation Requirements.	
Amend		Buildings and structures in flood hazard areas including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation or the design flood elevation.
Repeal		Delete plus 1 foot (305 mm) requirement.
Amend		In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height of not less than the highest adjacent grade as the depth number specified in feet (mm) on the FIRM or not less than 2 feet if a depth number is not specified.
Repeal		Delete plus 1 foot (305 mm) requirement.
Amend		Basement floor that are below grade on all sides shall be elevated to or above base flood elevation or the design flood elevation, whichever is higher.
Repeal		Delete plus 1 foot (305 mm) requirement.
Amend	Section R322.3.2, Enclosed Area Below Design Flood Elev.	
Repeal		Delete plus 1 foot (305 mm) requirement.
Amend	Section R 1006.1, Exterior Air.	Factory-built or masonry fireplaces covered in this chapter shall be equipped with an exterior air supply to assure proper fuel combustion.
Substitute	Chapter 11, Energy Efficiency.	Substitute Chapter 11, Energy Efficiency of the 2009 IRC, in lieu of Chapter 11, Energy Efficiency of the 2015 IRC.
Amend	Section N1102.3, Access Hatches and Doors.	Access doors from conditioned spaces to unconditioned spaces shall be weather-stripped and have a minimum insulation value of an R-4.
Amend	Section N1102.4.2, Air Sealing and Insulation.	The air tightness demonstration method of compliance is to be determined by the contractor, design professional or homeowner.
Amend	Section N1102.4.2.1, Testing Option.	Tested air leakage is less than 7 ACH when tested with a blower door at a pressure of 50 pascals (0.007 psi). Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing, electrical, ventilation and combustion appliances. When the contractor, design professional or homeowner chooses the blower door testing option, blower door testing shall be performed by individuals certified to perform blower door tests by a nationally recognized organization that trains and provides certification exams for the proper procedures to perform such tests. The responsible BCEO shall accept written blower door test reports from these certified individuals to verify the minimum requirements of Section N1102.4.2.1 Testing Option are attained.
Amend	Section N1102.4.3, Fireplaces.	New wood-burning fireplaces shall have outdoor combustion air.
Amend	Section N1103.2.1, Insulation.	Supply and return ducts in attics shall be insulated to a minimum of R-6.

Amend	Section N1103.2.2, Sealing.	Ducts, air handlers, filter boxes and building cavities used as ducts shall be sealed. Joints and seams shall comply with section M1601.4. Duct leakage testing shall be performed by individuals certified to perform duct leakage tests by a nationally recognized organization that trains and provides certification exams for the proper procedures to perform such tests. The responsible BCEO shall accept written duct leakage test reports from these certified individuals to verify the minimum requirements of Section N1103.2.2, Sealing, are attained.
Adopt	Exception	
Adopt	(1.) HVAC Contractors	(1.) HVAC contractors, who are not certified to perform duct leakage tests, may perform the test with the responsible BCEO visually verifying test procedures and results on site.
Amend	Section N1103.2.2, Sealing.	Joints and seams shall comply with section M1601.4. Duct tightness shall be verified by either for the following:
Amend	Post-Construction Test.	Leakage to outdoors shall be less than or equal to 8 cfm (3.78 L/s) per 100 ft2 (9.29 m2) of conditioned floor area or a total leakage less than or equal to 12 cfm (5.66 L/s) per 100 ft ^{2} (9.29 m ^{2}) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the entire system, including the manufacturer's air handler end closure. All register boots shall be taped or otherwise sealed during the test.
Amend	Rough-In Test.	Total leakage shall be less than or equal to 6 cfm (2.83 L/s) per 100 ft ^{2} 9.29 m ^{2}) of conditioned floor area when tested at a pressure differential of 0.1 inch w.g. (25 Pa) across the roughed in system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 4 cfm (1.89 L/s) per 100 ft^2 (9.29 m^2) of conditioned floor area.
Amend	Exception	
Amend	Item (1.)	(1.) Duct tightness test is not required if the air handler and all ducts are located within conditioned space.
Amend	Section N1103.8.3, Pool Covers.	Pool covers shall not be required to meet the energy efficiency requirements of this Section.
Amend	Section M1307.3.1, Protection from Impact.	Appliances shall not be installed in a location subject to automobile or truck damage except where protected by approved barriers.
Amend	Section M1507.3.1, System Design.	The whole-house ventilation system shall consist of a combination of supply and exhaust fans, and associated ducts and controls. Local exhaust and supply fans are permitted to serve as such a system. Outdoor air ducts connected to the return side of an air handler shall be considered to provide supply ventilation.
Amend	Section M1507.3.2, System Controls.	The whole-house mechanical ventilation system shall be provided with controls that enable manual override and a method of air-flow adjustment.
Amend	Section M1507.3.3, Mechanical Ventilation Rate.	The whole-house mechanical ventilation system shall be able to provide outdoor air at a continuous rate of at least that determined in accordance with Table M1507.3.3(1).
Amend	Section M1507.4, Minimum Required Local Exhaust.	Local exhaust systems shall be designed to have the capacity to exhaust the minimum air flow rate as follows:
Amend	Item (1.)	(1.) Kitchen: 100 cfm intermittent or 25 cfm continuous, a balanced ventilation system is required for continuous exhaust.
Amend	Item (2.)	(2.) Bathrooms: exhaust capacity of 50 cfm intermittent or 20 cfm continuous, a balanced ventilation system is required for continuous exhaust.
Amend	Chapter 30, Sanitary Drainage.	
Amend	Section P3104.1, Connection.	Individual branch and circuit vents shall connect to a vent stack, stack vent or extend to the open air.
Repeal	Exception	Individual, branch and circuit vents shall be permitted to terminate at an air admittance valve in accordance with Section P3114.
Repeal	Item (1.)	(1.) Individual, branch and circuit vents shall be permitted to terminate at an air admittance valve in accordance with Section P3114.
Repeal	Section P3114, Air Admittance Valves.	

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshall, LR 41:2383 (November 2015), amended LR 42:1672 (October 2016), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:79 (January 2018), amended LR 44:2218 (December 2018), repromulgated LR 45:916 (July 2019).

§109. *International Mechanical Code* (Formerly LAC 55:VI.301.A.4)

A. *International Mechanical Code* (IMC), 2015 Edition, and the standards referenced in that code for regulation of construction within this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the

Department of Public Safety and Corrections, Office of State Fire Marshall, LR 41:2386 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:81 (January 2018); repromulgated LR 45:918 (July 2019).

§111. *The International Plumbing Code* (Formerly LAC 55:VI.301.A.5)

A. The *International Plumbing Code*, 2015 Edition. The appendices of that code may be adopted as needed, but the specific appendix or appendices shall be referenced by name or letter designation at the time of adoption (per R.S. 40:1730.28, eff. 1/1/16).

Amend	Chapter 1	
Amend	Section [A] 101.2, Scope.	The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. This code shall also regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collection systems. The installation of fuel gas distribution piping and equipment, fuel-gas-fired water heaters and water heater venting systems shall be regulated by the *International Fuel Gas Code*. Provisions in the appendices shall not apply unless specifically adopted.
Adopt	Item (a.)	(a.) Nothing in this Part or any provision adopted pursuant to this Part shall prohibit the Department of Health from the following:
Adopt	Item (1.)	(1.) Regulating stored water temperatures through enforcement of the *Sanitary Code*;
Adopt	Item (2.)	(2.) Regulating medical gas and medical vacuum systems.
Amend	Exception	
Amend	Item (1.)	1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.
Amend	Chapter 2, Definitions.	
Adopt	*Adult Day Care Center*	Any place or facility, operated by any person for the primary purpose of providing care, supervision and guidance of 10 or more people 18 years and older, not related to the caregiver and unaccompanied by parent or guardian, on a regular basis, for a total of at least 20 hours in a continuous seven day week in a place other than the person's home.
Adopt	*Barometric Loop*	A fabricated piping arrangement rising at least 35 feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against backsiphonage backflow.
Amend	*Building Drain*	That part of the lowest piping of a drainage system that receives the discharge from soil, waste and other drainage pipes inside and that extends 30 inches (762 mm) in developed length of pipe beyond the exterior walls of the building and conveys the drainage to the building sewer:
Repeal		Delete definition *Combined—Building Drain*—"See building drain, combined".
Amend		*sanitary*—a building drain that conveys sewage only;
Amend		*storm*—a building drain that conveys storm water or other drainage, but not sewage
Amend	*Building Sewer*	that part of the drainage system that extends from the end of the building drain and conveys the discharge to a community sewerage system, commercial treatment facility, or individual sewerage system or other point of disposal:
Repeal		Delete definition *Combined Building Sewer*—"See *Building sewer, combined*".
Amend		1. *sanitary*—a building drain that conveys sewage only;
Amend		2. *storm*—a building drain that conveys storm water or other drainage, but not sewage.
Adopt	*By-Pass*	any system of piping or other arrangement whereby the water may be diverted around any part or portion of the water supply system including, but not limited to, around an installed backflow preventer
Adopt	*Child Day Care Center*	any place or facility, operated by any person for the primary purpose of providing care, supervision and guidance of seven or more children under the age of 18, not related to the care giver and supervision and guidance of seven or more children under the age of 18, not related to the care giver and unaccompanied by parent or guardian, on a regular basis, for a total of at least 20 hours in a continuous seven-day week in a place other than the children's home. A day care center that remains open for more than 20 hours in a continuous seven-day week, and in which no individual child remains for more than 24 hours in one continuous stay shall be known as a full-time day care center.
Adopt	*Commercial Treatment Facility*	any treatment facility which is required by the state health officer whenever the use of an individual sewerage system is unfeasible or not authorized.
Adopt	*Community Sewerage System*	any sewerage system which serves multiple connections and consists of a collection and/or pumping system/transport system and treatment facility.
Adopt	*Containment*	a method of backflow prevention which requires a backflow prevention device or method on the water service pipe to isolate the customer from the water main.
Adopt	*Continuous Water Pressure*	a condition when a backflow preventer is continuously subjected to the upstream water supply pressure for a period of 12 hours or more.
Adopt	*Day Care Centers*	includes adult and child day care centers.
Adopt	*Degree of Hazard*	an evaluation of the potential risk to public health if the public were to be exposed to contaminated water caused by an unprotected or inadequately protected cross connection.
Adopt	*Domestic Well*	a water well used exclusively to supply the household needs of the owner/lessee and his family. Uses may include human consumption, sanitary purposes, lawn and garden watering and caring for pets.
Adopt	*Dual Check Valve*	a device having two spring loaded, independently operated check valves without tightly closing shut-off valves and test cocks; generally employed immediately downstream of the water meter.
Adopt	*Fixture Isolation*	a method of backflow prevention in which a backflow preventer is located to protect the potable water of a water supply system against a cross connection at a fixture located within the structure or premises itself.
Adopt	*Grade* (*G*)	normally, this references the location of some object in relation to either the floor or ground level elevation.

Adopt	*Gravity Grease Interceptor*	plumbing appurtenances of not less than 125 gallons capacity that are installed in the sanitary drainage system to intercept free-floating fats, oils, and grease from waste water discharge. Separation is accomplished by gravity during a retention time of not less than 30 minutes.
Adopt	*Human Consumption*	the use of water by humans for drinking, cooking, bathing, showering, hand washing, dishwashing, or maintaining oral hygiene.
Adopt	*Individual Sewerage System*	any system of piping (excluding the building drain and building sewer), and/or collection and/or transport system which serves one or more connections, and/or pumping facility, and treatment facility, all located on the property where the sewage originates; and which utilizes the individual sewerage system technology which is set forth in LAC 51:XIII.Chapter 7, Subchapter B, or a commercial treatment facility which is specifically authorized for use by the state health officer.
Repeal		Delete definition *Individual Water Supply*—a water supply that serves one or more families, and that is not an approved public water supply.
Adopt	*Lead Free*	A. in general:
Adopt		1. not containing more than 0.2 percent lead when used with respect to solder and flux; and
Adopt		2. not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures;
Adopt		B. calculation:
Adopt		1. the weighted average lead content of a pipe, pipe fitting, plumbing fitting, or fixture shall be calculated by using the following formula:
Adopt		a. for each wetted component, the percentage of lead in the component shall be multiplied by the ratio of the wetted surface area of that component to the total wetted surface area of the entire product to arrive at the weighted percentage of lead of the component. The weighted percentage of lead of each wetted component shall be added together, and the sum of these weighted percentages shall constitute the weighted average lead content of the product. The lead content of the material used to produce wetted components shall be used to determine compliance with Clause a.ii above. For lead content of materials that are provided as a range, the maximum content of the range shall be used.
Adopt	*Master Meter*	a water meter serving multiple residential dwelling units or multiple commercial units. Individual units may or may not be sub-metered
Adopt	*Potable Water Supply*	a publicly owned or privately owned water supply system which purveys potable water.
Adopt	*Preschool*	any child less than five years of age
Adopt	*Private Water Supply*	a potable water supply that does not meet the criteria for a public water supply including, but not limited to a domestic well.
		Delete definition *Public Water Main*—a water supply pipe for public use controlled by public authority
Adopt	*Public Water Supply*	public water system.
Adopt	*Public Water System*	a particular type of water supply system intended to provide potable water to the public having at least 15 service connections or regularly serving an average of at least 25 individuals daily at least 60 days out of the year.
Adopt	*Putrescible Waste*	waste which is subject to spoilage, rot, or decomposition and may give rise to foul smelling, offensive odors and/or is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies. It includes wastes from the preparation and consumption of food, vegetable matter, and animal offal and carcasses
Adopt	*Residential Facility*	any place, facility, or home operated by any person who receives therein four or more people who are not related to such person for supervision, care, lodging and maintenance with or without transfer of custody. This shall include, but not be limited to group homes, community homes, maternity homes, juvenile detention centers, emergency shelters, halfway homes and schools for the mentally retarded.
Note	*Sanitary Sewage*	see *sewage*
Amend	*Sewer*	a pipe or other constructed conveyance which conveys sewage, rainwater, surface water, subsurface water, or similar liquid wastes:
Amend		1. *building sewer*—see "*building sewer"*;
Amend		2. *public sewer*—a common sewer directly controlled by a public authority or utilized by the public;
Amend		3. *sanitary sewer*—a sewer that carries sewage and excludes storm, surface and ground water;
Amend		4. *storm sewer*—a sewer that conveys rainwater, surface water, subsurface water and similar liquid wastes.
Adopt	*Sewerage System*	any system of piping (excluding the building drain and building sewer) and/or collection and/or transport system and/or pumping facility and/or treatment facility, all for the purpose of collecting, transporting, pumping, treating and/or disposing of sanitary sewage.
Amend	*Water Main*	a water supply pipe or system of pipes installed and maintained by a city, township, county, public utility company or other public entity, on public property, in the street or in an approved dedicated easement of public or community use. This term shall also mean the principal artery (or arteries) used for the distribution of potable water to consumers by any water supplier including, but not limited to, those public water systems which are not owned by the public and which may not be on public property.
Adopt	*Water Supplier*	a person who owns or operates a water supply system including, but not limited to, a person who owns or operates a public water system.
Amend	*Water Supply System*	the water service pipe, water distribution pipes, and the necessary connecting pipes, fittings, control valves and all appurtenances in or adjacent to the structure or premise. This term shall also mean the system of pipes or other constructed conveyances, structures and facilities through which water is obtained, treated to make it potable (if necessary) and then distributed (with or without charge) for human consumption or other use.
Repeal	*Well-Bored*	a well constructed by boring a hole in the ground with an auger and installing a casing.
Repeal	*Well-Drilled*	a well constructed by making a hole in the ground with a drilling machine of any type and installing casing and screen.
Repeal	*Well-Driven*	a well constructed by driving a pipe in the ground. The drive pipe is usually fitted with a well point and screen.

Repeal	*Well-Dug*	a well constructed by excavating a large-diameter shaft and installing a casing.
Amend	Chapter 3, General Regulations.	
Amend	Section 312.1, Required Tests.	The permit holder shall make the applicable tests prescribed in Sections 312.2 through 312.10 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the code official when the plumbing work is ready for tests. The code official shall verify the test results. The equipment, material, power and labor necessary for the inspection and test shall be furnished by the permit holder and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests. All plumbing system piping shall be tested with either water or by air. After the plumbing fixtures have been set and their traps filled with water, the entire drainage system shall be submitted to final tests. The code official shall require the removal of any cleanouts if necessary to ascertain whether the pressure has reached all parts of the system.
Amend	Section 312.3, Drainage and Vent Test.	An air test shall be made by forcing air into the system until there is a uniform gauge pressure of 5 psi (34.5 kPa) or sufficient to balance a 10-inch (254 mm) column of mercury. This pressure shall be held for a test period of not less than 15 minutes. Any adjustments to the test pressure required because of changes in ambient temperatures or the seating of gaskets shall be made prior to the beginning of the test period.
Amend	Section 312.5, Water Supply System Test.	Upon completion of a section of or the entire water supply system, the system, or portion completed, shall be tested and proved tight under a water pressure not less than 1.5 times the working pressure of the system, but not less than 140 psi; or, for piping systems other than plastic, by an air test of not less than 50 psi (344 kPa). This pressure shall be held for not less than 15 minutes. The water utilized for tests shall be obtained from a potable source of supply. The required tests shall be performed in accordance with this section and Section 107.
Amend	Section 312.10 Installation, Inspection and Testing of Backflow Prevention Assemblies, Barometric Loops and Air Gaps.	Installation, inspection and testing shall comply with Sections 312.10.1 through 312.10.3.
Amend	Section 312.10.1, Inspections.	Annual inspections shall be made of all backflow prevention assemblies, barometric loops and air gaps to determine whether they are operable, properly installed and maintained, and meet testing/code requirements. Inspections of backflow prevention devices including barometric loops and air gaps used to protect high degree of hazard cross connections shall be documented in writing and the report provided to the owner of the backflow prevention device.
Amend	Section 312.10.2, Testing.	Reduced pressure principle, double-check, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, and spill-resistant vacuum breaker backflow preventer assemblies shall be tested at the time of installation, immediately after repairs or relocation and at least annually. The testing procedure shall be performed in accordance with one of the following standards: ASSE 5013, ASSE 5015, ASSE 5020, ASSE 5047, ASSE 5048, ASSE 5052, ASSE 5056, CSA B64.10.1, USC's FCCC and HR's "Manual of Cross-Connection Control", or UFL's TREEO's "Backflow Prevention—Theory and Practice". Any backflow preventer which is found to be defective shall be repaired.
Adopt	Section 312.10.3, Owner Responsibilities.	The owner of the backflow prevention assemblies shall comply with the following:
Adopt		1. It shall be the duty of the owner of the backflow prevention assembly to see that these tests are made in a timely manner in accord with the frequency of field testing specified in 312.10.2 of this code.
Adopt		2. The owner shall notify the building official, and/or water supplier (for those devices associated with containment) in advance when the tests are to be undertaken so that the building official and/or water supplier may witness the tests if so desired.
Adopt		3. Upon completion, the owner shall provide records of such tests, repairs, overhauls, or replacements to the building official or water supplier (for those devices associated with containment). In addition, all records shall be kept by the owner of the backflow prevention device or method for at least five years and, upon specific request, shall be made available to the building official or water supplier.
Adopt		4. All tests, repairs, overhauls or replacements shall be at the expense of the owner of the backflow preventer.
Amend	Chapter 4	
Amend	Section 403.3.3, Location of Toilet Facilities in Occupancies other than Malls and Educational Buildings.	In occupancies other than covered and open mall buildings, and educational buildings, the required public and employee toilet facilities shall be located not more than one story above or below the space required to be provided with toilet facilities, and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).
Adopt	Section 403.3.7, Location of Toilet Facilities in Educational Buildings.	For primary schools, and other special types of institutions with classrooms, for children through 12 years of age, separate boys' and girls' toilet room doors shall not be further than 200 feet from any classroom doors. For secondary schools, and other special types of institutions with classrooms, for persons of secondary school age, separate boys' and girls' toilet room doors shall not be further than 400 feet from any classroom door. In multi-storied buildings, there shall be boys' and girls' toilet rooms on each floor, having the number of plumbing fixtures as specified in Table 403.1 of this code for the classroom population of that floor. When new educational buildings are added to an existing campus, the restroom facilities and drinking fountains located in the existing building(s) may be used to serve the occupants of the new educational building(s) only when all of the following provisions are met:
Adopt		1. covered walkways consisting of a roof designed to protect the students and faculty from precipitation having a minimum width of 6 feet and located above a slip-resistant concrete or other acceptable hard surfaces leading to and from the restrooms shall be provided whenever children or faculty have to walk outside to access the toilet room;
Adopt		2. the path of travel from the classroom door to the toilet room doors (boys' or girls') does not exceed the applicable distance specified in this Section; and

Adopt		3. the number of occupants of the new building does not cause an increase in the school population that would trigger the need for more fixtures per Table 403.1 (Minimum Number of Required Plumbing Fixtures).
Adopt	Section 403.6, Other Fixture Requirements for Licensed Pre-schools, Day Care Centers, and Residential Facilities.	Additional plumbing fixtures shall be provided in day care centers and residential facilities as required by this Section.
Adopt	Section 403.6.1, Food Preparation.	The food preparation area in pre-schools, day cares, and residential facilities shall meet the following requirements. The food preparation, storage and handling where six or less individuals are cared for shall provide a two-compartment sink and an approved domestic type dishwasher. Where the number of individuals cared for is between 7 and 15, either a three-compartment sink, or an approved domestic or commercial type dishwashing machine and a two-compartment sink with hot and cold running water shall be provided. Where 16 or more individuals are cared for, a three-compartment sink must be provided. If a dishwasher is also utilized in these instances (16 or more individuals), it must be a commercial type and it shall be in addition to the required three-compartment sink. One laundry tray, service sink, or curbed cleaning facility with floor drain shall also be provided on the premises for cleaning of mops and mop water disposal (for facilities caring for 16 or more individuals).
Adopt	Section 403.6.2, Caring for Children between 0 and 4 Years of Age.	In child day care facilities, a hand washing sink shall be in or adjacent to each diaper changing area. In addition, one extra laundry tray, service sink, or similar fixture is required to clean and sanitize toilet training potties immediately after each use. Such fixture shall be dedicated solely for this purpose and shall not be in the food preparation/storage, utensil washing, or dining areas. Training potties shall not be counted as toilets in determining the minimum fixture requirements of Table 403.1. Fixtures shall be size appropriate for the age of the children being cared for (toilets 11 inches maximum height and lavatories 22 inches maximum height), or if standard size fixtures are used, safe, cleanable step aids shall be provided.
Adopt	Section 410.6, Minimum Required Separation from Contamination.	Drinking fountain fixtures shall provide a minimum requirement of 18 inches of separation from its water outlet (spigot) to any source of contamination. Combination sink/drinking fountain units shall provide a minimum of 18 inches between the drinking fountain water outlet (spigot) and the nearest outside rim of the sink bowl [or other source(s) of contamination].
Adopt	Exceptions	
Adopt		1. This 18 inch minimum separation may only be reduced by the use of a vertical shield made of a smooth, easily cleaned surface that is attached flush with the top surface of the unit and extends to a distance at least 18 inches in height above the drinking fountain water outlet (spigot) level.
Adopt		2. Prohibited Fixture. Combination sink/drinking fountain units which share the same sink bowl are prohibited except in individual prison cells.”
Amend	Section 412, Floor and Trench Drains.	
Adopt	Section 412.5, Miscellaneous Areas.	
Adopt		1. A floor drain shall be required in public toilet rooms, excluding hotel/motel guest rooms or patient rooms of a hospital or nursing home.
Adopt		2. A floor drain shall be required in the recess room for sterilizers in a medical facility.
Adopt		3. Floor drains are not permitted in general food storage areas, unless in accordance with Section 802.1.1 or 802.1.2 of this code.
Amend	Section 417.3, Shower Water Outlet.	Waste outlets serving showers shall be not less than 2 inches (50.8 mm) in diameter and, for other than waster outlets in bathtubs, shall have removable strainers not less than 3 inches (76 mm) in diameter with strainer openings not less than 1/4 inch (6.4 mm) in least dimension. Where each shower space is not provided with an individual waste outlet, the waste outlet shall be located and the floor pitched so that waste from one shower does not flow over the floor area serving another shower. Waste outlets shall be fastened to the waste pipe in an approved manner.
Adopt	Section 418.4, Handwash Sinks.	
Adopt		1. Dedicated handwash sinks shall be located to permit convenient use by all employees in food processing, food preparation, and other food handling areas.
Adopt		2. Each commercial body art (tattoo) facility shall provide a hand washing sink to be used solely for hand washing in body art procedure area for the exclusive use of the operator. A separate instrument sink shall also be provided for the sole purpose of cleaning instruments and equipment prior to sterilization.
Adopt		3. A hand washing sink may not be used for purposes other than hand washing.
Adopt		4. Sinks used for food preparation or for washing and sanitizing of equipment and utensils shall not be used for hand washing.
Adopt	Section 418.5, Manual Warewashing, Sink Requirements.	A sink with at least three compartments constructed of smooth, impervious non-corrosive material such as stainless steel or high density food grade polymer plastic shall be provided in slaughter rooms, packing rooms, retail food establishments, and other food handling areas for manual washing, rinsing and sanitizing equipment and utensils except where there are no utensils or equipment to wash, rinse and sanitize; i.e., such as in a facility with only prepackaged foods.
Adopt	Section 422.11, Handwashing Facilities.	Medical facilities, including doctor’s office and clinics, shall be provided with hand washing facilities within each patient examination and treatment room. The hand wash facility shall be provided with hot and cold water delivered via a mixing faucet.
Amend	Chapter 5, Water Heaters.	
Amend	Section 504.7.1, Pan Size and Drain.	The drain pan shall be a minimum of 2-inches (2”) (50.8 mm) in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a diameter of not less than 1-inch (25.4 mm). Piping for safety pan drains shall be of those materials listed in Table 605.4.
Amend	Chapter 6	
Amend	Chapter 6, Water Supply and Distribution.	

Amend	Section 602.3, Individual Water Supply.	Where a potable public water supply is not available, a private water supply meeting the applicable requirements of LAC 51:XII (Water Supplies) and LAC 56:I (Water Wells) shall be utilized.
Repeal		1. Delete and remove Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5 and 602.3.5.1, Pump Enclosure.
Adopt	Section 603.3, Potable Water (Pressure) Lines Near Soil Absorption Trenches, Sand Filter Beds, Oxidation Ponds, and any Effluent Reduction Option (Effluent Reduction Fields, Rock Plant Filters, Spray Irrigation Systems, Overland Flow Systems, Mound Systems, or Subsurface Drip Disposal Systems).	Underground potable water (pressure) lines shall not be located within 25 feet (7.6 m) of any soil absorption trenches, sand filter beds, oxidation ponds, or any effluent reduction option including, but not limited to effluent reduction fields, rock plant filters, spray irrigation systems (from the edge of the spray and its drainage), overland flow systems (from the discharge point and field of flow), mound systems, or subsurface drip disposal systems which have been installed for either the disposal of septic tank effluent or mechanical treatment plant effluent.
Adopt	Section 603.4, Potable Water (Pressure) Lines Near Septic Tanks, Mechanical Sewage Treatment Plants, and Pump Stations.	Underground potable water (pressure) lines shall not be located within 10 feet (3.0 m) of any septic tank, mechanical sewage treatment plant, or sewage pump station.
Adopt	Section 603.5, Potable Water (Pressure) Lines Near Seepage Pit, Cesspool, or Sanitary Pit Privy.	Underground potable water (pressure) lines shall not be located within 50 feet (15.2m) of any seepage pit, cesspool, or sanitary pit privy.
Adopt	603.6, Reclaimed Water Lines.	Reclaimed water lines shall be considered and treated as though they are sewerage lines and shall be installed in accord with the spacing requirements of this Section for the protection of potable water lines.
Amend	Section 605.2.1, Lead Content of Water Supply Pipe and Fittings used for Human Consumption.	Water Piping Quality. All potable water pipes, fittings, valves, and fixtures used to provide water for human consumption shall be lead free and shall be evaluated and listed as conforming with NSF/ANSI 372. Any solder or flux which is used in the installation or repair of any public water system or any plumbing in a residential or nonresidential facility providing water for human consumption shall be lead free.
Adopt	Exceptions	The lead-free requirement above shall not apply to:
Adopt		1. leaded joints necessary for the repair of existing cast iron pipes;
Adopt		2. fire hydrants, pipes, pipe fittings, plumbing fittings, or fixtures, including backflow preventers, that are used exclusively for nonpotable services such as manufacturing, industrial processing, irrigation, outdoor watering, or any other uses where the water is not anticipated to be used for human consumption; or
Adopt		3. toilets, bidets, urinals, fill valves, flushometer valves, tub fillers, shower valves, service saddles, or water distribution main gate valves that are 2 inches in diameter or larger.
Amend	Section 605.3, Water Service Pipe with Corresponding Table 605.3.	Water service pipe shall conform to NSF 61 and shall conform to one of the standards listed in Table 605.3. Water service pipe or tubing, installed underground and outside of the structure, shall have a working pressure rating of not less than 160 psi (1100 kPa) at 73.4 degrees F (23 degrees C). Where the water pressure exceeds 160 psi (1100 kPa) piping material shall have a working pressure rating not less than the highest available pressure. Water service piping materials not third-party certified for water distribution shall terminate at or before the full open valve located at the entrance to the structure. All ductile iron water service piping shall be cement mortar lined in accordance with AWWA C104.
Amend	Table 605.3—Water Service Pipe.	

Material	Standard
Acrylonitrile butadiene styrene (ABS) plastic pipe	ASTM D 1527; ASTM D 2282
Brass pipe	ASTM B 43
Chlorinated polyvinyl chloride (CPVC) plastic pipe	ASTM D 2846; ASTM F 441; ASTM F 442; CSA B137.6
Copper or copper-alloy pipe	ASTM B 42; ASTM B 302
Copper or copper-alloy tubing (Type K, WK, L, or WL only. i.e., Type M and WM copper is prohibited.)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 447
Cross-linked polyethylene (PEX) plastic pipe and tubing	ASTM F 876; ASTM F 877; AWWA C904; CSA B137.5
Cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe	ASTM F 1281; ASTM F 2262; CSA B137.10M
Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Ductile iron water pipe	AWWA C151/A21.51; AWWA C115/A21.15
Galvanized steel pipe	ASTM A 53
Polyethylene (PE) plastic pipe	ASTM D 2239; ASTM D 3035; AWWA C901; CSA B137.1

Polyethylene (PE) plastic tubing	ASTM D 2737; AWWA C901; CSA B137.1
Polyethylene/aluminum/polyethylene (PE-AL-PE) pipe	ASTM F 1282; CSA B137.9
Polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 2769
Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B137.11
Polyvinyl chloride (PVC) plastic pipe	ASTM D 1785; ASTM D 2241; ASTM D 2672; CSA B137.3
Stainless steel pipe (Type 304/304L)	ASTM A 312; ASTM A 778
Stainless steel pipe (Type 316/316L)	ASTM A 312; ASTM A 778

Amend	Section 605.3.1, Dual Check-Valve-Type Backflow Preventer.	Dual check-valve backflow preventers installed on the water supply system shall comply with ASSE 1024 or CSA B64.6. These devices, which are commonly installed immediately downstream of water meters by water suppliers, are not approved backflow prevention devices and are only allowed to be installed when no cross connections exist downstream of the device or when all downstream cross connections are properly protected by approved backflow prevention devices, assemblies, or methods in accordance with Section 608 of this code.
Amend	Table 605.4, Water Distribution Pipe.	

Material	Standard
Brass pipe	ASTM B 43
Chlorinated polyvinyl chloride (CPVC) plastic pipe and tubing	ASTM D 2846; ASTM F 441; ASTM F 442; CSA B137.6
Copper or copper-alloy pipe	ASTM B 42; ASTM B 302
Copper or copper-alloy tubing (Type K, WK, L, or WL only. i.e., Type M and WM copper is prohibited.)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 447
Cross-linked polyethylene (PEX) plastic tubing	ASTM F 876; ASTM F 877; CSA B137.5
Cross-linked polyethylene/aluminum/cross-linked polyethylene (PEX-AL-PEX) pipe	ASTM F 1281; ASTM F 2262; CSA B137.10M
Cross-linked polyethylene/aluminum/high-density polyethylene (PEX-AL-HDPE)	ASTM F 1986
Ductile iron pipe	AWWA C151/A21.51; AWWA C115/A21.15
Galvanized steel pipe	ASTM A 53
Polyethylene/aluminum/polyethylene (PE-AL-PE) composite pipe	ASTM F 1282
Polyethylene of raised temperature (PE-RT) plastic tubing	ASTM F 2769
Polypropylene (PP) plastic pipe or tubing	ASTM F 2389; CSA B137.11
Stainless steel pipe (Type 304/304L)	ASTM A 312; ASTM A 778
Stainless steel pipe (Type 316/316L)	ASTM A 312; ASTM A 778

Amend	Section 606.5.5, Low-Pressure Cutoff Required on Booster Pumps.	A low-pressure cutoff shall be installed on all booster pumps in a water pressure booster system to prevent creation of a vacuum or negative pressure on the suction side of the pump when a positive pressure of 20 psi (137.9 kPa) or less occurs on the suction side of the pump.
Amend	Section 608.1, General.	A potable water supply system shall be designed, installed and maintained in such a manner so as to prevent contamination from non-potable liquids, solids or gases being introduced into the potable water supply through cross-connections or any other piping connections to the system. Backflow preventers shall conform to the applicable standard referenced in Table 608.1. Backflow preventer applications shall conform to Table 608.1, except as specifically stated in Sections 608.2 through 608.16.27 and Sections 608.18 through 608.18.2.
Amend	Section 608.8, Identification of Nonpotable Water.	Where nonpotable water systems are installed, the piping conveying the nonpotable water shall be identified either by color marking, metal tags or tape in accordance with Sections 608.8.1 through 608.8.3.
Adopt	Exception	

Adopt		1. Overall Exception to this Section (§608.8 of this code). Pursuant to R.S. 40:4.12, industrial-type facilities listed therein shall not be required to comply with this section (§608.8 of this code) provided that such facilities have a potable water distribution identification plan in conformity with the requirements of R.S. 40:4.12. The required formal cross-connection control survey of the facility referenced in R.S. 40:4.12 shall be performed by an individual holding a valid cross-connection control surveyor certificate issued under the requirements of ASSE 5120, or other individuals holding a surveyor certificate from a nationally recognized backflow certification organization approved by the state health officer.
Amend	Section 608.14, Location of Backflow Preventers.	Access shall be provided to backflow preventers as specified by the manufacturer's instructions for the required testing, maintenance and repair. A minimum of 1 foot of clearance shall be provided between the lowest portion of the assembly and grade or platform. Elevated installations exceeding 5-feet above grade (g) shall be provided with a suitably located permanent platform capable of supporting the installer, tester, or repairer. Reduced pressure principal type backflow preventers, and other types of backflow preventers with atmospheric ports and/or test cocks (e.g., atmospheric type vacuum breakers, double check valve assemblies, pressure type vacuum breaker assemblies, etc.), shall not be installed below grade (in vaults or pits) where the potential for a relief valve, an atmospheric port, or a test cock being submerged exists.
Amend	Section 608.15.4, Protection by a Vacuum Breaker.	Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. The critical level of atmospheric type vacuum breakers shall be installed not less than 6 inches (152 mm) above all downstream piping and not less than 6 inches (152 mm) above the flood-level rim of the fixture receptor or device served. Shutoff or control valves shall not be installed downstream from an atmospheric vacuum breaker. Atmospheric vacuum breakers including, but not limited to, hose bibb vacuum breakers shall not be subjected to continuous water pressure. The critical level of pressure type vacuum breakers shall be installed not less than 12 inches (305 mm) above all downstream piping and not less than 12 inches (305 mm) above the flood-level rim of the fixture receptor or device served. Fill valves shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors.
Amend	Section 608.16, Connections to the Potable Water System.	Connections to the potable water system shall conform to Sections 608.16.1 through 608.16.27. These Sections (608.16.1-608.16.27) are not inclusive of all potential contamination sources which may need fixture isolation protection. For potential contamination sources not listed in Sections 608.16.1 through 608.16.27, backflow prevention methods or devices shall be utilized in accordance with Table B1 of CAN/CSA B64.10-1994. When a potential contamination source and its associated backflow prevention method or device is not identified in this code or Table B1 of CAN/CSA B64.10-1994, backflow prevention methods or devices shall be utilized as directed by the building official.
Amend	Section 608.16.5, Connections to Lawn/Landscape Irrigation Systems.	The potable water supply to lawn/landscape irrigation systems shall be protected against backflow by an atmospheric vacuum breaker, a pressure vacuum breaker assembly or a reduced pressure principle backflow prevention assembly. Shutoff or control valves shall not be installed downstream from an atmospheric vacuum breaker. When a lawn/landscape sprinkler system is provided with separate zones, the potable water supply shall be protected by a pressure vacuum breaker or reduced pressure principal backflow prevention assembly. Atmospheric vacuum breakers shall be installed at least 6 inches (152 mm) above the highest point of usage (i.e., 6 inches (152 mm) above all downstream piping and highest sprinkler head). Pressure type vacuum breakers shall be installed at least 12 inches (305 mm) above the highest point of usage (i.e., 12 inches (305 mm) above all downstream piping and the highest sprinkler head). Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow prevention assembly.
Amend	Section 608.16.8, Portable Cleaning Equipment.	Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, 608.13.2, 608.13.3, 608.13.5, 608.13.6, or 608.13.8. The type of backflow preventer shall be selected based upon the application in accordance with Table 608.1.
Adopt	Section 608.16.11, Cooling Towers.	The potable water supply to cooling towers shall be protected against backflow by an air gap.
Adopt	Section 608.16.12, Chemical Tanks.	The potable water supply to chemical tanks shall be protected against backflow by an air gap.
Adopt	Section 608.16.13, Commercial Dishwashers in Commercial Establishments.	The potable water supply to commercial dishwashers in commercial establishments shall be protected against backflow by an air gap, atmospheric vacuum breaker, or pressure vacuum breaker. Vacuum breakers shall meet the requirements of Section 608.15.4.
Adopt	Section 608.16.14, Ornamental Fountains.	The potable water supply to ornamental fountains shall be protected against backflow by an air gap.
Adopt	Section 608.16.15, Swimming Pools, Spas, Hot Tubs.	The potable water supply to swimming pools, spas, or hot tubs shall be protected against backflow by an air gap or reduced pressure principal backflow prevention assembly.
Adopt	Section 608.16.16, Baptismal Fonts.	The potable water supply to baptismal fonts shall be protected against backflow by an air gap.
Adopt	Section 608.16.17, Animal Watering Troughs.	The potable water supply to animal watering troughs shall be protected against backflow by an air gap.
Adopt	Section 608.16.18, Agricultural Chemical Mixing Tanks.	The potable water supply to agricultural chemical mixing tanks shall be protected against backflow by an air gap.
Adopt	Section 608.16.19, Water Hauling Trucks.	The potable water supply to water hauling trucks/tankers shall be protected against backflow by an air gap when filled from above. When allowed to be filled from below, they shall be protected by a reduced pressure principle backflow prevention assembly. When a tanker truck is designated for the hauling of food grade products (and has been cleaned utilizing food grade cleaning procedures) and is allowed to be filled from below, a double check valve assembly shall be acceptable.
Adopt	Section 608.16.20, Air Conditioning Chilled Water Systems and/or Condenser Water Systems.	The potable water supply to air conditioning chilled water systems and condenser water systems shall be protected against backflow by a reduced pressure principal backflow prevention assembly.
Adopt	Section 608.16.21, Pot-Type Chemical Feeders.	The potable water supply to pot-type chemical feeders shall be protected against backflow by a reduced pressure principal backflow prevention assembly.

Adopt	Section 608.16.22, Food Processing Steam Kettles.	The potable water supply to food processing steam kettles shall be protected against backflow by a double check valve backflow prevention assembly.
Adopt	Section 608.16.23, Individual Travel Trailer Pads.	The potable water supply to individual travel trailer pads shall be protected against backflow by a dual check valve backflow prevention assembly.
Adopt	Section 608.16.24, Laboratory and/or Medical Aspirators.	The potable water supply to laboratory and/or medical aspirators shall be protected against backflow by an atmospheric or pressure vacuum breaker installed in accordance with Sections 608.3.1 and 608.15.4.
Adopt	Section 608.16.25, Laboratory or other Sinks with Threaded or Serrated Nozzles.	The potable water supply to laboratory sinks or other sinks with threaded or serrated nozzles shall be protected against backflow by an atmospheric or pressure vacuum breaker installed in accordance with Sections 608.3.1 and 608.15.4.
Adopt	Section 608.16.26, Mortuary/Embalming Aspirators.	The potable water supply to mortuary/embalming aspirators shall be protected against backflow by a pressure vacuum breaker installed in the supply line serving the aspirator. The critical level of the vacuum breaker shall be installed a minimum of 12 inches higher than the aspirator. The aspirator shall be installed at least 6 inches above the highest level at which suction may be taken. An air gap shall be provided between the outlet of the discharge pipe and the overflow rim of the receiving fixture.
Adopt	Section 608.16.27, Room(s) or other Sub-Unit(s) of a Premise or Facility Receiving Water where Access is Prohibited.	When access is prohibited to particular areas, rooms, or other sub-units of a premise or facility which is receiving water, the potable water supply serving those areas shall be protected against backflow by a reduced pressure principal backflow protection assembly.
Amend	Section 608.17, Protection of Individual Water Supplies.	An individual water supply shall be located and constructed so as to be safeguarded against contamination in accordance with the applicable requirements of LAC 51:XII (Water Supplies) and LAC 56:I (Water Wells).
Repeal	Sections 608.17.1 through 608.17.8 including Table 608.17.1.	Delete Sections 608.17.1 through 608.17.8 including Table 608.17.1.
Adopt	Section 608.18, Containment Practices.	Backflow prevention methods or devices shall be utilized as directed by the water supplier or code official to isolate specific water supply system customers from the water supply system's mains when such action is deemed necessary to protect the water supply system against potential contamination caused by backflow of water from that part of the water system owned and maintained by the customer (for example, the piping downstream of the water meter, if provided). Minimum requirements shall be in accordance with Section 608.18.1 through 608.18.2.
Adopt	Section 608.18.1, Containment Requirements.	As a minimum, the following types of backflow prevention assemblies or methods shall be installed and maintained by water supply system customers immediately downstream of the water meter (if provided) or on the water service pipe prior to any branch line or connections serving the listed customer types and categories.
Adopt		Table 608.18.1, Containment Requirements.

1. Fire Protection/Sprinkler System utilizing non-potable water as an alternative or primary source of water
Reduced Pressure Principle Backflow Prevention Assembly
1. Hospitals, Out-Patient Surgical Facilities, Renal Dialysis Facilities, Veterinary Clinics
2. Funeral Homes, Mortuaries
3. Car Wash Systems
4. Sewage Facilities
5. Chemical or Petroleum Processing Plants
6. Animal/Poultry Feedlots or Brooding Facilities
7. Meat Processing Plants
8. Metal Plating Plants
9. Food Processing Plants, Beverage Processing Plants
10. Fire Protection/Sprinkler Systems using antifreeze in such system (a detector type assembly is recommended on unmetered fire lines)
11. Irrigation/Lawn Sprinkler Systems with Fertilizer Injection
12. Marinas/Docks
13. Radiator Shops
14. Commercial Pesticide/Herbicide Application
15. Photo/X-ray/Film Processing Laboratories
16. Multiple Commercial Units served by a master meter
17. Any type of occupancy type or any other facility having one or more Single-walled Heat Exchangers which uses any chemical, additive, or corrosion inhibitor, etc., in the heating or cooling medium
18. Any type of occupancy type or any other facility having one or more Double-walled Heat Exchangers which use any chemical, additive, or corrosion inhibitor, etc., in the heating or cooling medium and which does not have a path to atmosphere with a readily visible discharge
19. Premises where access/entry is prohibited
Pressure Vacuum Breaker Assembly/Spill Resistant Vacuum Breaker Assembly
1. Irrigation/Lawn Sprinkler Systems
Double Check Valve Assembly
1. Fire Protection/Sprinkler Systems (a detector type double check valve assembly is recommended on unmetered fire lines)
2. Two residential dwelling units served by a master meter, unless both units are located on a parcel or contiguous parcels of land having the same ownership and neither unit is used for commercial purposes. As used herein, the term “commercial purposes” means any use other than residential.
3. Three or more residential dwelling units served by a master meter
4. Multistoried Office/Commercial Buildings (over 3 floors)
5. Jails, Prisons, and Other Places of Detention or Incarceration

Adopt	Section 608.18.2, Other Containment Requirements.	Table 608.18.1 of this code above is not inclusive of all potential contamination sources which may need containment protection. For potential contamination sources not listed in this table, backflow prevention methods or devices shall be utilized in accordance with Table B1 of CAN/CSA B64.10-1994. When a potential contamination source and its associated backflow prevention method or device is not identified in Table 608.18.1 of this code above or Table B1 of CAN/CSA B64.10-1994, backflow prevention methods or devices shall be utilized:
Adopt		1. as directed by the building code official; or
Adopt		2. as directed by the water supplier;
Adopt		3. in cases of a discrepancy regarding the particular backflow prevention assembly or method required, the assembly or method providing the higher level of protection shall be required.
Amend	Chapter 7, Sanitary Drainage.	
Amend	Section 701.2, Sewer Required.	Buildings in which plumbing fixtures are installed and premises having sanitary drainage system piping shall be connected to a community sewerage system, where available, or an approved commercial treatment facility or individual sewerage meeting the requirements of LAC 51:XIII (Sewage Disposal).
Adopt	Section 701.9, Repairs to Drainage System via Re-Route.	In the case where it is determined that there is a broken underground drain line including, but not limited to, broken drain lines under the slab of a building, and a drain line re-route is performed, the existing broken underground drain line shall be and sealed watertight and gastight using approved plumbing materials and joining/jointing methods, e.g., properly install an approved cap, plug, or cleanout on the cut or disconnected pipe.
Adopt	Section 703.6, Minimum Size Building Sewer.	No building sewer shall be less than 4 inches in size with the exception of force lines.
Amend	Section 710.1, Maximum Fixture Unit Load.	The maximum number of drainage fixture units connected to a given size of building sewer, building drain or horizontal branch of the building drain shall be determined using Table 710.1(1). The maximum number of drainage fixture units connected to a given size vertical soil or waste stack, or horizontal branch connecting to a vertical soil or waste stack, shall be determined using Table 710.1(2).
Amend	Table 710.1(1).	

Diameter of Pipe (Inches)	Maximum Number of Drainage Fixture Units Connected to Any Portion of the Building Drain or the Building Sewer, Including Branches of the Building Drain[a]			
	Slope Per Foot			
	1/16 inch	1/8 inch	1/4 inch	1/2 inch
1 1/4			1	1
1 1/2			3	3
2			21	26
2 1/2			24	31
3		20 (not over two water closets)	27 (not over two water closets)	36 (not over two water closets)
4	—	180	216	250
5	—	390	480	575
6	—	700	840	1,000
8	1,400	1,600	1,920	2,300
10	2,500	2,900	3,500	4,200
12	3,900	4,600	5,600	6,700
15	7,000	8,300	10,000	12,000

For SI: 1 inch = 25.4 mm, 1 inch per foot = 83.3 mm/m.

[a] The minimum size of any building drain serving a water closet shall be 3 inches.

Amend	Table 710.1(2).	Table 710.1(2)—Horizontal Fixture Branches and Soil Stacks[a].

Diameter of Pipe (inches)	**Maximum Number of Drainage Fixture Units (dfu)**			
	Total for horizontal branch (Does not include branches of the building drain. Use 50 percent less dfu's for any circuit or battery vented fixture branches, no size reduction permitted for circuit or battery vented branches throughout the entire branch length.)	**Soil Stacks[b]**		
		Total discharge into one branch interval when greater than three branch intervals	**Total for soil stack when three branch intervals or less**	**Total for soil stack when greater than three branch intervals**
1 1/2	3	2	4	8
2	6	6	10	24
2 1/2	12	9	20	42
3	20 (not over two water closets)	16 (not over two water closets)	30 (not over six water closets)	60 (not over six water closets)
4	160	90	240	500
5	360	200	540	1,100
6	620	350	960	1,900
8	1,400	600	2,200	3,600
10	2,500	1,000	3,800	5,600
12	3,900	1,500	6,000	8,400
15	7,000	Note c	Note c	Note c

For SI: 1 inch = 25.4 mm. [a] Does not include branches of the building drain. Refer to Table 710.1(1). [b] Soil stacks shall be sized based on the total accumulated connected load at each story or branch interval. As the total accumulated connected load decreases, stacks are permitted to be reduced in size. Stack diameters shall not be reduced to less than one-half of the diameter of the largest stack size required. [c] Sizing load based on design criteria.		
Adopt	Section 710.3, Underground Drainage Piping.	Any portion of the drainage system installed underground or below a basement or cellar shall not be less than 2-inch diameter. In addition, any portion of the drainage system installed underground which is located upstream from a grease trap or grease interceptor as well as the underground horizontal branch receiving the discharge there from shall not be less than 3-inch diameter.
Amend	Chapter 8, Indirect/Special Waste.	
Amend	Section 802.1.1, Food Handling.	Equipment and fixtures utilized for the storage, preparation and handling of food shall discharge through an indirect waste pipe by means of an air gap. Food handling equipment includes, but is not limited to, the following: any sink where food is cleaned, peeled, cut up, rinsed, battered, defrosted or otherwise prepared or handled; potato peelers; ice cream dipper wells; refrigerators; freezers; walk-in coolers or freezers; ice boxes; ice making machines; fountain-type drink dispensers; rinse sinks; cooling or refrigerating coils; laundry washers; extractors; steam tables; steam kettles; egg boilers; coffee urns; steam jackets or other food handling or cooking equipment wherein the indirect waste pipe may come under a vacuum; or similar equipment.
Amend	Chapter 9, Vents.	
Repeal	Section 918, Air Admittance Valves.	Delete Section 918, Air Admittance Valves in its entirety and all referring sections of the 2015 IPC. In accordance with the requirements of Act 836 of the 2014 Regular Session, air admittance valves are prohibited from use on all plumbing systems.
Amend	Chapter 10, Traps, Interceptors and Separators.	
Amend	Section 1003.2, Approval.	Interceptors and separators shall be designed and installed in accordance with the manufacturer's instructions and the requirements of this section based on the anticipated conditions of use. Wastes that do not require treatment or separation shall not be discharged into any interceptor or separator. No interceptor or separator shall be installed until its design, size, location and venting has been approved by the local jurisdictional code official. The local jurisdictional code official shall have the authority to require a grease interceptor to be serviced, repaired, or replaced with a larger unit when it is determined that a unit is not working or being maintained properly, the unit is damaged, or the mode of operation of the facility no longer meets the anticipated conditions of use (i.e., offensive odors, sewage backups or overflows, or when it is determined that grease is bypassing the grease interceptor and causing downstream blockages or interfering with sewage treatment).
Adopt	Section 1003.2.1, Grease Interceptor Sizing.	In all instances of new construction, change of occupancy classification or use of the property, a gravity grease interceptor or hydro-mechanical grease interceptor meeting the minimum capacity as required by this Section of the Code shall be installed. The minimum required capacity (volume) of the grease interceptor shall be determined based upon the maximum number of persons served during the largest meal period. The minimum capacity shall not be less than 125 gallons below the static water level. This capacity is sufficient to hold the flow from one meal long enough to accomplish proper grease separation when serving up to 50 people during a single meal period. When over 50 people are served during a single meal period, the minimum capacity shall be increased beyond 125 gallons based upon at least an additional 2 1/2 gallons per person beginning with the 51st person served and greater.
Adopt	Exceptions	
Adopt		(a.) At the discretion of the local jurisdictional code official, a smaller, point of use type hydro-mechanical grease interceptor or automatic grease removal device may be permissible when:
Adopt		1. a concrete slab would have to be broken at an existing building or facility for the proper installation of a grease interceptor; or
Adopt		2. an outside, unpaved area surrounding an existing building where a grease interceptor could be installed is available; however, it is determined that the area is located further than 75 feet from the plumbing fixtures that the grease interceptor would be servicing; or
Adopt		3. the local jurisdictional code official determines that the installation is unfeasible such as when servicing a kitchen located on the upper floors of a multistoried building; or
Adopt		4. the local jurisdictional code official determines that minimal fat, oil and grease will be produced or introduced into the sanitary drainage system based on the menu and mode of operation of the facility (i.e., snowball stands, sandwich shops, or other similar facilities with low grease production and which utilize single-service tableware and hollowware including forks, knives, spoons, plates, bowls, cups, and other serving dishes).
Adopt		(b.) In these instances, listed under the exception, the minimum required size of the hydromechanical grease interceptor; fats, oils and greases disposal system or automatic grease removal device shall be determined in accordance with the requirements of Section 1003.3.4 of this code. In no case shall a grease interceptor or automatic grease removal device be installed which has an approved rate of flow of less than 20 gallons per minute.
Amend	Section 1003.3.4, Hydromechanical Grease Interceptors, Fats, Oils and Greases Disposal Systems and Automatic Grease Removal Devices.	When specifically allowed under the exception of Section 1003.2.1 of this code, hydromechanical grease interceptors; fats, oils, and greases disposal systems and automatic grease removal devices shall be sized in accordance with ASME A112.14.3, ASME A112.14.4, ASME A112.14.6, CSA B481.3 or PDI-G101. Hydromechanical grease interceptors; fats, oils, and grease disposal systems and automatic grease removal devices shall be designed and tested in accordance with ASME A112.14.3, ASME A112.14.4, CSA B481.1, PDI G101 or PDI G102. Hydromechanical grease interceptors; fats, oils, and greases disposal systems and automatic grease removal devices shall be installed in accordance with the manufacturer's instructions. Where manufacturer's instructions are not provided, hydromechanical grease interceptors; fats, oils, and greases disposal systems and automatic grease removal devices shall be installed in compliance with ASME A112.14.3, ASME A112.14.4, ASME A112.14.6, CSA B481.3 or PDI-G101.
Amend	Section 1003.3.46, Gravity Grease Interceptors/Grease Traps.	Gravity grease interceptors shall comply with the requirements of Sections 1003.3.46.1 through 1003.3.46.8 and shall be sized in accordance with Section 1003.2.1 of this code.

Adopt	Section 1003.3.6.1, Indoor Installations.	If a gravity grease interceptor must be installed within an enclosed building, any access covers shall be gasketed to prevent the intrusion of odors into the building.
Adopt	Section 1003.3.6.2, Distance.	The grease interceptor shall be placed as close to the plumbing fixture(s) discharging greasy waste as possible, but preferably on the outside of the building when feasible.
Adopt	Section 1003.3.6.3, Outlet Pipe.	The minimum diameter of the outlet pipe shall not be less than 4 inches. The invert of the gravity grease interceptor outlet opening (i.e., lowest portion of the outlet pipe where it draws waste near the bottom of the grease interceptor), shall be located at a maximum of 6 inches and a minimum of 4 inches from the floor of the grease interceptor. This requirement also applies to any intermediate outlets in multi-compartment gravity grease interceptors.
Adopt	Section 1003.3.6.4, Air Space.	A minimum of one foot of air space shall be provided above the static water level.
Adopt	Section 1003.3.6.5, Venting.	A gravity grease interceptor outlet shall be properly vented in accordance with this section to prevent it from siphoning itself out. Any internally vented outlet line shall have the vent terminal extended to within 2 inches of the bottom of the access cover to prevent grease from escaping the gravity grease interceptor through the open vent terminal. For those gravity grease interceptors having a gasketed cover, the gravity grease interceptor outlet line shall not be allowed to be internally vented. In this case, the outlet line itself shall be vented with a minimum 2-inch vent pipe installed in accordance with Chapter 9 of this code.
Adopt	Section 1003.3.6.6, Water Seal.	On unbaffled single compartment gravity grease interceptors, a 90 degree ell shall be used on the inlet and shall terminate 6 inches below the static water level. On baffled single compartment gravity grease interceptors, a baffle wall shall be placed between the inlet and outlet. The inlet shall discharge into the gravity grease interceptor at a level at least 6 inches below the top of the baffle wall.
Adopt	Section 1003.3.6.7, Minimum Horizontal Distance.	The minimum horizontal distance between the inlet and outlet piping in the gravity grease interceptor shall be 24 inches.
Adopt	Section 1003.3.6.8, Access/Covers.	Access from the top of the gravity grease interceptor shall be provided by an easily removable cover above an access opening for proper maintenance. Additional access opening/covers shall be provided as necessary to provide accessibility to each compartment in multi-compartment or multi-baffled arrangements as well as access to both the inlet and outlet. Access opening covers shall be above or at grade (G) to provide ready accessibility. Each access cover shall be designed so that it cannot slide, rotate, or flip when properly installed in order that the opening is not unintentionally exposed. Especially for lightweight covers, mechanical fasteners are recommended to augment the safety of and ensure positive closure of the cover.
Amend	Section 1003.10, Access and Maintenance of Interceptors and Separators.	Access shall be provided to each interceptor and separator for service and maintenance. A two-way cleanout shall be provided on the discharge waste line immediately downstream of all interceptors and separators. Interceptors and separators shall be maintained by periodic removal of accumulated grease, scum, oil, or other floating substances and solids deposited in the interceptor or separator.
Amend	Chapter 11, Storm Drainage.	
Amend	Section 1101.3, Prohibited Drainage.	Storm water shall not be drained into sewers intended for sewage only.
Adopt	Exception	
Adopt		1. Liquid waste from the cleaning operation and from the leakage of garbage containers and dumpsters holding putrescible wastes shall be disposed of as sewage. Methods used for this disposal shall prevent rainwater and runoff from adjacent areas from entering the sanitary sewerage system (i.e., dumpster pads may be elevated or curbed, enclosed or covered). When determined by the code official that liquid wastes or putrescible wastes contain fats, oils or grease (or, for new establishments, will likely contain fats, oils, or grease in the future), an approved grease interceptor shall be installed in the waste line in accordance with Section 1003 of this code.
Repeal	Section 1103.1.	
Repeal	Section 1103.2.	
Repeal	Section 1103.3.	
Repeal	Section 1103.4.	
Repeal	Section 1109.1.	
Amend	Chapter 13, Gray Water Recycling Systems.	
Amend	Section 1301.4, Permits.	Permits shall be required for the construction, installation, alteration and repair of nonpotable water systems. Construction documents, engineering calculations, diagrams and other such data pertaining to the nonpotable water system shall be submitted with each permit application. Such plans and specifications shall be appropriately sealed and signed by a Louisiana registered professional engineer.
Amend	Section 1301.5, Potable Water Connections.	Where a potable system is connected to a nonpotable water system, the potable water supply shall be protected against backflow by an air gap or reduced pressure principal backflow prevention assembly.
Amend	Section 1301.9.5, Makeup Water.	Where an uninterrupted supply is required for the intended application, potable or reclaimed water shall be provided as a source of makeup water for the storage tank. The makeup water supply shall be protected against backflow by an air gap or reduced pressure principal backflow prevention assembly. A full-open valve located on the makeup water supply line to the storage tank shall be provided. Inlets to the storage tank shall be controlled by fill valves or other automatic supply valves installed to prevent the tank form overflowing and to prevent the water level from dropping below a predetermined point. Where makeup water is provided, the water level shall not be permitted to drop below the source water inlet or the intake of any attached pump.
Amend	Chapter 15, Referenced Standards.	
Amend	CSA Referenced Standard.	B64.10-94 Manual for the Selection, Installation, Maintenance and Field Testing of Backflow Prevention Devices (not including Part 6 (Maintenance and Field Testing) Section 608.16 and Section 618.2
Adopt	Chapter 16, Travel Trailer and Mobile/Manufactured Home Parks.	
Adopt	Definitions	Add the following definitions:
Adopt	*Dependent Travel Trailer*	a travel trailer not equipped with a water closet.

Adopt	*Drain Hose*	the approved type hose, flexible and easily detachable, used for connecting the drain outlet on a travel trailer to a sewer inlet connection.
Adopt	*Drain Outlet*	the lowest end of the main drain of a travel trailer itself to which a drain hose is connected.
Adopt	*Independent Travel Trailer*	a travel trailer equipped with a water closet and a bath or shower.
Adopt	*Inlet Coupling*	the terminal end of the branch water line to which the mobile/manufactured home or travel trailer's water service connection is made. It may be a swivel fitting or threaded pipe end.
Adopt	*Intermediate Waste Holding Tank*	(travel trailers only)—an enclosed tank for the temporary retention of water-borne waste.
Adopt	*Mobile/Manufactured Home*	a prefabricated home built on a permanent chassis which can be transported in one or more sections and is typically used as a permanent dwelling. Manufactured homes built since 1976 are built to the *Manufactured Home Construction and Safety Standards (HUD Code)* and display a HUD certification label on the exterior of each transportable section.
Adopt	*Park* or *Mobile/Manufactured Home Park* or *Travel Trailer Park*	any lot, tract, parcel or plot of land upon which more than one travel trailer and/or mobile/manufactured homes parked for the temporary or permanent use of a person or persons for living, working or congregating.
Adopt	*Park Drainage System*	the entire system of drainage piping within the park which is used to convey sewage or other wastes from the mobile/manufactured home or travel trailer drain outlet connection, beginning at its sewer inlet connection at the mobile/manufactured home or travel trailer site, to a community sewerage system, a commercial treatment facility, or an individual sewerage system.
Adopt	*Park Water Distribution System*	all of the water distribution piping within the park, extending from the water supply system or other source of supply to, but not including, the mobile/manufactured home or travel trailer's water service connection, and including branch service lines, fixture devices, service buildings and appurtenances thereto.
Adopt	*Service Building*	a building housing toilet and bathing facilities for men and women, with laundry facilities.
Adopt	*Sewer Inlet*	a sewer pipe connection permanently provided at the travel trailer or mobile/manufactured home site which is designed to receive sewage when a travel trailer or a mobile/manufactured home is parked on such site. It is considered the upstream terminus of the park drainage system.
Adopt	*Travel Trailer*	a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use.
Adopt	*Travel Trailer Sanitary Service Station*	a sewage inlet with cover, surrounded by a concrete apron sloped inward to the drain, and watering facilities to permit periodic wash down of the immediately adjacent area, to be used as a disposal point for the contents of intermediate waste holding tanks of travel trailers.
Adopt	*Water Service Connection*	as used in conjunction with mobile/manufactured homes and travel trailers, the water pipe connected between the inlet coupling of the park water distribution system and the water supply fitting provided on the mobile/manufactured home or travel trailer itself.
Adopt	Section 1601, General.	
Adopt	Section 1601.1, Scope.	The requirements set forth in this Chapter shall apply specifically to all new travel trailer and mobile/manufactured home parks, and to additions to existing parks as herein defined, and are to provide minimum standards for sanitation and plumbing installation within these parks, for the accommodations, use and parking of travel trailers and/or mobile/manufactured homes.
Adopt	Section 1601.2, Governing Provisions.	Other general provisions of this code shall govern the installation of plumbing systems in travel trailer and mobile/manufactured home parks, except where special conditions or construction are specifically defined in this Chapter.
Adopt	Section 1601.3, Sewage Collection, Disposal, Treatment.	Travel trailers or mobile/manufactured homes shall not hereafter be parked in any park unless there are provided plumbing and sanitation facilities installed and maintained in conformity with this code. Every travel trailer and mobile/manufactured home shall provide a gastight and watertight connection for sewage disposal which shall be connected to an underground sewage collection system discharging into a community sewerage system, a commercial treatment facility, or an individual sewerage system which has been approved by the state health officer.
Adopt	Section 1601.4, Travel Trailer Sanitary Service Station.	At least one travel trailer sanitary service station shall be provided in all travel trailer parks that accept any travel trailers having an intermediate waste holding tank. The water supply serving the sanitary service station shall be protected against backflow by a reduced pressure principle backflow prevention assembly meeting the requirements of Section 608 of this code.
Adopt	Section 1601.5, Materials.	Unless otherwise provided for in this Chapter, all piping fixtures or devices used in the installation of drainage and water distribution systems for travel trailer parks and mobile/manufactured home parks shall conform to the quality and weights of materials prescribed by this code.
Adopt	Section 1601.6, Installation.	Unless otherwise provided for in this Chapter, all plumbing fixtures, piping drains, appurtenances and appliances designed and used in the park drainage, water distribution system, and service connections shall be installed in conformance with the requirements of this code.
Adopt	Section 1601.7, Maintenance.	All devices or safeguards required by this Chapter shall be maintained in good working order by the owner, operator, or lessee of the travel trailer park or his designated agent.
Adopt	Section 1602, Service Buildings.	
Adopt	Section 1602.1, Service Buildings for Independent Travel Trailers.	Each travel trailer park which serves only independent travel trailers shall have at least one service building to provide necessary sanitation and laundry facilities. Each mobile/manufactured home park which also serves one or more independent travel trailers (in addition to mobile/manufactured homes) shall have at least one service building to provide necessary sanitation and laundry facilities. When a service building is required under this Section, it shall have a minimum of one water closet, one lavatory, one shower or bathtub for females and one water closet, one lavatory, and one shower or bathtub for males. In addition, at least one laundry tray or clothes washing machine and one drinking fountain located in a common area shall be provided.
Adopt	Exception	
		1. Temporary (six months) travel trailers residing in mobile home parks and or where more than one travel trailer resides for the purpose of employment and or hardships, may be exempted by the local jurisdiction building official from section.

Adopt	Section 1602.2, Service Building for Dependent Travel Trailers.	The service building(s) in travel trailer or mobile/manufactured home parks that also accommodate dependent travel trailers shall have a minimum of two water closets, one lavatory, one shower or bathtub for females, and one water closet, one lavatory, one urinal, and one shower or bathtub for males. In addition, at least one laundry tray or clothes washing machine and one drinking fountain located in a common area shall be provided. The above facilities are for a maximum of ten dependent travel trailers. For every ten additional dependent travel trailers (or any fraction thereof) the following additional fixtures shall be provided: one laundry tray or clothes washing machine, one shower or bathtub for each sex, and one water closet for females. Also, one additional water closet for males shall be provided for every 15 additional dependent travel trailers (or any fraction thereof).
Adopt	Section 1602.3, Service Building Design Requirements.	Each service building shall conform to Sections 1602.3.1 through 1602.3.3 of this code.
Adopt	Section 1602.3.1, Construction.	Every service building shall be of permanent construction with an interior finish of moisture resistant material which will stand frequent washing and cleaning and the building shall be well-lighted and ventilated at all times.
Adopt	Section 1602.3.2, Fixture Separation.	The laundry tray(s) and/or clothes washing machine(s) and drinking fountain(s) shall be located in a common area. None of these fixtures shall be located within any toilet room. Each water closet, tub and/or shower shall be in separate compartments with self-closing doors on all water closet compartments. The shower stall shall be a minimum of 3 x 3 feet (914 x 914 mm) in area, with a dressing compartment.
Adopt	Section 1602.3.3, Floor Drains.	A minimum 2-inch floor drain protected by and approved trap primer shall be installed in each toilet room and laundry room.
Adopt	Section 1603, Park Drainage System.	
Adopt	Section 1603.1, Separation of water and sewer lines.	The sewer main and sewer laterals shall be separated from the park water service and distribution system in accordance with Section 603.2 of this code.
Adopt	Section 1603.2, Minimum Size Pipe.	The minimum size pipe in any mobile/manufactured home park or travel trailer park drainage system shall be 4 inches. This includes branch lines or sewer laterals to individual travel trailers and mobile/manufactured homes.
Adopt	Section 1603.3, Fixture Units.	Each mobile/manufactured home and travel trailer shall be considered as 6 fixture units in determining discharge requirements in the design of park drainage and sewage disposal systems.
Adopt	Section 1603.4, Sewage Disposal/Treatment.	The discharge of a park drainage system shall be connected to a community sewerage system. Where a community sewerage system is not available, an approved commercial treatment facility or individual sewerage system shall be installed in accord with the requirements of LAC 51:XIII (Sewage Disposal).
Adopt	Section 1603.5, Manholes and Cleanouts.	Manholes and/or cleanouts shall be provided and constructed as required in Chapter 7 of this code. Manholes and/or cleanouts shall be accessible and brought to grade.
Adopt	Section 1603.6, Sewer Inlets.	Sewer inlets shall be 4-inch diameter and extend above Grade (G) 3 to 6 inches (76 to 152 mm). Each inlet shall be provided with a gas-tight seal when connected to a travel trailer or mobile/manufactured home and have a gas-tight seal plug for use when not in service.
Adopt	Section 1603.7, Drain Connections.	Drain connections shall slope continuously downward and form no traps. All pipe joints and connections shall be installed and maintained gastight and watertight.
Adopt	Section 1603.8, Waste.	No sewage, waste water, or any other effluent shall be allowed to be deposited on the surface of the ground.
Adopt	Section 1603.9, Testing the Park Drainage System.	Upon completion and before covering, the park drainage system shall be subjected to a static water test performed in accordance with Section 312 of this code.
Adopt	Section 1604, Water Supply and Distribution System.	
Adopt	Section 1604.1, General.	Every mobile/manufactured home and travel trailer site shall be provided with an individual branch water service line delivering potable water.
Adopt	Section 1604.2, Water Service Lines.	Water service lines to each travel trailer site shall be sized to provide a minimum of 8 gpm (0.505 L/s) at the point of connection with the trailer's water distribution system. Water service lines to each mobile/manufactured home site shall be sized to provide a minimum of 17 gpm (1.1 L/s) at the point of connection with the mobile/manufactured home's water distribution system. All water service lines shall be a minimum of 3/4 inch. A separate service shutoff valve shall be installed on each water service line. In instances where a backflow prevention device or assembly is installed on the water service line (see Section 608.16.23), the shutoff valve shall be located on the supply side of the device or assembly.
Adopt	Section 1604.3, Water Service Connections.	The water service connection from the water service line to the mobile/manufactured home or travel trailer site shall be not less than 1/2-inch diameter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1) and Act836 of the 2014 of the Regular Louisiana Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshall, LR 41:2386 (November 2015), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, Uniform Construction Code Council, LR 42:1672 (October 2016), LR 44:81 (January 2018), repromulgated LR 45:919 (July 2019).

§113. *International Fuel Gas Code* (Formerly LAC 55:VI.301.A.6)

A. *International Fuel Gas Code* (IFCG), 2015 Edition, and the standards referenced in that code for regulation of construction within this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the

Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshall, LR 41:2387 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:94 (January 2018), repromulgated LR 45:931 (July 2019).

§115. *National Electric Code*
(Formerly LAC 55:VI.301.A.7)

A. *National Electric Code* (NEC), 2014 Edition, and the standards referenced in that code for regulation of construction in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009), LR 36:2574 (November 2010), effective January 1, 2011, LR 37:601 (February 2011), LR 37:913 (March 2011), repromulgated LR 37:2187 (July 2011), repromulgated LR 37:2726 (September 2011), LR 37:3065 (October 2011), LR 38:1994 (August 2012), amended by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 39:1825 (July 2013), LR 39:2512 (September 2013), LR 40:2609 (December 2014), amended by the Department of Public Safety and Corrections, Office of State Fire Marshall, LR 41:2387 (November 2015), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, Uniform Construction Code Council, LR 44:95 (January 2018), repromulgated LR 45:932 (July 2019).

Chapter 3. Preliminary Provisions

§301. Request for Rule Change
(Formerly LAC 55:VI.101)

A. Anyone petitioning the undersecretary, Department of Public Safety, for the adoption of, or change of, any rule shall submit in writing to the council administrator at 7979 Independence Boulevard, Suite 106, Baton Rouge, LA 70806, an application containing the following basic information organized and captioned:

1. the name, address, telephone number and e-mail address of the applicant;

2. a brief description of the facts supporting the applicant's request for the adoption of a rule or the change of a rule that has already been adopted;

3. suggested specific language or language setting forth the substance of the rule or rule change which is being requested;

4. an indication as to whether or not a public hearing is requested;

5. a copy of each and every document upon which the applicant bases his request for a rule or a citation of the information and where it can be easily obtained for review by this office.

B. Whenever the council administrator determines that a public hearing or public hearings should be held prior to the adoption of any rule or rule change, a notice of the meeting date and place and the agenda will be recorded in the *Louisiana Register*; however, whenever that is not possible, a copy of the meeting notice including the date, time, and place, and agenda of the meeting will be mailed to the official journals of the cities of Lafayette, Alexandria, Shreveport, Monroe, Lake Charles, Baton Rouge and New Orleans.

C. Within 90 days of the request for adoption of or change of a rule, the council administrator will notify the applicant and each individual who request a copy of either his denial of the application or notice of intent to adopt the requested rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:290 (February 2007), amended LR 34:93 (January 2008), repromulgated LR 45:932 (July 2019).

Lt. Colonel Jason Starnes
Deputy Superintendent, CAO

1907#055

RULE

Department of Revenue
Policy Services Division

Mandatory Electronic Filing of Tobacco Tax Returns and Payment of Tax
(LAC 61.III.1533 and 1534)

Under the authority of R.S. 13:5077, 47:1511, 47:1519, and 47:1520, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division adopts LAC 61.III.1533 and 1534, to provide mandatory electronic filing and payment requirements for the Tobacco Tax Return and reports.

R.S. 47:1519(B)(1) authorizes the secretary to require payments by electronic funds transfer, and R.S. 47:1520(A)(2) authorizes the secretary the discretion to require electronic filing of tax returns or reports by administrative rule promulgated with legislative oversight in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. The purpose of this regulation is to mandate electronic filing of all Tobacco Tax Returns and reports and electronic payment of all tobacco tax. This Rule is hereby adopted on the day of promulgation.

Title 61
REVENUE AND TAXATION
Part III. Administrative and Miscellaneous Provisions
Chapter 15. Mandatory Electronic Filing of Tax Returns and Payment

§1533. Tobacco Tax—Electronic Filing Requirements

A. For tax periods beginning on or after October 1, 2019, every dealer that files a Louisiana Tobacco Tax Return shall be required to file the return and all reports electronically with the Department of Revenue using the electronic format prescribed by the department.

B. Dealers may not send paper versions of any returns or reports required to be filed.

C.1. Failure to comply with the electronic filing requirement of this section will result in the assessment of a penalty as provided for in R.S. 47:1520(B).

2. Waiver of the penalty provided for in paragraph 1 of this subsection shall only be allowed as provided for in R.S. 47:1520(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 13:5077, 47:1511, and 47:1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 45:932 (July 2019).

§1534. Tobacco Tax—Electronic Payment Required

A. R.S. 47:1519(B)(1) allows the secretary to require payment of tobacco tax by electronic funds transfer.

B. Effective for all taxable periods beginning on or after October 1, 2019, all payments by a tobacco dealer shall be electronically transferred to the Department of Revenue on or before the twentieth day following the close of the reporting period using the electronic format provided by the department.

C. For the purposes of this Rule, specific requirements relating to the procedures for making payments by electronic funds transfer are set forth in R.S. 47:1519 and LAC 61.I.4910.

D. Failure to comply with the electronic funds transfer requirements shall result in the tax payment being considered delinquent and subject to penalties and interest as provided under R.S. 47:1601 through 1602.

E. If a taxpayer has made a good faith attempt and exercises due diligence in initiating a payment under the provisions of R.S. 47:1519, this Rule, and LAC 61.I.4910, but because of unexpected problems arising at financial institutions, Federal Reserve facilities, the automated clearinghouse system, or state agencies, the payment is not timely received, the delinquent penalty may be waived as provided by R.S. 47:1603. Before a waiver will be considered, taxpayers must furnish the department with documentation proving that due diligence was exercised and that the delay was clearly beyond their control.

F. In any case where the taxpayer can prove payment by electronic funds transfer would create an undue hardship, the secretary shall exempt the taxpayer from the requirement to transmit funds electronically.

G. The tax returns and reports must be filed electronically separately from the electronic transmission of the remittance. Specific requirements relating to the mandatory electronic filing of the return or report required by the Department of Revenue are set forth in LAC 61.III.1533.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and 47:1519.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 45:933 (July 2019).

Kimberly Lewis Robinson
Secretary of Revenue

1907#019

RULE

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

2019-2020 Hunting Regulations and Seasons
(LAC 76:V.119 and 76:XIX.Chapter 1)

The Wildlife and Fisheries Commission has amended the cervid carcass importation ban, the general and wildlife management area rules and regulations for the 2019-2020 season, the resident game hunting season for the 2019-2021 hunting seasons, the general and wildlife management area rules and regulations for the turkey season, the turkey hunting areas, and seasons, and bag limits for the 2020 turkey season, and the migratory bird seasons, regulations, and bag limits for the 2019-2021 hunting season. This Rule is hereby adopted on the day of promulgation.

Title 76
WILDLIFE AND FISHERIES
Part V. Wild Quadrupeds and Wild Birds
Chapter 1. Wild Quadrupeds

§119. Cervid Carcass Importation

A. Definitions

Cervid—any animal of the family *Cervidae* including, but not limited to, white-tailed deer, mule deer, elk, moose, caribou, fallow deer, axis deer, sika deer, red deer and reindeer.

B. No person shall import, transport or possess any cervid carcass or part of a cervid carcass originating outside of Louisiana except for: meat that is cut and wrapped; meat that has been boned out; quarters or other portions of meat with no part of the spinal column or head attached, antlers, clean skull plates with antlers, cleaned skulls without tissue attached, capes, tanned hides, finished taxidermy mounts and cleaned cervid teeth. This restriction shall also prohibit transport of any cervid carcass or part of a cervid carcass originating from Louisiana lands east of the Mississippi River in East Carroll, Madison, Tensas and Concordia Parishes to any other part of the state, unless it is transported in the manner prescribed herein. Any and all bones shall be disposed of in a manner where its final destination is at an approved landfill or equivalent.

C. Approved parts or deboned meat transported from other states must be legally possessed from the state it was taken. Approved parts and deboned meat from other states must contain a possession tag with the hunter's name, out-of-state license number (if required), address, species, date and location (county and state) of harvest. All cervids transported into or through this state in violation of the provisions of this ban shall be seized and disposed of in accordance with Wildlife and Fisheries Commission and Department of Wildlife and Fisheries rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution, Article IX, Section 7, R.S. 56:1, R.S. 56:5, R.S. 56:6(10), (13) and (15), R.S. 56:20, R.S. 56:112, R.S. 56:116.1 and R.S. 56:171 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 43:344 (February 2017), amended LR 45:933 (July 2019).

Part XIX. Hunting and WMA Regulations
Chapter 1. Resident Game Hunting Season

§101. General

A. The resident game hunting season regulations have been adopted by the Wildlife and Fisheries Commission. A complete copy of the regulations 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), LR 36:1580 (July 2010), LR 37:2206 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1534 (August 2014), LR 41:958 (May 2015), LR 42:1107 (July 2016), LR 44:1273 (July 2018), LR 45:933 (July 2019).

§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	30
Rabbit and Squirrel	OPENS: 1st Saturday of October CLOSES: Last Day of February	8	24
Squirrel*	OPENS: 1st Saturday of May for 23 days	3	9
Deer 2019-2020	See Schedule	1 antlered and 1 antlerless (when legal)	Deer Areas 1,2,3,5,6,7,8, and 9 6/season (not to exceed 3 antlered deer or 4 antlerless deer). Deer Areas 4 and 10 limit 3/season (not to exceed 2 antlered or 2 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 2019-2020

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 day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
2	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: Next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: Last Sat. of Oct. CLOSES: Tues. before 2nd Sat. of Dec. in odd numbered years and on Wed. during even numbered years EXCEPT when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1st Sat. of Dec.	OPENS: Wed. before the 2nd Sat. of Dec. in odd numbered years and on Thurs. during even numbered years EXCEPT when there are 5 Sats. in Nov., then it will open on the Wed. before the 1st Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years
3	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
4	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 day 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
5	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	(All Either Sex except as noted.) OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: Last day 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. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. In Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Sun. of the same weekend. EITHER SEX: OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	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. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas (EITHER SEX).
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 day 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: 3rd Sat. of Sept. CLOSES: Jan. 15.	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving	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 last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day.	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
9	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 next to last Sun. of Jan. Bucks Only CLOSES: Last day of Jan. Bucks Only	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. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Sunday of the same weekend. EITHER SEX OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	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. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas.
10	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearms CLOSES: after 7 days	OPENS: 3rd Sat. of Oct. CLOSES: After 1st Sun. of Jan.	

D. Deer Hunting Schedule 2020-2021

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 day of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
2	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: Next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: Last Sat. of Oct. CLOSES: Tues. before 2nd Sat. of Dec. in odd numbered years and on Wed. during even numbered years EXCEPT when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1st Sat. of Dec.	OPENS: Wed. before the 2nd Sat. of Dec. in odd numbered years and on Thurs. during even numbered years EXCEPT when there are 5 Sats. in Nov., then it will open on the Wed. before the 1st Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years
3	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
4	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 day 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.
5	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	(All Either Sex except as noted.) OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after next to last Sun. of Jan. Bucks Only CLOSES: Last day 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. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Sun. of the same weekend. EITHER SEX: OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	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. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas.

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
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 day 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: 3rd Sat. of Sept. CLOSES: Jan. 15.	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving	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 last day of Modern Firearm Season CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day.	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
9	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 next to last Sun. of Jan. CLOSES: Last day of Jan. Bucks Only	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. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: Sat before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Sunday of the same weekend. EITHER SEX: OPENS: Fri. after Thanksgiving Day. CLOSES: Sun. after Thanksgiving day. (EITHER SEX)	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. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: 2nd Sat. of Dec. CLOSES: Sun. after 2nd Sat. of Dec. (EITHER SEX) OPENS: Sat. before Christmas. CLOSES: Sun. before Christmas
10	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after last day of Modern Firearms CLOSES: After 7 days	OPENS: 3rd Sat. of Oct. CLOSES: After 1st Sun. of Jan.	

E. Farm-raised white-tailed deer on supplemented shooting preserves:

1. archery, firearm, primitive firearms—October 1-January 31 (either-sex).

F. Exotics on supplemented shooting preserves:

1. either sex—no closed season.

G. Spring squirrel hunting:

1. season dates—opens 1st Saturday of May for 23 days;

2. closed areas:

a. 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 first Saturday of May for nine 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;

4. limits—daily bag limit is three and possession limit is nine.

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 35:1278 (July 2009), LR 35:2856 (December 2009), LR 36:1580 (July 2010), LR 37:2207 (July 2011), LR 38:1747 (July 2012), LR 39:2307 (August 2013), LR 40:1535 (August 2014), LR 41:958 (May 2015), LR 42:1108 (July 2016), LR 43:1420 (July 2017), LR 44:1273 (July 2018), LR 45:934 (July 2019).

§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 turkey regulations.

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 caliber or smaller rimfire firearm. A licensed hunter may take raccoon or opossum with .22 caliber or smaller rimfire firearm, .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. Except nutria may be taken on Atchafalaya Delta, Salvador/Timken, Pointe-Aux-Chenes and Pass-a-Loutre WMAs from September 1 to March 31. When taken with a shotgun, non-toxic 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 Lafayette Field Office, (337) 735-8672.

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. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredation order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

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). Refer to LAC 76:V.111 for specific DMAP rules. 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 approved archery equipment or primitive firearms). Failure to do so is a violation of R.S. 56:115. Deer harvested on property enrolled in DMAP do not count in the season or daily bag limit for hunters when legally tagged with DMAP tags. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved.

9. Farm Raised White-tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

Exotics—for purposes of this Section 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 Section means to take or attempt to take, in accordance with R.S. 56:8.

Same as Outside—for purposes of this Section 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 Section 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 traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means; 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.

10. 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, Kisatchie National Forest, and the Bayou des Ourses, Bodcau, Bonnet Carre, and Indian Bayou tracts owned by the Corps of Engineers, but does not apply to state wildlife refuges, or other federally owned refuges and lands. On state WMAs and Kisatchie National Forest, 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. No person born on or after September 1, 1969, shall hunt unless that person has first been issued a certificate of satisfactory completion of a firearm and hunter education course approved by the department, 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 under 16 years of age may hunt without such certificate if he/she is accompanied by and is under the direct supervision of a person who was born before September 1, 1969, and has a valid hunting license or who is 18 years of age or older and has proof of successful completion of a firearm and hunter education course approved by the department.

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 traditional bow, compound bow and crossbow or any bow drawn, held or released by mechanical means or a shotgun not larger than a 10 gauge fired from the shoulder 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 .22 caliber, any centerfire firearm, or a muzzleloading firearm larger than .36 caliber. It shall be legal to hunt or take squirrels, rabbits, and outlaw quadrupeds with air rifles.

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.

d. No person shall take or kill any game bird or wild quadruped with a firearm fitted with an infrared sight, laser sight, or except as provided in R.S. 56:116(A)(8) any sighting device which projects a beam of light to the target or otherwise electronically illuminates the target, or device specifically designed to enhance vision at night [R.S. 56:116.1(B)(3)].

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. 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 depredating 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 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, Atwater'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, 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 seasons 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. Nighttime Take of Nuisance Animals and Outlaw Quadrupeds. On private property, the landowner, or his lessee or agent with written permission from the landowner and the landowner's contact information in his possession, may take outlaw quadrupeds (coyotes, armadillos and feral hogs), nutria, or beaver during the nighttime hours from one-half hour after official sunset on the last day of February to one-half hour after official sunset the last day of August of that same year or as provided for by LAC 76:V.126. Such taking may be with or without the aid of artificial light, infrared or laser sighting devices, or night vision devices. In addition, pursuant to R.S. 56:116(D)(3) any person who is authorized to possess a firearm suppressor may use a firearm fitted with a sound suppressor when taking outlaw quadrupeds, nutria, or beaver. Any person attempting to take outlaw quadrupeds under the provisions of the paragraph, within 24 hours prior to the attempted taking, shall notify the sheriff of the parish in which the property is located and the LDWF Enforcement Division by calling (800) 442-2511 of their intention to attempt to take outlaw quadrupeds under the provision of this Paragraph.

10. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds while on a public road 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 public road rights-of-way is prohibited.

11. 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.

12. Sex Identification. Positive evidence of sex identification, including the head or sex organs, shall remain on any deer taken or killed within the state of Louisiana, or on all turkeys taken or killed 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 of the kill, the hunter must validate the kill. Hunters harvesting deer on DMAP lands can validate deer per instructions by LDWF using the DMAP harvest data sheets. Hunters on WMAS can validate deer during mandatory deer check hunts, when deer check stations are in operation. Hunters may validate deer by calling the validation toll free number or using the validation website.

2. 2019-2020 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou Area owned by the US Army Corps of Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days.

3. 2020-2021 Season. One antlered and one antlerless deer per day (when legal) except on Kisatchie National Forest, Indian Bayou area owned by the US Army Corps of

Engineers, and some federal refuges (check refuge regulations) where the daily limit shall be one deer per day. Antlerless deer may be harvested during entire deer season on private lands (all seasons included) except as specified in deer hunting schedule. This does not apply to public lands (WMAs, national forest lands, and federal refuges) which will have specified either-sex days.

4. A legal antlered deer is a deer with at least one visible antler of hardened bony material, broken naturally through the skin. Killing antlerless deer is prohibited except where specifically allowed.

5. *Either-sex deer* is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

6. 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 slug. Handguns may be used for hunting.

7. 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.

8. 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. 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.

9. 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.

10. Areas not specifically designated as open are closed.

11. It is unlawful to use or possess scents or lures that contain natural deer urine or other bodily fluids while taking, attempting to take, attracting or scouting wildlife.

12. Primitive Firearms Season: Still Hunt Only. Specific WMAs will also be open, check WMA schedule for specific details. Primitive firearms license is 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 as otherwise specified.

a. Legal Firearms for Primitive Firearms Season

i. Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle, use black powder or approved substitute only, take ball, shot, or bullet projectile only, including saboted bullets, and may be fitted with magnified scopes.

ii. Single shot, breech loading rifles or single shot, breech loading pistols, .35 caliber or larger, having an exposed hammer, that use metallic cartridges loaded either with black powder or modern smokeless powder, and may be fitted with magnified scopes.

iii. Single shot, breech loading shotguns, 10 gauge or smaller, having an exposed hammer, loaded with buckshot or slug.

iv. Youths 17 or younger may hunt deer with any legal weapon during the primitive firearms season in each deer hunting area.

13. Archery Season. 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 areas 6 and 9 from October 1-15. Archers must conform to the bucks only regulations. 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 WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Lake Boeuf, and Pointe-aux-Chenes WMAs (see schedule).

a. Bow and Arrow Regulations. Traditional bow, 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 may not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to have in possession or use any poisoned or drugged arrow or arrows with explosive tips;

(b). to hunt deer with a bow having a pull less than 30 pounds;

(c). 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.B.(4)].

14. Hunter Orange or blaze pink. 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" or "blaze pink". Persons hunting on privately owned land may wear a hunter orange or blaze pink 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 or to archery deer hunters hunting on 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 or blaze pink 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" or "blaze pink".

15. Physically Challenged Season on Private Lands (Either-Sex): first Saturday of October for two days. Restricted to individuals with physically challenged hunter permit.

16. Youth and Honorably Discharged Veterans Season on Private Lands (Either-Sex). Areas 1, 4, 5, 6 and 9: last Saturday of October for seven days; area 2: second Saturday of October for seven days; and areas 3, 7, 8 and 10: fourth Saturday of September for seven days. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. 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. Except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. One of the following must be carried by veterans while hunting:

a. Louisiana OMV issued U.S. Veterans Driver's License; or

b. U.S. Department of Defense Form 214 or one of the following DD_214 equivalents:

i. pre DD 214 era documents (1941_1950):

(a). WE AGO (war department adjutant general) forms, to include WD AGO 53, WD AGO 55, WD AGO 53_55;

(b). JAVPERS (naval personnel) discharge documents, to include NAVPERS 553, NAVMC78PD, NAVCG 553;

ii. National Personnel Records Center NPRC "statement of service," issued as a result of a destroyed discharge record during the 1973 National Archives fire;

iii. National Guard/Air National Guard must have NGB_22 with 6 or more years of service.

F. Description of Areas, 2019-2021

1. Area 1

a. All of the following parishes are open: Concordia, East Carroll, Franklin, Madison, Richland, Tensas, West Carrol.

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. Grant—east of US 165 and south of LA 8;

iii. 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;

iv. 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;

v. Rapides—east of US 165 and north of Red River.

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—all;

iii. Franklin—all;

iv. 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;

v. 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;

vi. Richland—all;

vii. West Carroll.

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.

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. Portions of the following parishes are open:

i. Acadia—north of I-10;

ii. Allen—west of US 165 and south of LA 10;

iii. Beauregard—east of LA 27 from the parish line northward to DeRidder and north of US 190 westward from DeRidder to Texas state line;

iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;

v. Jefferson Davis—north of I-10 and south of US 190;

vi. Lafayette—west of I-49 and north of I-10;

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— east of LA 113 to Pitkin, south of LA 10 to Allen Parish line, 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.

b. Still hunting only for portions of the following parishes:

i. Acadia—north of I-10;

ii. Allen—south of US 190 and west of LA 113;

iii. 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;

iv. Calcasieu—east of LA 27 from Sulphur northward to the parish line, and north of I-10;

v. Jefferson Davis—north of I-10 and south of US 190;

vi. Lafayette—west of I-49 and north of I-10;

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 St. Helena and Washington Parishes are open.

b. Portions of the following parishes are also open:

i. East Baton Rouge—all except that portion west of I-110 and west of US 61;

ii. East Feliciana—east of US 61;

iii. Livingston—north of I-12;

iv. Tangipahoa—north of I-12;

v. 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.

c. Still hunting only in all or portions of the following parishes:

i. 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;

ii. 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;

iii. 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;

iv. 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;

5. Area 5

a. Portions of the following parishes are open:

i. St. Martin Parish south of I-10 and east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

ii. Iberville Parish—south of I-10 and west of the East Atchafalaya Basin Protection Levee;

iii. Iberia Parish—east of the West Atchafalaya Basin Protection Levee and west of the East Atchafalaya Basin Protection Levee;

iv. St. Mary Paris—east of the West Atchafalaya Basin Protection Levee;

v. high water benchmark closure. Deer hunting in those portions of Iberville and St. Martin parishes south of I-10, west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee, and north of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 18 feet msl at Butte LaRose, and will reopen when the river stage recedes to 17 feet msl at Butte LaRose. Deer hunting in those portions of Iberville, St. Martin, St. Mary and Iberia parishes west of the East Atchafalaya Basin Protection Levee, east of the West Atchafalaya Basin Protection Levee and south of Alligator Bayou and Bayou Sorrel will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte LaRose, and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

6. Area 6

a. All of West Feliciana and Pointe Coupee Parish is open.

b. Portions of the following parishes are also open:

i. Avoyelles—all except that portion west of I-49;

ii. East Baton Rouge—that portion west of I-110 and west of US 61;

iii. East Feliciana—west of US 61;

iv. 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;

v. Iberville—all north of I-10, and that portion south of I-10 at the Atchafalaya Basin protection levee south to Upper Grand River, then north of Upper Grand River to the Intracoastal Canal at Jack Miller, then west of the Intracoastal Canal northward to Bayou Plaquemine, then north of Bayou Plaquemine to the Mississippi River;

vi. Lafayette—north of I-10 and east of I-49;

vii. 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;

viii. St. Landry—east of US 167;

ix. St. Martin—north of I-10;

x. West Baton Rouge—north I-10.

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. 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;

iii. 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.

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.

8. Area 8

a. Portions of the following parishes are open:

i. Beauregard—that portion west of LA 27 from parish line northward to DeRidder, south of US 190 from DeRidder to Texas state line;

ii. Calcasieu—that portion west of LA 27 from the parish line southward to Sulphur and north of I-10 from Sulphur to the Texas state line.

9. Area 9

a. All of the following parishes are open: Ascension, Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John, Terrebonne.

b. Portions of the following parishes are open:

i. Iberia—east of US 90 and west of the West Atchafalaya Basin Protection Levee and east of the East Atchafalaya Basin Protection Levee;

ii. Iberville—east of the East Atchafalaya Basin Protection Levee and south of Upper Grand River to the Intracoastal Canal to Bayou Plaquemines, then south of Bayou Plaquemines to the Mississippi River;

iii. Lafayette—south of I-10 and east of US 90;

iv. Livingston—south of I-12;

v. St. Martin—west of the Atchafalaya Basin Protection Levee and south of I-10. East of the East Atchafalaya Basin Protection Levee and south of I-10;

vi. St. Mary—east of US 90 from Iberia Parish line to the 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 except for portion within the East and West Atchafalaya Basin Protection Levees;

vii. 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;

viii. Tangipahoa—south of I-12.

c. Still hunting only in all or portions of the following parishes:

i. Iberville—east of the Mississippi River;

ii. Plaquemines—east of the Mississippi River;

iii. St. Bernard—all of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre;

iv. 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.

10. Area 10

a. All of Cameron and Vermillion Parishes are open.

b. Portions of the following parishes are open:

i. Acadia—south of I-10;

ii. Calcasieu—south of I-10;

iii. Iberia—west of US 90 and north of LA 14;

iv. Jefferson Davis—south of I-10;

v. Lafayette—south of I-10 and west of Hwy 90.

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. 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 to acorns 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 American lotus (grande volèe, *Nelumbo lutea*) seeds and pods, soft fruits, mushrooms and berries shall be limited to five gallons per person per day.

i. Burning of marshes is prohibited. Hunting actively burning marsh is 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 antlered 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.

o. Operation of drones or unmanned aerial vehicles (UAV) on WMAs is prohibited.

p. Operating, modifying, tampering with or altering any water control structures on WMAs is prohibited.

q. Limited Access Areas (LAA): Operation of internal combustion powered vessels prohibited September through January. Vehicles prohibited November through January. Limited access areas are on Atchafalaya Delta, Boeuf, Dewey W. Wills, Joyce, Manchac, Pass-a-Loutre, Pointe-aux-Chenes and Russell Sage WMAs. See WMA maps for specific locations.

2. Permits

a. A WMA hunting permit is required for persons ages 18 through 59 to hunt on WMAs.

b. Self-Clearing Permits. A self-clearing permit is required for all activities (hunting, fishing, hiking, bird watching, sightseeing, etc.) on WMAs. The self-clearing permit will consist of two portions: check in, check out. On WMAs where self-clearing permits are required, all persons must either check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal or obtain a WMA self-clearing permit from an information station. Users may check in one day in advance of use. Users that check in by electronic means are required to possess proof of check in and must check out within 24 hours. If utilizing paper Self-Clearing Permit from an information station, check in portion must be completed and put in a permit box before each day's activity. The check out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA. 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. When mandatory deer checks are specified on WMAs, hunters must check deer at a check station. When mandatory check in for deer seasons is specified on WMAs, hunters must check in at designated locations, and obtain a daily hunt permit. 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. Additionally, a self-clearing WMA permit, detailed above, may be required (available at most entrances to each WMA and electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal).

3. Special Seasons

a. Youth Deer Hunt. Youths 17 or younger only. Youths must be accompanied by an adult 18 years of age or older. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. 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, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. 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, hogs and opossum may 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. Youths 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, except properly licensed youths and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. 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.

e. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. Contact region offices 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, two per person per day, during daylight hours only, during the open hunting season in progress 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. Small Game Emphasis Areas. Specially designated areas on certain WMAs will allow small game hunting with dogs, confined to that specific area when the remainder of the WMA is restricted to still hunt only. Additionally, off season training of rabbit and bird dogs may be allowed on some of the small game emphasis areas. Small game emphasis areas are offered on Big Colewa Bayou, Bayou Macon, Bayou Pierre, Boeuf, Dewey W. Wills, Marsh Bayou, Pomme de Terre, Richard K. Yancey, Russell Sage, Sandy Hollow, Sherburne, Tunica Hills and Walnut Hill WMAs.

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, UTVs, 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 and except as allowed pursuant to R.S. 56:109(C) and R.S. 56:1691. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing. Active and retired law enforcement officers in compliance with POST requirements, federal law enforcement officers and holders of Louisiana concealed handgun permits or permit holders from a reciprocal state who are in compliance with all other state and federal firearms regulations may possess firearms on WMAs provided these firearms are not used for any hunting purpose.

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. The following cannot be carried onto any WMA except during modern and primitive firearm deer seasons 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):

i. centerfire rifles;

ii. centerfire break-action and centerfire bolt-action handguns;

iii. centerfire scoped handguns;

iv. shotgun slugs or shot larger than BB lead or F steel.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or across, or hunting from designated roads, ATV/UTV trails, nature trails, hiking trails, and their rights-of-way is prohibited during the modern firearms and primitive firearms deer seasons.

5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drives 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, not to exceed the Deer Area limit for the Deer Area that a WMA is contained within (all segments included) by all methods of take.

c. Baiting, hunting over bait, or possession of bait is prohibited on all WMAs, except bait may be kept in a vehicle traversing a WMA road or parked on a WMA road. Bait is defined as any substance used to attract game via ingestion.

d. During mandatory deer check hunts, 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. Deer stands may not be left on WMAs unless the stands are removed from trees, placed flat on the ground, 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 LDWF ID 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, not placed flat on the ground, or untagged will be confiscated and disposed of by the LDWF. LDWF is 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 physically challenged hunter permit (PCHP) wheelchair confined hunters on WMAs. Hunters must obtain a PCHP permit and are required to make reservations to use blinds and stands. PCHP wheelchair hunting areas are available on Alexander State Forest, Bayou Pierre, Big Colewa Bayou, Buckhorn, Clear Creek, Floy McElroy, Fort Polk-Vernon, Maurepas Swamp, Russell Sage, Sandy Hollow, and Sherburne WMAs. Check WMA hunting schedules or call the LDWF field offices in Pineville, Lafayette, Lake Charles, Minden, Monroe or Hammond for information.

h. Hunting from utility poles and structures, and 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. Horse-drawn conveyances are prohibited.

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" or "blaze pink" and wear a "hunter orange" or "blaze pink" 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" or "blaze pink" cap. All other hunters and archers (while on the ground) except waterfowl hunters also must wear a minimum of a "hunter orange" or "blaze pink" 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" or "blaze pink". 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" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap.

o. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of

"hunter orange" or "blaze pink" 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 youths 17 or younger may use any legal weapon during the primitive firearm season.

6. Camping

a. Camping on WMAs, including trailers, houseboats, vessels, 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. 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. Camping is available on a first-come, first-serve basis unless otherwise specified.

b. Houseboats and vessels utilized for recreational activities are prohibited from overnight mooring within WMAs except on stream banks adjacent to designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. Houseboats and vessels shall not impede navigation. On Atchafalaya Delta WMA houseboats may be moored by permit only in designated areas during hunting season. Permits are available by lottery annually or by five year lease through a bid program.

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 unless otherwise specified.

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. Trash must be contained at all times while camping.

h. Burning of trash is prohibited.

i. Glass containers prohibited on campgrounds.

j. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

k. 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, refuges, or limited use areas 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. 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.

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 26 x 12 with a maximum l" lug height and a maximum allowable tire pressure of 12 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*)—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 27 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 radius of 17 inches or more measured from the center of the hub and 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, except type A personal water craft, model year 2003 and beyond, which are eight feet in length and greater, may be operated within WMAs from April 1 until the Monday of Labor Day weekend, from sunrise to sunset only, and except personal water craft allowed on designated portions of Alexander State Forest WMA year-round, except airboats allowed on Maurepas Swamp WMA pursuant to R.S. 56:109.4. 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. No person shall operate such water craft at a speed greater than slow/no wake within 100 feet of an anchored or moored vessel, shoreline, dock, pier, or persons engaged in angling or any other manually powered vessel.

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, except that those UTVs in which the manufacturer's specifications do not exceed the weight, length, width, and tire restrictions for ATVs are allowed on ATV trails. ATVs are restricted to marked ATV trails only. When WMA roads are closed to LMVs, ATVs and UTVs may then use those roads when allowed. This restriction does not apply to bicycles.

NOTE: Only ATV and UTV trails marked with signs and/or paint, and depicted on WMA maps are open for use.

j. Use of special ATV trails for physically challenged persons is restricted to 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 year round 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.

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, unless specific signage otherwise allows or restricts.

o. Hunters are allowed to retrieve their own downed deer and hogs with the aid of an ATV except on Thistlethwaite, Sherburne, Atchafalaya Delta, Pass-a-Loutre, Pointe-aux-Chenes, Salvador, Timken, Lake Boeuf, Biloxi, and the Crusel Tract of Maurepas Swamp 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.

p. No wake zones. Operation of vessels beyond bare steerage speed (the slowest speed a vessel can travel while allowing the operator to maintain directional control of the vessel) in posted no wake zones is prohibited.

q. Electric bicycles are restricted to designated roads and trails.

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. 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 Richard K. Yancey WMA. Commercial fishing is prohibited on Salvador/Timken, Pointe-aux-Chenes, and Russell Sage WMAs except commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal. 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, size 6 or smaller must be used for dove, rail, snipe, and gallinule. 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 nine 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, Pass-a-Loutre, and Salvador/Timken WMAs. Consult specific WMA regulations for shooting hours on these WMAs.

14. Archery. Consult regulations pamphlet.

15. Hogs. Feral hogs may be taken during any open hunting season on WMAs by properly licensed and/or permitted hunters using only guns or bow and arrow legal for specified seasons in progress, except take of hogs is prohibited during nighttime raccoon seasons. Hogs may not be taken with the aid of dogs, except feral hogs may be taken with the aid of dogs during the month of February on Attakapas, Bodcau, Clear Creek, Little River, Pearl River, Sabine, Sabine Island, and West Bay and that portion of Dewey W. Wills north of the Catahoula Lake Diversion Canal by self-clearing permit. All hogs must be killed immediately and may not be transported live under any conditions. During the February dog season 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/Timken WMAs from February 16 through March 31 with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber. Additional requirements may be specified under individual WMAs, see regulation pamphlet.

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. As described in 50 CFR Part 21, non-toxic shot must be used for the take of crows, blackbirds, cowbirds and grackles under the special depredation order. In addition an annual report has to be submitted to the U.S. Fish and Wildlife Service for those that participate in the take of these species.

17. WMAs Hunting Schedule and Regulations

a. Acadiana Conservation Corridor. Self-Clearing Permit required for all activities.

i. Archery only: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

ii. All other seasons closed. No motorized vehicles allowed and no access via I-49 right-of-way.

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. Attaching stands to Red Cockaded Woodpecker cavity trees is prohibited. Cavity trees are marked with painted, double white bands. Self-Clearing Permits required for hunters only. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreational areas. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Pineville or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Firearms: Fri. after Thanksgiving Day for 3 days, bucks only.

(c). Primitive Firearms: 2nd Sat. of Oct. for 2 days; first Sat. of Nov. for 2 days. Mandatory Deer Check.

ii. Small Game: Same as outside except closed during primitive firearms season and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

iii. Waterfowl: Same as outside. (Certain areas may be closed as posted).

c. Atchafalaya Delta. Self-Clearing Permit required for all activities. All persons must either check in/check out electronically through the LDWF WMA Self-Clearing Permit app/Internet Web Portal or obtain a WMA Self-Clearing Permit from an information station located at Main Delta campground, Wax Delta Campground, Cul-de-sac on Big Island, and Berwick Public Boat Launch (Jesse Fontenot Boat Launch). Camping and houseboat mooring allowed only in designated campgrounds. Houseboat mooring allowed by permit only (see Subparagraph G. 6. Camping b. for details). Vessels/Vehicles: Mudboats or air-cooled propulsion vessels powered by more than 36 total horsepower are prohibited on the WMA. All ATVs/UTVs, motorcycles, horses and mules prohibited except as permitted for authorized WMA trappers. Big Island: closed to all activities during the month of October, except LDWF Lottery Hunts.

i. Deer Archery (either-sex): Oct. 1 - Jan. 31 on Main Delta only (Big Island closed during October); no deer

hunting on Wax Lake Delta. All harvested deer must be checked in at Atchafalaya Delta Headquarters.

ii. Deer Youth Lottery (either-sex): 2nd Sat. of Oct. for 2 days; 3rd Sat. of Oct. for 2 days, daily youth hunt permit required. Call the Lafayette Field Office, Coastal WMAs at 337-735-8667 for details.

iii. Small Game: Same as outside except Rabbit Only:

(a). Wax Lake Delta: Oct. 7-31 and Feb. 1-28, with or without beagles. Nov. 1 - Jan. 31 without beagles only.

(b). Main Delta: Feb. 1-28, with or without beagles. closed October through January.

iv. Waterfowl: Same as outside, except shooting hours shall be 1/2 hour before sunrise to 2 p.m. during opening weekends of teal and duck season and 1/2 hour before sunrise to sunset the remainder of the season, and except shooting hours are the same as outside for the Youth Hunt weekend.

v. Feral Hogs: May be taken by properly licensed hunters Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs. All harvested hogs must be checked in at the Atchafalaya Delta WMA headquarters.

d. Attakapas. Area closed to all except Youth Deer Hunters when the Youth deer season is open.

i. Deer:

(a). Deer hunting will be closed when the river stage of the Atchafalaya River reaches 15 feet msl at Butte LaRose and will reopen when the river stage recedes to 14 feet msl at Butte LaRose.

(b). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

(c). Youth: Last Sat. of Oct. for 2 days, either-sex.

(d). Firearms Either-Sex: Fri. after Thanksgiving Day for 2 days

(e). Firearms Bucks Only: 4th Sat. of Dec. for 9 days.

(f). Primitive Firearms (Bucks only): 3rd Saturday of January for 2 days.

ii. Turkey: Closed.

iii. Small Game & Waterfowl: Same as outside except small game hunting closed during either-sex modern firearms seasons closed during youth deer seasons and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iv. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

e. Bayou Macon. Area Closed: To all except Youth Deer Hunters last Sat. of Oct. for 2 days. All night activities prohibited except as otherwise provided.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms: Sat. prior to Thanksgiving for 2 days, Mandatory Deer Check, either-sex.

(d). Primitive Firearms: 3rd Sat. of Dec. for 9 days.

ii. Turkey: General Lottery: Last Sat. of Area B season for 2 days.

iii. Small Game & Waterfowl: Same as outside except closed during either-sex modern firearms season and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to firearms either-sex deer, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon: (Nighttime): Sept. 1st for 16 days and 1st Sat. of Jan. to the last day of Feb.

f. Bayou Pierre. Waterfowl Refuge is closed to all hunting, trapping and fishing except for archery hunting for deer, which is allowed on the entire area. Refuge is marked with "Waterfowl Refuge" signs. Contact Minden Office, for details for lottery hunts listed below at 318-371-3050.

i. Deer:

(a). Archery only: Oct. 1-Jan. 31, either-sex. Archery hunting is allowed in the waterfowl refuge.

ii. Dove: Same as outside.

iii. Waterfowl Lottery Only: (Designated Portion)

(a). Lottery Youth Hunt: Same as outside youth waterfowl hunt.

(b). General Lottery Hunt: 2nd weekend of 1st split and 1st and 4th weekends of 2nd split of the West Zone season.

iv. Other Small Game: Same as outside and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb. On that portion designated as Small Game Emphasis Area, training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

v. Raccoon (Nighttime): Sat. before Christmas to last day of Feb.

g. Big Colewa Bayou. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Monroe or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Fri. after Thanksgiving for 3 days, either-sex and 2nd Sat. of Dec. for 16 days, bucks only.

i. Deer:

(a). Archery only: Oct. 1-Jan. 31, either-sex.

ii. Small Game & Waterfowl: Same as outside and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbit hunting Jan. 1st to last day of Feb. On that

portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.

iii. All nighttime activities prohibited.

h. Big Lake. Area closed to all south of Big Lake and Crystal Roads when youth deer season is open. North of Big Lake and Crystal Roads open to all activities.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex. Youth hunt on designated portion. See WMA map for specific location.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 2nd Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after firearms bucks only season closes for 14 days.

ii. Turkey: Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens on Good Friday.

(a). Youth: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on Easter weekend then season will open on Good Friday for 3 days.

iii. Small Game: Same as outside except closed during either-sex firearms seasons and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iv. Waterfowl: Same as outside except closed during either-sex modern firearms seasons.

v. Raccoon (Nighttime): the day after primitive firearms season ends to the last day of Feb.

vi. Sport Fishing: yoyos, limblines and trotlines prohibited on Big and Chain Lakes.

vii. Commercial fishing: commercial fishing is prohibited.

i. Biloxi. Self-Clearing Permits required for all activities. Vessels/Vehicles: All ATVs/UTVs, motorcycles, horses, and mules are prohibited. Mud boats or air cooled propulsion vessels can only be powered by straight shaft "long-tail" air-cooled mud motors that are 25 total horsepower or less. All other types of mud boats or air cooled propulsion vessels, including "surface-drive" boats, are prohibited. Overnight mooring of all vessels 50 feet in length or more is prohibited.

i. Deer

(a). Archery (bucks only): Oct. 1-15

(b). Deer Archery (either-sex): Oct. 16 - Jan. 31

ii. Small Game and Waterfowl: Same as outside except beagles allowed for rabbits when duck season is closed and except closed to squirrel hunting during the spring season.

j. Bodcau. Area closed to all except Youth deer hunters during the Youth Deer Hunt on designated portion.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Sat. after 2nd Fri. of Oct. for 2 days, either-sex on designated portion.

(c). Firearms either-sex: Last Sat. of Oct. to the Sun. after Thanksgiving Day. Last Sat. of Oct. and Sun. after last Sat. of Oct., Mandatory Deer Check.

(d). Primitive Firearms: Mon. after Thanksgiving Day for 7 days.

ii. Turkey

(a). Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

(b). Youth: Sat. before opening day of statewide season for 2 days except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days. 4th Sat. of April for 2 days.

iii. Small Game and Waterfowl: Same as outside except closed during the youth deer hunt on designated portion and entire area 1st 2 days of modern firearms deer season except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Day after firearms deer season ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon: (Nighttime) Day after firearms deer season ends to the last day of Feb.

v. Bird Dog Training Area: Permit required. Open all year except closed during WMA Turkey Season. Contact Minden Office for permits and information.

vi. Fishing: Nets and traps prohibited on Ivan Lake.

k. Boeuf. Area Closed to all south of LA 4 except Youth Deer Hunters when youth deer season is open. North of LA 4 open to all activities. Internal combustion engines and craft limited to 10 hp rating or less in the Greentree Reservoir.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: 2nd Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. - Mandatory Deer Check, Sun. - Self-Clearing Permit.

(d). Firearms Bucks Only: 1st Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after the close of Firearms Bucks Only for 14 days. 2nd Sat. of Nov. for 7 days.

ii. Turkey: Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: Same as outside except closed during Deer Either-sex modern firearms season, and except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb. Youth Squirrel Hunt: 4th

Sat. of Sept. for 2 days. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1 - August 31.

iv. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

l. Buckhorn. Area Closed: Last Sat. of Oct. for 2 days to all except Youth and Physically Challenged Deer hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit; and 2nd Sat. of Dec. for 2 days.

(d). Firearms Bucks Only: 3rd Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after firearms bucks only season ends for 14 days.

(f). Youth and Physically Challenged Wheelchair Confined Deer Hunting Area: check map for location. Access restricted. Call Monroe or Baton Rouge Offices for further details.

(g). Youth Lottery: 2nd weekend and last consecutive Sat. and Sun. of Dec. and 1st consecutive Sat. and Sun. in Jan. Either-sex. Hunting by pre-application lottery only.

(h). Physically Challenged Wheelchair Confined: 2nd weekend and last consecutive Sat. and Sun. of Dec. and 1st consecutive Sat. and Sun. in Jan. Either-sex. Hunting by reservation for wheelchair confined. PCHP permittees only.

ii. Small Game and Waterfowl: Same as outside except closed during either-sex modern firearm season and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after primitive firearms season ends to the last day of Feb.

iii. Raccoon (Nighttime): Day after primitive firearms season ends to the last day of Feb.

m. Bussey Brake. Area closed to all hunting activity. Recreational fishing and all other allowed non-consumptive uses only.

n. Camp Beauregard. All or portions of the area may be closed daily due to military activities. All game harvested must be reported on self-clearing checkout permit. No hunting in Restricted Areas. Swimming in Twin Lakes prohibited. Retriever training allowed on selected portions of the WMA. Area Closed: To all except Youth Deer Hunters and Permitted Disabled Veterans Hunters Sat. and Sun. preceding Veterans Day.

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Deer Hunt: Sat. and Sun. preceding Veterans Day, either-sex on designated portion of the WMA.

(c). Disabled Veterans Deer Hunt: Sat. and Sun. preceding Veterans Day, by lottery only, either-sex on designated portion of the WMA. Call Pineville office for details and application.

(d). Firearms Bucks Only: Dec. 26-Jan. 1.

(e). Primitive Firearms: Fri. after Thanksgiving Day for 2 days, Mandatory Deer Check. All deer harvested must be brought to Rifle Range Road Weigh Station. 2nd Sat. of Dec. for 2 days Self-Clearing Permit.

ii. Turkey: Opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens Good Friday.

iii. Small Game & Waterfowl: Same as outside, except closed during either-sex gun hunts for deer and except closed to squirrel hunting during the spring season. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to the last day of Feb.

iv. Raccoon (Nighttime): Last consecutive Sat. and Sun. in Jan. to last day of Feb.

v. Fishing: Special regulations to be posted at Twin Lakes.

o. Clear Creek. Area Closed to all except Youth Deer Hunters when the Youth Deer Season is open. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lake Charles or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex.

(b). Youth Deer Hunt: Next to last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days, Mandatory Deer Check and Fri. after Thanksgiving for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: Mon. after close of Primitive Season to Thanksgiving Day, and 2nd Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after 1st either-sex firearms weekend for 7 days.

ii. Turkey

(a). Mon. after 2nd Sat. of April for 21 days.

(b). General Lottery: Opening day of statewide season for 2 days, 2nd Sat. of April for 2 days.

(c). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game & Waterfowl: Same as outside except closed during either-sex gun hunts and except spring squirrel season will be open 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after firearms bucks only season closes to the last day of Feb. Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): Day after firearms bucks only season closes to the last day of Feb.

p. Dewey Wills. Area Closed: to all except Youth and Physically Challenged Deer Hunters during the Physically Challenged and Youth Deer Hunt only on that portion of the area north of the Diversion Canal.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Physically Challenged and Youth: Last Sat. of Oct. for 2 days, either-sex. Only that portion of the area north of the Diversion Canal shall be open only to Physically Challenged and youth deer hunters. The remainder of the area is open to all.

(c). Youth Lottery: 1st Sat. of Dec. for 2 days, 1st Sat. of Jan. for 2 days, 2nd Sat. of Jan. for 2 days, and 3rd Sat. of Jan. for 2 days, either-sex. Contact Pineville Office (318-487-5885) for details and applications.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit. No hunting allowed in the greentree impoundment or within 100 feet of the greentree levee if duck season is in progress.

(e). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(f). Primitive Firearms: 2nd Sat of Dec. for 2 days.

ii. Turkey: Closed.

iii. Small Game and Waterfowl: Same as outside except closed during Physically Challenged and Youth Deer Season north of the Diversion Canal and the entire area during the either-sex firearm hunt except waterfowl hunting will be allowed in the greentree impoundment during the firearm either-sex season and Open to squirrel hunting during the spring season 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after Firearms Bucks-Only season ends to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct. to the 3rd Sun. of Nov., and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon

(a). Nighttime: day after primitive firearms season ends to the last day of Feb.

(b). Nighttime Chase only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take season only.

v. Crawfish: Limited to 100 pounds per person per day.

vi. LARTO TRACTS: All season dates on Larto Tracts (see WMA map) same as outside, except deer hunting restricted to archery only. All vehicles, including ATVs, are prohibited.

q. Elbow Slough.

i. Mourning Dove: Saturdays, Sundays and Wednesdays only during Sept. and Oct. of the outside season, except by lottery only opening weekend of 1st split. Applications available at Pineville office and online. Contact Pineville office for details.

ii. Rabbit: Feb. 1 to the last day of Feb. Beagles allowed.

iii. Crawfishing: March-July. Limit: 100 lbs. per person per day. Recreational crawfishing only. No traps or nets left overnight.

iv. All other seasons closed. Non-toxic (minimum size #6) shot only for all hunting. All motorized vehicles prohibited.

r. Elm Hall. ATVs/UTVs prohibited.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15, either sex.

(b). Firearms Either-sex: Fri. after Thanksgiving Day for 2 days.

(c). Firearms Bucks Only: Sun. after Thanksgiving Day and the 4th Sat. of Dec. for 9 days.

(d). Primitive Firearms: Next to last Sat. in Jan. for 2 days.

ii. Small Game and Waterfowl: Same as outside except closed during either-sex firearm seasons for deer, beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the close of primitive firearms to the end of Feb. and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs.

s. Floy Ward McElroy. Access restricted. Contact Monroe Wildlife Field Office at 318-343-4045 for information.

i. Deer

(a). Youth Lottery: 2nd weekend and last consecutive Sat. and Sun. of Dec., and 1st consecutive Sat. and Sun. in Jan., either-sex. Restricted to those selected as a result of the pre-application lottery.

(b). Physically Challenged Wheelchair Confined Lottery: 1st Sat. of Nov. for 2 days, either-sex. Restricted to wheelchair confined PCHP permittees only selected as a result of the pre-application lottery.

(c). Beyond Becoming an Outdoors Woman (BOW) Lottery Deer Hunt: Any weekend after youth lottery hunts. Hunt restricted to those that have successfully completed the Becoming an Outdoors Woman Deer Management Course. Must be Hunter Education certified. Contact LDWF Education Section, 318-343-1241, for more information.

t. Fort Polk-Vernon. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Information on open areas and special ATV regulations can be accessed at the following website: http://www.jrtc-polk.army.mil/hunt2/hunt/default.htm. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps, located at check stations, daily for sudden closures. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lake Charles Office for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer:

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex. Special Archery regulations for Cantonment Area, check locally at Building 2396 on 22nd St., either-sex deer legal the entire season. Remainder of WMA restricted to bucks only when bucks only gun season is in progress.

(b). Primitive Firearms: 2nd Sat. of Oct. for 7 days, Self-Clearing Permit required.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days, and Fri. after Thanksgiving Day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving Day, 2nd Sat. of Dec. to Jan. 1.

ii. Turkey: Same as outside.

(a). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game & Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and except closed to squirrel hunting during the spring season. Hunter Orange or blaze pink must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with

dogs allowed Mon. after Thanksgiving Day for 12 days and Jan. 2 to the last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from beginning of Archery Season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of hunter orange or blaze pink and wear a "Hunter Orange" or "Blaze Pink" cap during special shotgun season for hogs.

v. Fishing: Special regulations pertaining to fishing are posted at specific lakes.

vi. Experimental Hunting Area: Refer to Fort Polk WMA Hunting Map: Small game and squirrel hunting with dogs allowed Mon. after Thanksgiving Day to last day of Feb. in Mill Creek 2 Alpha (MC2A) and Mill Creek 2 Bravo (MC2B) Mill Creek Unit. This area will be closed to deer and hog hunting during this time.

u. Grassy Lake. Area Closed: To all except Youth Deer Hunters during Youth Deer Hunt.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth: Last Sat. of Oct. for 2 days.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 4th Sat. of Dec. for 9 days.

(e). Primitive Firearms (either-sex): 2nd Saturday of Dec. for 2 days.

ii. Turkey: Opening day of statewide season for 9 days, except season will open for 10 days when statewide season opens Good Friday.

(a). Youth Lottery: Sat. before opening day of statewide season for 1 day.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and Open to squirrel hunting during the spring season 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.
Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Sport Fishing: Same as outside except permitted only after 2 p.m. during waterfowl season on Smith Bay, Red River Bay and Grassy Lake proper.

v. 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 Spring Bayou Headquarters or Lafayette Field Office.

vi. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days, day after primitive firearms season ends for 12 days, and day after bucks only firearm season ends to the last day of Feb.

vii. Crawfishing: March 15-July 31. Recreational only. 100 pounds per person daily. No nets or traps may be left overnight.

v. Hutchinson Creek.

i. Deer: Same as outside, Archery Only, Either-sex.

ii. Turkey: Same as outside.

iii. Small Game and Waterfowl: Same as outside. Open to squirrel hunting during the spring season 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1st Sat. of Jan to the last day of Feb.

iv. Raccoon: 2nd Sat. of Sept. for 16 days and 1st Sat. of Jan to the Last day of Feb.

w. J. C. Sonny Gilbert. Area Closed: Last Sat. of Oct. for 2 days to all except Youth Deer Hunters.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, self-clearing permit.

(d). Firearms Bucks Only: 1st Sat. of Dec. for 14 days.

(e). Primitive Firearms: Day after close of Firearms Bucks Only for 14 days.

ii. Turkey

(a). General Lottery: Opening day of statewide season for 3 days, 2nd Fri. of April for 3 days, 3rd Fri. of April for 3 days, 4th Fri. of April for 3 days, 1st Fri. of May for 4 days.

(b). Youth Lottery: Sat. before opening day of statewide season. General Lottery (15 Kid Draw, 1 day)

iii. Small Game and Waterfowl: Same as outside except closed during either-sex modern firearms seasons for deer and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to the last day of Feb.

iv. Raccoon (Nighttime): the day after the last deer firearms season (bucks only or primitive) to last day of Feb.

v. Sport Fishing: Restricted to rod and reel, and pole fishing only. All other gear prohibited.

x. Joyce. Swamp Walk: Closed from 30 minutes after sunset to 30 minutes before sunrise. No loaded firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth: 1st Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: 3rd Sat. of Dec. for 16 days.

(e). Primitive Firearms (either-sex): 2nd Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan for 7 days.

ii. Small Game & Waterfowl: Same as outside and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): Day after primitive firearms ends to last day of Feb.

iv. Crawfish: Limited to 100 pounds per person per day.

y. Lake Boeuf. Self-Clearing Permit required for all activities. Self-Clearing Permit available at Theriot Canal boat landing off LA 308. All nighttime activities prohibited. ATVs/UTVs, motorcycles, horses and mules are prohibited.

i. Deer

(a). Archery (bucks only): Oct. 1-15

(b) Archery (either-sex): Oct. 16 - Jan. 31

ii. Waterfowl: Same as outside.

iii. Small Game: Nov. 1 - Feb. 28 and OPEN to squirrel hunting during the spring season, May 5-13, with or without dogs. Beagles prohibited November and December.

z. Lake Ramsey. All vehicles restricted to Parish Roads and designated parking areas.

i. Deer

(a). Archery only, Oct. 1-Jan. 31, either-sex.

ii. Turkey: Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

iii. Small Game & Waterfowl: Same as outside and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. after Jan. 1 to last day of Feb.

iv. Foot traffic only - All vehicles restricted to Parish Roads, except ATVs allowed for hunters retrieving downed deer or feral hogs.

v. Bird Dog Training Area: Open all year except closed during WMA Turkey Season. Contact Hammond Office (985-543-4777) for information.

aa. Little River

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Firearms Bucks Only: Last Sat. of Oct. for 16 days.

(c). Primitive Firearms: Fri. after Thanksgiving Day for 3 days, and 2nd Sat. of Dec. for 2 days.

ii. Turkey: Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

iii. Raccoon

(a). Nighttime: Mon. after 2nd Sat. of Jan. to last day of Feb.

(b). Nighttime Chase Only: May 1-Sept. 25, Tuesdays and Thursdays only. Raccoon hunters may use ATVs on designated trails during take seasons only.

iv. Small Game & Waterfowl: Same as outside except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

bb. Loggy Bayou. Limited Use Area: Small game same as rest of WMA. Deer hunting archery only. See WMA map for specific location.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(c). Primitive Firearms: Mon. after Thanksgiving Day for 7 days.

ii. Small Game and Waterfowl: Same as outside except youth hunt only on opening Saturday of first split of dove season (following regulations for Youth Deer Hunt on WMAs), and except closed during either-sex firearms seasons for deer and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to the last day of Feb.

iii. Raccoon (Nighttime): Sat. before Christmas to the last day of Feb.

cc. Manchac.

i. Deer

(a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either-sex.

ii. Small Game & Waterfowl: Same as outside except steel shot required for rails, snipe and gallinules and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Feb. 1 to the last day of Feb.

iii. Raccoon (Nighttime): Feb. 1 to the last day of Feb.

iv. Crabs: No crab traps allowed. Attended lift nets are allowed.

dd. Marsh Bayou.

i. Deer: Same as outside, Archery Only, Either-sex.

ii. Small Game: Same as outside. Open to squirrel hunting during the spring season 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1st Sat. of Jan to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Feb. 28, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iii. Raccoon: 2nd Sat. of Sept. for 16 days and 1st Sat. of Jan to the Last day of Feb.

ee. Maurepas Swamp. Camping limited to tent camping in designated areas. See WMA map for locations. No loaded firearms or hunting allowed within 100 yards of Nature Trail. Benchmark Closure: Area Closed to all deer hunting when USGS water level gauge CRMS 5373, available at http://waterdata.usgs.gov/la/nwis/rt is at or above 3.0 ft. msl and reopens to deer hunting when water levels recede to 2.5 ft. msl following a closure. Motorized vehicles prohibited on Crusel Tract (see WMA map for Crusel Tract). Limited Use Area: Small game same as outside except shotgun only. Deer hunting archery only. See WMA map for specific location. Area Closed to all hunters except Youth Deer Hunters during Youth Deer Season. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Hammond Office for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons listed below.

i. Deer

(a). Archery: Oct. 1-15 bucks only; Oct. 16-Feb. 15 either sex.

(b). Youth: 1st Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, and Sun. Self-Clearing Permit

(d). Firearms Bucks Only: 3rd Sat. of Dec. for 16 days.

(e). Primitive Firearms: 2nd Sat. of Jan. for 2 days and Mon. after the next to last Sun. of Jan for 7 days.

ii. Small Game & Waterfowl: Same as outside except closed Friday after Thanksgiving Day for 3 days during either-sex firearms hunts and closed during youth deer season and except spring squirrel season will be open the 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms ends to the last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): Day after primitive firearms ends to last day of Feb.

iv. Crawfish: Limited to 100 pounds per person per day.

ff. Pass-A-Loutre. Self-Clearing Permit required for all activities. Permits available at Pass-a-Loutre Headquarters, Camp Canal and all designated camping areas. Oyster harvesting is prohibited. Camping allowed only in designated areas. See self-clearing permit station at headquarters and WMA map for designated camping areas. Vessels/Vehicles: All ATVs/UTVs, motorcycles, horses and mules are prohibited. Mud boats or air-cooled propulsion vessels powered by more than 36 total horsepower prohibited. Operation of mud boats and air-cooled propulsion engines prohibited after 2 p.m. Sept. 1 - Jan. 31, except allowed after 2 p.m. in South Pass, Pass-a-Loutre, Southeast Pass, Loomis Pass, Dennis Pass, and Cadro Pass.

i. Deer

(a). Archery (bucks only): Oct. 1- Feb.15.

(b). Youth Shotgun bucks only: second to last Sat in Oct. for 2 days.

(c). Deer Shotgun: Bucks only may be taken with shotguns with either slugs or buckshot from the day after the first split of the duck season closes for seven days.

ii. Small Game and Waterfowl: Same as outside. Beagles prohibited October through last day of waterfowl season.

iii. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hogs may be taken with the aid of dogs Feb. 16 - March 15. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs.

iv. 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.

gg. Pearl River. Shooting range: Self-clearing permit not required but all range users must obtain a daily check in validation slip at the range upon sign-in at the range. For dates, time or more information call 985-643-3938 or www.honeyisland.org. No loaded firearms or hunting within 100 yards of Boardwalk. All roads closed 8 p.m. - 4:00 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting except waterfowl hunting will be closed when the river stage at Pearl River reaches 16.5 feet. No hunting in the vicinity of the Nature Trail. Observe "No Hunting" signs. Area Closed to all hunters except Youth Hunters during Youth deer hunt

i. Deer:

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Deer Hunt: 1st Sat. of Nov. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: 1st Sat. of Dec. for 16 days.

(e). Primitive Firearms: 2 Sats. prior to Thanksgiving for 7 days and day after firearms bucks only season closes for 14 days.

ii. Turkey:

(a). General Lottery: Opening day of statewide season for 2 days.

(b). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game: Same as outside except closed the Friday after Thanksgiving Day for 3 days during either-sex firearms hunts for deer, and closed during youth deer hunt, and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Waterfowl: Same as outside except no hunting in Waterfowl Refuge Area and except closed Fri. after Thanksgiving for 3 days, and during youth deer hunt north of U.S. Hwy. 90.

v. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vi. Crawfish: Commercial crawfishing prohibited. Limited to 100 pounds per person per day.

hh. Peason Ridge. Self-clearing permit required daily for all activities. All or portions of the area may be closed daily due to military activities. Information on open areas and special ATV regulations can be accessed at the following website: http://www.jrtc-polk.army.mil/hunt2/hunt/default.htm. Hunters are cautioned not to pick up any foreign material or objects while hunting on the WMA. Also, it is mandatory for hunters to check the open area maps, located at check stations, daily for sudden closures.

i. Deer

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex except restricted to bucks only when bucks only gun season is in progress.

(b). Primitive Firearms: 2nd Sat. of Oct. for 7 days. Self-Clearing Permit required.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days, and Fri. after Thanksgiving Day for 3 days, Fri. and Sat. mandatory deer check, Sun. self-clearing permit.

(d). Firearms Bucks Only: Mon. after last Sat. of Oct. to Thanksgiving Day, 2nd Sat. of Dec. to Jan. 1.

ii. Turkey: Same as outside.

(a). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game & Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and except closed to squirrel hunting during the spring season. Hunter orange or blaze pink must be worn when bucks only gun hunts for deer are in progress. Squirrel hunting with dogs allowed Mon. after Thanksgiving Day for 12 days and Jan. 2 to last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from beginning of Archery Season to Jan. 1. Hunters may hunt feral hogs with shotguns loaded with buckshot or slugs from Jan. 2 to the end of Feb. Hunters must also display 400 square inches of hunter orange or blaze pink and wear a "Hunter Orange" or "Blaze Pink" cap during special shotgun season for hogs.

ii. Pointe-Aux-Chenes. All nighttime activities prohibited. Possession of more than one daily limit of fish/crab/shrimp while on the WMA is prohibited. Self-clearing permits available at Grand Bayou Boat Launch and at Point Farm gate behind Montegut Middle School. Parking of vehicles on levees prohibited. Vessels/Vehicles: All boats powered by internal combustion engines having total horsepower above 25 Hp 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, Grand Bayou Blue, St. Louis Canal, and Bayou Pointe-aux-Chenes unless authorized by LDWF. All ATVs/UTVs, motorcycles, horses and mules are prohibited.

i. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of "hunter orange" or "blaze pink" and wear a "hunter orange" or "blaze pink" cap during special shotgun season for feral hogs. All Point-aux-Chenes Property except Point Farm Unit and Restricted Areas

ii. Deer

(a). Archery (bucks only): Oct. 1-15

(b). Archery (either-sex): Oct. 16 - Feb. 15

(c). Firearms (bucks only): Fri. after Thanksgiving Day for 3 days and 2nd Sat. of Dec. for 7 days

iii. Waterfowl: Same as outside except closes at 2 pm.

iv. Small Game: Same as outside except closed during bucks only firearms season and OPEN to squirrel hunting during the spring season, May 5-13, with or without dogs. Beagles prohibited October through December.

v. Recreational Fishing: The harvest of all fish, shrimp, crabs and crawfish is for recreational purposes only and any commercial use is prohibited. All castnet contents shall be contained and bycatch returned to the water immediately.

vi. Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat or vehicle per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 lbs. per boat or vehicle per day (heads on) may be taken for bait.

vii. Oyster Harvesting PROHIBITED.

viii. Fish may be taken only by rod and reel or hand lines for recreational purposes only.

ix. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. No drop net is allowed to be left unattended at any time. A maximum of 12 drop nets may be possessed/attended per boat or vehicle. Twelve dozen crabs maximum are allowed per boat or vehicle per day.

x. Crawfish: may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per person per day. Gear used to catch crawfish shall not remain set overnight.

xi. Point Farm Unit (Pointe-aux-Chenes). An approximately 1,000-acre area inside the Pointe-aux-Chenes WMA which is generally bounded on the west by the double gates behind the Montegut Middle School and the WMA boundary, and on the north by the WMA boundary and Point Farm ridge levee, and is bounded on the east and south by the Point Farm ridge levee. The boundary of Point Farm is more accurately marked with signs. Point Farm gate will be open all Saturdays during the month of February, weather permitting. Parking in designated areas required for mourning dove hunting. No motorized vessels allowed in the drainage ditches. Except for mourning dove hunting, (provided for below) all other hunting activities closed until after the last day of youth deer hunts.

(a). Deer

(i). Youth Lottery (either-sex): 1st Sat. of Oct. for 2 days, 2nd Sat. of Oct. for 2 days, daily youth hunt permit required. Call the Lafayette Field Office, Coastal WMAs, 337-735-8667 for details.

(ii). Archery (either-sex): Oct. 16 – Jan. 14

(b). Waterfowl: closed

(c). Small Game: Same as outside, except closed until the day after the last youth deer hunt day and OPEN to squirrel hunting during the spring season, May 5-13, with or without dogs. Beagles prohibited October and November. Non-toxic shot only south of the dove field gate.

(d). Mourning Dove: Hunting will be permitted each day during the September split and each day of the second and third splits (AFTER the last youth deer hunt day). Shooting hours will be from 1/2 hour before sunrise until sunset, except opening day of the first split, which will be 12:00 pm (noon) until sunset. Gates will be opened on Saturdays during the first and second segments, weather permitting, except during waterfowl season and Youth Deer Hunt weekends. Parking will be allowed in designated areas only. Non-toxic shot only south of the dove field gate.

jj. Pomme de Terre. Area Closed: To all except Youth Deer Hunters during Youth Deer Hunt.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(e). Primitive Firearms: Day after firearms bucks only season ends for 7 days.

ii. Turkey: 4th Sat. of April for 9 days.

(a). Youth Lottery: 3rd Sat. of April for 2 days.

iii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms hunt for deer and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after Thanksgiving for 21 days, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

v. Commercial Fishing: Permitted Monday through Friday except closed during duck season. Commercial Fishing Permits available from area supervisor, Lafayette Wildlife Field Office or Spring Bayou Headquarters.

vi. Sport Fishing: Same as outside except allowed only after 2 p.m. only during waterfowl season.

vii. Crawfish: March 15-July 31. Recreational only. 100 lbs. per person daily. No nets or traps may be left overnight.

kk. Richard K. Yancey. Area closed on that portion of the area south of Black Hawk Acme Levee Road, west of LA Hwy. 15, southward to Old River Control Structure, thence south to Sugar Mill Chute, last Sat. of Oct. for 2 days to all except Youth and Physically Challenged Deer Hunters. The remainder of the WMA is open to all users.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth Lottery: 3rd & 4th Sat of Dec. except if the 4th Sat. is Christmas Day, then the hunt will be the 2nd & 3rd Sat. of Dec. and the 1st and 2nd Sat. in Jan except when the 1st Sat. of Jan. is New Year's Day then the hunt will be the 2nd & 3rd Sat. of Jan., either-sex.

(c). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(e). Firearms Bucks Only: Last Sat. of Dec. for 9 days.

(f). Primitive Firearms (Either-Sex): 2nd Saturday in December for 2 days.

ii. Turkey: Opening day of statewide season for 9 days except season will open for 10 days when statewide season opens on Good Friday.

(a). Youth Lottery: Sat. before opening day of statewide season for 2 days, except when that Sat. falls on Easter weekend, then season will open on Good Friday for 3 days.

iii. Small Game and Waterfowl: Same as outside except closed during the either-sex firearms season and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks only season ends to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after Thanksgiving for 12 days, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Quail: Closed.

v. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after firearms bucks only season ends to last day of Feb.

vi. Recreational crawfishing allowed west of the Mississippi River Levee only Mar. 15 to July 31, recreational crawfishing only. Crawfish harvested limited to 100 pounds per person per day. No traps left overnight. No motorized watercraft allowed.

vii. Sport Fishing and Commercial Fishing: Same as Outside except closed from 30 minutes before sunrise until 2 p.m. on: Grand Bay, Silver Lake, Lower Sunk Lake, Lac A' Sostien, Moreau Lake, and Hog Pen Lake during open waterfowl seasons.

ll. Russell Sage. AREA closed: Last Sat. of Oct. for 2 days South of I-20 only to all except Youth and Physically Challenged Deer Hunters. North of I-20 open to all other allowable activities. Wham Brake: September 1-Jan. 31 all motorized vessels prohibited 2 p.m. - 4 a.m., and all nighttime activities prohibited during open waterfowl season. Waterfowl Refuge: North of LA Highway 15 closed to all hunting, fishing, trapping and ATV use during duck season including early teal season, except hunting allowed during Falconry Waterfowl Season. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided. Chauvin Tract: All season dates on Chauvin Tract (US 165 North) same as outside, except still hunt only, except deer hunting restricted to archery only, and except small game shotgun only. All vehicles including ATVs prohibited. Wham Brake Area: Waterfowl hunting open during either-sex deer season.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex, south of I-20 only.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit.

(d). Firearms Bucks Only: 2nd Sat. of Dec. for 14 days.

(e) Primitive Firearms: Monday after Firearms Bucks Only season for 7 days.

ii. Small Game and Waterfowl: Same as outside except closed during either-sex firearms deer seasons, except Wham Brake area, South Bosco Tract and Pintail Alley area will remain open during either-sex firearms deer seasons, and except spring squirrel season will be open the 1st Sat. of

May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting the day after the last deer firearms season (bucks only or primitive) to last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel Mon. after 3rd Sat. of Oct.-Sun. prior to Thanksgiving, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31. Snipe hunting after 2 p.m. prohibited during duck season. Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iii. Raccoon (Nighttime): 1st Sat. of Sept. for 16 days and the day after the last deer firearms season (bucks only or primitive) to last day of Feb.

iv. Crawfish: 100 pounds per person per day limit.

mm. Sabine. Area Closed: That portion designated as the Physically Challenged Deer Hunting Area is closed to all activities the Fri. before 3rd Sat. of Oct. for 3 days to all but Physically Challenged Deer Hunters. Remainder of area closed to all activities 3rd Sat. of Oct. for 2 days to all but Youth Deer Hunters. Physically Challenged Deer Hunt limited to those chosen by lottery. Contact LDWF Pineville Field office for details.

i. Deer

(a). Archery: Oct. 1-Jan. 31, either-sex.

(b). Youth and Physically Challenged: 3rd Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: 4th Sat. of Oct. for 2 days, Mandatory Deer Check, Fri. after Thanksgiving Day for 3 days, Self-clearing Permit.

(d). Firearms Bucks Only: day after primitive firearm season to day before Thanksgiving Day. First Sat. of December for 9 days.

(e). Primitive Firearms: Monday after the 4th Sat. in Oct for 7 days.

ii. Turkey

(a). General Lottery: 2nd Fri. of April for 3 days, 4th Fri. of April for 3 days.

iii. Small Game & Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting Sat. before Christmas to last day of Feb.

iv. Raccoon (Nighttime): Sat. before Christmas to last day of Feb.

nn. 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. Self-Clearing Permits required for hunters only. Area Closed: 4th Sat. of Sept. for 2 days to all except Youth Deer Hunters.

i. Deer

(a). Same as Area 8 Deer Season except still hunt only.

(b). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex.

(c). Youth: 4th Sat. of Sept. for 2 days, either-sex.

ii. Small Game and Waterfowl: Same as outside except closed 4th Sat. of Sept. for 2 days and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Squirrel hunting with dogs allowed day after Area 8 deer season ends to last day of Feb.

iii. Raccoon (Nighttime): Day after Area 8 deer season ends to last day of Feb.

iv. Feral Hogs: May be taken by properly licensed hunters from 3rd Sat. of Sept. to last day of Feb. Hogs may be taken with the aid of dogs Feb. 1 to last day of Feb.

oo. Salvador/Timken. Self-Clearing Permit required for all activities. Permits available at Pier 90, Bayou Gauche, Bayou Segnette State Park landings, and at Airboat Adventures in Lafitte. Vessels/Vehicles: All ATVs/UTVs, motorcycles, horses and mules prohibited. Use of mud boats powered by internal combustion engines with more than four cylinders is prohibited. 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. AREA closed: During the month of October to all activities except fishing, Youth Deer Hunters and Youth Waterfowl Hunters, if the latter is provided for.

i. Deer

(a). Archery (either-sex): Nov. 1 - Jan. 31

(b). Youth (either-sex): Last 4 Sats. of Oct. for 2 days each except when the last Sat. is the 31st in which case the season will be the 1st four Sats. of Oct. for 2 days each, either sex.

(c). Firearms (either-sex): Fri. before Thanksgiving Day for 3 days.

(d). Firearms (bucks only): Mon. before Thanksgiving Day for 28 days.

(e). Deer Primitive Firearms (either-sex): Day after Firearms Bucks Only for 7 days.

ii. Waterfowl: Same as outside.

iii. Small Game: Same as outside except closed October through December. Beagles allowed for rabbits Jan. 1 - Feb. 28.

iv. Feral Hogs: May be taken by properly licensed hunters from Oct. 1 to the last day of February. In addition, hunters may hunt feral hogs with archery equipment, shotguns loaded with buckshot or slugs, or rimfire rifles no larger than .22 caliber from Feb. 16 - March 31. Hunters must also display 400 square inches of “hunter orange” or “blaze pink” and wear a “hunter orange” or “blaze pink” cap during special shotgun season for feral hogs.

v. Recreational Fishing: The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited.

vi. Shrimp: may be taken by the use of cast nets only. During the inside open shrimp season, 25 lbs. per boat per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 lbs. per boat per day (heads on) maximum may be taken for bait. All castnet contents shall be contained and bycatch returned to the water immediately.

vii. Fish: may be taken only by rod and reel or hand lines for recreational purposes.

viii. 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.

ix. Crawfish: may be harvested in unrestricted portions of the WMA and shall be limited to 100 lbs. per

person per day. Fishing gear used to catch crawfish shall not remain set overnight.

x. Experimental Nighttime Activity Season:

(a). 12 a.m., June 1 through official sunrise Aug. 15. Nighttime activities LIMITED to the take of frogs and fishing with a rod and reel. All other nighttime activities prohibited. Daily limit of 50 frogs per vessel in aggregate (bull frogs/pig frogs). If engaged in frogging on or while traversing the WMA, all frogs in possession will be deemed to have been taken from the WMA. At no time may anyone possess more than one daily limit of frogs while on the water.

(b). Size Limit: (Measured from the tip of the muzzle to the posterior end of the body between the hind legs). Bull frogs harvested must be 5 inches or larger. Pig frogs harvested must be 3 inches or larger.

(c). Check out portion of self-clearing permit must include boat registration number under the comments section. Possession of firearms while participation in any experimental nighttime activity is prohibited.

pp. Sandy Hollow. No hunting with any firearm south of Jackson Road, except school board tract, on days of scheduled field trials. Dates of field trials are listed on the check stations or can be obtained from the Hammond office (985-543-4777). Area Closed: North tract closed to all hunters 1st Sat. of Nov. for 2 days, except Youth and Physically Challenged Deer Hunters.

i. Deer

(a). Youth/Physically Challenged: 1st Sat. of Nov. For 2 days, either-sex, North Tract only.

(b). Archery: Oct. 1-Jan. 31, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, and 3rd Sat. of Dec. for 2 days.

(d). Primitive Firearms: 2nd Sat. of Dec. for 7 days, 4th Sat. of Dec. for 7 days, and the 1st Sat. of Jan. for 2 days.

ii. Turkey: Opening day of statewide season for 16 days, except season will open for 17 days when statewide season opens Good Friday.

iii. Small Game and Waterfowl: Same as outside except closed Fri. after Thanksgiving for 3 days and Youth/Physically Challenged hunt, and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days. On that portion designated as Small Game Emphasis Area, training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon (Nighttime): Day after primitive firearms season ends to last day of Feb.

v. Mourning Dove: 1st day and 2nd Sat. through end of 1st split. Closed remainder of 1st split. Second and third splits are same as outside except Youth Hunt on Northern tract during the opening day of the first segment. Hunt restricted to youths younger than 18 years of age and supervising adult who must be 18 years of age or older. The supervising adult must maintain visual and voice contact with the youth at all times.

vi. Bird Dog Training: Mon. after opening day of Mourning Dove Season to the Sun. before opening of Quail Season and Feb. 1 to last day of Feb., except restricted to that portion south of LA Hwy. 10 only and except blank pistols only. Wild birds only (use of pen-raised birds prohibited).

vii. Bird Dog Training Area: An area has been designated to allow use of released birds for dog training purposes. Open all year except closed during either-sex modern firearm hunts for deer, WMA turkey season and opening weekend of the 1st segment of dove season. Contact Hammond Office (985-543-4777) for information.

viii. Bird Dog Field Trials: Permit required from Hammond Office.

ix. Horseback Riding: Self-clearing Permit required. Organized trail rides prohibited. Riding allowed only on designated roads and trails (see 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. Horse-drawn conveyances prohibited.

qq. Sherburne. The area known as the South Farm is located on the East Side of Sherburne WMA. No hunting will be allowed except specified lottery hunts, within the levee system of the farm from the Fri. before the 1st lottery youth deer hunt on the South Farm until the day after the last lottery duck hunt on the South Farm. Waterfowl hunting will be allowed by lottery only during the open regular duck hunting season. Hunting will be allowed in the wooded portions east of the waterfowl impoundments. Consult the WMA maps for exact locations. No hunting allowed within the levee system of the farm. Area Closed: Last Sat. of Oct. for 2 days except to Youth and Physically Challenged Deer Hunters and South Farm closed to all hunters except youth lottery deer hunters. Physically Challenged Wheelchair Confined Deer Hunting Area: Access restricted. Check WMA map for location and call Lafayette or Baton Rouge Offices for details and applications. Hunting by reservation for wheelchair confined PCHP permittees only. Same deer seasons as listed below. Physically Challenged Wheelchair Confined Waterfowl Hunting Area: Access restricted. Call Lafayette or Baton Rouge Offices for further details. Hunting by reservation for wheelchair confined PCHP permittees only.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth and Physically Challenged: Last Sat. of Oct. for 2 days, either-sex, ALL OTHER SEASONS closed. Self-Clearing Permit.

(c). Youth Lottery: Last Sat. and Sun. of Oct., 4th Mon. of Dec., and 1st and 2nd Sun. of Jan. except no hunt on Christmas Day or Christmas Eve, either-sex. Contact Lafayette office, 337-262-2080 for details and applications.

(d). Firearms Either-sex: Fri. after Thanksgiving Day for 2 days Mandatory Deer Check and Sun. after Thanksgiving, Self-Clearing Permit, and 2nd Fri. after Thanksgiving for 10 days, Self-Clearing Permit.

(e). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(f). Primitive Firearms: Mon. after close of Firearms Bucks only for 7 days.

ii. Turkey: Mon. after 3rd Sat. of April for 3 days.

(a). General Lottery: 3rd Sat. of April for 2 days.

(b). Youth Lottery: 2nd Sat. in April

iii. Small Game: Same as outside except closed during Firearms Either-Sex Deer and except spring squirrel season will be open the 1st Sat. of May for 9 days only, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

(b). On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Oct. 31, and Mon. after close of 2nd firearms either-sex deer season for 9 days, except closed last Sat. of Oct. for 2 days, and training of beagles for rabbit and dogs for squirrel allowed June 1-August 31.

iv. Waterfowl, Snipe, Rail, & Gallinules: Same as outside except closed during Firearms Either-Sex Deer and except hunting after 2 p.m. prohibited except no hunting in Waterfowl Refuge. That portion of Sherburne WMA known as the South Farm restricted to Lottery hunts only. South Farm waterfowl hunting limited to one hunt per calendar week per person. All other hunting closed on South Farm complex from the Friday before Youth Lottery Deer Hunt until the day after the last Waterfowl hunt on the South Farm. Contact the Wildlife Field Office for details and description of "South Farm."

(a). Youth Waterfowl Lottery: Contact Lafayette Office for details and applications.

(b). Disabled Veterans Waterfowl Lottery: Contact Lafayette Office for details and applications.

v. Quail: closed

vi. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

vii. Crawfishing: March 15-July 31, Recreational crawfishing only. Crawfish harvest limited to 100 pounds per person per day. No traps or nets left overnight. No motorized water craft allowed on farm complexes. Retriever training allowed on selected portions of the WMA. Contact the Wildlife Field office for specific details.

viii. Vehicular traffic prohibited on East Atchafalaya River levee within Sherburne WMA boundaries.

ix. Rifle and Pistol Range open daily. Skeet ranges open by appointment only, contact Hunter Education Office, telephone 225-765-2931. No trespassing in restricted areas behind ranges.

Note: Atchafalaya National Wildlife Refuge and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area.

x. Bird Dog Training Area: Open to bird dog training all year except closed during either-sex modern firearm hunts for deer, WMA turkey season, and opening weekend of 1st and 2nd segments of dove season.

rr. Soda Lake. Bicycles allowed. Vehicle parking allowed only in designated parking area on LA 173 at Twelve Mile Bayou and LA 169 adjacent to levee. All trapping and hunting prohibited except:

i. Deer

(a). Archery Only, Oct. 1-Jan. 31, either-sex.

ii. Small Game: Portion West of Twelve Mile Bayou same as outside, falconry only and open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, Falconry only. Portion east of Twelve Mile Bayou open same as outside. Beagles allowed for rabbits and dogs allowed for squirrel Sat. before Christmas to end of Feb. Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs.

ss. Spring Bayou. Area Closed: Last Sat. of Oct. for 2 days to all except Youth Deer Hunters. No hunting allowed in Headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and Regulations posted at campsite. A fee is assessed for use of this campsite. Water skiing permitted only in Old River and Grand Lac.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either sex.

(b). Youth: Last Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-sex: Fri. after Thanksgiving Day for 3 days, Self-Clearing Permit.

(d). Firearms Bucks Only: 4th Sat. of Dec. for 16 days.

(e). Primitive Firearms: Mon. after close of Firearms Bucks only for 7 days.

ii. Turkey

(a). Youth Lottery: 4th Sat. of April for 2 days.

iii. Small Game & Waterfowl: Same as outside except small game closed during either-sex firearms hunts for deer. Waterfowl to remain open during either-sex firearms hunts for deer. Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): 2nd Sat. of Sept. for 16 days and day after primitive firearms season ends to last day of Feb.

v. Commercial Fishing: Gill nets and trammel nets 3.5 inches and greater permitted Monday through Friday except slat traps and hoop nets permitted any day. The take and possession of grass carp is prohibited. Permits available from area supervisor or Lafayette Wildlife Field Office. closed until after 2 p.m. during waterfowl season.

vi. Sport Fishing: Same as outside except only allowed after 2 p.m. during waterfowl season, except during early TEAL SEASON, recreational fishing allowed after 10 a.m.

vii. Crawfish: March 15-July 31. Recreational only, 100 lbs. per person per day.

tt. Tangipahoa Parish School Board. Self-Clearing Permits required for all activities. No horseback riding during gun season for deer or turkey. ATVs are not allowed except as otherwise specified.

i. Deer: Same as outside.

ii. Turkey: Same as outside.

iii. Small Game & Waterfowl: Same as outside and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after primitive firearms season ends to the last day of Feb.

iv. Raccoon (Nighttime): Day after primitive firearms season ends to last day of Feb.

uu. Thistlethwaite. Restricted Area: Small game hunting allowed with shotgun only loaded with shot no larger than BB lead or F steel. Deer hunting allowed by archery only. Area Closed: Last Sat. of Oct. for 2 days, except to Youth Deer Hunters. All motorized vehicles restricted to improved roads only. All users must enter and leave through Main Gate only.

i. Deer

(a). Archery: Oct. 1-15 bucks only, Oct. 16-Feb. 15 either-sex.

(b). Youth Deer Hunt: Last. Sat. of Oct. for 2 days, either-sex.

(c). Firearms Either-Sex: Fri. after Thanksgiving Day for 3 days, 1st Saturday of Dec. for 9 days, and 4th Saturday of Dec. for 2 days.

(d). Firearms Bucks Only: Monday after the last Either-Sex Firearm hunt in Dec. for 14 days.

(e). Primitive Firearms: 2nd Saturday in November for 2 days and Monday after close of Firearms Bucks Only for 7 days.

ii. Small Game & Waterfowl: Same as outside except closed during either-sex firearms hunts for deer and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting February 1-28.

vv. Tunica Hills. Area Closed Sat. before opening day of statewide turkey season except youth turkey hunters and all weekends in April except turkey hunters. Area Closed: 1st Sat. of Nov. for 2 days to all except Youth Deer Hunters. Camping limited to tents only in designated areas.

i. Deer

(a). Archery: Oct. 1-15, bucks only, Oct. 16-Jan. 31, either sex.

(b). Youth Hunt: 1st Sat. of Nov. for 2 days, either-sex.

(c). Primitive Firearms: Fri. after Thanksgiving Day for 3 days, Fri. and Sat. Mandatory Deer Check, Sun. Self-Clearing Permit, either-sex, 2nd Sat. of Dec. for 9 days, except when there are 5 Sats. in Dec. then it will open on the 3rd Sat. of Dec., the initial Sat. and Sun. either-sex and mandatory deer check, the remaining 7 days bucks only, self-clearing permit.

ii. Turkey: Mon. after 3rd Sat. of April for 7 days.

(a). General Lottery: Opening day of statewide season for 2 days, 2nd Sat. of April for 2 days, 3rd Sat. of April for 2 days.

(b). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game and Waterfowl: Same as outside except closed during Youth Deer Hunt and Primitive Firearms Deer Hunt and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs, South Tract only. Beagles allowed for rabbits and dogs allowed for squirrel hunting 3rd Saturday of Oct. for 7 days and Feb. 1 to last day of Feb. on South Tract only. On that portion designated as Small Game Emphasis Area (South Tract Only), training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon (Nighttime): Feb. 1 to last day of Feb. on South Tract only.

ww. Walnut Hills.

i. Deer: Same as outside, Archery Only, Either-sex.

ii. Turkey: Same as outside.

iii. Small Game: Same as outside. Open to squirrel hunting during the spring season 1st Sat. of May for 9 days. Beagles allowed for rabbits and dogs allowed for squirrel hunting 1st Sat. of Jan to the last day of Feb. On that portion designated as Small Game Emphasis Area, beagles are allowed for rabbit and dogs are allowed for squirrel 1st Sat. of Oct.-Feb. 28, and training of beagles for rabbit and dogs for squirrel allowed June 1- August 31.

iv. Raccoon: 2nd Sat. of Sept. for 16 days and 1st Sat. of Jan to the Last day of Feb.

xx. West Bay. Area Closed: Next to last Sat. of Oct. for 2 days to all except Youth and Physically Challenged Deer Hunters. Limited USE Area: Small game same as outside except shotgun only and deer hunting - Archery only. See WMA map for specific location.

i. Deer

(a). Archery: 3rd Sat. of Sept. to Jan. 15, either-sex.

(b). Youth & Physically Challenged: Next to last Sat. of Oct. for 2 days, either-sex, for physically challenged and youth hunters only.

(c). Firearms Either-sex: Last Sat. of Oct. for 2 days Mandatory Deer Check and Fri. after Thanksgiving Day for 3 days, Self-Clearing.

(d). Firearms Bucks Only: Mon. after close of Primitive Season to Thanksgiving Day, and 2nd Sat. of Dec. to Jan. 1.

(e). Primitive Firearms: Mon. after 1st either-sex firearms weekend for 7 days.

ii. Turkey:

(a). General Lottery: Opening day of statewide season for 2 days, 2nd Sat. of April for 2 days, 3rd Sat. of April for 2 days.

(b). Youth Lottery: Sat. before opening day of statewide season.

iii. Small Game & Waterfowl: Same as outside except closed during either-sex firearms hunts and Open to squirrel hunting during the spring season, 1st Sat. of May for 9 days, with or without dogs. Beagles allowed for rabbits and dogs allowed for squirrel hunting day after firearms bucks only season closes to last day of Feb.

(a). Youth Squirrel Hunt: 4th Sat. of Sept. for 2 days.

iv. Raccoon (Nighttime): Day after firearms bucks only season closes to last day of Feb.

18. Other Areas

a. Camp Avondale Scout Reservation

i. Deer

(a). Firearms Either-sex: 2nd Sat. in November for 3 days. Restricted to scout program.

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), LR 36:1566 (July 2010), LR 37:2190 (July 2011), LR 38:1732 (July 2012), LR 39:2292 (August 2013), LR 40:1540 (August 2014), LR 41:963 (May 2015), LR 42:1112 (July 2016), LR 43:1423 (July 2017), LR 44:1277 (July 2018), LR 45:938 (July 2019).

§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, motorized decoys and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzleloading shotguns, using shot not larger than #2 lead, #2 non-toxic, 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. Hunters may report turkeys by calling the validation phone number or using the validation website.

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. Youths 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, except properly licensed youths 16-17 years old and youths 12 years old or older who have successfully completed a hunter safety course may hunt without a supervising adult. 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 two.

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 Feliciana (including Raccourci Island);
xix. 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 US 190 east of Kinder, west of US 165 south of Kinder;

ii. Calcasieu—north of I-10;

iii. Caldwell—west of Ouachita River southward to Catahoula Parish line;

iv. 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;

v. 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;

vi. Franklin—that portion lying east of LA 17 and east of LA 15 from its juncture with LA 17 at Winnsboro;

vii. 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;

viii. 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;

ix. 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;

x. Ouachita—all west of the Ouachita River. That portion east of the Ouachita River lying north of US 80;

xi. Richland—that portion south of US 80 and east of LA 17;

xii. 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. Ascension;
ii. Bossier;
iii. DeSoto;
iv. Red River;
v. St. Tammany;
vi. Washington;
vii. Webster.

b. Portions of the following parishes are open:

i. Caddo—all except that portion north of I-20 from the Texas state line to I-220. west of I-220 to LA 1. west of LA 1 to Caddo Lake, south of Caddo Lake to the Texas state line;

ii. East Carroll—east of US 65 from Arkansas state line to Madison Parish line;

iii. Iberville—all east of the Mississippi River;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

3. Area C

a. All of the following parishes are open:

i. Concordia;
ii. Pointe Coupee;

Exception: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries.

iii. West Baton Rouge.

b. Portions of the following parishes are open:

i. 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;

ii. Caldwell—all east of the Ouachita River;

iii. Catahoula—all of the parish except for that portion located in area A;

iv. Franklin—west of LA 17 from the Richland Parish line southward to Winnsboro, west of LA 15 southward to the Catahoula Parish line;

v. Iberville—west of the Mississippi River

Exception: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries.

vi. Iberia—east of the west Atchafalaya Basin protection levee;

vii. 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;

viii. 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.

ix. 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;

x. Upper St. Martin—all within the Atchafalaya Basin; in addition, that area bounded on the North by LA 352; on the West by LA 349, to LA 3039, to LA 347, to the

Catahoula Hwy. (LA 96), to LA 679, to LA 345; and on the south by LA 3242;

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.

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, shooting range use, and fishing on the day(s) of the youth hunt.

2. Rules Specific to Certain WMAs

a. Sandy Hollow. No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

b. Sherburne. All turkeys taken must be checked at the WMA headquarters.

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 35:2478 (November 2009), LR 36:2581 (November 2010), LR 37:3535 (December 2011), LR 38:2941 (November 2012), LR 40:96 (January 2014), LR 40:1554 (August 2014), LR 41:977 (May 2015), LR 42:1127 (July 2016), LR 43:1426 (July 2017), LR 44:1303 (July 2018), LR 45:964 (July 2019).

§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 spring WMA lottery hunts.

B. Turkey season will open on the first Saturday in April. 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. On those years when the first Saturday in April falls the day before Easter, then the season will open the Friday before the first Saturday in April.

C. Statewide youth turkey and physically challenged season on private lands shall be the weekend prior to the start of the regular turkey season. On those years when the weekend prior to the start of regular turkey seasons falls on Easter weekend, then the youth and physically challenged season will open on Good Friday.

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 29:2512 (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 35:2481 (November 2009), LR 36:2583 (November 2010), LR 37:3541 (December 2011), LR 38:2944 (November 2012), LR 40:99 (January 2014), LR 40:1556 (August 2014), LR 41:980 (May 2015), LR 42:1129 (July 2016), LR 43:1426 (July 2017), LR 44:1306 (July 2018), LR:966 (July 2019).

§117. Migratory Bird Seasons, Regulations, and Bag Limits

A. Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	South Zone: Sept. 7-Sept. 15 Oct. 12-Nov. 17 Dec. 19-Jan. 31 North Zone: Sept. 7-Sept. 29 Oct. 12-Oct. 17 Dec. 28-Jan. 26	15 (in aggregate)	45 (in aggregate)
Woodcock	Dec. 18-Jan. 31	3	9
Teal (Blue-winged, Green-winged and Cinnamon)	Sept. 14-Sept. 29	6	18
King and Clapper Rails	Sept. 14-Sept. 29 Nov. 9-Jan. 1	15 (in aggregate)	45 (in aggregate)
Sora and Virginia Rails	Sept. 14-Sept. 29 Nov. 9-Jan. 1	25 (in aggregate)	75 (in aggregate)
Gallinules	Sept. 14-Sept. 29 Nov. 9-Jan. 1	15	45
Snipe	Coastal Zone: Nov. 2-Dec. 8 Dec. 21-Feb. 28 West Zone: Nov. 2-Dec. 8 Dec. 21-Feb. 28 East Zone: Nov. 2-Dec. 8 Dec. 21-Feb. 28	8	24
Ducks, Coots and Mergansers	Coastal Zone: Nov. 2-3 (youth only) Nov. 9-Dec. 8 Dec. 21-Jan.19 West Zone: Nov. 9 (youth only) Nov. 16-Dec. 8 Dec. 21-Jan. 26 Feb. 1 (youth hunt) East Zone: Nov. 16 (youth only) Nov. 23-Dec. 8 Dec. 14-Jan. 26 Feb. 1 (youth only)	Daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 of which may be females), 2 canvasbacks, 1 mottled duck, 1 black duck, 3 wood ducks, 3 scaup, 2 redheads, and 1 pintail. Daily bag limit on coots is 15. Daily bag limit on mergansers is 5, only 2 of which may be hooded mergansers. Merganser limits are in addition to the daily bag limit for ducks.	Three times the daily bag limit.

Species	Season Dates	Daily Bag Limit	Possession Limit
Light Geese (Snow, Blue, and Ross') and White-Fronted Geese	North Zone: Nov. 2-Dec. 8 Dec. 21-Feb. 9 South Zone: Nov. 2-Dec. 8 Dec. 21-Feb. 9	Daily bag limit on Light Geese (snow, blue, and ross') is 20. Daily bag limit on White-Fronted Geese is 2.	No possession limit on Light Geese (snow, blue, and ross') Possession limit on White-Fronted Geese is 6.
Canada Geese	North Zone: Nov. 2-Dec. 8 Dec. 21-Jan. 31 South Zone: Nov. 2-Dec. 8 Dec. 21-Jan. 31	1	3

B. Conservation Order for Light Geese Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit	Possession Limit
Light Geese (Snow, Blue, and Ross')	North Zone: Dec. 9-Dec. 13 Feb. 10-Mar. 15 South Zone: Dec. 9-Dec. 13 Feb. 10-Mar. 15	No daily bag limit.	No possession limit.

C. Extended Falconry Seasons and Bag Limits

Species	Season Dates	Daily Bag Limit
Mourning and White Winged Doves and fully-dressed Eurasian and Collared Doves	Sept. 15-Oct. 1	Falconry daily bag and possession limit for all permitted migratory game birds must not exceed 3 and 9 birds, respectively, singly or in aggregate, during the extended falconry seasons and regular hunting seasons.
Woodcock	Nov. 4-Jan. 31	
Rails and Gallinule	Nov. 4-Jan. 31	
Ducks	Nov. 4-Jan. 31	

D. Dove Hunting Regulations

1. Shooting hours one-half hour before sunrise to sunset except on opening day of the first split on wildlife management areas and on fields leased through the LDWF experimental dove field leasing program, where hunting will be from 12 p.m. to sunset, except for Elbow Slough Wildlife Management Area which will be open one-half hour before sunrise to sunset.

2. There is no bag limit on Eurasian collared-doves or Ringed Turtle-doves provided that a fully feathered wing and head remain attached to the carcass of the bird. Fully dressed Eurasian collared-doves and ringed turtle doves (those without a fully feathered wing and head naturally attached to the carcass) shall be included in the aggregate bag.

3. The following boundary divides the dove season zones: beginning at the Texas-Louisiana order on LA Hwy. 12; thence east along LA Hwy 12 to its intersection with U.S. Hwy 190; thence east along U.S. Hwy 190 to its intersection with I-12; thence east along I-12 to its intersection with I-10; then east along I-10 to the Mississippi state line.

E. Snipe Hunting Regulations. Shooting hours one-half hour before sunrise to sunset, except at the Spanish Lake recreation area in Iberia Parish where shooting hours, including the conservation end at 2 p.m.

F. Conservation Order for light geese. Only snow, blue, and Ross' geese may be taken under the terms of the conservation order. Electronic calls and unplugged shotguns allowed. No daily bag or possession limit. Shooting hours one-half hour before sunrise until one-half hour after sunset.

G. Canada Goose Season Closure. The Canada goose season will be open statewide except for a portion of southwest Louisiana described as follows: beginning at the Texas State Line, proceeding east along LA Hwy. 82 to the Calcasieu Ship Channel, then north along the Calcasieu Ship Channel to its junction with the Intracoastal Canal, then east along the Intracoastal Canal to its juncture with LA Hwy. 82, then south along LA Hwy. 82 to its juncture with Parish Road 3147, then south and east along Parish Road 3147 to Freshwater Bayou Canal, then south to the Gulf of Mexico, then west along the shoreline of the Gulf of Mexico to the Texas State Line, then north to the point of beginning at LA Hwy. 82. Open waters of Lake Arthur and the Mermentau River, from the Hwy 14 bridge southward, will also be closed.

H. Statewide Youth Waterfowl Season Regulations. Only youths 17 years of age or younger may hunt. Youth must possess a hunter safety certification or proof of successful completion of a hunter safety course. Youths 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. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times.

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 42:1130 (July 2016), amended LR 43:1427 (July 2017), LR 441306 (July 2018), LR 45:966 (July 2019).

Jack Montoucet
Secretary

1907#014

Notices of Intent

NOTICE OF INTENT

Department of Children and Family Services
Economic Stability Section

Public Assistance Programs (LAC 67:III.Chapter 12, 1503, Chapter 19, 2005, and Chapter 53)

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953(A), the Department of Children and Family Services (DCFS) proposes to amend the *Louisiana Administrative Code* (LAC), Title 67, Part III Economic Stability.

Pursuant to the authority granted to the department by the Food and Nutrition Act of 2008 in accordance with federal regulations for the Supplemental Nutrition Assistance Program (SNAP) in 7 CFR and Louisiana's Temporary Assistance for Needy Families (TANF) Block Grant, the department considers these amendments necessary to clarify or adopt rules that govern Economic Stability programs.

Subpart 2 Family Independence Temporary Assistance Program, Section 1201 is being amended to clarify that the application date shall be the workday following the date of receipt if applications are received after 4:30 p.m. central time. Section 1203 is being amended to clarify that children receiving foster care payments may not be included in the filing unit. Section 1205 is being amended to remove reference to mailing a payment. Section 1207 and 1209 are being amended to correct typographical errors. Section 1249 is being amended to no longer require the drug assessment referral packet to include a photograph. Section 1257 is being amended to maintain compliance with 7 CFR §273.12(a), which shall adjust change report thresholds annually based on fluctuations in the Consumer Price Index. Section 1503 is being amended to update the inadvertent household error and administrative error claim threshold for nonparticipating households.

Subpart 3 Supplemental Nutritional Assistance, Section 1935 is being amended to maintain compliance with 7 CFR 273.7(e), which revised the description of acceptable employment and training education components to ensure that exceptions to the prohibition on student SNAP eligibility focus appropriately on educational programs that deliver skills needed for the current job market. Section 1957 and 1991 are being amended to maintain compliance with 7 CFR 273.10(e)(2)(ii)(C), which removed the requirement for three or more members entitled to allotments of $1, $3, and $5 to be issued allotments of $2, $4, and $6. Section 1968 is being promulgated to be in compliance with section 5(e)(6)(D) of the Food and Nutrition Act of 2008 to provide a shelter deduction for homeless households who have shelter costs. Section 1987 is being amended to clarify that all members must receive TANF or Supplemental Security Income (SSI) to be considered a categorically eligible household and to adopt broad-based categorical eligibility rules that increase access to SNAP benefits. Households may be considered broad-based categorically eligible for SNAP benefits upon receipt of a non-cash Temporary Assistance for Needy Families (TANF)/Maintenance of Effort (MOE) funded benefit or service and therefore not subject to the resource limit. Section 2005 is being amended to update the inadvertent household error and administrative error claim threshold for nonparticipating households.

Subpart 13 Kinship Care Subsidy Program (KCSP), Section 5301 is being amended to clarify that the application date shall be the workday following the date of receipt if applications are received after 4:30 p.m. central time. Section 5305 is being amended to clarify that changes reported during the reapplication period that result in case closure or benefit reduction are effective the month following the redetermination month. Section 5323 is being amended to include an Iraqi or Afghan immigrant who has been granted Special Immigrant Visa (SIV) status as a qualified alien. Section 5329 is being amended to exclude grant funded research payments from countable income. Section 5347 is being amended to maintain compliance with 7 CFR §273.12(a), which shall adjust change report thresholds annually based on fluctuations in the Consumer Price Index. Section 5383 is being amended to update the inadvertent household error and administrative error claim threshold for nonparticipating households.

Title 67
SOCIAL SERVICES
Part III. Economic Stability
Subpart 2. Family Independence Temporary Assistance Program
Chapter 12. Application, Eligibility, and Furnishing Assistance
Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance

§1201. Application Date

A. All individuals applying for FITAP shall be considered applicants for assistance and shall file a written and signed application form under penalty of perjury. The date the application form is received by the department shall be considered the date of application. If an application is received after 4:30 p.m. central time, the following workday shall be considered the date of application. If determined eligible, benefits shall be prorated from the date of application.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2446 (December 1999), amended by the Department of Children and Family Services, Economic Stability, LR 45:

§1203. Standard Filing Unit

A. The mandatory filing unit includes the child, the child's siblings (including half and step-siblings) and the parents (including legal stepparents) of any of these children living in the home. In the case of the child of a minor parent, the filing unit shall include the child, the minor parent, the minor parent's siblings (including half and step) and the

parents of any of these children living in the home. Supplemental Security Income (SSI) recipients and children receiving kinship care subsidy or foster care payments may not be included in the filing unit.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2447 (December 1999), amended LR 26:349 (February 2000), amended by the Department of Children and Family Services, Economic Stability, LR 45:

§1205. Application Time Limit

A. The time limit for disposition of the application is 30 days from the date on which the signed application is received by the department. The applicant shall have benefits available through Electronic Benefits Transfer (EBT) or notified that he has been found ineligible for a grant by the thirtieth day, unless an unavoidable delay has occurred.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2447 (December 1999), amended by the Department of Children and Family Services, Economic Stability, LR 45:

§1207. Certification Period and Reapplication

A. Certification periods of a set duration will be assigned. In order to continue to receive benefits, the household must timely reapply and be determined eligible. In the month preceding the final month of certification, a notice of expiration will be provided to the household. The notice shall inform the household that failure to timely reapply will result in closure and include the right to a fair hearing. Also, if during the reapplication process, a change is reported which results in a determination of ineligibility or a reduction in benefits, this change will be made effective the following month.

B. The department will require an official reapplication for benefits and prorate benefits from the date of application following a period of ineligibility.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B., 42 U.S.C. 608, et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2447 (December 1999), amended LR 28:1598 (July 2002), LR 32:263 (February 2006), amended by the Department of Children and Family Services, Economic Stability, LR 45:

§1209. Notices of Adverse Actions

A. A notice of adverse action shall be sent at least 13 days prior to taking action to reduce or terminate benefits. In some circumstances advance notice is not required. A concurrent notice shall be sent to the client at the time of action in the following situations:

1. - 13. ...

14. benefits are reduced or terminated effective the month following the simplified report month;

15. mass changes.

AUTHORITY NOTE: Promulgated in accordance with 42 USC 601 et seq., R.S. 36:474, R.S. 46:231.1(B), R.S. 46:237, Act 58, 2003 Reg. Session and Act 16, and 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2447 (December 1999), amended LR 26:349 (February 2000), LR 28:2565 (December 2002), LR 30:493 (March 2004), LR 32:1911 (October 2006), amended by the Department of Children and Family Services, LR 44:443 (March 2018), amended by the Department of Children and Family Services, Economic Stability, LR 45:

Subchapter B. Conditions of Eligibility

§1249. Drug Screening, Testing, Education and Rehabilitation Program

A. ...

B. Screening and Referral Process. All adult applicants for and recipients of FITAP will be screened for the use of or dependency on illegal drugs at initial application and redetermination of eligibility using a recognized and standardized drug abuse screening test.

1. When the screening process indicates that there is a reason to suspect that a recipient is using or dependent on illegal drugs, or when there is other evidence that a recipient is using or dependent on illegal drugs, the caseworker will refer the recipient to the Department of Health and Hospitals, Office of Behavioral Health (OBH) to undergo a formal substance abuse assessment which may include urine testing. The referral will include a copy of the screening form and a copy of the release of information form.

B.2. - F. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B, Act 58, 2003 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 25:2453 (December 1999), amended LR 30:495 (March 2004), amended by the Department of Children and Family Services, LR 39:1414 (June 2013), amended by the Department of Children and Family Services, Economic Stability, LR 45:

§1257. Reporting Requirements

A. Effective February 1, 2004, a FITAP household that is not included in a SNAP Simplified reporting household shall report any change that affects eligibility or the amount of monthly benefits. The specified dollar amounts of change for earned or unearned income that trigger a report shall be adjusted annually in accordance with 7 CFR §273.12(a)(1)(i)(D). Changes shall be reported within 10 days of the knowledge of the change.

B. A FITAP household that is included in a SNAP Simplified Reporting household is subject to the simplified household reporting requirements in accordance with §2013 and must report if the only eligible child moves out of the home or if any eligible child is certified for Foster Care.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231 et seq. 7 CFR Part 273, 42 U.S.C. 608, et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:522 (March 2002), amended LR 30:1486 (July 2004), LR 32:264 (February 2006), amended by the Department of Children and Family Services, LR 36:2524 (November 2010), amended by the Department of Children and Family Services, Economic Stability, LR 45:

Chapter 15. General Program Administration

Subchapter B. Recovery

§1503. Recovery of Overpayments

A. All FITAP overpayments shall be subject to collection either by recoupment or recovery with the exception of inadvertent household error claims and administrative error claims of less than $125 for nonparticipating households.

B. ...

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 10:1030 (December 1984), amended by the Department of Social Services, Office of Family Support, LR 24:353 (February 1998), LR 27:428 (March 2001), LR 34:2678 (December 2008), amended by the Department of Children and Family Services, LR 39:2192 (August 2013), amended by the Department of Children and Family Services, Economic Stability, LR 45:

Subpart 3. Supplemental Nutritional Assistance Program (SNAP)

Chapter 19. Certification of Eligible Households

Subchapter E. Students

§1935. Student Provisions (Effective March 1, 2006)

A. An individual enrolled at least half-time (as defined by the institution) in an institution of higher education is considered a student. A student is ineligible to receive SNAP benefits unless the individual meets at least one of the following conditions:

1. under age 18 or over age 49;
2. physically or mentally unfit;
3. receiving FITAP benefits;
4. employed an average of at least 20 hours per week, and be paid for such employment, or if self-employed, employed for an average of at least 20 hours per week and receives weekly earnings at least equal to the federal minimum hourly wage multiplied by 20 hours;
5. participating in a state or federally financed work-study program during the regular school year;
6. participating in an on-the-job training program;
7. responsible for the care of a dependent household member who is:
   a. under age 6; or
   b. age 6 or over but under age 12 and adequate child care is not available;
8. is a single parent who is a full-time student (as defined by the institution) and who is responsible for the care of a dependent child under age 12, regardless of the availability of adequate child care;
9. assigned to or placed in an institution of higher education through or in compliance with the requirements of one of the following:
   a. the work program under Title IV of the Social Security Act, which is the Strategies to Empower People (STEP) Program;
   b. the Workforce Innovation and Opportunity Act of 2015;
   c. a SNAP employment and training program subject to the condition that the course or program of study is part of a program of career and technical education as defined in section 3 of the Carl D Perkins Career and Technical Education Act of 2006 (20 U.S.C 2302) designed to be completed in not more than four years at an institution of higher education or is limited to remedial course, basic adult education, literacy, or English as a second language;
   d. a program under Section 236 of the Trade Act of 1974; or
   e. a state or local government employment and training program.

B. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with 7 CFR 273.5., P.L. 107-171, P.L. 110-246.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 9:131 (March 1983), amended by the Department of Social Services, Office of Family Support, LR 24:1783 (September 1998), LR 32:1616 (September 2006), amended by the Department of Children and Family Services, LR 36:2528 (November 2010), amended by the Department of Children and Family Services, Economic Stability, LR 45:

Subchapter I. Income and Deductions

§1957. Income Eligibility and Benefit Level

A. For households containing a member age 60 or over or who receives SSI under Title XVI of the Social Security Act or disability and blindness payments under Titles I, II, X, XIV, or XVI of the Social Security Act, income eligibility shall be based on net income.

B. For all other households, income eligibility shall be based on gross income.

C. All eligible one and two-person households shall receive a minimum monthly allotment of 8 percent of the thrifty food plan for one person except when proration of initial month's benefits occurs. No issuance shall be made for the initial month for allotments less than $10 due to proration. For those eligible households with three or more members, which are entitled to no benefits except for the initial month due to proration, the eligibility worker shall deny the household's participation, on the grounds that its net income exceeds the level below which benefits are issued.

D. The level of benefits for all eligible households shall be based upon net monthly income.

AUTHORITY NOTE: Promulgated in accordance with F.R. 46:44712 et seq., 7 CFR 273.9.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 8:10 (January 1982), amended by the Department of Social Services, Office of Family Support, LR 35:689 (April 2009), amended by the Department of Children and Family Services, Economic Stability, LR 45:

§1968. Homeless Shelter Deduction

A. Homeless households in which all members are homeless individuals that are not receiving free shelter throughout the month and do not claim an excess shelter deduction shall be allowed the standard homeless shelter deduction. The value of the deduction is indexed based on inflation.

AUTHORITY NOTE: Promulgated in accordance with Section 5(e)(6)(D) of the Food and Nutrition Act of 2008, 7 USC §2014(e)(6)(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Economic Stability, LR 45:

Subchapter J. Determining Household Eligibility and Benefit Levels

§1987. Categorical Eligibility for Certain Recipients

A. Households Considered Categorically Eligible

1. Households in which all members are recipients of benefits from the FITAP, STEP, KCSP, and/or SSI, shall be considered categorically eligible for SNAP.

A.2. - D. ...

E. Households who receive a non-cash TANF/MOE funded benefit or service may be considered broad-based categorically eligible for Supplemental Nutrition Assistance Program (SNAP).

1. A household shall not be considered broad-based categorically eligible if:

a. any member of that household is disqualified for an intentional program violation;

b. the household is disqualified for failure to comply with the work registration requirements.

2. The following persons shall not be considered a member of a household when determining broad-based categorical eligibility:

a. an ineligible alien;

b. an ineligible student;

c. an institutionalized person;

d. an individual who is disqualified for failure to comply with the work registration requirements;

e. an individual who is disqualified for failure to provide or apply for a social security number;

f. an individual who is on strike.

3. Households which are broad-based categorically eligible are considered to have met the resource eligibility factor without additional verification.

4. Broad-based categorically eligible households must meet all Supplemental Nutrition Assistance Program eligibility factors except as outlined above.

5. Benefits for broad-based categorically eligible households shall be based on net income as for any other household.

AUTHORITY NOTE: Promulgated in accordance with F.R. 51:28196 et seq., 7 CFR 271, 272, 273.10, and 274, F.R. 56:63612-63613, P.L. 104-193, 7 CFR 273.2(j)(2)(xi), Act 58, 2003 Reg. Session, 7 CFR 273.2, (j), and P.L. 110-246.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 13:90 (February 1987), amended by the Department of Social Services, Office of Family Support, LR 18:1267 (November 1992), LR 24:1783 (September 1998), LR 26:349 (February 2000), LR 27:867 (June 2001), LR 27:1934 (November 2001), LR 30:495 (March 2004), amended by the Department of Children and Family Services, LR 36:2531 (November 2010), LR 40:1312 (July 2014), LR 44:444 (March 2018), amended by the Department of Children and Family Services, Economic Stability, LR 45:

§1991. Initial Month's Benefits

A. *Effective 10/1/96 by ER* Initial month means either the first month for which an allotment is issued to a household, or the first month for which an allotment is issued to a household following any period during which the household was not certified for participation in SNAP.

B. A household's benefit level for the initial month of certification will be based on the day of the month it applies for benefits. Using a 30-day calendar or fiscal month, households shall receive benefits prorated from the day of application to the end of the month. A household applying on the thirty-first of a month will be treated as though they applied on the thirtieth of the month.

C. Households who have applied for initial month's benefits after the fifteenth of the month, completed the application, provided all required verification, and have been determined eligible to receive benefits for the initial month of application and the next subsequent month shall receive their prorated allotment for the initial month of application and their first full month's allotment at the same time. In determining initial month benefits, the result of the proration will be rounded down to the nearest lower dollar increment. If the calculation results in an allotment of less than $10, then no benefits will be issued.

AUTHORITY NOTE: Promulgated in accordance with F.R. 46:44712 et seq., F.R. 47:55463 et seq. and 47:55903 et seq., 7 CFR 273.10, P.L. 103-66, P.L. 104-193. P.L. 110-246.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 8:10 (January 1982), amended LR 9:131 (March 1983), amended by the Department of Social Services, Office of Family Support, LR 21:188 (February 1995), LR 23:83 (January 1997), amended by the Department of Children and Family Services, LR 36:2532 (November 2010), amended by the Department of Children and Family Services, Economic Stability, LR 45:

Subchapter P. Recovery of Over-Issued SNAP Benefits

§2005. Claims against Households

A. All adult household members are jointly and severally liable for the value of any over-issuance of benefits to the household. This is true regardless of whether the over-issuance resulted from inadvertent error, an administrative error or an intentional program violation.

B. Action will not be taken to recover claims which are less than $125 for inadvertent household error or an administrative error for nonparticipating households.

C. This threshold does not apply to claims for participating households, to claims which are determined to be the result of intentional program violation, or to errors which are discovered in a quality control review.

AUTHORITY NOTE: Promulgated in accordance with F.R. 48:6837 et seq., P.L. 97-35,97-253, 101-624 §1746, and 102-237 §911, 7 CFR 272,273, 276 and 277, P.L. 103-66, P.L. 104-193, P.L. 104-134, 7 CFR 3 Subpart B, and P.L. 110-246.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 9:323 (May 1983), amended by the Department of Social Services, Office of Family Support, LR 18:1133 (October 1992), LR 20:899 (August 1994), LR 21:189 (February 1995), LR 22:584 (July 1996), LR 23:83 (January 1997), LR 23:1710 (December 1997), LR 24:2326 (December 1998), LR 27:1017 (July 2001), amended by the Department of Children and Family Services, LR 36:2533 (November 2010), LR 39:2192 (August 2013), amended by the Department of Children and Family Services, Economic Stability, LR 45:

Subpart 13. Kinship Care Subsidy Program (KCSP)

Chapter 53. Application, Eligibility, and Furnishing Assistance

Subchapter A. Application, Determination of Eligibility, and Furnishing Assistance

§5301. Application

A. All individuals applying for Kinship Care Subsidy Program (KCSP) shall be considered applicants for assistance and shall file a written and signed application form under a penalty of perjury. The date the application form is received by the department shall be considered the date of application. If an application is received after 4:30 p.m. central time, the following workday shall be considered the date of application. If determined eligible, benefits shall be prorated from the date of application. Applicants for KCSP must apply for benefits through Family Independence Temporary Assistance Program (FITAP).

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:351 (February

2000), amended by the Department of Children and Family Services, Economic Stability, LR 45:

§5305. Certification Period and Reapplication

A. Certification periods of a set duration will be assigned. In order to continue to receive benefits, the household must timely reapply and be determined eligible. In the month preceding the final month of certification, a notice of expiration will be provided to the household. The notice shall inform the household that failure to timely reapply will result in closure and include the right to a fair hearing. Also, if during the reapplication process, a change is reported which results in a determination of ineligibility or a reduction in benefits, this change will be made effective the following month.

B. The department will require an official reapplication for benefits and prorate benefits from the date of application following a period of ineligibility.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237.42 U.S.C 608, et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:351 (February 2000), amended LR 28:1599 (July 2002), LR 32:264 (February 2006), amended by the Department of Children and Family Services, Economic Stability, LR 45:

Subchapter B. Conditions of Eligibility

§5323. Citizenship

A. Each KCSP recipient must be a United States Citizen, a non-citizen national, or a qualified alien. A non-citizen national is a person born in an outlying possession of the United States (American Samoa or Swain's Island) on or after the date the U.S. acquired the possession, or a person whose parents are U.S. non-citizen nationals. A qualified alien is:

1. - 7. ...

8. an alien who has been battered or subjected to extreme cruelty in the United States by a spouse or parent, or by a member of the spouse's or parent's family residing in the same household as the alien if the spouse or parent consented to, or acquiesced in, such battery or cruelty. The individual who has been battered or subjected to extreme cruelty must no longer reside in the same household with the individual who committed the battery or cruelty. The agency must also determine that a substantial connection exists between such battery or cruelty and the need for the benefits to be provided. The alien must have been approved or have a petition pending which contains evidence sufficient to establish:

a. the status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of §204(a)(1)(A) of the Immigration and Nationality Act (INA); or

b. the classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the INA; or

c. cancellation of removal under Section 1229b of the INA (as in effect prior to April 1, 1997); or

d. the status as a spouse or child of a United States citizen pursuant to clause (i) of §204(a)(1)(A) of the INA, or classification pursuant to clause (i) of section 204(a)(1)(B) of the INA; or

e. cancellation of removal pursuant to Section 1229b(b)(2) of the INA;

9. an alien child of a battered parent or the alien parent of a battered child as described in §1223A.8;

10. an alien who is a victim of a severe form of trafficking in persons, or effective May 1, 2006, an eligible relative of a victim of a severe form of trafficking in persons; or

11. an Iraqi or Afghan immigrant who has been granted Special Immigrant Visa (SIV) status.

B. - B.8. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237, P.L. 106-386, Act 16, 2005 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:352 (February 2000), amended LR 27:2264 (December 2001), LR 28:1600 (July 2002), LR 32:1913 (October 2006), amended by the Department of Children and Family Services, Economic Stability, LR 45:

§5329. Income

A. Income is any gain or benefit to a household that has monetary value and is not considered a resource. Count all income in determining pretest eligibility except income from:

1. - 31. ...

32. any payments other than wages received as a result of the Mississippi Canyon Well Incident in the Gulf of Mexico on April 20, 2010; or

33. grant funded research payments.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq. and 10602(c), R.S. 36:474, R.S. 46:231.1.B, R.S. 46:237, and P.L. 108-447, Act 16, 2005 Reg. Session, 7 CFR 273.2(j).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 26:353 (February 2000), amended LR 26:2832 (December 2000), LR 31:2958 (November 2005), LR 32:1617 (September 2006), LR 32:1913 (October 2006), repromulgated LR 32:2098 (November 2006), amended by the Department of Children and Family Services, LR 36:2537 (November 2010), LR 38:1390 (June 2012), amended by the Department of Children and Family Services, Economic Stability, LR 45:

§5347. Reporting Changes

A. Effective February 1, 2004, a KCSP household that is not included in a SNAP Simplified Reporting household shall report any change that affects eligibility. The specified dollar amounts of change for earned or unearned income that trigger a report shall be adjusted annually in accordance with 7 CFR §273.12(a)(1)(i) (D). Changes shall be reported within 10 days of the knowledge of the change.

B. A KCSP household that is included in a SNAP Simplified Reporting household is subject to the simplified household reporting requirements in accordance with LAC 67:III.2013 and must report if the only eligible child moves out of the home or if any eligible child is certified for Foster Care.

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq., R.S. 36:474, R.S. 46:231 et seq., 7 CFR Part 273, 42 U.S.C., et seq.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 28:2565 (December 2002), amended LR 30:1487 (July 2004), LR 32:264 (February 2006), amended by the Department of Children and Family

Services, LR 36:2537 (November 2010), amended by the Department of Children and Family Services, Economic Stability, LR 45:

Subchapter C. Recovery

§5383. Recovery of Overpayments

A. All KCSP overpayments shall be subject to collection either by recoupment or recovery with the exception of inadvertent household error claims and administrative error claims of less than $125 for nonparticipating households.

B. ...

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 27:429 (March 2001), amended LR: 34:2678 (December 2008), amended by the Department for Children and Family Services, LR 39:2193 (August 2013), amended by the Department of Children and Family Services, Economic Stability, LR 45:

Family Impact Statement

The proposed Rule is not anticipated to have an adverse impact on family formation, stability, and autonomy as described in R.S. 49:972. The proposed Rule is anticipated to have a minor adverse impact for approximately 65 SNAP households currently receiving $2, $4, or $6 per month who will receive a $1 decrease in monthly benefits, and a positive impact to increase access to SNAP benefits for individuals and families that may not have otherwise been eligible due to the resource eligibility factor.

Poverty Impact Statement

The proposed Rule is not anticipated to have a significant negative impact on poverty as described in R.S. 49:973. The proposed Rule will decrease the minimum SNAP benefit for certain households by $1 per month and is expected to increase access to SNAP benefits for individuals and families that may not have otherwise been eligible due to the resource eligibility factor.

Small Business Impact Statement

The proposed Rule is not anticipated to have an adverse impact on small businesses as defined in the Regulatory Flexibility Act.

Provider Impact Statement

The proposed Rule is not anticipated to have an impact on providers of services funded by the state as described in HCR 170 of the 2014 Regular Legislative Session.

Public Comments

All interested persons may submit written comments through, August 28, 2019 to Sammy Guillory, Deputy Assistant Secretary of Family Support, Department of Children and Family Services, P.O. Box 94065, Baton Rouge, LA 70804.

Public Hearing

A public hearing on the proposed Rule will be held on August 28, 2019 at the Department of Children and Family Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-127, Baton Rouge, LA beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the DCFS Appeals Unit at least seven working days in advance of the hearing. For assistance, call 225-342-4120 (Voice and TDD).

Marketa Garner Walters
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Public Assistance Programs

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The cost of publishing the proposed rules is estimated to be approximately $4,260 ($1,065 State and $3,195 Federal) in FY 20. There is no state cost associated with the proposed changes in SNAP benefits.

Proposed amendments provide that households which are broad-based categorically eligible for SNAP are considered to have met the resource eligibility factor. In the past 12 months, 1,227 households in this category were denied benefits due to exceeding the resource limit. As a result of this rule change, these households will now be eligible for benefits. Benefits are funded with 100% federal funds. The average monthly benefit is $269 per household. The costs are estimated at $2,640,504 in FY 20 (average of 1,227 households per month x $269 monthly benefit x 8 months), $3,960,756 in FY 21 (1,227 households per month x $269 monthly benefit x 12 months), and $3,960,756 in FY 22 (1,227 households per month x $269 monthly benefit x 12 months).

Proposed amendments remove the provision that all eligible households whose SNAP benefits are $1, $3, and $5 shall receive allotments of $2, $4, and $6, respectively. As a result of this rule change, 65 households that receive a benefit of $2, $4, or $6 will have a $1 reduction in SNAP benefits. Benefits are funded with 100% federal funds. Savings are estimated at $520 in FY 20 (65 households per month x $1 monthly benefit reduction x 8 months), $780 in FY 21 (65 households per month x $1 monthly benefit reduction x 12 months), and $780 in FY 22 (65 households per month x $1 monthly benefit reduction x 12 months).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not impact state or local governmental revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Approximately 65 SNAP households will incur a benefit reduction of $1 per month. Also, approximately 1,227 additional households may eligible for SNAP benefits since certain households will no longer be subject to a resource limit. The average monthly SNAP benefit is $269 per household.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

Sammy Guillory
Deputy Assistant Secretary
1907#026

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Civil Service
Board of Tax Appeals

Procedure and Practice
(LAC 69:I.Chapter 3, 501, 701, and 1101)

The following are amendments to the administrative rules of the Board of Tax Appeals for the state of Louisiana. The jurisdiction of the board is authorized by R.S. 47:1407. These rules have been promulgated in accordance with R.S. 47:1413, which states: "In all other matters regarding the conduct of its hearings, the board may prescribe and promulgate rules and regulations not inconsistent with law or the provisions of this chapter, which rules and regulations when prescribed, adopted, and promulgated shall be binding upon parties litigant in any cause over which the jurisdiction of this board shall extend." Notice is hereby given in accordance with the provisions of the administrative procedure act, R.S. 49:950 et seq., and through the authority granted in R.S 47:1413, that the Board of Tax Appeals proposes to amend Title 69, Part I to: provide for the adoption of an electronic filing system; clarify the captioning of pleadings in state tax cases; timely filing of responsive pleadings; service of pleadings and other documents; hearings on state cases; filing of memoranda and briefs; timely filing of pleadings; circulation of proposed judgments; procedures for appeals; timely payment of appeal costs; and the filing of pleadings and memoranda in local cases.

Title 69
TAX APPEALS (REVENUE DEPARTMENT AND LOCAL SALES TAX DISPUTES)
Part I. Procedure and Practice before the Louisiana Board of Tax Appeals
Chapter 3. Rules Relating to Tax Matters

§301. Pleadings in General

A. Except as provided for in the rules related to electronic filing, an original and six conformed copies of all pleadings and memoranda shall be filed with the board in a state case (for local cases see §1101).

B. - D. …

E. All pleadings in state cases shall have a caption substantively similar to the following:

BOARD OF TAX APPEALS

STATE OF LOUISIANA

.....

Petitioner

VS.

Department of Revenue

Respondent

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1413.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Tax Appeals, LR 41:1080 (June 2015), amended LR 45:

§309. The Answer

A. - B. …

C. If no responsive pleading is timely filed, any party may file a motion to compel the filing of responsive pleadings. Any order mandating the filing of a responsive pleading may provide that default judgment may be rendered against any party who fails to comply with such order within the deadline stated in the order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1413.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Tax Appeals, LR 41:1081 (June 2015), amended LR 45:

§313. Service

A. All pleadings or documents filed which are required to be served on the opposing party may be served by first class U.S. mail, or registered (or certified) mail with return receipt. A certificate of such service in accordance with §301 shall be filed concurrently with the filing of such pleadings or documents. Service may also be accomplished in accordance with any provision of the Code of Civil Procedure, or other applicable law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1413.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Tax Appeals, LR 41:1081 (June 2015), amended LR 45:

§317. Hearings

A. The board will hold hearings on state cases no less than two days per month on dates set by the board. The hearings will be held at the board's office in Baton Rouge, Louisiana or such other place designated by the board.

B. - F. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1413.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Tax Appeals, LR 41:1081 (June 2015), amended LR 45:

§321. Memoranda

A. A memoranda or other brief is due on the date set by the board by via minute entry in open hearing or by order. In the event that no deadline is set by the board, the parties shall comply with the deadlines provided for by districts courts.

B. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1413.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Tax Appeals, LR 41:1082 (June 2015), amended LR 45:

§323. Computation of Time

A. Computation of the delays provided herein shall be as provided in LSA-C.C.P article 5059(A) and (B). A petition shall be deemed timely if filed with the board in the same manner and pursuant to the same provisions as those specified in section 5(d) of article X of the rules of the Louisiana Supreme Court or if fax filed in strict compliance with §303, or if electronically filed in accordance with Chapter 5 of this Part.

B. Therefore, a pleading properly mailed shall be deemed timely filed if mailed on or before the last day of the delay for filing. If the mailing is received by mail on the first legal day following the expiration of the delay, there shall be a rebuttable presumption that it was timely filed. In all cases where the presumption does not apply, the timeliness of the mailing shall be shown only by an official United States postmark or cancellation stamp or by official receipt or certificate of mailing from the United States Postal Service, or bonafide commercial mail services such as Federal

Express or United Parcel Service, made at the time of mailing which indicates the date thereof. Any other date stamp, such as a private commercial mail meter stamp, or label from an automated postal center, shall not be used to establish timeliness.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1413.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Tax Appeals, LR 41:1082 (June 2015), amended LR 45:

§325. Judgments

A. Copies of proposed judgments will be mailed or transmitted by facsimile or by previously utilized email address to all parties by the party submitting the judgment.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1413.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Tax Appeals, LR 41:1082 (June 2015), amended LR 45:

§327. Review of Decisions or Judgments of the Board

A. ...

B. Any appeal shall be taken in accordance with the law and any applicable court of appeal or Supreme Court rules.

C. ...

D. A return date on an appeal will not be set until the appellant has advanced the estimated costs due pursuant to C.C.P. art. 2126. The failure to pay any appeal costs due may result in the dismissal of the appeal in accordance with the provisions of the Code of Civil Procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1413.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Tax Appeals, LR 41:1082 (June 2015), amended LR 45:

§329. Filing Fees, Fees and Mileage of Witnesses

A. - A.4.f. …

g. request to approve appeal bond or other security—$300, but not less than: $1 per each $1,000 of security for review of a commercial surety bond, $3 per each $1000 of security for review of an irrevocable letter of credit, or $1 per each $100 of security for any other authorized means of security, provided that the total cost for approving and accepting a deposit into the registry of the board escrow account shall be set at $300;

h. …

i. motion for a new trial, for an amended judgment, for reconsideration of a judgment, or motion for review by the appellate court pursuant to R.S. 47:1434—$165;

j. …

5. Any collector who files as a petitioner shall pay any amounts payable by a taxpayer in a local tax case, provided that the initial filing fee in any case filed pursuant to R.S. 47:337.101 shall be $300. He shall also pay any applicable costs of service in all cases.

6. …

7. Any motion, rule, or proposed order seeking to set, re-set, or continue a hearing on any contradictory rule, motion or exception, and all motions to fix, re-fix, or continue a case for trial on the merits shall be accompanied by a filing fee of $165 plus $25 per additional service requested. Unless otherwise stated in the case scheduling order, this fee shall not apply in any case filed against a state collector, unless the motion was untimely pursuant to the outstanding scheduling order.

8. - 9. …

10. The Board may provide by standing order that the filing fees pursuant to §329 of this Part. A shall be deemed an advance cost deposit, to be deposited into the board's escrow account and logged into the registry of the board. This deposit shall be considered assessed as a cost against the original petitioner upon the rendering of a judgment in the case, and it shall be then be considered self-generated revenue of the board and transferred from the board escrow Account to be deposited as filing fees pursuant to applicable law. If the judgment resolving a case instead taxes the depositing petitioner(s)' costs to another party, then the funds shall be refunded to the depositing petitioner from the board escrow account in accordance with the applicable judgment and following collection by the board of the applicable costs from the party against whom they were taxed.

B. - C.1. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1413.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Tax Appeals, LR 41:1082 (June 2015), amended LR 45:

Chapter 5. Electronic Filing

§501. Electronic Filing System Approval

A. Persons authorized to practice before the board under §101 of this Part may register to electronically file documents as provided herein.

B. *Registered user* means persons authorized to practice before the board under §101 of this Part who have registered a username and password with the board's electronic filing system and who have completed all required training.

C. A registered user is responsible for all documents filed, and any fees or costs incurred in doing so, whether or not the registered user performs the physical act of filing such documents.

D. An electronically filed document has the same legal effect as a conventionally filed document.

E. The electronic filing of a document does not relieve the registered user of any legal duty to serve copies on parties as required by order, rule or statute.

F. An electronically filed document must not contain a virus, malware, encryption, public key infrastructure, password or any other type of rights management when uploaded.

G. The secretary clerk, or her designee, may reject an electronically filed document for nonconformance with this Rule or any other rule in this Part.

H. The registered user's username and password constitute the registered user's signature on an electronically filed document. The registered user must also include the notation, "/s/", and the registered user's name in the space where the registered user's signature would otherwise appear on the electronically filed document.

I. Signature(s) on an electronically filed document shall have the same legal effect as any signature(s) on a conventionally filed document.

J. Documents may be electronically filed at any time and shall be deemed filed with the Board at the date and time of the electronic filing. However, documents electronically filed after 4 P.M. Central Time will be

processed beginning at 9 A.M. Central Time on the next day of business.

K. An electronically filed document will be considered timely filed if electronic filing is fully completed at any time before 12, midnight central time on or before the date on which the document is due unless another specific time is mandated by order, rule or statute.

L. If an electronically filed document has been rejected by the secretary clerk, the registered user will have seven calendar days from the date of transmission by the secretary clerk, or her designee, to the registered user of the electronically mailed notification of the rejection to re-file the document(s) either electronically or conventionally.

M. A properly re-filed document will retain the date and time of its original electronic filing.

N. The board shall by standing order fix the monthly, daily, and/or per page subscription costs of the electronic filing service and/or electronic records viewing service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1413.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Tax Appeals, LR 41:1083 (June 2015), amended LR 45:

Chapter 7. Claims against the State

§701. Petition

A. …

* * *

B. Petition for claim against the State under R.S. 47:1413:

1. proper allegations showing jurisdiction in the board;

2. clear and concise statement of the nature and the amount of the claim;

a. a prayer, setting forth the relief sought by the petitioner;

b. the signature of the petitioner or that of his counsel. The signature of the counsel shall be in individual and not in firm name. The name and mailing address of the petitioner or of counsel shall be typed or printed immediately following the signature;

c. a verification of the petitioner, a partner, or a bona fide officer of the corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1413.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Tax Appeals, LR 41:1083 (June 2015), amended LR 45:

§707. Alternative Filing Option

A. A claim against the state pursuant to R.S. 47:1481 for taxes erroneously paid may additionally be filed with the secretary of the Department of Revenue on forms prescribed by the secretary pursuant to the provisions of R.S. 47:1481(B)(3). The date of any such filing with the department shall be deemed the date of filing of the claim with the board. This is an optional procedure, and does not restrict any right to file directly with the board.

B. If a claim filed with the department is agreed with by the department, then it shall submit to the board a proposed consent judgment attached with the submitted claim. Any consent judgment will include a signed stipulation by the secretary, or the secretary's designee, of the applicable facts and law upon which they relied in consenting to the claim.

C. Rejection of a Claim

1. If the department does not agree with a claim filed with the department then it shall send a notice of denial to the claimant by certified mail at the address provided in the claim detailing its reasons for denial, and notifying the claimant that it has 60 days from the mailing of that notice to file its claim with the board.

2. If a claimant fails to file its claim with the board in accordance with §701 within 60 days of notice of denial by the department, then the department may file a motion of dismissal. The board shall transmit a notice by regular mail to the claimant of any hearing set on a motion for dismissal pursuant to this provision, and the motion shall be granted if the claimant fails to properly file its claim in accordance with §701 prior to the date set for hearing of the motion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1413.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Tax Appeals, LR 45:

Chapter 11. Local Tax Division

§1101. General Provisions

A. The procedural rules of the board are hereby made applicable to the Local Tax Division, but may be varied by standing order of the local tax judge and shall be subject to the provisions of R.S. 47:1403 concerning the authority of the local tax judge over all cases assigned to it by law. The local tax judge shall be the

B. …

C. For the purposes of a case in the local tax division, only three conformed copies of all pleadings and memoranda shall be required to be filed, together with the original, plus copies for any additional service requested.

D. ...

E. As provided in R.S. 47:1403(A)(3), the local tax judge shall exercise all jurisdiction, authority, and powers of the board and its chairman as related to the local tax division, with supervision and control of all matters related to the local tax division.. The local tax judge shall be the appointing authority of the local tax division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1413.

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Tax Appeals, LR 41:1084 (June 2015), amended LR 45:

Family Impact Statement

The proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule has no known direct effect on children, individuals, and families as defined in R.S. 49:973.B, but does provide more efficient means of access to an impartial forum for the resolution of tax disputes.

Small Business Statement

The proposed Rule should benefit small businesses by facilitating a more accessible and efficient forum for the resolution of state and local tax controversies.

Provider Impact Statement

The proposed Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments to Sharon Moran, Secretary-Clerk, Board of Tax Appeals, Box 3217, Baton Rouge, LA 70821-3217, or by facsimile to (225) 219-3145 by August 23, 2019. A public hearing on these proposed rule changes will be held at the board's offices in the Iberville Building, 627 N. Fourth Street, Baton Rouge, LA at 1 p.m. on August 30, 2019.

Judge Anthony J. "Tony" Graphia
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Procedure and Practice

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Proposed rule implements provisions of Act 367 of the 2019 Regular Session. It implements several provisions regarding Board of Tax Appeals (BTA) processes, including requirements for the operation of an electronic filing system, the utilization and sources of funds in the escrow account, and an appellant requirement for advancing estimated costs prior to setting a return date on an appeal. Other provisions being implemented include content and timing requirements for filing, responses and pleas, service, dates for briefs or hearings, and re-filing upon initial filing rejection.

Minor additional costs in support of the establishment and operation of the electronic filing system are anticipated. No material costs due to other provisions are anticipated.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

BTA reports a potential modest delay or decrease in agency SGR collections, as in some cases judgments may result in the refund of filing fees that will then be taxed to another party. The effect should be temporary in most cases, and resolved upon collection from the party to which the judgment was taxed.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

BTA reports that electronic filing will be at rates commensurate with district courts (~$50 per month), and that approximately 20-30 subscribers are anticipated for this service. Subscribers will benefit from a more efficient filing process.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No material impact due to proposed rule is anticipated.

Cade R. Cole	Gregory V. Albrecht
Vice Chair	Chief Economist
1907#049	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Administrative Board Operations and Programs
(LAC 28:I.501, 503, 721, and Chapters 21-31)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:I. Provisions governing the board contained in the *Louisiana Administrative Code*, Title 28, Part I, BESE/8(g) Operations (BESE Code) are being amended, adopted, or repealed as a part of regular compliance and review of the regulations to identify necessary updates, technical edits, and revisions as a result of changes in practice, procedure, and compliance with legislation. The proposed revisions include:

- clarification of language pertaining to Nonpublic School Council membership;
- removal of repetitive language that can already be found in other areas of administrative and statutory law;
- the addition of *Louisiana Administrative Code* and *Louisiana Revised Statute* citations for clarification, preciseness, and to prevent conflicts with state constitutional and statutory law;
- removal of outdated and non-applicable language;
- streamlining of the regulations for ease of use and understanding; and
- other technical edits such as punctuation, changing "shall" to "will" for compliance with Office of the State Register guidelines, updating codification, and other housekeeping measures.

Title 28
EDUCATION
Part I. BESE/8(g) Operations
Subpart 1. Board of Elementary and Secondary Education

Chapter 5. Organization

§501. Committees

A. - B.2.b.i. ...

3. Educator Effectiveness Committee. The following are examples of issues that will be considered by the Educator Effectiveness Committee.

a. - a.i.(b). ...

(c). records reviews for certification denial or revocation in accordance with LAC 28:CXXXI.Chapter 9, Bulletin 746;

(i). - (iii). Repealed.

3.a.ii. - 4.b.i. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:415 (March 2008), amended LR 35:223 (February 2009), LR 35:1874 (September 2009), LR 36:2851 (December 2010), LR 37:2139 (July 2011), LR 38:3152 (December 2012), repromulgated LR 39:308 (February 2013), amended LR 39:3263 (December 2013), LR 45:

§503. Advisory Councils

A. - C.1.c.iv. ...

2. Nonpublic School Council:

a. ...

b. membership—eleven members, one nonpublic school administrator recommended by each board member, representing approved nonpublic schools;

A.2.c. - G.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:6(A)(15), 17:11, 17:24.4, and 42:19.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:416 (March 2008), amended LR 35:1874 (September 2009), LR 36:2851 (December 2010), LR 37:2140 (July 2011), LR 38:772 (March 2012), LR 38:3152 (December 2012), LR 39:3263 (December 2013), LR

42:563 (April 2016), LR 44:744 (April 2018), LR 44:1995 (November 2018), LR 45:

Chapter 7. Operations

§721. Records Retention and Destruction

A. All records of the board are maintained and/or destroyed in accordance with the board's record retention policy and records retention schedule on file at the office of the Secretary of State, Division of Archives, Records Management, and History in accordance with LAC 4:XVII and R.S. 44:36 and 411.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and 44:36.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:423 (March 2008), amended LR 45:

Subpart 3. Louisiana Quality Education Support Fund—8(g) Program

Chapter 21. Legislation and Purpose

§2101. Introduction

[Formerly LAC 28:XCIII.101]

A. Permanent Trust Fund. The Kevin P. Reilly, Sr. Louisiana education quality trust fund (permanent trust fund), effective January 1, 1987, is a trust fund for education, established by La. Const. art. VII, §10.1 and R.S. 17:3801 et seq.

1. - 7. Repealed.

B. Support Fund

1. The Louisiana quality education support fund (support fund) was created in the Louisiana State Treasury to receive and hold interest earnings from the permanent trust fund, and is distributed by the legislature as follows:

a. 50 percent of the money appropriated by the legislature for this fund is allocated to the Board of Elementary and Secondary Education (BESE) for the enhancement of elementary and secondary educational programs; and

b. 50 percent of money appropriated by the legislature for this fund is allocated to the Board of Regents for the enhancement of higher education.

2. In accordance with La. Const. art. VII, §10.1, in order to accomplish the goal of enhancement, BESE allocates money from the support fund to:

a. provide compensation to city or parish school board professional instructional employees;

b. insure an adequate supply of superior textbooks, library books, equipment, and other instructional materials;

c. fund exemplary programs in elementary and secondary schools designed to improve elementary and secondary student academic achievement or vocational-technical skill;

d. fund carefully defined research efforts, including pilot programs, designed to improve elementary and secondary student academic achievement;

e. fund school remediation and preschool programs;

f. fund the teaching of foreign languages in elementary and secondary schools; and

g. fund an adequate supply of teachers by providing scholarships or stipends to prospective teachers in academic or vocational-technical areas where there is a critical teacher shortage.

C. This Subpart contains policies adopted by BESE to govern activities for the distribution of money from the support fund for the 8(g) program to enhance elementary and secondary educational programs.

AUTHORITY NOTE: Promulgated in accordance with La. Const. article VII, §10.1 and R.S. 17:6 and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3141 (December 2012), amended LR 45:

§2103. Definitions

[Formerly LAC 28:XCIII.103]

A. The following terms apply to this Subpart.

8(g) Advisory Council—an advisory council to BESE, which operates in accordance with LAC 28:I.503.C.1.

8(g) Program and Budget—consists of broad classifications of funding methods and/or programs and the total amount of money the board proposes to fund each category.

8(g) Program Guidelines—a manual produced by BESE for guidance, which includes examples pertaining to the 8(g) program, found in the applicant submission portal.

8(g) Support Fund (Louisiana Quality Education Support Fund)—Repealed.

Administrative Costs—Repealed.

Applicant—an eligible agency which submits a proposal for funding in response to a request for projects by BESE.

Approved Nonpublic School—Repealed.

Board—Repealed.

Board or *BESE*—the state Board of Elementary and Secondary Education.

Budgets—Repealed.

Continuing Project—a project that covers a time period of at least one, but no more than three, fiscal years.

Equipment—Repealed.

Exemplary Program—Repealed.

a. - d. Repealed.

Excess Costs—Repealed.

Fiscal Year (*FY*)—beginning July 1 and ending June 30.

Foreign Language Instruction—academic instruction in any language other than English, not including instruction in English as a second language.

Library Books—Repealed.

Louisiana Education Quality Trust Fund (Permanent Trust Fund)—Repealed.

Other Instructional Materials—materials used in the direct instruction of students which are not included under the annual per-student allocation for "materials of instruction" through the Department of Education. [See the 8(g) program guidelines for a list of examples.]

* * *

Priorities—Repealed.

Project/Application—Repealed.

Project/Application Deadline/Timeline—Repealed.

Projects—Repealed.

Project Year/Term—Repealed.

Recipient—Repealed.

Remediation Program—a program that teaches an educational skill which is normally taught at a lower grade level. [See the 8(g) program guidelines for a list of examples.]

Request for Projects—Repealed.

Research—an investigation of conditions existing within specific school populations.

Scholarships—Repealed.

Stipends—Repealed.

Superior Textbooks—Repealed.

Supplant/Displace/Replace—Repealed.

Supplant, *Displace*, or *Replace*—legally-prohibited types of expenditures for support funds. For the purpose of this Subpart, *supplant*, *displace*, and *replace* refer to the process whereby support funds are utilized in lieu of funds available from another source or 8(g) funds are utilized to fund activities previously funded by another source.

Support Fund or *Louisiana Quality Education Support Fund*—a fund in the Louisiana State Treasury used for educational enhancements in accordance with La. Const. art. VII, §10.1, R.S. 17:3801 et seq., and §2101 of this Chapter.

Technology—Repealed.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6(A)(10) and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3142 (December 2012), amended LR 44:1997 (November 2018), LR 45:

Chapter 23. 8(g) Advisory Council

§2301. 8(g) Advisory Council—Composition, Duties and Responsibilities
[Formerly §2303 and LAC 28:XCIII.301]

A. The composition, duties, and responsibilities of the 8(g) Advisory Council are in accordance with LAC 28:I.503.C.1.

1. - 4. Repealed.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6(A)(10) and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3143 (December 2012), amended LR 44:1997 (November 2018), LR 45:

§2303. Composition of the 8(g) Advisory Council
[Formerly LAC 28:XCIII.303]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6(A)(10) and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 38:3143 (December 2012), repealed LR 45:

Chapter 25. Public Participation

§2501. Public Hearings—Operations. Recommendations, and Deadlines
[Formerly §§2503, 2505, and 2507 and LAC 28:XCIII.501]

A. Expenditure of Support Fund Monies. The board will conduct at least one hearing annually to receive public input, ideas, and suggestions for programs and objectives for the expenditure of support fund money for elementary and secondary schools.

B. Conduction of Public Hearings. Any public hearing being conducted in accordance with §2501 of this Chapter will be in accordance with Chapter 7 of this Part.

C. Deadline for Public Hearings. Public hearings, in accordance with this Section, must be completed no later than October 31 of each year.

D. Recommendations made at Public Hearings. Recommendations made at any public hearing in accordance with this Section will be:

1. compiled by BESE staff for review by the board at the next board meeting; and

2. available to the 8(g) Advisory Council and the public no later than December 31 of the same year the public hearing(s) is held.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6(A)(10) and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 38:3143 (December 2012), amended LR 45:

§2503. Public Notice of Hearings
[Formerly LAC 28:XCIII.503]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6(A)(10) and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3143 (December 2012), repealed LR 45:

§2505. Deadline for Completion of Public Hearings
[Formerly LAC 28:XCIII.505]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6(A)(10) and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3143 (December 2012), repealed LR 45:

§2507. Compilation of Recommendations made at Public Hearings
[Formerly LAC 28:XCIII.507]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6(A)(10) and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3143 (December 2012), repealed LR 45:

Chapter 27. 8(g) Program and Budget

Subchapter A. Establishment

§2701. Establishment of Annual 8(g) Program and Budget; Priorities
[Formerly LAC 28:XCIII.701]

A. Every fiscal year, the board will establish the 8(g) program and budget for expenditure of support fund monies which are anticipated to become available in the following fiscal year.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6, 17:7.3, and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3144 (December 2012), amended LR 45

Subchapter B. Support Fund Priorities and Eligibility

§2703. Annual Funding Priorities and Eligibility
[Formerly §§2713, 2715, 2717, 2721, and LAC 28:XCIII.2703]

A. Annual Support Fund Priorities. In accordance with La. Const. art. VII, §10.1 and R.S. 17:3801 et seq., the board:

1. will establish support fund priorities on an annual basis for the disbursement of funds; and

2. may specify types of educational programs or projects that will receive preference for funding.

3. - 7. Repealed.

B. Project Funding. Eligibility criteria will be in accordance with La. Const. art. VII, §10.1(D)(2) and R.S. 17:3801(D). (See also §2101 of this Part for a list of authorized educational programs.)

C. Applicants. The following are applicants that are eligible to apply for an award of support fund monies:

1. any public or approved nonpublic elementary/secondary school system located within the state of Louisiana. Applications made on behalf of a specific classroom teacher, a department within a school, a group of schools, or on a system-wide basis shall be eligible for submission only through the approved recipient who shall serve as fiscal agent;

2. any approved elementary or secondary school located within the state of Louisiana that is not part of a school system, provided that the school has been certified by the state Board of Elementary and Secondary Education to meet all applicable standards and is approved for state funding under *Brumfield vs. Dodd*. Applications made on behalf of a specific classroom, teacher, or department, or an entire school shall be eligible for submission only through the approved recipient who shall serve as fiscal agent;

3. private organizations/individuals will only be eligible to submit an application through an approved recipient who shall serve as fiscal agent;

4. state agencies shall be eligible for funding for noncompetitive statewide projects, as allocated by BESE.

D. Eligibility Determination. An application for support funds must demonstrate that the project:

1. complies with the provisions of this Subpart; and

2. conforms to the priorities and objectives delineated in the annual 8(g) program and budget adopted by the board for that specific funding period.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6, 17:7.3, and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3145 (December 2012), amended LR 45:

Subchapter C. Allocation of Support Fund Monies

§2705. Allocation of Support Fund Money for Statewide Purposes
[Formerly LAC 28:XCIII.705]

A. The board, in its sole discretion, may:

1. allot a specific amount or a percentage of support fund monies for expenditures necessary to implement specific statewide educational projects mandated by the board; and

2. issue general or specific requests for projects for the development and/or implementation of any statewide educational project.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6 and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3144 (December 2012), amended LR 45:

§2707. Support Fund Set-Aside Money
[Formerly LAC 28:XCIII.707]

A. Program Administration. The board will determine the percentage of anticipated support fund revenues which will be set aside to pay for costs associated with the administration of the 8(g) program in accordance with R.S. 17:3802. Such administrative set-aside will not exceed more than 3 percent of the average annual amount of actual expenditures by each board for the most recent 3 previous fiscal years.

1. - 7. Repealed.

B. Program Proposal Review and Evaluation. Costs attributable to BESE regarding the use of external peer review consultants for the purpose of review evaluation and assessment of program proposals are recognized as costs appropriately borne by respective support fund programs and will be paid in accordance with R.S. 17:3802.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6, 17:7.3, and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3144 (December 2012), amended LR 45:

§2709. 8(g) Program and Budget Summary
[Formerly LAC 28:XCIII.709]

A. Annual 8(g) Program and Budget Summary. A summary of the adoption of the annual 8(g) program and budget:

1. will be posted on the BESE website;

2. contains educational objectives, broad classifications of funding methods, and/or programs to receive budgetary priorities, including the proposed allocation; and

3. includes, but not be limited to, the following:

a. the amount set aside for administrative purposes;

b. an explanation of specific priority(ies), if any, established by the board and the dollar amount allocated for each program; and

c. any additional information relative to board actions that have a direct bearing upon the eventual awarding of support fund monies to eligible recipients.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6(A)(10) and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3144 (December 2012), amended LR 44:1997 (November 2018), LR 45:

§2711. Allocations of the Board to be Reported to the Governor and the Legislature
[Formerly LAC 28:XCIII.711]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with La. Const. Art. VII, § 10.1, R.S. 17:7.3, and R.S. 17:3801.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3145 (December 2012), repealed LR 45:

§2713. Eligibility Criteria
[Formerly LAC 28:XCIII.713]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6, 17:7.3, and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3145 (December 2012), repealed LR 45:

§2715. Eligible Applicants
[Formerly LAC 28:XCIII.715]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6(A)(10) and 3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3145 (December 2012), repealed LR 45:

Subchapter D. Application for Support Fund Monies

§2717. Application for Support Fund Monies
[Formerly LAC 28:XCIII.717]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with La. Const. Art. VII, § 10.1, R.S 17:7.3, and R.S. 17:3801.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3145 (December 2012), repealed LR 45:

§2719. Application for Support Fund Monies—Time Frames
[Formerly LAC 28:XCIII.719]

A. Application Submittal Time Frame. Applications for support fund monies may be submitted by eligible applicants for the following periods of time:

1. for periods of less than one fiscal year;

2. for periods which correspond with the beginning and ending dates of one fiscal year. No projects will be funded for a period which begins in one fiscal year and ends in a different fiscal year; or

3. for periods of two or more fiscal years.

B. Continuing Projects. The maximum number of years an applicant is eligible to receive funding for a continuing project is three.

1. - 3. Repealed.

C. No project will be funded for more than one fiscal year. Funding for subsequent years contained in the project proposal is subject to reconsideration by the board in each subsequent fiscal year. The award of support fund monies will, in all cases, be guaranteed for one fiscal year only.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6(A)(10) and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3145 (December 2012), amended LR 45:

Subchapter E. Evaluation of Support Fund Applications

§2721. Determination of Eligibility
[Formerly LAC 28:XCIII.721]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with La. Const. Art. VII, § 10.1, R.S 17:7.3, and 17:3801.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3145 (December 2012), repealed LR 45:

§2723. Award of Support Fund Grants
[Formerly LAC 28:XCIII.723]

A. Funding. Funding determinations will be finalized by the board for projects to be funded as of July 1.

B. Notification. Applicants will be notified of the disposition of projects following approval by the board.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6(A)(10) and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 38:3146 (December 2012), amended LR 45:

§2725. Instructional Materials
[Formerly LAC 28:XCIII.725]

A. Projects which anticipate across-the-board increases in the per-student allocation for instructional materials are not eligible for funding in this category, since such allocations will be addressed by the board on a statewide basis.

B. An example of projects eligible for support funds in this category can be viewed in the 8(g) program guidelines.

1. - 4.f. Repealed.

C. The project must include the:

1. number and grade levels of students who will have access to the items purchased;

2. school site where items purchased will be housed; and

3. name and title of the school employee responsible for proper usage of the items purchased.

D. Whenever purchases are made for the use of a specific population within a school, the project must:

1. name the specific population; and

2. illustrate the reasons for selecting the specific population to receive support fund monies.

E. - F. Repealed.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6(A)(10) and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 38:3146 (December 2012), amended LR 45:

§2727. Exemplary Programs in Elementary and Secondary Schools
[Formerly LAC 28:XCIII.727]

A. - B. ...

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6(A)(10) and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 38:3146 (December 2012), repromulgated LR 45:

§2729. Pilot Programs—Research and Student Academic Achievement
[Formerly LAC 28:XCIII.729]

A. An eligible applicant may receive funding for a program which is limited to educational research.

1. - 2. Repealed.

B. The following requirements apply to an applicant seeking funds for a "pilot program" and include, but are not limited to, the following. The applicant must:

1. incorporate a research component within the pilot program to verify that program activities result in improved academic performance; or

2. include documentation that legitimate research available in the literature already demonstrates that the activities to be implemented in the pilot program have resulted in improved student academic performance.

3. - 4. Repealed.

C. The following requirements apply to research funded with support fund money and include, but are not limited to, the following. There must be a:

1. guarantee that the rights of participants will be protected throughout research activities; and

a. - b. Repealed.

2. correlation between anticipated results of the research and improved elementary and secondary student academic performance.

D. Requirements applicable to pilot programs using support fund money include, but are not limited to, the following. The program must include:

1. a research component; or

2. documentation that the design of the pilot program is based upon validated research findings; and

3. there must be a guarantee that the rights of participants in any research component of the pilot program will be protected throughout the program period.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6(A)(10) and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 38:3147 (December 2012), amended LR 45:

§2731. School Remediation and Preschool Programs [Formerly §2733 and LAC 28:XCIII.731]

A. School Remediation Programs. School remediation programs must:

1. be designed for a specific target population that is clearly identified;

2. substantiate, by provision of educational performance data acceptable to the board, the need of the target population;

3. included in the proposal the location in which the services will be provided; and

4. if applicable, include in the proposal the level of financial or personnel support that will be received and the source of assistance if it is not from the applicant.

B. Preschool Programs. Preschool programs must:

1. be designed for a specific target population that is clearly identified;

2. substantiate, by test or demographic data acceptable to the board, the need of the target population for preschool instruction; and

3. include the certification that will be required of instructional personnel.

C. - D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6(A)(10) and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 38:3147 (December 2012), amended LR 45:

§2733. Provisions Relative to Preschool Programs [Formerly LAC 28:XCIII.733]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6(A)(10) and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 38:3147 (December 2012), repealed LR 45:

§2735. Foreign Language Instruction Programs [Formerly LAC 28:XCIII.735]

A. Eligible projects for foreign language instruction programs in elementary and secondary schools must:

1. be designed for a specific target population that is clearly identified;

2. offer foreign language instruction designed to improve overall academic performance of students; and

3. expand the regular foreign language program offered at the elementary or secondary level in any school system.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6(A)(10) and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 38:3147 (December 2012), amended LR 45:

Chapter 29. Administration of the Annual 8(g) Program and Budget

§2901. Procedure for Payment to Support Fund Grantees [Formerly LAC 28:XCIII.901]

A. Each grantee shall submit a claim for reimbursement, in the form prescribed by the board. Grantees may request reimbursement of expenditures on a monthly basis.

B. Claims for reimbursement must conform to the budget approved by the board for each project.

C. Budget amendments which do not exceed 20 percent of the line item of the budget, or 5 percent of the total budget, may be approved routinely by the board staff. Any line item amendment to an approved budget which exceeds 20 percent of the approved line item must be submitted to the board for its approval.

D. Each grantee shall submit to the board a summary report showing all expenditures during the approved project period no later than 60 days after the close of the project period.

E. Any grantee not in compliance with Subsections C or D of this Section shall be required to repay the grant money with interest upon demand of the board.

F. Repealed.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6(A)(10) and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 38:3147 (December 2012), amended LR 45:

§2903. Quarterly Report to the Board [Formerly LAC 28:XCIII.903]

A. The Department of Education will submit to the board a quarterly report showing all expenditures in each project no later than 30 days after the close of each quarter.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6(A)(10) and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 38:3148 (December 2012), amended LR 45:

§2905. Mid-Year Progress [Formerly LAC 28:XCIII.905]

A. Each recipient of support funds (which is not a public or quasi-public entity that is a budget unit of the state) must provide a written report to the BESE office concerning the use of funds and progress on meeting goals and objectives of the project by March 1.

AUTHORITY NOTE: Promulgated in accordance with La. Const. art. VII, §10.1 and R.S. 17:6(A)(10) and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 38:3148 (December 2012), amended LR 45:

§2907. Final Programmatic Report [Formerly LAC 28:XCIII.907]

A. Each support fund grantee shall submit a final programmatic report to the board within 60 days after the close of a project period. The final programmatic report must include, but will not be limited to, the following:

1. - 4. ...

5. such other information as may be beneficial to the board in its consideration of the continuation of the project.

B. Support fund recipients who have not submitted a final programmatic report on prior year projects as of September 1 will not receive funds for the current year until the report has been submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 38:3148 (December 2012), amended LR 45:

§2909. Monitoring and Evaluation of Approved Support Fund Projects [Formerly LAC 28:XCIII.909]

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 38:3148 (December 2012), repealed LR 45:

§2911. Annual Report of Each Fiscal Year Support Fund Activities
[Formerly LAC 28:XCIII.911]

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and 17:3801 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 38:3148 (December 2012), repealed LR 45:

Chapter 31. Ownership/Production Rights

§3101. Ownership/Production Rights
[Formerly LAC 28:XCIII.1101]

Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 38:3148 (December 2012), repealed LR 45:

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 rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules 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.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), August 9, 2019 to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Administrative Board Operations and Programs

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no fiscal impacts as a result of the proposed technical revisions associated with the Board of Elementary and Secondary Education (BESE) committee oversight, advisory council membership, records retention, and procedures for funding applications for the Louisiana Quality Education Support Fund – 8(g) – Program.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed policy revisions will have no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated impacts on competition and employment..

Beth Scioneaux	Evan Brasseaux
Deputy Superintendent	Staff Director
1907#039	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District, and State Accountability System—School Performance Scores; Inclusion in Accountability; and Interests and Opportunities Index Calculations
(LAC 28:XI.301, 307, 607, and Chapter 8)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:XI, *Accountability/Testing*, Subpart 1, *Bulletin 111—The Louisiana School, District, and State Accountability System*. Proposed amendments include a "hold harmless" policy. Additionally, if the "interests and opportunities" score results in a lower SPS, the interests and opportunities score will be omitted in the SPS accountability calculation for the 2019-2010 school year. Beginning with the 2019-2020 schoolyear, Louisiana has partnered with school systems to pilot an innovative LEAP 2025 humanities assessment, combining English language arts (ELA) and social studies. In order to gather data to establish a baseline, during the 2019-2020 school year only, the interests and opportunities indicator has been amended for the purposes of principal completion of an online survey (grades K-12) and course enrollment in physical education, visual arts, performing arts, and world languages (grades K-8).

Title 28
EDUCATION
Part XI. Accountability/Testing
Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System
Chapter 3. School Performance Score Component
§301. School Performance Score Goal [Formerly LAC 28:LXXXIII.301]

A. - C.3. …

* * *

4. For the 2019-2020 school year only, for the purpose of calculating 2020 school performance scores, if the interests and opportunities measure results in a lower SPS than the school would earn using the 2018-2019 weights, then the SPS will be calculated without the interests and opportunities measure using the 2018-2019 weights.

a. - a.ii. Repealed.

5. A combination school (a school with a grade configuration that includes a combination from both categories of schools, K-8 and 9-12), will receive a score from a weighted average of the SPS from the K-8 grades and the SPS from the 9-12 grades.

a. The K-8 SPS will be weighted by the number of students eligible to test during the spring test administration.

b. The 9-12 SPS will be weighted by the sum of:

i. assessment units from students who are initial testers for EOC or high school LEAP 2025 plus the students eligible to test ACT (students with EOC or high school LEAP 2025 and ACT will count only one time);

ii. cohort graduation units from the number of members of the cohort used as the denominator in the graduation index calculation and the graduation rate (Students in cohort will count only one time.).

6. For schools with configurations that include grades 9-11, but do not have a grade 12, the school performance score will consist of the indices available.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2737 (December 2003), amended LR 31:1512 (July 2005), LR 32:1017 (June 2006), LR 32:2034, 2035 (November 2006), LR 33:424 (March 2007), LR 33:2349 (November 2007), LR 33:2593 (December 2007), LR 34:430 (March 2008), LR 35:639 (April 2009), LR 36:1987 (September 2010), LR 38:3105 (December 2012), LR 39:305 (February 2013), LR 39:1421 (June 2013), LR 39:2441 (September 2013), LR 40:1313 (July 2014), LR 40:2507 (December 2014), LR 41:1481 (August 2015), LR 41:2578 (December 2015), LR 42:2171, 2172 (December 2016), LR 44:447 (March 2018), LR 45:

§307. LEAP 2025 Humanities Assessment Pilot

A. Beginning in the 2019-2020 schoolyear, the LDE will pilot a new LEAP 2025 humanities assessment, combining English language arts (ELA) and social studies. For school systems participating in the pilot, a transition policy will apply to the assessment and progress index calculations for participating grades only.

B. When calculating the ELA assessment index, either the most recent pre-pilot assessment index for ELA or the current year pilot assessment index, whichever yields the higher school performance score, will be used as the ELA component of the overall assessment index.

C. When calculating the social studies assessment index, either the most recent pre-pilot assessment index for social studies or the current year pilot assessment index, whichever yields the higher school performance score, will be used as the social studies component of the overall assessment index.

D. When calculating the ELA progress index, either the most recent pre-pilot progress index for ELA or the current year pilot progress index, whichever yields the higher school performance score, will be used as the ELA component of the overall progress index.

E. In each index calculation defined in Subsections B-D of this Section, the index will be weighted by the current year tested population in order to limit impact of population changes from prior years.

F. The LDE will annually update BESE on the status of the assessment pilot transition beginning December 2019.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:

Chapter 6. Inclusion in Accountability
§607. Pairing/Sharing of Schools with Insufficient Test Data [Formerly §521]

A. - B. …

C. Any K-2 school with insufficient testing data will be awarded an SPS as defined below.

1. The interests and opportunities index will be calculated as defined in Chapter 8 of this Part based on the K-2 school only.

2. All other indices will be equal to the school to which it is paired.

D. - H.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 30:1445 (July 2004), LR 32:1023 (June 2006), LR 36:1991 (September 2010), LR 38:3108 (December 2012), LR 39:1422 (June 2013), LR 40:1315 (July 2014), LR 44:453 (March 2018), LR 44:1997 (November 2018), LR 45:

Chapter 8. Interests and Opportunities Index Calculations

§801. Interests and Opportunities Index Components

A. The purpose of the interests and opportunities index is to measure the degree to which schools are providing students with access to a well-rounded education, exposing students to diverse areas of learning to develop skills and talents.

B. In the 2019-2020 baseline schoolyear, the interests and opportunities index for K-8 schools will be based in equal parts on survey completion and course enrollment.

K-8 Interests and Opportunities Index Components and Weights		
Component	**Weight**	**Possible Points**
Survey Completion	50 percent	75
Course Enrollment	50 percent	75

C. In the 2019-2020 baseline schoolyear, the interests and opportunities index for high schools will be based on survey completion.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:

§803. Calculating a Survey Completion Score

A. The LDE will administer an online survey in 2019-2020 to be completed by the principal of every school in order to establish baseline data.

B. The survey will be considered complete only upon approval by the superintendent.

C. Full completion of the survey by the LDE established deadline will result in 75 points for grades K-8 and 150 points for grades 9-12. Failure to complete the survey will result in 0 points.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:

§805. Calculating a Course Enrollment Score

A. The course enrollment component will be calculated for every school enrolling students in grades K-8 based on course enrollment as reported to the LDE.

B. The course enrollment score is defined as the percent of grade K-8 students enrolled in physical education courses, visual arts courses, performing arts courses, and of grades 4-8 students enrolled in world language courses.

C. The LDE will publish a list of course codes for each category.

D. To calculate the numerator, sum the following based on enrollment as of October 1:

1. total grades K-8 students enrolled in physical education and/or health courses;

2. total grades K-8 students enrolled in visual arts courses;

3. total grades K-8 students enrolled in performing arts courses; and

4. total grades K-8 students enrolled in world language courses.

E. To calculate the denominator, sum the following:

1. total grades K-8 students enrolled as of October 1, multiplied by 3; and

2. total grades 4-8 students enrolled as of October 1.

F. Divide the numerator by the denominator and multiply the result by 75. The final score cannot exceed 150.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:

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 rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules 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.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), August 9, 2019 to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 111—The Louisiana School, District, and State Accountability System—School Performance Scores; Inclusion in Accountability; and Interests and Opportunities Index Calculations

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be indeterminable impacts to local school districts and the Department of Education (LDE) as a result of the proposed revisions which provide for changes in the components used for calculation of the school performance score to include an interest and opportunities component. There will be increased costs for the Department of Education to develop and implement the new LEAP 2025 Humanities assessment.

Changes associated with the interest and opportunities component of school performance score will have no impact for the 2019-2020 school year which shall serve to establish a baseline for future reporting. There may be future impacts to the extent the changes significantly impact school performance scores. Schools may be required to increase availability and access to programs which are used to determine the interest and opportunities component. Per the state accountability system, potential implications for schools which are labeled comprehensive intervention required include increased resource needs for evidence-based intervention and improvement programs. In such instances, there may also be increased costs for the Department of Education (LDE) as such labels require increased involvement by the department for schools which do not make progress on improvement plans. These costs are indeterminable at this time and will depend upon the actual impact on scores, and the type and extent of intervention and supports which may be provided.

Additionally, the changes provide for the implementation of the LEAP 2025 Humanities assessment pilot which combines the assessments for ELA and social studies. For the 2019-2020 school year, a subset of 20 high schools, across three districts and two charter networks, serving nearly 21,000 students will participate in this alternate assessment. The LDE received approximately $2 million from external (not-for-profit) partners to develop and implement the pilot and has five years to develop, pilot, and expand the assessment statewide. It is unknown whether all districts will have the option of utilizing this assessment; the anticipated impact to the existing assessment contract to develop and administer the assessment; and any anticipated savings for the LDE and or local school districts and schools as a result of the alternate assessment. Future impacts cannot be determined until such time the BESE promulgates additional rules for full implementation.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

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 as a result of the proposed policy revisions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated effects on competition and employment as a result of the proposed revisions.

Beth Scioneaux
Deputy Superintendent
1907#045

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 126—Charter Schools
Alternative Education Sites
(LAC 28:CXXXIX.107)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXIX, *Bulletin 126—Charter Schools*. The proposed amendment address alternative schools that operate as charter schools and align alternative education and charter school approval processes.

Title 28
EDUCATION
Part CXXXIX. Bulletin 126—Charter Schools
Chapter 1. General Provisions
§107. Types of Charter Schools

A. - F. …

G. Charter schools that serve as alternative education sites must adhere to the provisions of LAC 28:CXLIX (Bulletin 131) and will be subject to school accountability as set forth in LAC 28:XI.Chapter 35 (Bulletin 111). The Department of Education may provide for charter school alternative education site approval as part of the common charter application established in accordance with §311.B of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:3981, and 17:3973.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1358 (July 2008), amended LR 39:3249 (December 2013), LR 43:306 (February 2017), LR 45:

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 rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules 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.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), August 9, 2019 to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 126—Charter Schools—Alternative Education Sites

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There may be increased costs for charter schools that operate as alternative education sites to implement the revised provisions for alternative educational programs and schools. Increases will vary depending upon the changes required at the site level and the existing resources of the impacted districts and are indeterminable at this time.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

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 as a result of the proposed policy revisions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated effects on competition and employment as a result of the proposed revisions.

Beth Scioneaux	Evan Brasseaux
Deputy Superintendent	Staff Director
1907#043	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 140—Louisiana Early Childhood Care and Education Network—Academic Approval; Accountability; and Coordinated Enrollment (LAC 28:CLXVII.313, 503, 509, 511, and 709)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:CLXVII, *Bulletin 140—Louisiana Early Childhood Care and Education Network*. Proposed amendments remove outdated language for academic approval that pertained only to fiscal years 2016-2017 through 2018-2019 and report classrooms serving infants that receive a "low" on the lack of adult negativity indicator during the *CLASS*® observation by written notice at the end of the observation period, and noting that sites receiving a notice for two consecutive observation periods may have the notice reported on the performance profile, which mirrors the notice received if a classroom scores a 3.5 or higher for the negative climate dimension for toddler and pre-k classrooms.

Additionally, proposed amendments also reflect updates required to fully implement observations and supports for classrooms serving infants and allow early childhood funding alignment with the "super app" as follows:

- updating coordinated observation plans and support requirements to include classrooms serving infants by defining the domain and dimensions to be used in observations, aligning requirements, across ages, and including inter-rater reliability checks for each classroom age configuration in a network;
- revising the observer reliability calculation to include the full school year by modifying the current observer reliability rate calculated from each semester, which limits many observers to only a few observations that can adversely affect the performance rating and expanding the number of observations included in the calculation over a full school year; and
- aligning the requirements of network requests for funding to the "super app" process by establishing that the LDE will release the timeline for funding requests by September 1 in order for lead agencies to develop requests.

Title 28
EDUCATION
Part CLXVII. Bulletin 140—Louisiana Early Childhood Care and Education Network
Chapter 3. Early Childhood Care and Education Network
§313. Academic Approval for Type III Early Learning Centers

A. - D.3.c. ...

E. Initial Academic Approval for an Applicant for a New Full-Day Type III Early Learning Center License for Fiscal Years 2019-2020 and beyond

1. - 2. ...

F. Renewal of Academic Approval for Full-Day Type III Early Learning Centers for Fiscal Years 2019-2020 and beyond

1. Academic approval will be renewed annually for fiscal years 2019-2020 and beyond for any full-day type III early learning center that:

a. has current academic approval;

i. - iii.(b). Repealed.

b. is in compliance with the provisions of this Part;

c. has not had two unsatisfactory performance ratings within any consecutive three school years; and

d. has submitted a signed copy of the current annual program partner assurances for full-day early learning centers to the department, thereby certifying that:

i. the center will comply with the provisions of this Part, which include:

(a). membership in the corresponding community network, in accordance with Chapter 3 of this Part;

(b). participation in the early childhood care and education accountability system, in accordance with Chapter 5 of this Part; and

(c). participation in the coordinated enrollment process, as provided in Chapter 7 of this Part; and

ii. all lead teachers at the center:

(a). have an early childhood ancillary certificate or other traditional teaching certificate issued by BESE; or

(b). are in the process of completing training that will lead to an early childhood ancillary certificate and will have obtained an early childhood ancillary certificate issued by BESE within 24 months of the start date as a lead teacher; and

iii. a minimum of 20 hours a week of care for every classroom providing full-day care in a publicly-funded site will be provided by a lead teacher(s) or lead teachers that:

(a). have an early childhood ancillary certificate or other traditional teaching certificate issued by BESE; or

(b). are in the process of completing training that will lead to the early childhood ancillary certificate and will have obtained an early childhood ancillary certificate issued by BESE within 24 months of the start date as a lead teacher.

2. Full-day type III early learning centers must annually submit a signed copy of annual program partner

assurances for full-day type III early learning centers to the department prior to July 1, or as requested by the department, whichever occurs earlier.

G. A center that has academic approval terminated may not apply for academic approval for the fiscal year in which academic approval was terminated or the following fiscal year.

1. - 2. Repealed.

H. Academic approval will be valid for the fiscal year, July 1-June 30, for which it is granted.

1. - 2. Repealed.

I. Academic approval is granted to a specific owner and a specific location and is not transferable. If a type III early learning center changes owners or location, it is considered a new operation and academic approval for the new owner or location must be obtained prior to beginning operations under new ownership or at the new location.

J. Upon a change of ownership or change of location, academic approval granted to the original owner or at the original location becomes null and void.

K. Renewal. Prior to July 1 of each year, the department will send notice to each type III early learning center that has academic approval providing one of the following:

1. renewal of academic approval for the center;

2. notice of the center's failure to comply with specific requirements in Subsection A of this Section and specific corrective actions that must be taken by a specified date in order for academic approval to be renewed; or

3. if an early learning center has received the notice outlined in Subparagraph L.2.a of this Section within the academic year and has not provided the required certifications and completed the stated corrective actions, the department may terminate the center's academic approval as provided in Subparagraph L.2.c of this Section and send notice of termination of the center's academic approval.

L. Denial, Termination, or Refusal to Renew Academic Approval

1. The department may deny, terminate, or refuse to renew academic approval for:

a. violations of any provisions of this Part;

b. failure to timely comply with a corrective action plan provided by the department;

c. any act of fraud, such as the submission of false or altered documents or information;

d. failure to timely submit a signed copy of the annual program partner assurances;

e. two unsatisfactory performance ratings within any consecutive three school years; or

f. failure to participate in the early childhood school or center improvement planning process, as required by §512 of this Part.

2. Notice

a. If a type III early learning center is in violation of any provision of this Part, the department will notify the center in writing and may specify any corrective actions in a corrective action plan that will be required to retain academic approval.

b. Within 30 calendar days of receiving such notice, the center must submit certification in writing to the department that:

i. corrective actions specified in the corrective action plan have been taken or are in the process of being taken in compliance with the schedule provided in the corrective action plan; and

ii. the center will remain in compliance with the corrective action plan and all applicable regulations.

c. If the type III early learning center does not respond in a timely or satisfactory manner to the notice and corrective action plan or adhere to the implementation schedule required in the corrective action plan, the department may terminate or refuse to renew the center's academic approval.

d. The department will provide written notice of a denial, termination, or refusal to renew academic approval to the center.

e. The denial, termination or refusal to renew a center's academic approval will be effective when notice of the denial, termination, or refusal to renew is given.

M. Appeal Procedure

1. BESE will have the authority to grant an appeal of the denial, termination or refusal to renew academic approval for a type III early learning center.

a. - c. Repealed.

2. The appeal procedure will be used when needed to address unforeseen and aberrant factors impacting type III early learning centers or when needed to address issues that arise when the literal application of the academic approval regulations does not consider certain unforeseen and unusual circumstances.

3. A type III early learning center may request an appeal of the denial, termination, or refusal to renew its academic approval by submitting a written request for an appeal to the department within 15 calendar days of being given notice of the denial, termination, or refusal to renew its academic approval.

4. All appeal requests must clearly state the specific reasons for requesting the appeal and the reasons why the appeal should be granted and must include any necessary supporting documentation.

5. The department will review all timely submitted appeal requests and make recommendations to BESE during the first regularly scheduled BESE meeting following receipt of the appeal requests, or during the second regularly scheduled BESE meeting if an appeal request is received within 10 working days of the next regularly scheduled BESE meeting. Within this interval, the department will notify the center of its recommendation and allow the center to respond in writing. The department's recommendation and the center's response must be submitted to BESE for final disposition.

6. An early learning center that appeals the termination or refusal to renew its academic approval will retain its academic approval during the appeal process.

N. - O.6. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.36(C), and 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2584 (December 2015), amended LR 42:1871 (November 2016), LR 43:2129 (November 2017), LR 44:1439 (August 2018), LR 45:

Chapter 5. Early Childhood Care and Education Accountability System

§503. Coordinated Observation Plan and Observation Requirements

A. - B.1. ...

2. Domains and Dimensions

a. *CLASS*® observations for infant classrooms must include the infant *CLASS*® domain and all dimensions contained within.

b. *CLASS*® observations for toddler classrooms must include both toddler *CLASS*® domains, which are emotional and behavioral support and engaged support for learning, and all dimensions contained within.

c. *CLASS*® observations for pre-K classrooms must include all three pre-K *CLASS*® domains, which are emotional support, classroom organization, and instructional support, and all dimensions contained within.

3. Required Observations

a. Beginning with the 2019-2020 school year, all infant, toddler, and pre-K classrooms in a publicly-funded site will receive two *CLASS*® observations during the school year conducted by the community network.

3.b. - 4.d. ...

e. a classroom that is a combination of infant, toddler, and pre-K children must be observed using the tool appropriate for the majority of the class. If there is no clear majority among the three age groups, the toddler tool must be used.

5. ...

a. Within each school year, for observations conducted by a community network observer that have been compared to domain-level results conducted by the department's third-party contractors, if more than 20 percent of the domain-level results are different by more than 1 point for the community network observer, that observer and lead agency will be issued a notice in writing by the state regarding the level of accuracy.

b. Within each school year, for observations conducted by a community network observer that have been compared to domain-level results conducted by the department's third-party contractors, if more than 33 percent of the domain-level results are different by more than 1 point for the community network observer, that observer will be shadow scored by another community network observer in the next observation period.

c. - d. ...

e. At the end of each observation period, the department will notify lead agencies in writing of all community network observers that have more than 20 percent of the domain-level results that differ by more than 1 point from comparable observations conducted by the department's third-party contractors.

C. - C.1.b.ii. ...

iii. the community network conducts inter-rater reliability observation checks for 10 percent of all classrooms observed during the fall observation period and for 10 percent of all classrooms observed during the spring observation period, and that these reliability observation checks include every observer and at least one observation for each classroom age configuration in the community network at least once annually; and

C.1.b.iv. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2586 (December 2015), amended LR 42:1872 (November 2016), LR 43:2131 (November 2017), LR 44:1440 (August 2018), LR 45:

§509. Performance Rating Calculations for Publicly-Funded Sites

A. - A.3. ...

4. Sites that have classrooms which receive a score of 3.5 or above for the negative climate dimension and sites that have infant classrooms that receive a "low" on the lack of adult negativity indicator will receive a notice in writing at the end of the observation period in which the score was received. If a site receives a notice for two consecutive observation periods, an indicator of high negative climate, low lack of adult negativity or an indicator for both may be reported on the performance profile. Lack of adult negativity is an indicator used in infant *CLASS*® and is comparable to the pre-K and toddler negative climate dimension. Like all indicators for *CLASS*®, the measure is expressed as "high," "medium," or "low" rather than as a numerical score.

B. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2587 (December 2015), amended LR 42:1873 (November 2016), LR 44:1442 (August 2018), LR 45:

§511. Performance Rating Calculations for Community Networks

A. - A.3. ...

B. The *CLASS*® observation results will be determined by averaging the results of all fall and spring dimension-level toddler and pre-K observation results for all toddler and pre-K classrooms within the community network excluding negative climate. Beginning in the 2020-2021 school year, the *CLASS*® observation results will be determined by averaging the results of all fall and spring dimension-level infant, toddler, and pre-K observation results for all infant, toddler, and pre-K classrooms within the community network, excluding negative climate.

B.1. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2588 (December 2015), amended LR 42:1874 (November 2016), LR 44:1442 (August 2018), LR 45:

Chapter 7. Coordinated Enrollment

§709. Community Network Request for Funding for Publicly-Funded Programs

A. Annually by September 1, the department will release the timeline by which the lead agency will develop, in collaboration with representatives of providers of child care, Head Start, and prekindergarten services, and submit a funding request for the following fiscal year to the department on behalf of the community network and based on the coordinated enrollment results, to include the following:

A.1. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:407.21 et seq., and 17:407.91 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2592 (December 2015), amended LR 42:1877 (November 2016), LR 45:

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 rules proposed for adoption,

repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules 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.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), August 9, 2019 to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 140—Louisiana Early Childhood Care and Education Network

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no costs or savings for the Louisiana Department of Education (LDE), or for local school districts acting as the Community Network lead agency or as individual early childhood schools or centers associated with the proposed revisions regarding academic approval for Early Learning Centers and the full implementation of CLASS observations for infant classrooms.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed policy revisions will not have an impact on state or local revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no impact to early learning center owners, operators, or staff as a result of the proposed changes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect on competition and employment.

Beth Scioneaux
Deputy Superintendent
1907#044

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Louisiana Handbook for School Administrators—Curriculum and Instruction
TOPS University Diploma (LAC 28:CXV.Chapter 23)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:CXV, *Bulletin 741—Louisiana Handbook for School Administrators*. Proposed amendments incorporate courses into policy for high school graduation requirements and make technical edits. Additionally, courses required for

the TOPS university diploma and the career diploma are aligned with corresponding Cambridge courses.

Title 28
EDUCATION
Part CXV. Bulletin 741—Louisiana Handbook for School Administrators
Chapter 23. Curriculum and Instruction
Subchapter A. Standards and Curricula
§2318. The TOPS University Diploma

A. - C.2.j. …

3. For incoming freshmen in 2014-2015 and beyond who are completing the TOPS university diploma, the minimum course requirements will be the following:

a. English—four units:

i. one of the following:

(a). English I;

(b). English language (part 1): Cambridge IGCSE; or

(c). English literature (part 1): Cambridge IGCSE;

ii. one of the following:

(a). English II;

(b). English language (part 2): Cambridge IGCSE; or

(c). English literature (part 2): Cambridge IGCSE;

iii. one of the following:

(a). - (e). …

(f). English language (part 1): Cambridge AICE—AS (honors); or

(g). literature in English (part 1): Cambridge AICE—AS (honors);

NOTE: If a student chooses to take the A level Cambridge course, the second unit will count as an elective credit.

iv. one of the following:

(a). - (e). …

(f). English language (part 2): Cambridge AICE—AS (honors); or

(g). literature in English (part 2): Cambridge AICE—AS (honors);

NOTE: If a student chooses to take the A level Cambridge course, the second unit will count as an elective credit.

b. mathematics—four units:

i. - iii. ...

NOTE: Integrated mathematics I, II, and III, including the Cambridge IGCSE integrated mathematics sequence, may be substituted for the algebra I, geometry, and algebra II sequence.

iv. - iv.(n.). …

(o). statistical reasoning; or

(p). additional math—Cambridge IGCSE;

(q). math 1 (probability and statistics): Cambridge AICE (honors);

(r). math 1 (pure math): Cambridge AICE—AS (honors);

(s). math 2 (part 1): Cambridge AICE—A level (honors); or

(t). math 2 (part 2): Cambridge AICE—A level (honors);

c. science—four units:

i. - iii.(b).(ii). ...

(c). one of:

(i). - (ii). ...

(iii). PLTW principles of engineering;

(d). ...

(e). one of:

(i). - (iii). ...

(iv). IB chemistry II; or

(v). chemistry II: Cambridge AICE—AS (honors);

(f). - (f).(ii). ...

(g). one of:

(i). - (iii). ...

(iv). physics I: Cambridge IGCSE; or

(v). physics II: Cambridge AICE—AS (honors);

(h). - (h).(iv). ...

(i). one of:

(i). - (iv). ...

(v). biology II: Cambridge AICE—AS (honors); or

(vi). human anatomy and physiology;

(ii) - (ii).(v). Repealed.

d. social studies—four units:

i. - ii.(d). ...

iii. two units chosen from:

(a). one of:

(i). - (ii). ...

(iii). western civilization; or

(iv.). history (European): Cambridge AICE—AS (honors);

(b). one of:

(i). - (iii). ...

(iv). physical geography; or

(v). geography: Cambridge AICE—AS (honors);

(c). one of:

(i). - (ii). ...

(iii). IB history of the Americas II; or

(iv). history (international): Cambridge AICE—AS (honors);

(d). one of:

(i). IB economics;

(ii). economics;

(iii). AP macroeconomics;

(iv). AP microeconomics; or

(v). economics: Cambridge AICE—AS (honors);

(e). AP psychology;

(f). history of religion;

(g). - (h). Repealed.

C.3.e. - D.3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, and 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 36:1486 (July 2010), LR 37:547 (February 2011), LR 37:1128 (April 2011), LR 37:2129 (July 2011), LR 37:2132 (July 2011), LR 37:3193 (November 2011), LR 38:754, 761 (March 2012), LR 38:1001 (April 2012), LR 38:1584 (July 2012), LR 40:994 (May 2014), LR

40:1328 (July 2014), LR 40:1679 (September 2014), LR 40:2525 (December 2014), LR 41:915 (May 2015), LR 41:1482 (August 2015), LR 41:2126 (October 2015), LR 42:232 (February 2016), LR 42:1062 (July 2016), LR 42:1878 (November 2016), LR 42:2176 (December 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2483 (December 2017), LR 44:263 (February 2018), LR 44:1868 (October 2018), repromulgated LR 44:1998 (November 2018), amended LR 45:

§2320. Career Diploma Pathway for Students Assessed on the Louisiana Alternate Assessment

A. Introduction

1. Students who meet the participation criteria for the alternate assessment in LAC 28:XCVII, *Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities*, will be eligible for a career diploma by satisfying the pathway requirements detailed in this Section.

2. This diploma pathway does not meet the federal definition of a regular high school diploma. Students who receive the career diploma based on the pathway in this Section will remain eligible for special education and related services until the end of the school year in which they turn 22.

B. - B.2. …

C. Assessment Requirement

1. All students must participate in the high school assessment sequence.

2. Students must meet one of the two assessment requirements in Subparagraphs a and b of this Paragraph in English language arts and mathematics to earn a career diploma:

a. students must earn a score of level 2 or higher; or

b. - b.iii. …

D. Workforce-Readiness and Career Education Requirement

1. Career diploma workforce-readiness and career education programs for students who participate in the alternate assessment will include:

D.1.a. - E.4.c. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, 17:183.3, 17:274, 17:274.1, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:1483 (August 2015), amended LR 45:

Subchapter B. Academic Programs of Study

§2345. Foreign Languages

A. The foreign language course offerings shall be as follows.

Course Title(s)	Units
French I, II, III, IV, V	1 each
* * *	
IB Classical Language	1
Cambridge AICE—AS (Honors): Arabic	1
Cambridge AICE—AS (Honors): French	1
Cambridge AICE—AS (Honors): German	1
Cambridge AICE—AS (Honors): Spanish	1
Cambridge AICE—AS (Honors): Spanish Literature	1
Cambridge AICE—AS (Honors): Chinese	1
Cambridge AICE—AS (Honors): Japanese	1

B. - B.6. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24.4, R.S. 273, and R.S. 17:284.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1295 (June 2005), amended LR 36:1996 (September 2010), LR 38:759 (March 2012), LR 38:2364 (September 2012), LR 39:2220 (August 2013), LR 40:998 (May 2014), LR 40:2527 (December 2014), LR 43:2133 (November 2017), LR 43:2484 (December 2017), LR 45:

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 rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules 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.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of

the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), August 9, 2019 to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741—Louisiana Handbook for School Administrators—Curriculum and Instruction

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated costs or savings to state or local governmental units as a result of the proposed revisions which add certain coursework offered by the University of Cambridge (Cambridge Assessment International Education) to the core curriculum options for the purpose of meeting high school TOPS university diploma requirements. In the event the Office of Student Financial Assistance (OSFA) recognizes this coursework as a TOPS course equivalent for the purpose of awarding a TOPS scholarship award in the future, there could be an increase in the number of students eligible for TOPS. However, any such increase is indeterminable at this time.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Currently there are no schools offering the proposed coursework. The University of Cambridge indicated enrollments are not expected until the 2020-2021 school year. At that time, high school students may benefit from the option of using such coursework to meet graduation requirements, however, this coursework has not been recognized by OSFA as a course equivalent. Until such time that such coursework may be recognized by OSFA, these courses cannot be used to satisfy TOPS eligibility requirements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated effects on competition and employment as a result of the proposed revisions.

Beth Scioneaux	Evan Brasseaux
Deputy Superintendent	Staff Director
1907#042	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators—Curriculum and Instruction—TOPS University Diploma and the Career Diploma (LAC 28:LXXIX.2109 and 2317)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:LXXIX, *Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators*. Proposed amendments incorporate courses into policy for high school graduation requirements and make technical edits. Additionally, courses required for the TOPS university diploma and the career diploma are aligned with corresponding Cambridge courses.

Title 28
EDUCATION
Part LXXIX. Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators
Chapter 21. Curriculum and Instruction
Subchapter C. Secondary Schools
§2109. High School Graduation Requirements

A. - C.7. ...

D. For incoming freshmen in 2014-2015 and beyond who are completing the TOPS university diploma, the minimum course requirements will be the following:

1. English—four units:

a. one of the following:

i. English I;

ii. English language (part 1): Cambridge IGCSE; or

iii. English literature (part 1): Cambridge IGCSE;

b. one of the following:

i. English II;

ii. English language (part 2): Cambridge IGCSE; or

iii. English literature (part 2): Cambridge IGCSE;

c. - c.v. …

vi. English language (part 1): Cambridge AICE—AS (honors); or

vii. literature in English (part 1): Cambridge AICE—AS (honors);

NOTE: If a student chooses to take the A level Cambridge course, the second unit will count as an elective credit.

d. - d.v. …

vi. English language (part 2): Cambridge AICE—AS (honors); or

vii. literature in English (Part 2): Cambridge AICE—AS (honors);

NOTE: If a student chooses to take the A level Cambridge course, the second unit will count as an elective credit.

2. - 2.d.xiv. …

xv. additional math: Cambridge IGCSE;

xvi. math 1 (probability and statistics): Cambridge AICE (honors);

xvii. math 1 (pure math): Cambridge AICE—AS (honors);

xviii. math 2 (part 1): Cambridge AICE—A level (honors); or

xix. math 2 (part 2): Cambridge AICE—A level (honors);

3. science—four units:

a. - b. ...

c. two units from the following:

i. ...

ii. one of:

(a). environmental science;

(b). environmental awareness;

iii. one of:

(a). physical science;

(b). principles of engineering;

(c). PLTW principles of engineering;

iv. ...

v. one of:

(a). - (d). ...

(e). chemistry II: Cambridge AICE—AS (honors);

vi. - vi.(b). ...

vii. one of:

(a). - (c). ...

(d). physics I: Cambridge IGCSE; or

(e). physics II: Cambridge AICE—AS (honors);

viii. - viii.(d). ...

ix. one of:

(a). - (d). ...

(e). biology II: Cambridge AICE—AS (honors); or

(f). human anatomy and physiology;

4. - 4.b.iv. ...

c. two units chosen from:

i. one of:

(a). - (b). ...

(c). western civilization; or

(d). history (European): Cambridge AICE—AS (honors);

ii. one of:

(a). - (c). ...

(d). physical geography; or

(e). geography: Cambridge AICE—AS (honors);

iii. one of:

(a). - (b). ...

(c). IB history of the Americas II; or

(d). history (international): Cambridge AICE—AS (honors);

iv. - vii. ...

viii. economics: Cambridge AICE—AS (honors);

ix. history of religion;

x. AP psychology;

D.5. - E. …

1. The minimum course requirements for a career diploma for incoming freshmen in 2014-2015 and beyond will be the following:

a. English—4 units:

i. one of the following:

(a). English I;

(b). English language (part 1): Cambridge IGCSE; or

(c). English literature (part 1): Cambridge IGCSE;

ii. one of the following:

(a). English II;

(b). English language (part 2): Cambridge IGCSE; or

(c). English literature (part 2): Cambridge IGCSE;

iii. the remaining units will come from the following:

(a). - (c). ...

(d). English language (part 1): Cambridge AICE—AS (honors);

(e). literature in English (part 1): Cambridge AICE—AS (honors);

(f). English IV;

(g). English language (part 2): Cambridge AICE—AS (honors);

(h). literature in English (part 1): Cambridge AICE—AS (honors);

(i). any AP or IB English course; or

(j). comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by BESE;

b. mathematics—4 units:

i. ...

ii. the remaining units will come from the following:

(a). geometry or applied geometry;

(b). technical math;

(c). medical math;

(d). applications in statistics and probability;

(e). financial math;

(f). math essentials;

(g). algebra II;

(h). advanced math—pre-calculus;

(i). discrete mathematics;

(j). probability and statistics;

(k). additional math—Cambridge IGCSE;

(l). math 1 (pure math): Cambridge AICE—AS (honors);

(m). comparable Louisiana Technical College courses offered by Jump Start regional teams, as approved by BESE;

(n). integrated mathematics I, II, and III may be substituted for algebra I, geometry, and algebra II and will count as three math credits;

c. science—2 units:

i. ...

ii. 1 unit from the following physical science cluster:

(a). physical science;

(b). integrated science;

(c). chemistry I;

(d). ChemCom;

NOTE: Repealed.

(e). physics I;

(f). physics I: Cambridge IGCSE;

(g). physics of technology I;

iii. 1 unit from the following courses:

(a). food science;

(b). forensic science;

(c). allied health science;

(d). basic body structure and function;

(e). basic physics with applications;

(f). aerospace science;

(g). earth science;
(h). agriscience II;
(i). physics of technology II;
(j). environmental science;
(k). anatomy and physiology;
(l). animal science;
(m). biotechnology in agriculture;
(n). environmental studies in agriculture;
(o). health science II;
(p). EMT—basic;
(q). biology II: Cambridge AICE—AS (honors);
(r). chemistry II: AICE—AS (honors);
(s). physics II: Cambridge AICE—AS (honors);
(t). principles of engineering;
(u). PLTW principles of engineering;
(v). (LSU partnership) principles of engineering;
(w). an additional course from the physical science cluster; or
(x). course(s) developed by the LEA and approved by BESE;
iv. students may not take both integrated science and physical science;
v. agriscience I is a prerequisite for agriscience II and is an elective course;
E.1.d. - F.3.b. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), and (15), 17:7(6), 17:10, 17:22(6), 17:391.1-391.10, and 44:411.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2351 (November 2003), amended LR 30:2776 (December 2004), LR 31:3081 (December 2005), LR 34:2099 (October 2008), LR 36:2849 (December 2010), LR 37:2142, 2144 (July 2011), repromulgated LR 37:2390 (August 2011), amended LR 37:2597 (September 2011), LR 38:769 (March 2012), LR 38:1008 (April 2012), LR 39:1444 (June 2013), LR 40:1682 (September 2014), LR 40:2535 (December 2014), LR 41:915 (May 2015), LR 41:1485 (August 2015), LR 41:2127 (October 2015), LR 42:1064 (July 2016), LR 43:1289 (July 2017), LR 45:38 (January 2019), LR 45:

Chapter 23. High School Program of Studies

§2317. Foreign Languages

A. The foreign language course offerings will be as follows.

Course Title(s)	Units
Chinese I, II, III, IV, V	1 each
* * *	
IB Classical Language	1
Cambridge AICE—AS (Honors): Arabic	1
Cambridge AICE—AS (Honors): French	1
Cambridge AICE—AS (Honors): German	1
Cambridge AICE—AS (Honors): Spanish	1
Cambridge AICE—AS (Honors): Spanish Literature	1
Cambridge AICE—AS (Honors): Chinese	1
Cambridge AICE—AS (Honors): Japanese	1

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2354 (November 2003), amended LR 31:3086 (December 2005), LR 38:770 (March 2012), LR 40:1685 (September 2014), LR 40:2538 (December 2014), LR 45:

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 rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules 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.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), August 9, 2019 to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators—TOPS University Diploma and the Career

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated costs or savings to state or local governmental units as a result of the proposed revisions which add certain coursework offered by the University of Cambridge (Cambridge Assessment International Education) to the core curriculum options for the purpose of meeting high school TOPS university diploma requirements. In the event the Office of Student Financial Assistance (OSFA) recognizes this coursework as a TOPS course equivalent for the purpose of awarding a TOPS scholarship award in the future, there could be an increase in the number of students eligible for TOPS. However, any such increase is indeterminable at this time.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Currently there are no schools offering the proposed coursework. The University of Cambridge indicated enrollments are not expected until the 2020-2021 school year. At that time, high school students may benefit from the option of using such coursework to meet graduation requirements, however, this coursework has not been recognized by OSFA as a course equivalent. Until such time that such coursework may be recognized by OSFA, these courses cannot be used to satisfy TOPS eligibility requirements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no estimated effects on competition and employment as a result of the proposed revisions.

Beth Scioneaux
Deputy Superintendent
1907#041

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel—Certifications and Endorsements
(LAC 28:CXXXI.203, Chapter 3, 417, 506, and Chapters 6-7)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXI, *Bulletin 746—Louisiana Standards for State Certification of School Personnel*. Proposed amendments include aligning regulations in the LAC with statutory language pertaining to successful out-of-state teaching experience for the issuance of teaching or educational leadership certificates, clarifying the PRAXIS examination(s) that are accepted for issuance of the algebra I add-on endorsement to provide consistency and continuity with citations within certification policy, and to create alignment of the required score for the social studies PRAXIS exam (5086) (currently 160) with the score recommended by the Educational Testing Service's (ETS) multistate standard-setting study (153).

Title 28
EDUCATION
Part CXXXI. Bulletin 746—Louisiana Standards for State Certification of School Personnel
Chapter 2. Initial Teacher Certification
Subchapter B. Testing Required for Certification Areas
§203. Certification Exams and Scores (Formerly §243)

A. - B. …

* * *

C. Certification Areas

1. Grades 6-12 Certification

Grades 6-12 Certification Areas					
Certification Area	**Name of PRAXIS Test**	**Score**			**PLT 7-12**
* * *					
Physics	Physics: Content Knowledge (0265 or 5265)	141			157
Social Studies	Social Studies: Content and Interpretation (0086 or 5086)	*153	---	---	157
Spanish	Spanish: World Language (5195)	157	PLT7-12 (Score 157) until 6/30/13; After 6/30/13 World languages Pedagogy 0841 (Score 158)		
* * *					

* The passing score for tests taken prior to January 1, 2020 is 160.

C.2. - F. …

* * *

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 36:485 and 488 (March 2010), LR 36:2265 (October 2010), LR 37:551 (February 2011), repromulgated LR 37:556 (February 2011), amended LR 37:3210 (November 2011), LR 39:1461 (June 2013), LR 40:277 (February 2014), LR 40:1680 (September 2014), LR 41:645 (April 2015), LR 41:916 (May 2015), LR 42:233 (February 2016), LR 43:1292 (July 2017), LR 44:264 (February 2018), LR 44:1999 (November 2018), LR 45:228, 230 (February 2019), repromulgated LR 45:403 (March 2019), LR 45:

Chapter 3. Teaching Authorizations and Certifications

Subchapter A. Standard Teaching Authorizations

Editor's Note: The name of the Division of Student Standards and Assessments has been changed to The Division of Student Standards, Assessments, and Accountability.

§305. Professional Level Certificates

A. - A.1.b.ii. …

(a). he/she meets all requirements for Louisiana certification except the Praxis exam requirements; has at least three years of successful teaching experience in another state, as verified by the out-of-state employing authority or state education agency (SEA); and teaches on an out-of-state certificate for one year in a Louisiana-approved public or an approved private school system;

A.1.b.ii.(b). - B.1.a. …

b. either successfully meet the standards of effectiveness for three years pursuant to state law and LAC 28:CXLVII (Bulletin 130) or receive a waiver of this provision from the LDE, at the request of the employing LEA, if the teacher was unable to meet the standards of effectiveness due to administrative error in the local implementation of the evaluation system any year prior to the 2015-2016 school year:

i. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA; and

B.1.c. - C.1.c. …

i. All out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

C.2. - E.6. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 33:433 (March 2007), LR 34:233 (February 2008), LR 34:1611 (August 2008), LR 35:222 (February 2009), LR 37:558 (February 2011), LR 38:1951 (August 2012), LR 40:279 (February 2014), LR 41:2128 (October 2015), LR 43:1304 (July 2017), LR 44:745 (April 2018), LR 45:525 (April 2019), LR 45:

§307. Type C Certificates

A. - D.1.d. …

i. All out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

D.2. - E.3. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1798 (October 2006), amended LR 37:559 (February 2011), LR 38:3136 (December 2012, LR 43:1306 (July 2017), LR 45:

§309. Out-of-State (OS) Certificate

A. - C.1.c. …

i. he/she meets all requirements for Louisiana certification except the Praxis exam requirements; has at least three years of successful teaching experience in another state, as verified by the out-of-state employing authority or SEA; and teaches on an OS certificate for one year in a Louisiana approved public or an approved private school system;

ii. - iii. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1799 (October 2006), amended LR 33:433 (March 2007), LR 34:1611 (August 2008), LR 35:222 (February 2009), LR 35:894 (May 2009), LR 37:559 (February 2011), LR 37:882 (March 2011), LR 40:280 (February 2014), LR 43:1306 (July 2017), LR 45:

§311. World Language Certificate (WLC) PK-12

A. - C.2. …

3. evidence of two years of successful teaching experience in the country of origin:

a. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA; and

C.4. - F. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1800 (October 2006), amended LR 33:1618 (August 2007), LR 34:233 (February 2008), LR 35:642 (April 2009), LR 36:486 (March 2010), LR 38:1952 (August 2012), LR 40:280 (February 2014), LR 43:1307 (July 2017), LR 44:745 (April 2018), LR 44:2133 (December 2018), LR 45:

Subchapter C. Ancillary Teaching Certificates

§343. Artist or Talented Certificate

A. - C.3.c. …

i. All out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

4. - 5. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 38:762 (March 2012), LR 38:3136 (December 2012), LR 45:

§345. Nonpublic Montessori Teacher Certificate

A. - C.1.g. …

2. For a type B Montessori certificate:

a. at least one year of successful teaching experience in a Montessori school:

i. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA; and

b. - b.vii. …

3. For type A, junior class A, and junior Montessori certificates:

a. ...

b. at least one year of successful teaching experience in a Montessori school:

i. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA; and

C.3.c. - E. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1805 (October 2006), amended LR 38:3136 (December 2012), LR 45:

§346. Family and Consumer Sciences (Occupational Programs)

A. - C.1.b. …

i. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

2. - 3. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1806 (October 2006), amended LR 38:3137 (December 2012), LR 45:

§350. Mentor Teacher Ancillary Certificate

A. - B.1.a.ii. …

iii. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA;

B.1.b. - C.1.a.ii. …

iii. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA;

C.1.b. - E.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:230 (February 2019), amended LR 45:

§351. Content Leader Ancillary Certificate (Optional)

A. …

1. Eligibility requirements for the content leader ancillary certificate include that the candidate must:

a.i. - a.ii. ...

iii. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

A.1.b. - C.2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:3902.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 45:231 (February 2019), amended LR 45:

Chapter 4. Ancillary School Service Certificates

Subchapter A. General Ancillary School Certificates

§417. Educational Leader in Special Education Ancillary Certificate

A. - D.1.j. …

2. have at least three years of experience working with students in the area of certification:

a. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA;

3. - 5. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 42:1879 (November 2016), amended LR 43:1312 (July 2017), LR 45:

Chapter 5. Standards for Secondary Career and Technical Trade and Industrial Education Personnel

§506. CTTIE-1 and CTTIE-2 Certificate Eligibility Requirements [Formerly §505]

A. - B.4. …

a. All out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

B.5. - C.2. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1813 (October 2006), amended LR 35:2752 (December 2009), LR 36:2843 (December 2010), LR 38:2366 (September 2012), LR 40:1330 (July 2014), LR 45:

§509. CTTIE-1 Certificate Renewal Guidelines for certificates initially issued prior to September 1, 2014 [Formerly §507]

A. - B.1. …

B. The coursework must be completed from the following approved list:

1. a new instructor workshop (mandatory for all instructors who do not hold a valid Louisiana teaching certificate and do not have three years of successful teaching experience:

a. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA;

B.2. - D. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1814 (October 2006), amended LR 33:2356 (November 2007), LR 35:2753 (December 2009), LR 36:2000 (September 2010), LR 38:3137 (December 2012), LR 40:1331 (July 2014), LR 45:

Chapter 6. Endorsements to Existing Certificates

§601. Introduction

A. - A.6. …

7. All out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

B. - C.3. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1814 (October 2006),

amended LR 37:1381 (May 2011), LR 40:2242 (November 2014), LR 45:

Subchapter B. Special Education Level and Area Endorsements

§623. Requirements to add Academically Gifted

A. - A.3. …

3. three semester hours in a practicum for academically gifted; or an internship for college credit in academically gifted; or three years of successful teaching experience in academically gifted:

a. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA;

4. - 4.c.…

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1816 (October 2006), amended LR 45:

§627. Requirements to add Hearing Impaired K-12

A. - B. …

1. All out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

C. - D. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1817 (October 2006), amended LR 37:552 (February 2011), LR 40:281 (February 2014), LR 45:

§631. Requirements to add Significant Disabilities 1-12

A. - A.1.g. …

2. three semester hours of internship of students with significant disabilities; or three years of successful teaching experience of students with significant disabilities:

a. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA; and

3. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1818 (October 2006), amended LR 37:555 (February 2011), LR 39:1465 (June 2013), LR 45:

§633. Requirements to add Visual Impairments/Blind K-12

A. - A.1.g. …

2. three semester hours of internship of students who are visually impaired; or three years of successful teaching experience of students who are visually impaired or blind:

a. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA;

3. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1818 (October 2006), amended LR 37:556 (February 2011), LR 39:1465 (June 2013), LR 40:281 (February 2014), LR 45:

Subchapter C. All Other Teaching Endorsement Areas

§645. Adult Education Instructor

A. - A.2.b.i. …

ii. practicum in adult education, three semester hours or three years of successful teaching experience in adult education:

(a). all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

A.2.b.iii. - B. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1818 (October 2006), amended LR 36:485 (March 2010), LR 45:

§648. Algebra I

A. - A.1. …

2. pass either the:

a. middle school principals of learning and teaching (PLT) exam; or

b. secondary PLT exam;

3. pass the PRAXIS middle school mathematics exam; and

4. pass the algebra I PRAXIS exam.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:1386 (July 2008), amended LR 39:1465 (June 2013), LR 40:281 (February 2014), LR 45:228 (February 2019), LR 45:

§666. Elementary Mathematics Specialist

NOTE: Valid for serving as an instructional coach in mathematics in grades PK-6.

A. - B. …

1. three years of successful teaching experience to include the teaching of mathematics:

a. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA;

B.2. - C. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 37:2135 (July 2011), amended LR 45:

Chapter 7. Administrative and Supervisory Credentials

Subchapter A. The Educational Leadership Certificate

§705. Educational Leader Certificate Level 1 (EDL 1)

A. - A.2. …

a. hold or be eligible to hold a valid Louisiana type B or level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience in his/her area of certification:

i. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA;

2.b. - 3.…

a.i. hold, or be eligible to hold, a valid Louisiana type B or level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience in his/her area of certification;

ii. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA;

3.b. - 4.…

a.i. hold, or be eligible to hold, a valid Louisiana type B or level 2 teaching certificate or have a comparable level out-of-state teaching certificate and three years of teaching experience in his/her area of certification:

ii. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA;

4.b. - 6.…

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1823 (October 2006), amended LR 33:819 (May 2007), LR 38:43 (January 2012), LR 38:3138 (December 2012), LR 39:1465 (June 2013), LR 43:1313 (July 2017), LR 45:231 (February 2019), LR 45:526 (April 2019), LR 45:

§706. Educational Leader Certificate Level 2 (EDL 2) [Formerly §707]

A. To receive an EDL 2, the individual must:

1. - 2. ...

3. if applicable, have all out-of-state experience verified as successful by the out-of-state employing authority or SEA;

4. participate in an education leader induction administered, if required by the LEA;

5. for individuals who are employed in a leadership capacity at the school level, either meet the standards of effectiveness as an educational leader for three years pursuant to LAC 28:CXLVII (Bulletin 130) and R.S. 17:3902 or receive a waiver of this provision from the LDE, at the request of the employing LEA, if the educational leader was unable to meet the standards of effectiveness any year prior to the 2015-2016 school year due to administrative error in the local implementation of the evaluation system; and

6. for individuals who are employed in a leadership capacity at the district level, earn effective ratings per local personnel evaluations for three years.

B. - B.3. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1823 (October 2006), amended LR 33:820 (May 2007), LR 38:43 (January 2012), LR 38:3138 (December 2012), LR 39:1465 (June 2013), LR 41:2129 (October 2015), LR 45:526 (April 2019), LR 45:

§708. Educational Leader Certificate Level 3 (EDL 3) [Formerly §709]

A. - A.1.b. …

c. five years of successful administrative or management experience in education at the level of assistant principal or above. The assistant principal experience would be limited to a maximum of two years of experience in that position:

i. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA; and

1.d. - 5.…

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1824 (October 2006), amended LR 38:3139 (December 2012), LR 41:2129 (October 2015), LR 45:526 (April 2019), LR 45:

Subchapter B. Out-of-State Administrative Certification Structure

§721. Out-of-State Principal Level 1 (OSP1)

A. - A.1.a. …

b. a minimum of two years of successful experience as a principal or assistant principal in another state, as verified by the out-of-state employing authority or SEA;

1.c. - 2.…

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1824 (October 2006), amended LR 35:2325 (November 2009), LR 38:43 (January 2012), LR 39:1465 (June 2013), LR 45:

§723. Out-of-State Principal Level 2 (OSP2)

A. - A.1.b. …

i. a minimum of four years of successful experience as a principal in another state, as verified by the out-of-state employing authority or SEA;

1.b.ii. - 2.…

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1825 (October 2006), amended LR 35:2325 (November 2009), LR 36:882 (March 2011), LR 38:43 (January 2012), LR 38:3139 (December 2012), LR 39:1466 (June 2013), LR 45:527 (April 2019), LR 45:

§725. Out-of-State Superintendent (OSS)

A. - A.1.e. …

i. All out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

2. …

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1825 (October 2006), amended LR 38:3140 (December 2012), LR 45:527 (April 2019), LR 45:

Subchapter C. Administrative and Supervisory Endorsements Superseded by the Educational Leadership Certification Structure

§747. Parish or City School Superintendent

A. Eligibility requirements:

1. ...

2. five years of successful school experience (state, parish, or city) as superintendent, assistant superintendent, supervisor of instruction, principal, or assistant principal in a State-approved system, or experience certified as equivalent to any of these by the Board of Elementary and Secondary Education. Assistant principal experience is limited to a maximum of two years of experience in that position:

a. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA;

A.3. - C.3. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1826 (October 2006), amended LR 45:

§753. Special School Principal

A. Special school principal eligibility requirements:

1. ...

2. graduate training in special education, including at least one course in administration/supervision of special education, and generic certification in one or more areas of exceptionalities served by that school;

3. five years of successful professional experience, at least three years of which must have been in special education; and

4. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA.

C. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 45:

Subchapter E. All Other Supervisory Endorsements

§783. Supervisor of School Libraries—Eligibility Requirements

A. Supervisor of school libraries eligibility requirements:

1. ...

2. five or more years of successful experience as a school librarian:

a. all out-of-state experience must be verified as successful by the out-of-state employing authority or SEA;

3. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1828 (October 2006), amended LR 45:

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 rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules 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.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), August 9, 2019 to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 746—Louisiana Standards for State Certification of School Personnel Certifications and Endorsements

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revisions will not result in costs or savings to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated impacts on revenue collections as a result of the proposed policy revisions.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Individuals seeking certification will benefit from the lower social studies Praxis test score, as well as the reduction in qualifying out-of-state employment from four to three years, as required for certification. The requirement that all out-of-state employment be verified as successful by the out-of-state employing authority or the state educational agency (SEA) is not anticipated to have a significant effect.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed changes could result in an increase in the number of individuals receiving certification for certain Praxis tests and/or for out-of-state employment, but is indeterminable at this time.

Beth Scioneaux	Evan Brasseaux
Deputy Superintendent	Staff Director
1907#040	Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities—Alternate Assessments
(LAC 28:XCVII.505)

Under the authority granted in R.S. 17:6 and 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 proposes to amend *Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities*. The proposed policy revisions ensure the alternate assessment (LEAP connect) is reserved for students with the most significant cognitive disabilities, as required by the Every Student Succeeds Act (ESSA).

Title 28
EDUCATION
Part XCVII. Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities
Chapter 5. Participation in Statewide Assessments
§505. Alternate Assessment Participation Criteria

A. - A.2.a. …

b. For students who have completed fifth grade, an eligible student is functioning 2.3 or more standard deviations below the mean in cognitive functioning.

2.c. - 4.k. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:2343 (November 2009), amended LR 37:886 (March 2011), LR 41:535 (March 2015), LR 45:

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 rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules 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.

Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

Small Business Analysis

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of

the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or

3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), August 9, 2019 to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities Alternate Assessments

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There may be savings to the Department of Education as a result of the reduction in the number of alternative assessments which will be administered for those students with the most significant cognitive disabilities, as required by ESSA. There will be an estimated 8 to 10% reduction in the percentage of students assessed on the alternative assessment which may result in reduced printing and shipping costs, however, there will likely be a corresponding increase in the number of LEAP tests. It is indeterminable at this time whether there will be a net reduction in administration costs.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There may be potential cost savings to local school districts and charter schools due to the anticipated reduction in the number students requiring alternative assessments which are more labor intensive to administer. Any such savings will vary across districts and are indeterminable at this time.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed policy revisions will not result in costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions will not have an effect of competition and employment.

Beth Scioneaux
Deputy Superintendent
1907#038

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health
Bureau of Health Services Financing

Facility Need Review
Hospital Off-Site Emergency Departments
(LAC 48:I.Chapter 125)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.Chapter 125 as authorized by R.S. 36:254 and R.S. 40:2116. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the Facility Need Review (FNR) Program in order to establish a process for licensed hospitals to obtain FNR approval for an emergency department licensed as an off-site campus of a hospital in order to ensure access for patients in need of emergent care services.

Title 48
PUBLIC HEALTH—GENERAL
Part I. 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.

***

Department—the Department of Health in the state of Louisiana.

Department of Health (LDH)—the agency responsible for administering the Medicaid Program in Louisiana

***

Hospital–any health care facility licensed by the department pursuant to R.S. 40:2100 et seq. An emergency department (ED) of a hospital is an optional service offered by a hospital; the ED may be licensed as a part of the main campus of a hospital or may be licensed as an off-site campus of the hospital.

Hospital Off-Site Emergency Department (HOED)-any department or facility of an existing licensed hospital, located off the main hospital campus, that meets at least one of the following requirements:

a. it is licensed by the State in which it is located under applicable State law as an emergency room or emergency department as a part of the main hospital;

b. it is held out to the public (by name, posted signs, advertising, or other means) as a place that provides care for emergency medical conditions on an urgent basis without requiring a previously scheduled appointment; or

c. during the calendar year immediately preceding the calendar year in which a determination under this section is being made, based on a representative sample of patient visits that occurred during that calendar year, it provides at least one-third of all of its outpatient visits for the treatment of emergency medical conditions on an urgent basis without requiring a previously scheduled appointment.

***

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 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 35:2437 (November 2009), LR 36:323 (February 2010), LR 38:1961 (August 2012), LR 41:135 (January 2015), LR 41:2636 (December 2015), LR 42:61 (January 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 44:280 (February 2018), LR 45:

§12503. General Information

A. The Department of Health 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:

A.1. - B. ...

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

1. – 4. ...

5. pediatric day health care facilities;

6. behavioral health services (BHS) providers that provide psychosocial rehabilitation (PSR) and/or community psychiatric support and treatment (CPST) services; and

7. hospital off-site emergency departments (HOEDs) of licensed hospitals.

D. – E. ...

F. Reviews of Emergency Departments Granted Facility Need Review Approval

1. Any hospital off-site campus providing emergency services which is granted facility need review approval will be subject to regular reviews for compliance with the Emergency Medical Treatment and Active Labor Act (EMTALA) and with state provisions governing emergency diagnoses and services including the provisions of R.S. 40:2113.6.

2. – 4. Repealed.

G. 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 conditions:

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.

5. – 7. Repealed.

H. Additional Grandfather Provision. An approval shall be deemed to have been granted under FNR without review for HCBS providers, ICFs/DD, ADHC providers, hospice providers, BHS providers, and pediatric day health care centers and HOEDs 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;

2. existing licensed ICFs/DD that are converting to the Residential Options Waiver;

3. ADHC providers who were licensed as of December 31, 2009 or who had a completed initial licensing application submitted to the department by December 31, 2009, or who are enrolled or will enroll in the Louisiana Medicaid Program solely as a program for all-inclusive care for the elderly provider;

4. hospice providers that were licensed, or had a completed initial licensing application submitted to the department, by March 20, 2012; or

5. pediatric day health care providers that were licensed by the department before March 1, 2014, or an entity that meets all of the following requirements:

a. has a building site or plan review approval for a PDHC facility from the Office of the State Fire Marshal by March 1, 2014;

b. began construction on the PDHC facility by April 30, 2014, as verified by a notarized affidavit from a licensed architect submitted to the department, or the entity had a fully executed and recorded lease for a facility for the specific use as a PDHC facility by April 30, 2014, as verified by a copy of a lease agreement submitted to the department;

c. submitted a letter of intent to the department's Health Standards Section by April 30, 2014, informing the department of its intent to operate a PDHC facility; and

d. became licensed as a PDHC by the department no later than December 31, 2014;

6. behavioral health services providers that are licensed to provide PSR and/or CPST, or that have submitted a completed application for licensure as a BHS provider that includes PSR and/or CPST, prior to promulgation of this Rule;

7. behavioral health services (BHS) providers that fall within the provisions of Act 33 of the 2017 Regular Session of the Louisiana Legislature, commonly referred to as accredited mental health rehabilitation providers, that submitted a completed BHS provider licensing application by December 1, 2017 and became licensed by April 1, 2018; and

8. Hospital Off-Site Emergency Department (HOED)

a. a healthcare facility providing emergency services at an off-site campus of a licensed hospital, provided that the hospital and such off-site location were licensed by the Department and operational prior to the effective date of this Rule; or

b. a healthcare facility that intends to provide emergency services at an off-site campus of a licensed hospital provided that all of the following are met:

i. the licensed hospital had achieved vertical construction of the off-site location by the effective date of this Rule; vertical construction shall exist when the entire foundation slab has been poured and vertical framing of the facility has begun; and

ii. the licensing application shall include a written attestation signed by the architect who prepared the

architectural drawings and/or building plans for the off-site campus, wherein the architect certifies that per an on-site inspection, the off-site campus had reached vertical construction, as defined above, by the effective date of this Rule; and

iii. the off-site campus is licensed by the department and operational within 12 months of the effective date of this Rule. An extension may be granted at the discretion of the department for good cause shown.

I. 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. 36:254 and 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), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 34:2612 (December 2008), amended LR 35:2437 (November 2009), LR 36:323 (February 2010), LR 38:1593 (July 2012), LR 38:1961 (August 2012), LR 41:136 (January 2015), LR 42:61 (January 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 44:281 (February 2018), LR 45:

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

§12522. Hospital Off-Site Emergency Departments

A. Subject to the grandfather provisions in this rule, no hospital off-site emergency department (HOED) shall be licensed to operate unless the FNR Program has granted an approval for the issuance of an HOED license.

B. The department will determine the number of HOEDs to be licensed by the department.

C. Once the FNR Program approval is granted, the HOED is eligible to be licensed by the department, subject to meeting all requirements for licensure.

D. An existing licensed hospital with a licensed off-site emergency department at effective date of promulgation of this rule revision, shall be automatically granted FNR approval in accordance with the grandfather provision described in Section 12503.H of this rule.

E. The service area for a proposed or existing HOED is the parish in which the HOED is to be located.

F. Determination of Need/Approval

1. The department will review the application to determine if there is a need for an additional HOED in the service area or 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 HOED 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 HOEDs in the same service area or 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 HOED is not allowed to be licensed. The department shall not grant any FNR approvals if the application fails to provide such data and evidence.

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

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

1. A HOED undergoing a change of location in the same licensed service area shall submit a written attestation of the change of location and the department shall re-issue the FNR approval with the name and new location. A HOED undergoing a change of location outside of the licensed region shall submit a new FNR application and fee and undergo the FNR approval process.

2. An HOED 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 HOED shall automatically expire if the HOED is moved or transferred to another party, entity or location without application to and approval by the FNR program.

I. FNR-approved HOED applicants shall become licensed no later than six months from the date of the FNR approval.

1. A one-time 90-day extension may be granted, at the discretion of the department, when delays are caused by circumstances beyond the control of the applicant. Inappropriate zoning is not a basis for extension.

2. Failure to meet any of the timeframes in this Section could result in an automatic expiration of the FNR approval of the HOED.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 45:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

Poverty Impact Statement

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Public Comments

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821. Ms. Castello is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at close of business, 4:30 p.m., on August 29, 2019.

Public Hearing

The department will conduct a public hearing at 9:30 a.m. on August 29, 2019 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. All interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. Parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Rebekah E. Gee MD, MPH
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Facility Need Review—Hospital Off-Site Emergency Departments

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 19-20 since workload associated with any new reviews are anticipated to be absorbed with existing staff and resources. It is anticipated that $1,512 (SGF) will be expended in FY 19-20 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will not affect revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed Rule amends the provisions governing the Facility Need Review (FNR) Program in order to establish a process for licensed hospitals to obtain FNR approval for an emergency department licensed as an off-site campus of a hospital. Implementation of this proposed Rule will ensure access for patients in need of emergent care services. It is anticipated that implementation of this proposed rule will have no economic costs or benefits to hospitals for FY 19-20, FY 20-21 and FY 21-22.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Cecile Castello
Section Director
1907#036

Gregory V. Albrecht
Chief Economist
Legislative Fiscal Office

Administrative Code Update

CUMULATIVE: January-June 2019

LAC Title	Part #.Section #	Action	Location: Month	LR 44 Page #
7	XXI.Chapter 19	Amended	Jan.	31
	XXI.1907,1915,1923,1927,1931	Repealed	Jan.	31
	XXI.Chapter 19	Repromulgated	Apr.	504
10	XVII.503	Adopted	Feb.	247
13	I.2903,2904,2905,2911,2913	Amended	Feb.	218
	I.2915	Adopted	Feb.	218
22	I.323	Amended	Apr.	580
	I.325	Amended	May	672
	I.331	Amended	Jan.	69
	I.369	Repealed	May	677
	III.4301,4501,4505,4507,4509,6101	Amended	May	657
	XV.Chapter 13, Chapter 15	Amended	Mar.	403
	XV.1308,1318,1360	Adopted	Mar.	403
	XV.1321	Repealed	Mar.	403
28	IV.1805,1813	Amended	Apr.	530
	IX.Chapter 1 and Chapter 3	Amended	Apr.	528
	XI.405,409	Amended	Feb.	221
	XI.411	Amended	June	749
	XI.605,3501,3503,3505	Amended	Mar.	396
	XI.605	Amended	June	749
	XI.1103	Amended	June	749
	XI.2901	Amended	June	749
	XI.3501,3503	Amended	Mar.	396
	XI.3507	Adopted	Mar.	396
	XLV.303,401,743,747	Amended	Feb.	228
	XCVII.503,505	Amended	Apr.	527
	LXXIX.125	Repromulgated	Jan.	38
	LXXIX.1301,2109	Amended	Jan.	37
	LXXIX.1309	Adopted	Jan.	37
	CXIII.309,1505	Amended	Jan.	35
	CXV.339,349,2305,2307,2317,2361	Amended	Jan.	36
	CXV.504	Repromulgated	Jan.	38
	CXV.2317	Amended	Feb.	227
	CXV.2901,2903,2905,2909	Repealed	Mar.	396
	CXV.3301,3305,3307,3309,3311,3313,3315, 3317	Amended	Feb.	225
	CXXXI.203	Repromulgated	Mar.	402
	CXXXI.203,348,648	Amended	Feb.	227
	CXXXI.203,341,703,705,761,787,1001	Amended	Feb.	228
	CXXXI.240	Repealed	Feb.	228
	CXXXI.350,351,713	Adopted	Feb.	228
	CXXXI.305	Amended	Apr.	525
	CXXXI.705,706,708,709,723,725	Amended	Apr.	525
	CXXXI.906	Repromulgated	Feb.	234
	CXXXVII.301	Amended	Feb.	48
	CXXXIX.2903	Repromulgated	Jan.	38
	CXLV.1103,1105	Amended	Feb.	223
	CXLVII.101,307,311,325	Amended	Feb.	48
	CXLIX.101,301,501,701,901,1301,1501, 1701,1901,1903	Amended	Mar.	396
	CXLIX.903,1101,1703,1905,1907,2101	Adopted	Mar.	396
	CXLIX.2103,2105,2107	Repealed	Mar.	396
	CLVII.303	Amended	Jan.	35
	CLXI.305,1711	Amended	Apr.	525
	CLXI.1805,1819	Amended	Feb.	224
	CLXI.1806,1823	Adopted	Feb.	224
	CLXXII.101,103,105,107,109,111	Repromulgated	Jan.	38
33	III.504	Amended	June	750
	IX.2315	Amended	May	661
	VII.115,713	Amended	Feb.	234
	VII.10415	Amended	May	658
	VII.10415	Repromulgated	June	764
	VII.10519,10521,10535	Amended	May	660
	XI.307	Amended	May	659
	XV.613	Amended	June	751
35	I.1506	Adopted	Feb.	247
	V.6336	Amended	Feb.	247
37	XI.901	Amended	Jan.	63
	XI.2301,2303,2305,2307,2309,2313	Amended	Jan.	63
	XI.2311	Adopted	Jan.	63
	XIII.560	Repromulgated	Jan.	46
37	XIII.1907	Amended	Feb.	279
	XIII.5501,6101	Repealed	Mar.	439
	XIII.11701,11703,11705,11707,11709	Amended	June	759
	XIII.11711,11713,11715	Amended	June	759
	XIII.11717	Repromulgated	June	759
	XIII.11719	Adopted	June	759
42	III.2108	Amended	May	678
	III.2115,2325	Amended	Apr.	581
	III.2401	Amended	May	677
	III.3305	Amended	Apr.	581
43	XIII.301,303,305,307,315,317,321,323	Amended	Jan.	66
	XIII.327	Repealed	Jan.	66
	XIII.503,507	Amended	Jan.	66
	XIII.512	Adopted	Jan.	66
	XIX.104	Amended	Apr.	579
	XIX.533	Repromulgated	Jan.	65
	XIX.Chapter 8	Adopted	Apr.	575
46	I.1315	Amended	June	752
	I.1901	Amend3ed	June	753
	XI.Chapter 1,Chapter 3	Amended	Feb.	236
	XI.Chapter 5	Amended	Apr.	545
	XI.503,505,507,509,513,515,517,525,527,	Adopted	Apr.	545
	XI.529,531,533	Adopted	Apr.	545
	XI.139,147,153,155,305	Adopted	Feb.	236
	XI.102,301,331,333,335,345	Repealed	Feb.	236
	XXXI.310,710	Adopted	Apr.	542
	XXXI.Chapter 3,501,505, Chapter 7	Amended	Apr.	542
	XXXI. 1707,1709,1711	Amended	Apr.	542
	XLV.Chapter 15	Amended	Apr.	549
	XLV.1519	Adopted	Apr.	549
	XLV.Chapter 21	Amended	Apr.	549
	XLV.2130,2149,2151,2153,2155,2157	Adopted	Apr.	549
	XLV.2159,2161	Adopted	Apr.	549
	XLV.4506,4507	Amended	Apr.	549
	XLV.5105,5106,5107,5111	Amended	Apr.	549
	XLVII.1703,1715	Amended	Mar.	432
	XLVII.3405	Amended	Feb.	248
	XLVII.3415	Amended	Jan.	41
	LIII.2901	Amended	Jan.	42
	LX.401,403,405,407,409	Adopted	Feb.	275
	LX.503	Amended	June	757
	LX.505	Adopted	Mar.	437
	LX.603,605	Amended	Feb.	278
	LX.705,801,803,901,1703	Amended	Mar.	436
	LXI.105,707,709,1101,2701	Amended	Jan.	75
	LXI.1107	Adopted	Jan.	75
	LXI.3107	Repealed	Jan.	75
	LXVII.2601,2603,2605,2607,2609	Adopted	Mar.	421
	LXVII.Chapter 103, Chapter104	Amended	Mar.	419
	LXIX.Chapter 1,301,501,503,505,701	Amended	Mar.	422
	LXIX.105	Adopted	Mar.	422
	LXXV.Chapter 1,301,501,503,505,512,701	Amended	Feb.	249
	LXXV.119,135	Amended	Mar.	433
	LXXV.111,113	Adopted	Feb.	26
	LXXXVI.103,105,Chapter 3,1601	Amended	Apr.	573
	LXXXVI.160,1602,1603,1604,1605,1606	Repealed	Apr.	573
	LXXXVI.1607,1608,1609,1610,1611	Repealed	Apr.	573
48	I.8801,8803,8805	Adopted	Jan.	45
	I.9201,9202,9231,9243,9245,9249	Amended	May	662
	I.9273, 9275,9285	Amended	May	662
	I.Chapter 96	Amended	Apr.	549
	I.19707	Amended	Mar.	436
	I.19707	Repromulgated	Apr.	573
	I.Chapter 161	Amended	Apr.	558
50	I.503	Amended	Mar.	436
	I.1505	Adopted	Feb.	273
	II.20013	Amended	Feb.	274
	II.20023	Amended	Feb.	275
	II.20024	Adopted	Feb.	275
	II.20026	Adopted	June	756
	III.2329,2523	Adopted	Jan.	44
	VII.32915,32969	Amended	Feb.	273
	VII.32969	Amended	Mar.	435

LAC Title	Part #.Section #	Action	Location: Month	LR 44 Page #
50	XI.10703	Amended	Mar.	434
	XI.16703	Amended	Mar.	435
	XV.9501,9503,9505	Amended	Apr.	561
	XV.9511,9515,9521,9523,9525	Adopted	Apr.	561
	XV.9531,9533,9535	Adopted	Apr.	561
	XXI.8105	Amended	June	756
	XXI.13701,13703,13705	Amended	Jan.	42
	XXI.13933	Adopted	Jan.	42
	XXI.14301	Amended	Jan.	42
	XXII.6101,6301,6501,6503,6701,6703, 6901,6903	Adopted	Feb.	271
	XXIX.105	Amended	May	665
	XXIX.Chapter 9	Amended	Apr.	570
	XXIX.949	Amended	May	665
	XXXIII.Chapter 41	Amended	Apr.	570
	XXXIII.4703	Amended	Apr.	561
	XXXIII.14101,14301,14303,14501	Amended	Feb.	270
	XXXIII.14101,14301,14303,14501	Repealed	Apr.	561
51	II.101,105,107,701	Amended	May	666
	III.103,105,107,111	Amended	May	666
55	I.801,802	Adopted	Apr.	582
	I.901	Adopted	Apr.	584
	I.Chapter 13	Repromulgated	Apr.	582
	I.1309	Repromulgated	May	680
	I.1505,1509,1531	Amended	Feb.	281
	I.1505,1509,1531	Amended	Apr	582
	III.2101,2103,2105,2107,2109	Adopted	Feb.	279
	III.2301,2303,2305,2307,2309	Repromulgated	May	678
	VII.401	Adopted	Jan.	74

LAC Title	Part #.Section #	Action	Location: Month	LR 44 Page #
55	VII.403	Adopted	Jan.	75
	XXV.101,103,105,107,109	Adopted	Jan.	72
58	III.103	Adopted	June	762
	III.2101	Adopted	June	761
61	V.101,113,303,304,307,703,907,1103, 1307,1503,2503,Chapter 31, 3501	Amended	Apr.	531
67	I.203	Amended	Feb.	217
	I.205	Adopted	May	651
	V.1103,1105,1111	Amended	Feb.	217
	V.Chapter 73	Adopted	Mar.	352
	V.3903	Adopted	Apr.	508
	V.6955,6957,6959,6961	Amended	Apr.	508
	V.6962	Adopted	Apr.	508
	V.6703,6708,6710	Amended	Apr.	508
	V.6712	Adopted	Apr.	508
	V.7105,7107,7109,7011	Amended	Apr.	508
	V.7112	Adopted	Apr.	508
	V.7505,7507,7511	Amended	May	651
	V.7508	Adopted	May	651
72	I.105	Adopted	Mar.	440
76	VII.346	Amended	Jan.	79
	VII.367	Amended	Jan.	78
	VII.511	Amended	June	763
	VII.511	Repromulgated	Feb.	281
	XI.501	Adopted	Jan.	80

Potpourri

POTPOURRI

Department of Agriculture and Forestry
Office of the Commissioner

Medical Marijuana Program

The following is a list of pesticide active ingredients the Louisiana Department of Agriculture and Forestry has approved for use on cannabis plants. The pesticide product shall be registered by the manufacturer annually with the department. The registration shall expire on December 31 of each year.

Approved/Registered Active Ingredients for Cannabis Use	
Pesticide Label Type	**Active Ingredient**
Fungicide	Azadirachtin
Insect Repellent	Azadirachtin
Insecticide	Azadirachtin
Nematicide	Azadirachtin
Fungicide	Bacillus subtilis GB03
Fungicide	Canola Oil
Insecticide	Canola Oil
Repellent	Castor Oil
Rodenticide	Castor Oil
Repellent	Cedarwood Oil
Insect Repellent	Cinnamon
Insecticide	Cinnamon
Fungicide	Cinnamon Oil
Insect Repellent	Cinnamon Oil
Insecticide	Cinnamon Oil
Fungicide	Citric Acid
Insecticide	Citric Acid
Repellent	Citronella Oil
Fungicide	Clove Oil
Herbicide	Clove Oil
Insect Repellent	Clove Oil
Insecticide	Clove Oil
Fungicide	Copper Hydroxide
Fungicide	Copper Octanoate
Fungicide	Corn Oil
Insecticide	Cornmint Oil
Fungicide	Cottonseed Oil
Insecticide	Cottonseed Oil
Plant Growth Regulator	Cytokinin
Insecticide	Diatomaceous Earth
Fungicide	Garlic Oil
Insect Repellent	Garlic Oil
Insecticide	Garlic Oil
Vertebrate Repellent	Garlic Oil
Insecticide	Geraniol
Insecticide	Geranium Oil
Plant Growth Regulator	Gibberellic Acid
Fungicide	Gliocladium virens G-21
Algaecide Slimicide	Hydrogen Peroxide (Dioxide)
Disinfectant	Hydrogen Peroxide (Dioxide)

Approved/Registered Active Ingredients for Cannabis Use	
Pesticide Label Type	**Active Ingredient**
Fungicide	Hydrogen Peroxide (Dioxide)
Herbicide	Hydrogen Peroxide (Dioxide)
Fungicide	Kaolin
Insecticide	Kaolin
Plant Growth Regulator	Kaolin
Vertebrate Repellent	Kaolin
Insect Repellent	Lauryl Sulfate
Insect Repellent	Lemongrass Oil
Fungicide	Linseed Oil
Insecticide	Linseed Oil
Miticide	Linseed Oil
Insecticide	Malic Acid
Fungicide	Mineral Oil/Petroleum Distillate
Insecticide	Mineral Oil/Petroleum Distillate
Miticide	Mineral Oil/Petroleum Distillate
Fungicide	Neem Oil
Insect Repellent	Neem Oil
Insecticide	Neem Oil
Nematicide	Neem Oil
Insect Repellent	Peppermint
Insecticide	Peppermint
Insecticide	Peppermint Oil
Algaecide Slimicide	Peroxyacetic Acid
Fungicide	Peroxyacetic Acid
Herbicide	Peroxyacetic Acid
Fungicide	Phosphorous Acid Mono- and Di- Potassium, Salts of
Plant Growth Regulator	Phosphorous Acid Mono- and Di- Potassium, Salts of
Insect Repellent	Piperonyl Butoxide
Insecticide	Piperonyl Butoxide
Fungicide	Potassium Bicarbonate
Fungicide	Potassium Sorbate
Miticide	Potassium Sorbate
Insect Repellent	Pyrethrins
Insecticide	Pyrethrins
Fungicide	Reynoutria sachalinensis
Fungicide	Rosemary Oil
Herbicide	Rosemary Oil
Insect Repellent	Rosemary Oil
Insecticide	Rosemary Oil
Insecticide	Sesame Oil
Insecticide	Sodium Chloride
Invertebrate Control	Sodium Ferric EDTA
Fungicide	Sodium Lauryl Sulfate
Insecticide	Soybean Oil
Miticide	Spearmint oil
Fungicide	Streptomyces lydicus WYEC 108
Fungicide	Sulfur
Insecticide	Sulfur
Insect Repellent	Thyme Oil
Insecticide	Thyme Oil
Fungicide	Trichoderma asperellum strain ICC 012

Approved/Registered Active Ingredients for Cannabis Use	
Pesticide Label Type	**Active Ingredient**
Fungicide	Trichoderma gamsii strain ICC 080
Insect Repellent	White Pepper

Mike Strain, DVM
Commissioner

1907#024

POTPOURRI

Department of Environmental Quality
Office of the Secretary
Legal Affairs and Criminal Investigations Division

Notice of Public Hearing—Substantive Changes to Proposed Rule WQ099—Water Quality Trading (LAC 33:IX.2603, 2605, 2607, 2611, and 2619)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that the department is seeking to incorporate substantive changes to proposed regulation LAC 33:IX.2603, 2605, 2607, 2611, and 2619 (Log # WQ099S), which was originally noticed as WQ099 in the January 20, 2019, issue of the *Louisiana Register*. (1907Pot1)

The department has proposed substantive changes to address comments received during the public comment period of proposed rule WQ099. The changes clarify the proposed rule language. In the interest of clarity and transparency, the department is providing public notice and opportunity to comment on the proposed changes to the amendments of the regulation in question. The department is also providing an interim response to comments received on the initial regulation proposal.

A strikeout/underline/shaded version of the proposed rule that distinguishes original proposed language from language changed by this proposal and the interim response to comments are available on the department's website under Rules and Regulations at http://deq.louisiana.gov/page/rules-regulations.

The following changes are to be incorporated into the Notice of Intent:

Title 33
ENVIRONMENTAL QUALITY
Part IX. Water Quality
Subpart 1. Water Pollution Control
Chapter 26. Water Quality Trading
§2603. General Definitions

* * *

Credit Life—the period from the date a credit is certified and becomes available for sale (i.e., effective date) to the date that the credit is no longer valid (i.e., expiration date).

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:

§2605. Eligibility

A. - B.1. …

2. Point source-to-nonpoint source trades are trades between a permitted point source and a nonpoint source to reduce the discharge of nonpoint source pollutants below baseline levels required to generate credits.

B.3. - E.2. …

3. activities in the coastal area as defined by R.S. 49:214.2(4) that are not inconsistent with the Louisiana Coastal Master Plan or any local, state, and federal requirements;

4. other activities or BMP(s) as approved by the department on a case-by-case basis.

F. Regulatory Instruments to Authorize Trading

1. Permits. A WQT plan may be implemented in an LPDES permit in an effort to meet water quality based effluent requirements and/or achieve net reductions of a pollutant, as required by a TMDL or other management strategy. The conditions set forth in the WQT plan that meets the requirements of this Chapter shall be included as enforceable permit condition(s). The permittee is legally responsible for complying with all WQT plan requirements. Registering trades with the department or its designee does not affect the responsibility of a permittee to comply with the terms of its permit;

2. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:

§2607. Requirements of a Water Quality Trading Plan

A. …

B. Absent a watershed trading framework, a permit's WQT plan shall include the following components, as appropriate, and shall describe how they were derived:

B.1. - D. …

E. Annual Report. The permittee shall submit an annual report to the department that describes the WQT plan implementation and performance over the past year. The department shall make the annual report readily available to the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:

§2611. Requirements for Trading Baselines

A. The requirements that comprise a trading baseline may be derived from:

A.1. - C. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:

§2619. Requirements for Credits

A. - A.2. …

B. Credits used for compliance with an LPDES permit shall be generated within the trading area of an approved WQT plan.

C. - G. …

H. Credit-generating projects may not include water quality benefits obtained with public conservation funds. Unless otherwise prohibited by the terms and conditions of the public funded project, funding in part by public conservation funds shall be prorated based on the ratio of nonpublic funding used to generate credits.

I. - M.1. …

2. when and from what source(s) certified credits may be acquired by the permittee; and

3. …

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:

A public hearing on the substantive changes will be held on August 28, 2019, 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 substantive changes. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson 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 also invited to submit written comments on the substantive changes. Persons commenting should reference this proposed regulation as WQ099S. Such comments must be received no later than August 28, 2019, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to Fax (225) 219-4068 or E-mailed to DEQ.Reg.Dev.Comments@la.gov. The comment period for the substantive changes ends on the same date as the public hearing. Copies of these substantive changes can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of WQ099S. These proposed regulations are available on the internet at http://deq.louisiana.gov/page/rules-regulations.

These substantive changes to WQ099 are available for inspection at the following LDEQ office locations from 8:00 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; and 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Herman Robinson
General Counsel

1907#017

POTPOURRI

Office of the Governor
Coastal Protection and Restoration Authority

Notice of Availability of the *Deepwater Horizon* Oil Spill Louisiana Trustee Implementation Group Final Supplemental Restoration Plan and Environmental Assessment for the Lake Charles Science Center and Educational Complex Project Modification

Action: Notice of availability.

Summary: The Federal and State natural resource trustee agencies for the Louisiana Trustee Implementation Group (Louisiana TIG) have prepared the Final Supplemental Restoration Plan and Environmental Assessment for the Lake Charles Science Center and Educational Complex Project Modification (Final Supplemental RP/EA). The Final Supplemental RP/EA describes and selects the modified Lake Charles Science Center and Educational Complex (SCEC) project considered by the Louisiana TIG to compensate for recreational use services lost as a result of the *Deepwater Horizon* oil spill. The purpose of this notice is to inform the public of the approval and availability of the Final Supplemental RP/EA.

You may download the Final Supplemental RP/EA at any of the following sites:

http://www.gulfspillrestoration.noaa.gov
http://www.la-dwh.com

Alternatively, you may request a CD of the Final Supplemental RP/EA (see For Further Information Contact). You may also view the document at any of the public facilities listed at http://www.gulfspillrestoration.noaa.gov.

For Further Information Contact

Louisiana – Joann Hicks, 225-342-5477
EPA – Tim Landers, 202-566-2231

Supplementary Information

The original scope and design of the Lake Charles SCEC project were evaluated in the *Deepwater Horizon* Oil Spill Louisiana TIG Final Restoration Plan and Environmental Assessment #2: Provide and Enhance Recreational Opportunities (Final RP/EA #2), which was published on July 20, 2018. As described in the Final RP/EA #2, the Lake Charles SCEC project would enhance recreational opportunities by providing indoor and outdoor public visitation and outreach components, including fisheries extension, access, outreach, and education to the public. Following release of the Final RP/EA #2, the City of Lake Charles requested that the Louisiana TIG consider collocating the Lake Charles SCEC with the City's planned Lake Charles Children's Museum (LCCM). The Louisiana TIG prepared a Draft Supplemental Restoration Plan and Environmental Assessment for the Lake Charles SCEC Project Modification (Draft Supplemental RP/EA) to evaluate potential revisions to the Lake Charles SCEC project, to inform the public about potential modifications to the project, and to seek public comment.

The Final Supplemental RP/EA evaluates modifications to the Lake Charles SCEC project and considers alternatives, consistent with the purpose and need of the original project. In the Final Supplemental RP/EA, the Louisiana TIG selects project Alternative C: Revised Location with Fishing Pier. The selected alternative would collocate the Lake Charles SCEC with the planned LCCM on the north shore of Lake Charles. The modified project would include immersive exhibits, aquaria, touch tanks, outdoor walking trails, and a recreational fishing pier. The total estimated cost of the selected project, as modified, is $7 million.

A Notice of Availability of the Draft Supplemental RP/EA was published in the Louisiana Register on April 20, 2019.

The Louisiana TIG hosted a public meeting on May 8, 2019, in Lake Charles, and the public comment period for the Draft Supplemental RP/EA closed on May 20, 2019. A summary of the public comments received and the Trustees' responses to those comments are included in Section 7 of the Final Supplemental RP/EA.

Administrative Record

The documents comprising the Administrative Record for the Final Supplemental RP/EA can be viewed electronically at https://www.doi.gov/deepwaterhorizon/adminrecord.

Authority

The authority for this action is the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), its implementing NRDA regulations found at 15 CFR Part 990, the Louisiana Oil Spill Prevention and Response Act (La. R.S. 30:2451 et seq.), the implementing Natural Resource Damage Assessment Regulations found at La. Admin. Code 43:101 et seq., and NEPA (42 U.S.C. 4321 *et seq.*).

Lawrence B. Haase
Executive Director

1907#029

POTPOURRI

Office of the Governor
Division of Administration
Racing Commission

Notice of Public Hearing

In compliance with Act No. 454 of the 2018 Regular Session of the Louisiana Legislature, codified as R.S. 49:953(C)(2), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Racing Commission will hold a hearing to receive public comment from any interested person regarding the Rules of Racing, LAC Title 35 "Horse Racing" and LAC Title 46, Part XLI "Horseracing Occupations", on Monday, August 19, 2019 at 9:00 a.m. in the Queen Anne Ballroom of the Monteleone Hotel, 214 Royal Street, New Orleans, LA 70130.

At the public hearing, all interested persons will be afforded an opportunity to submit data, views, or arguments either orally or in writing regarding these rules only. The Racing Commission will consider fully all written and oral comments. Comments must be received in writing in order to be submitted to the legislative oversight committees.

The hearing site is accessible to people using wheelchairs or other mobility aids via the Bienville Street entrance. If other reasonable accommodations are required in order to participate in the hearings, please contact Mike Dildy, Director of Administration, at (504) 483-4000 at least five business days prior to the scheduled hearing.

Written comments may be submitted in advance of the hearing to Rhea Loney, Assistant Attorney General, 320 North Carrollton Avenue, Suite 2-B, New Orleans, Louisiana 70119-5100. Comments must be postmarked no later than Friday, August 9, 2019.

Charles A. Gardiner III
Executive Director

1907#057

POTPOURRI

Department of Health
Board of Dentistry

Public Hearing

The Board of Dentistry hereby gives notice of a public hearing pursuant to R.S. 49:953(C)(2)(a) (Act 454 of the 2018 Regular Legislative Session) for the purpose of allowing any interested person the opportunity to comment on any rule of the board which the person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome.

The hearing will take place at the board office, 1201 North Third Street, Baton Rouge, LA 70802 following the annual meeting of the Board of Dentistry, which commences on August 16, 2019 at 12 p.m.

To request reasonable accommodations for persons with disabilities call the Board office at 225-219-7330.

Please direct any views, if in writing, regarding the board's Rules, to Arthur Hickham, Jr. D.D.S. at P.O. Box 5256, Baton Rouge, LA 70821-5256. Deadline for submitting written comments is August 9, 2019.

Oral comments regarding the Board's rules will be considered, but in order to be submitted to the legislative oversight committees the comments must be in writing.

Arthur F. Hickham, Jr.
Executive Director

1907#020

POTPOURRI

Department of Health
Board of Medical Examiners

Public Hearing Notice

Pursuant Act No. 454 of the 2018 Regular Session of the Louisiana Legislature, codified as R.S. 49:953(C)(2), and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the State Board of Medical Examiners (the "board") hereby gives notice that a public hearing will be held on October 14, 2019 at 9 a.m. at the board's office, 630 Camp Street, New Orleans, LA 70130, for the purpose of receiving comments on any rule of the board which any interested person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome.

Interested persons are invited to attend and submit oral or written data, views, or arguments either orally or in writing. The board will consider all written and oral comments. However, only written comments received by the agency will be included in the Board's report to the legislative oversight committees. Written comments may be submitted, via United States Postal Service or other mail carrier, or by personal delivery, to Rita Arceneaux, Confidential Executive Assistant, Louisiana State Board of Medical Examiners, 630 Camp Street, New Orleans, Louisiana, 70130. All written comments must include the name, contact information and signature of the person submitting the comments and must be received no later than noon on October 14, 2019.

To request reasonable accommodations for persons with disabilities, please call (504) 568-6820, Ext. 242, no later than 4 p.m. on October 7, 2019. Any questions should be directed to Rita Arceneaux at (504) 568-6816.

Vincent A. Culotta, Jr., M.D.
Executive Director

1907#008

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 International Council for Veterinary Assessment (ICVA), formerly National Board of Veterinary Medical Examiners (NBVME), and the National Board Examination Committee (NBEC), as follows:

Test Window Date	Deadline To Apply
November 18 - December 13, 2019	August 1, 2019
April 13 -April 25, 2020	February 1, 2020

The board will also accept applications to take the Veterinary Technician National Examination (VTNE) which will be administered through American Association of Veterinary State Boards (AAVSB), for state registration of veterinary technicians as follows:

Test Date	Deadline To Apply
November 15 – December 15, 2019	October 15, 2019
March 15 – April 15, 2020 July 15 – August 15, 2020	February 15, 2020 June 15, 2020

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 301 Main Street, Suite 1050, 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

1907#004

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
Hughes Supplies, Inc.	Caddo Pine Island	S	Thrash	001	23198
Hughes Supplies, Inc.	Greenwood-Waskom	S	Hardey B	001	39020
Hughes Supplies, Inc.	Greenwood-Waskom	S	Jackson	001	40304
Hughes Supplies, Inc.	Greenwood-Waskom	S	Jackson	002	41196
Hughes Supplies, Inc.	Greenwood-Waskom	S	Agurs A	001	78631
Hughes Supplies, Inc.	Greenwood-Waskom	S	Agurs A	002	137244
Hughes Supplies, Inc.	Longwood	S	Lillian M Waskom A	004	142963
Hughes Supplies, Inc.	Longwood	S	H A Cushman	007	171274
Hughes Supplies, Inc.	Greenwood-Waskom	S	6000 Hoss ra suu; Hamilton et al	001	182181
Hughes Supplies, Inc.	Greenwood-Waskom	S	Carroll-Hughes	004	183873
Hughes Supplies, Inc.	Greenwood-Waskom	S	Agurs ra sua; Agurs	001	185492
Hughes Supplies, Inc.	Greenwood-Waskom	S	Hardey-Herold	002	194327
Hughes Supplies, Inc.	Greenwood-Waskom	S	Hardey-Herold	003	194328
Hughes Supplies, Inc.	Greenwood-Waskom	S	Hamiter	002	202188

Operator	Field	District	Well Name	Well Number	Serial Number
Hughes Supplies, Inc.	Greenwood-Waskom	S	Carroll-Hughes	005	206249
Hughes Supplies, Inc.	Greenwood-Waskom	S	Ellerbe	001	210174
Hughes Supplies, Inc.	Greenwood-Waskom	S	Ellerbe	002	211041
Hughes Supplies, Inc.	Greenwood-Waskom	S	Carroll A	001	212286
Hughes Supplies, Inc.	Caddo Pine Island	S	Hall	001	214625
Hughes Supplies, Inc.	Greenwood-Waskom	S	pxy vuc; Hall Heirs	001	217320
Hughes Supplies, Inc.	Greenwood-Waskom	S	pxy vub; Hardey	001	217356
Hughes Supplies, Inc.	Greenwood-Waskom	S	Hardey-Herold	001	217873
Hughes Supplies, Inc.	Greenwood-Waskom	S	Wray Heirs	001	217942
Hughes Supplies, Inc.	Greenwood-Waskom	S	Trosper Heirs	002	218091
Hughes Supplies, Inc.	Greenwood-Waskom	S	Agurs	001	218238
Hughes Supplies, Inc.	Greenwood-Waskom	S	Agurs	002	218250
Hughes Supplies, Inc.	Greenwood-Waskom	S	Long Heirs	001	219056
Hughes Supplies, Inc.	Greenwood-Waskom	S	Agurs B	001	221142
Hughes Supplies, Inc.	Greenwood-Waskom	S	Bryson	001	221400
Hughes Supplies, Inc.	Greenwood-Waskom	S	Hwv (Paige) 17-4	001	228185
Hughes Supplies, Inc.	Greenwood-Waskom	S	Hwv (Paige) 17-4	003	229506
Hughes Supplies, Inc.	Greenwood-Waskom	S	Netherton	001	229551
Hughes Supplies, Inc.	Greenwood-Waskom	S	Pxy Vua; Greer et al	001	230614
Hughes Supplies, Inc.	Greenwood-Waskom	S	Pinehills	001	230907
Hughes Supplies, Inc.	Greenwood-Waskom	S	Hankins	001	232142
Hughes Supplies, Inc.	Greenwood-Waskom	S	Wallace	001	232240
Hughes Supplies, Inc.	Greenwood-Waskom	S	Wallace Swd	004	233460
Hughes Supplies, Inc.	Greenwood-Waskom	S	Agurs	005	239123
Hughes Supplies, Inc.	Greenwood-Waskom	S	Nac vua; Devers et al	001	239888
Hughes Supplies, Inc.	Greenwood-Waskom	S	Carroll-Hughes swd	003	970811

Richard P. Ieyoub
Commissioner

1907#022

POTPOURRI

Department of Revenue
Office of Alcohol and Tobacco Control

Public Hearing Notice
Regarding Proposed Private Label Alcohol
(LAC 55:VII.405)

Under the authority of R.S. 26:922 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of Alcohol and Tobacco Control, hereby gives notice that a public hearing will be held at State Police Headquarters, 7919 Independence Boulevard, Room 3000, Baton Rouge, LA 70806 on September 12, 2019 at 1:00 p.m. for the purpose of receiving comments from any interested person regarding proposed private label alcohol (LAC 55:VII.405) whose Notice of Intent was first published in the March 2019 Register.

Interested persons are invited to attend, and to submit oral or written comments at the hearing. Additionally, all interested persons who have not already submitted written comments or who desire to submit additional written comments are invited to submit written comments in advance of the hearing to Commissioner Juana Marine-Lombard, Office of Alcohol and Tobacco Control, P.O. Box

66404, Baton Rouge, LA 70896 or at legal.department@atc.la.gov. All written comments must include the name and contact information of the person submitting the comments, and must be received no later than the start of the hearing at 1:00 p.m. on September 12, 2019 if the person submitting is not in attendance. The Office of Alcohol and Tobacco Control will consider all oral and written comments received from those in attendance at the hearing, as well as those written comments submitted in advance which are timely received. Oral comments must be submitted to the SBCPA in writing as outlined above in order to be submitted to the legislative oversight committees.

Any individual who needs special assistance in order to attend or speak at this public hearing should notify Commissioner Juana Marine-Lombard, Office of Alcohol and Tobacco Control, P.O. Box 66404, Baton Rouge, LA 70896 or at legal.department@atc.la.gov. Requests for special assistance must be received no later than 4:00 p.m. on September 5, 2019.

Juana Marine-Lombard
Commissioner

1907#058

POTPOURRI

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

Dredging (LAC 76:XIII.101)

The Wildlife and Fisheries Commission published a Notice of Intent to amend its rules regarding licenses to dredge fill materials from state water bottoms in the February 20, 2019 edition of the *Louisiana Register*. The Wildlife and Fisheries Commission proposes to amend the original Notice of Intent to remove the prohibition of permitted dredge activity beyond the center line of certain streams. This amendment returns the proposed Notice of Intent language to the existing regulation.

Title 76
WILDLIFE AND FISHERIES
Part XIII. Fill Material

Chapter 1. Royalties

§101. License to dredge; classes of license; royalties

A. - F.2. …

G.1. The extent of a single permitted site in the Mississippi River, the Atchafalaya River, the Red River, the Pearl River (not including the West Pearl), the Calcasieu River below the saltwater barrier, the Ouachita/Black River south of the confluence of Bayou Bartholomew shall not exceed 1 linear mile and shall not extend across the geometric center line of the stream.

2. The extent of a single permitted site on all other streams except designated Natural and Scenic streams shall not exceed 1 linear half mile. Fill material, sand and gravel shall not be permitted to be removed from the water bottom of any designated Natural and Scenic River unless removal of such material is specifically allowed by statute.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:2011.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 19:1341 (October 1993), amended LR 45:

Public Hearing

A public hearing on the proposed amended rule will be held by the Department of Wildlife and Fisheries on August 27, 2019 at 9 a.m. in the Joe L. Herring Louisiana Room of the Wildlife and Fisheries Headquarters Building, 2000 Quail Drive, Baton Rouge, LA 70808.

Alfred R. Sunseri
Chairman

1907#015

POTPOURRI

Workforce Commission
Office of Workers' Compensation Administration

Weekly Compensation Benefits Limits

Pursuant to R.S. 23:1202, and based on the statewide average weekly wage as determined by the Louisiana Workforce Commission, the following limits shall apply to weekly compensation benefits for claimants injured during the period September 1, 2019 through August 31, 2020.

Average Weekly Wage	Maximum Compensation	Minimum Compensation	Mileage Reimbursement
$916.85	$688.00	$183.00	* .58 cents per mile
*Effective July 1, 2019 the mileage reimbursement is $0.58 per mile pursuant to R.S. 23:1203(D).			

This information updates R.S. 23:1202 of the Louisiana Workers Compensation Act.

	Average Weekly Wage	Maximum Comp	Minimum Comp
Sept 1, 1999-Aug 31, 2000	512.47	384.00	102.00
Sept 1, 2000-Aug 31, 2001	517.93	388.00	104.00
Sept 1, 2001-Aug 31, 2002	530.43	398.00	106.00
Sept 1, 2002-Aug 31, 2003	554.31	416.00	111.00
Sept 1, 2003-Aug 31, 2004	572.53	429.00	114.00
Sept 1, 2004-Aug 31, 2005	584.40	438.00	117.00
Sept 1, 2005-Aug 31, 2006	605.46	454.00	121.00
Sept 1, 2006-Aug 31, 2007	637.19	478.00	127.00
Sept.1, 2007-Aug 31, 2008	696.00	522.00	139.00
Sept. 1, 2008-Aug. 31, 2009	728.10	546.00	146.00
Sept. 1, 2009-Aug. 31, 2010	768.83	577.00	154.00
Sept. 1, 2010-Aug. 31, 2011	772.18	579.00	154.00
Sept. 1, 2011-Aug. 31, 2012	789.00	592.00	158.00
Sept. 1, 2012-Aug. 31, 2013	807.07	605.00	161.00
Sept. 1, 2013-Aug. 31, 2014	825.54	619.00	165.00
Sept. 1, 2014-Aug. 31, 2015	839.76	630.00	168.00
Sept. 1, 2015-Aug. 31, 2016	865.31	649.00	173.00
Sept. 1, 2016-Aug. 31, 2017	876.00	657.00	175.00
Sept. 1, 2017-Aug. 31, 2018	870.00	653.00	174.00
Sept. 1, 2018-Aug. 31, 2019	886.38	665.00	177.00
Sept. 1, 2019-Aug. 31, 2020	916.85	688.00	183.00

Actual wages are to be paid if the wages are less than the minimum.

Approved mileage rate as of July 1, 2019 is $0.58 per mile.

Sheral Kellar
Assistant Secretary

1907#056

CUMULATIVE INDEX
(Volume 45, Number 7)

2019	
Pages	**Issue**
1-191	January
192-342	February
343-486	March
487-642	April
643-743	May
744-836	June
837-1023	July

EO—Executive Order
PPM—Policy and Procedure Memoranda
ER—Emergency Rule
R—Rule
N—Notice of Intent
CR—Committee Report
GR—Governor's Report
L—Legislation
P—Potpourri
QU—Administrative Code Quarterly Update

ADMINISTRATIVE CODE UPDATE

Cumulative
January 2018-December 2018, 184QU
January 2019-March 2019, 626QU
January 2019-June 2019, 1008QU

AGRICULTURE AND FORESTRY

Agricultural and Environmental Sciences, Office of
Boll weevil eradication commission, 488E
Commercial applicators certification, 193R, 644ER
Inspection fee, 681N
Maintenance, 681N
Proficiency testing, 195R, 644ER
Quarantine
Annual listing
2019 plant protection and quarantine, 627P
Citrus greening, 193R, 488ER, 765N
Emerald ash borer, 3ER, 489ER, 766N
Guava root knot, 194R, 746ER, 768N
Sweet potato,
Certification standards, 682N
Yield adjustment, 344ER
Advisory Commission on Pesticides
Commercial applicators certification, 644ER
Structural Pest Control Commission
Approved termiticides and manufacturers, 187P
Proficiency testing, 644ER
Agricultural Finance Authority, Office of
Logos, craft beverage, 343ER
State products, 769N
Animal Health and Food Safety, Office of
Turtles, 31R, 504R
Commissioner, Office of
Medical marijuana program, 4ER, 196R, 645ER, 1010P
Laboratory approval, 345ER

CHILDREN AND FAMILY SERVICES

Louisiana's 2019Annual Progress and Services Report, 629N
Social Services Block Grant Intended Use Report, 629N
Child Welfare, Division of
Administrative appeal, 217R
Child protective services, 496ER, 684N, 842ER
Adoption petition program, 490ER, 839ER
Adoption subsidy program, 490ER, 839ER
Central registry, 217R
Criminal background checks, 217R
Foster care, 7ER, 492ER, 771N
Extended services, 82N, 346ER, 508R
State central registry, 496ER, 684N, 841ER, 842ER
State central registry checks, 217R
State repository, 217R
Child Support and Enforcement Section
Criminal history records checks, 284N, 651R
Economic Stability Section
Temporary assistance for needy families (TANF)
Caseload reduction, 188P
Public assistance programs, 968N
Licensing Section
State central registry
Child placing agencies, 197R, 352R
Child residential care, class B, 10ER, 83N, 508R
Juvenile detention facilities, 285N, 651R
Maternity homes, 16ER, 89N, 514R
Residential homes, 16ER, 514R
Juvenile detention facilities, 202R

CIVIL SERVICE

Ethics, Board of
Food and drink limit, 585N, 868R
Tax Appeals, Board of
Procedure and practice, 974N

COMMITTEE REPORTS

House Committee on Natural Resources and Environment
Oversight hearing
Notice of intent proposed by Department of wildlife and Fisheries—2019-2020 hunting regulations and seasons, 826CR

ECONOMIC DEVELOPMENT

Business Development, Office of
Tax credit programs
Entertainment industry, 868R
Secretary, Office of the
Research and development tax credit program, 218R

EDUCATION

Elementary and Secondary Education, Board of
Administrative board
Operations and programs, 977N
Bulletin 111—The Louisiana School, District, and State Accountability System
ACT index revisions, 444N, 749R
Accountability, inclusion in, 445N, 749R
English language proficiency, 221R
Inclusion in accountability, 984N
Index calculations, interests and opportunities, 984N
Measure of progress, 221R
School performance scores, 984N
Bulletin 119—Louisiana School Transportation Specifications and Procedures
Bus drivers, termination, vacancies, 35R
Bulletin 126—Charter Schools
Alternative education sites, 986N
Bulletin 129—The Recovery School District
Budget reporting, 223R
Bulletin 130—Regulations for the Evaluation and Assessment of School Personnel
Personnel evaluations, 685N
Bulletin 135—Health and Safety
Immunizations, 35R
Bulletin 137—Louisiana Early Learning Center Licensing Regulations
Child-to-staff ratios, type I centers, minimum, 100N, 525R
Fraud and felony limitations, 224R
Licensure, 100N
Owners, directors and director designees of type III early learning centers, 224R
Bulletin 139—Louisiana Child Care and Development Fund Programs
CCAP household eligibility, 585N, 900R
Bulletin 140—Louisiana Early Childhood Care and Education Network
Academic approval, 988N
Accountability, 988N
Coordinated enrollment, 988N
Bulletin 741—Louisiana Handbook for School Administrators
Curriculum and instruction, 36R, 991N
Home study programs, 225R
Operation and administration, 36R
STEM diploma endorsements, 227R
TOPS university diploma, 991N
Bulletin 741 (Nonpublic)—Louisiana Handbook for Nonpublic School Administrators
Career diploma, 994N
Certification of personnel, 687N
Course credit
Lessons
Private piano, 687N
Studio strings, 687N
Curriculum and instruction, 994N
High school graduation requirements, 37R
Operation and administration, 687N
Preventive programs, 37R
Student services, 687N
Suicide prevention, 687N
TOPS university diploma, 994N
Bulletin 745—Louisiana Teaching Authorizations of School Personnel
Authorizations, teaching
Denial, 587N, 900R
Issuance, 587N, 900R
Reinstatement, 587N, 900R
Bulletin 746—Louisiana Standards for State Certification of School Personnel
Authorizations, teaching, 102N, 525R
Certification, 102N, 227R, 525R, 688N, 997N
Denial, 688N
Eligibility, 688N
Endorsements, 227R, 688N, 997N
Mathematics, 227R
PRAXIS scores, 227R
Revocation, 688N
Suspension, 688N
Bulletin 996—Standards for Approval of Teacher and/or Educational Leader Preparation Programs
Ancillary programs, early childhood, 589N, 902R
Quality rating calculation, 592N, 904R
Teacher preparation performance
Profile implementation timeline, 695N
Bulletin 1530—Louisiana's IEP Handbook for Students with Exceptionalities
Assessments
Alternative, 1003N
Statewide, 105N, 527R, 775N
Content leader credentials, 228R, 402R
Education, alternative, 396R
Mentor teacher, 228R, 402R
Teaching authorizations, 38R, 234R

Regents, Board of
Degree granting institutions, licensure of, 528R
Scholarship/grant programs
TOPS exceptions, 697N
START saving program, 702N

Student Financial Assistance, Office of
Scholarship/Grant programs, 530R
TOPS exceptions, 844ER
Voucher program, Chafee educational and training, 530R

ENVIRONMENTAL QUALITY

Secretary, Office of the
Legal Affairs and Criminal Investigation Division
Criteria
Turbidity, Wilson Slough and Bradley Slough, 787N
Criterion, Bayou Chene DO, 776N
Incorporating test results, 704N
Medical event reporting, 447N
Offset requirements in specified parishes, 750R
Project emissions accounting, 750R
Public hearing—substantive changes to proposed rule AQ380 project emissions accounting and offset requirements in specified parishes, 473P
Public hearing—substantive changes to proposed rule WQ099—water quality trading, 1011P
Recycling tax credit reduction, 286N, 658R

ENVIRONMENTAL QUALITY (continued)
Regulatory permit
Boilers, 705N
Cooling towers, 708N
Process heaters, 705N
Reporting, medical event, 751R
Requirements, transportation safety, 778N
Risk evaluation/corrective action program (RECAP), revisions, 106N
Withdrawal, log number OS092, 474P
State implementation plan revision
Withdrawal of stage II vapor recovery systems requirements, 474P
Surface impoundments, closure requirements, 234R
UST new and used motor oil storage fee correction, 108N, 659R
Waste tire fees, 287N, 660R
Water quality trading, 109N
Water transfer, 114N, 661R

EXECUTIVE ORDERS

JBE 18-25 Flags at Half-Staff—Rick Farrar, 1EO
JBE 18-26 Flags at Half-Staff—Honorable Pascal F. Calogero, Jr., 1EO
JBE 19-1 Carry-Forward Bond Allocation 2018, 192EO
JBE 19-2 Offender Labor, 487EO
JBE 19-3 Suspension of Early Voting, 643EO
JBE 19-4 Protecting Health Coverage in Louisiana Task Force, 744EO
JBE 19-5 Flags at Half-Staff—Honorable Dr. Donald Elliott "Doc" Hines
JBE 19-6 Louisiana Highly Automated Large Air Craft Systems—(L-UAS) Commission

GOVERNOR

Administration, Division of
Community Development, Office of
Eligibility
Community water enrichment fund, 788N
Local government assistance program (LGAP), 789N
Selection board
Architects, 790N
Engineers, 790N
Landscape architects, 790N
Public Defender Board
Attorneys representing children in delinquency
Performance standards, trial court, 403R
Racing Commission
Ambulance, 803N
Permitted medications in quarter horses, 247R
Petition for adoption of rules, 454N, 904R
Pick five or pick six, 804N
Pick n, 805N
Preference for eliminated horses, 247R
Public hearing notice, rules, 1012P
New Orleans and Baton Rouge Steamship Pilots for the Mississippi River, Board of Examiners for
Conduct, standards of, 843ER
State Travel, Office of
PPM 49—General travel regulations, 811PPM
State Uniform Payroll, Office of
Payroll deduction, 715N
Tax Commission
Ad valorem taxation, 531R
Architectural Examiners, Board of
Conduct, rules of, 753R
Continuing education, 752R
Licensing, 448N
Registration information, 448N
Renewal procedure, 448N
Boxing and Wrestling Commission
Blood work laboratory results for class "B" contestants, 648ER
Professional wrestling, 119N, 545R
Standards, boxing and wrestling, 27ER, 236R
Certified Public Accountants, Board of
Public hearing, 732P
Certified Shorthand Reporters, Board of Examiners
Reciprocal certification, military personnel and spouses, 450N
Coastal Protection and Restoration Authority
Levees and flood control structures, cessation of activities, 346ER, 846ER
Oil spill, notice of restoration and environmental assessment
Bay Long, 474P
Lake Grand Ecaille, 476P
Terrebonne Bay, 477P
Lake Charles science center and educational complex project modification, 630P, 2010P
Cosmetology, Board of
Cosmetology, 115N, 542R
Financial Institutions, Office of
Interested party petitions, 247R
Law Enforcement and Administration of Criminal Justice, Commission on
General subgrant guidelines, 123N, 657R
Peace officer training, 451N
New Orleans and Baton Rouge Steamship Pilots, Board of Examiners
Standards of conduct, 208R
Pardons, Board of
Clemency, 710N
Parole, 710N
Professional Geoscientists, Board of
Seals, 289N
Real Estate Commission
Property management, residential, 421R

GOVERNOR'S REPORTS

Governor's disapproval of action taken by House Committee on Natural Resources and Environment
2019-2020 hunting regulations and seasons, 827GR

HEALTH
Aging and Adult Services, Office of
Home and Community-Based Services Waivers
Community choices waiver
Programmatic allocation of waiver opportunities, 454N, 756R
Provider requirements, 721N
Behavioral Health, Office of
Behavioral health services, 270R
Health services, school-based, 561R
Healthy Louisiana opioid use disorder, 271R
Substance use disorders services, 270R
Substance use disorder waiver, 271R
Citizens with Developmental Disabilities, Office for
Community and family support system
Flexible family fund, 557R
Home and community-based services waivers
New opportunities waiver, complex care services, 42R
Dentistry, Board of
Public hearing notice, 478P
Public hearing notice, rules, 1012P
Dietitians and Nutritionists, Board of
Dietitians/Nutritionists, registered, 422R
Emergency Response Network Board
LERN destination protocol—BURN, 457N, 911R
Trauma program recognition, 436R, 572R
Health Services Financing, Bureau of
Abortion facilities, licensing standards, 348ER, 848ER
Behavioral health services, 270R
Crisis receiving centers, licensing standards, 125N, 554R
Direct service worker registry, 291N, 662R
Enhanced reimbursements
Qualifying ground ambulance service providers, 850ER
Facility need review
Hospital off-site emergency departments, 1004N
Federally qualified health centers
Payment methodology, alternative, 434R
Ground ambulance
Provider fees, 850ER
Health services, school-based, 561R
Healthy Louisiana opioid use disorder/substance, 271R
Home and community-based services waivers
Community choices waiver
Programmatic allocation of waiver opportunities, 454N, 756R
New opportunities waiver, complex care services, 42R
Provider requirements, 721N
Inpatient hospital services
Reimbursement methodology
Outlier pool rate increase, 852ER
Intermediate care facilities for individuals with intellectual disabilities
Public facilities, transitional rate extension, 28ER, 273R, 435R
Licensing standards, hospital, 610N
Managed care organization
Payment accountability, 273R
Provider credentialing, 273R
Medicaid eligibility
Children's health insurance program reauthorization act, option for lawfully resident children, 44R
Nurse licensure compact, 45R
Nursing facilities
Case-mix documentation reviews, 274R
Index reports, 274R
Licensing standards, 351ER
Virtual visitation, 852ER
Reimbursement methodology, 274R, 275R, 456N, 756R, 908R
Transition of private facilities to state-owned or operated facilities through change of ownership, 275R
Personal care services
Diagnosis and treatment, 606N, 905R
Early and periodic screening, 606N, 905R
Pharmacy benefits management program
Federal upper payment limits, 295N, 665R
Pharmacy ingredient cost reimbursement, 129N, 570R
Pharmacy copayment, 497ER, 853ER
Physician-administered drugs reimbursement, 295N, 665R
State supplemental rebate agreement program, 614N, 909R
Radiology utilization management services
Termination of, 809N
Rural health clinics
Payment methodology, alternative, 435R
Substance use disorders services, 270R
Substance use disorder waiver, 271R
Support coordination providers
Licensing standards, 298N
Telemedicine, claim submissions, 436R
Third Quarter Hospital Stabilization Assessment, 733P
Fourth Quarter Hospital Stabilization Assessment, 733P
Licensed Professional Counselors Board of Examiners
Criminal history records, 275R
Definitions, 757R
Hearing notice, 339P
Licensure requirements, provisional licensed professional counselor, 276R, 733P
Licensure revisions, 633P
Licensed Professional Vocational Rehabilitation Counselors Board of Examiners
Professional ethics, 315N, 573R
Medical Examiners, Board of
Clarification, 716N
Definitions, 716N
Requirements, 716N
Physician
Marijuana for therapeutic use
Patients suffering from a debilitating medical Condition, 596N
Telemedicine, 599N
Physician assistance,
Certification, 552R
Licensure, 552R
Physician licensure and certification
Fellowship training permit, 594N

HEALTH (continued)
Practice
Acupuncturists
Certification, 548R
Licensure, 548R
Public hearing notice, rules, 1013P
Public hearing notice, substantive changes to proposed rules genetic counselors, 631P
licensure, certification, 631P
practice, 631P
Nursing, Board of
Advanced practice registered nurses, 718N
Clinical courses, undergraduate, 602N, 910R
Compact licensure, application fee, 601N, 909R
Disciplinary proceedings, 248R
Licensure, reinstatement, 41R
Public hearing, 732P
Pharmacy, Board of
Drugs of concern
Naloxone, 42R
Pharmacies
Marijuana, 604N
Public hearing, 732P
Physical Therapy Board
Certification, 723N
Licensing, 723N
Practical Nurse Examiners, Board of
Fees, 432R
Licensure, types, 432R
Professional Counselors Board of Examiners
Requirements, fees, exemptions, 436R
Telehealth, 437R
Public Health, Office of
Anti-rabies vaccination requirements for dogs and cats, 318N, 666R
Cannabidiol-containing products, 854ER
Disease reporting requirements, 318N, 666R
Immunization requirements, 318N, 666R
Title V MCH block grant, 828P
Secretary, Office of the
Public hearing, 188P
Speech-Language Pathology and Audiology, Board of
Speech-pathology and audiology, 249R, 433R
Veterinary Medicine, Board of
Examination dates, fall/winter, 1013P

INSURANCE
Commissioner, Office of the
Medicare supplemental insurance, minimum standards, 46R
Regulation 9—deferred payment of fire premiums in connection with the term rule, 439R
Regulation 12—adoption of NAIC handbooks, guidelines, forms and instructions, 726N
Regulation 16—investment by insurers of part of premium paid, return guaranteed, 439R
Regulation 46, policy definitions, long-term care insurance, 279R
Regulation 89—suitability in annuity transactions, 324N, 759R
Regulation 100, coverage of prescription drugs through a drug formulary, 132N, 459N, 615N, 735P
Regulation 113—Registration of catastrophe claims adjusters, 617N
Rule 12, transmission of forms and documents, 63R
Rule 13, special assessment to pay the cost of investigation, enforcement, and prosecution of insurance fraud, 63R
Health, Life and Annuity Insurance, Office of
Annual HIPAA assessment rate, 828P

LEGISLATION
Senate Committe on Health and Welfare
Oversight hearing on Emergency Rule proposed by Department of Agriculture and Forestry Medical Marijuana Program, 731CR

NATURAL RESOURCES
Hearing notice, 339N
Conservation, Office of
Alternate source wells, 575R
Commercial facilities, hours of operation, 65R
Oilfield site restoration, 460N
Orphaned oilfield sites, 189P, 479P, 635P, 736P, 828P, 1014P
Pipeline safety, 66R
Plugging credits, 579R
Public hearing, 736P
Statewide order no.29-B, 728N
Wells, alternate source, 134N

PUBLIC SAFETY AND CORRECTIONS
Correction Services
Administrative remedy procedure, 209R, 328N, 672R
Lost property claims, 328N, 677R
Offender incentive pay, 69R
Special agents, 138N, 579R
Wage compensation, other, 69R
Gaming Control Board
Computer system requirement, 140N, 581R
Gaming operations relocation, 329N, 677R
Non-gaming suppliers, 330N, 678R
State tax clearance, 141N, 581R
Manufactured Housing Commission
Repaired, manufactured housing, 497ER
Motor Vehicles, Office of
Hang tags for mobility impaired individuals, 279R, 678R
Oil Spill Coordinator's Office
Restoration Plan
Breton Island, 737P

PUBLIC SAFETY AND CORRECTIONS (Continued)
Uniform Construction Code Council
Certification requirement, temporary exemption, 858ER
Uniform Construction Code, 499ER
State Fire Marhsal, Office of
Fireworks
Public displays, operators, 856ER
State uniform construction code, recodification, 912R
State Police, Office of
Accident reports, 142N, 582R, 912R
Concealed handgun permits, issuance, 144N, 582R, 680R
Explosives code, 281R
First responders—best practices for administration of naloxone, other opioid antagonist, 72R
Photographs, 146N, 583R

REVENUE
Alcohol and Tobacco Control, Office of
CBD product
Public safety regulations, 859ER
Digitized identification, acceptance and education, 74R
Governmental entity special events, 75R
Low alcohol content beverages, malt beverages and ciders
Handling stocking, pricing, and rotating, 461N
Private label alcohol, 463N
Public hearing notice, proposed private label alcohol, 1015P
Policy Services Division
Mandatory electronic filing
Payment of tax, 618N, 932R
Tobacco tax returns, 618N, 932R

STATE
Elections Division
Voter registration at driver's license facilities, 332N
Elections Program
Public Hearing—substantive changes to proposed rule
Recognition of political parties, 636P
Museums Program
Public Hearing—substantive changes to proposed rule
Department of State's Museums, 636P

TRANSPORTATION AND DEVELOPMENT
Professional Engineering and Land Surveying Board
Engineering, 75R
Land surveying, 75R

TREASURY
Louisiana State Employees' Retirement System, Board of Trustees of the
Actuarial equivalent and ballots
Count, tabulation, posting, oath of office, 622N
School Employees' Retirement System, Board of Trustees of the
Participation in group trusts, 624N
Teachers' Retirement System, Board of Trustees of the
Uniformed services employment and reemployment rights act
Military service purchases and compliance, 464N, 761R
Rulemaking, procedures and commentary, 465N, 762R

UNIFORM LOCAL SALES TAX
Uniform Local Sales Tax Board
Disclosure agreements, voluntary, 440R

WILDLIFE AND FISHERIES
Fisheries, Office of
Crab traps, abandoned, removal, 78R, 281R
Wildlife and Fisheries Commission
Blue crabs
Harvest regulations, 79R
Crab traps, abandoned, removal, 78R, 284R
Deer
Urine attractants, exemption for use in 2019-2020 deer hunting season, 866ER
Dredging, 335N, 1015P
Gray triggerfish
Closure, recreational season 2019, 500ER
Greater amberjack
Closure, recreational season 2018-2019, 499ER
Commercial season, 747ER
Houseboats, registration and numbering, 80R
Hunting
Regulations and seasons, 2019-2020, 147N, 467N, 933R
Oysters
Public oyster seed grounds
Mississippi River, east of, 181N, 215R, 763R
Season
Closure, Calcasieu Lake, east portion, 29ER
Reopening, Calcasieu Lake, east portion, 214R
Reopening; bedding purposes, Lake Borgne, Atchafalaya Bay, 501ER
Lake Borgne, Mississippi Sound, 501ER
Public Hearing—substantive changes to notice of intent
Cervid carcass importation ban; and, 479P
2019-2021 hunting regulations and seasons, 479P

WILDLIFE AND FISHERIES (Continued)
Red snapper
Private recreational season, 2019, 500ER
Shrimp
Season
Closure
Fall inshore, partial 29ER
Portions of state outside waters, 30ER, 215R
Spring inshore, state inside waters
Opening
Spring inshore, 649ER
Portion of state outside waters, 649ER, 747ER
Reopening
Portion of state outside waters, 748ER
Wildlife management areas
Closure, turkey season, 502ER, 650ER

WORKFORCE COMMISSION
Unemployment Insurance Administration, Office of
Excepted federal employees performing services during government shutdown, 216R
Workers' Compensation Administration, Office of
Limits, weekly compensation benefits, 1016P