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This public document is published in accordance with R.S. 49:954.1. The publication date for this issue of the Louisiana Register is March 20, 2024. The Office of the State Register is the official state entity for all certified copies of the Louisiana Register and the content contained herein.

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Executive Orders

EXECUTIVE ORDER JML 24-20

Renewal of State of Emergency—Threat of Subsidence, Subsurface Instability, and Presence of Hydrocarbons in Sulphur Mines Salt Dome Area

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation Number 160 JBE 2023.

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers the Governor to declare a state of emergency by executive order or proclamation, or both.

WHEREAS, local, state, and federal agencies began monitoring subsurface seismic activity occurring in the vicinity of the Sulphur Mines salt dome in Calcasieu Parish in December of 2021, with a true seismic monitoring array being ordered by the Office of Conservation, which came online in January of 2023.

WHEREAS, the Office of Conservation began investigating unexplained hydrocarbon bubbling within the area of concern in January of 2023, as well as monitoring seismicity, and the rate of subsidence in the area of concern.

WHEREAS, on Wednesday September 20, 2023, in response to this subsidence and seepage, Commissioner of Conservation, Monique M. Edwards made a declaration of emergency under the authority of Louisiana Revised Statutes 30:1 *et seq.*, ordering the operator of the salt cavern underneath the area of subsidence to undertake all necessary activities to evaluate and abate any deterioration of the cavern's integrity.

WHEREAS, the State anticipates that further assistance may be needed to assist Calcasieu Parish in their response to this continuing threat; and

WHEREAS, it is necessary to continue the measures provided in Proclamation Number 160 JBE 2023 to further protect the health and safety of the citizens of Louisiana.

NOW THEREFORE I, JEFF LANDRY, 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: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721 *et seq.*, a state of emergency is hereby declared to exist in the Parish of Calcasieu, as a result of seismic activity, lost cavern integrity, increased hydrocarbon bubbling, and accelerated subsidence, that collectively indicate a potential for structural failure that could potentially threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness is hereby authorized to undertake any activity authorized by law which he deems appropriate in response to this declaration.

Section 3: All departments, commissions, boards, agencies, and officers of the State or any political subdivision thereof, are authorized and directed to cooperate in actions, the State may take in response to this incident.

Section 4: This Order is effective upon signature and shall continue in effect from Thursday, February 15, 2024 to Friday, March 16, 2024, unless amended, modified, or terminated sooner.

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 15th day of February, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2403#070

EXECUTIVE ORDER JML 24-21

Renewal of State of Emergency—Hurricane Ida

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake, or other natural or manmade causes, in order to ensure that preparations of this state will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana.

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, Governor John Bel Edwards declared a state of emergency in response to the imminent threat posed by Hurricane Ida on August 26, 2021, in Proclamation Number 165 JBE 2021.

WHEREAS, Hurricane Ida made landfall on the Louisiana coast as a major hurricane on Sunday, August 29, 2021, bringing devastating winds, widespread power-outages, and severe damage to Louisiana and its citizens.

WHEREAS, on August 27, 2021, President Joseph R. Biden approved an Emergency Declaration for the State of Louisiana, authorizing appropriate assistance under Title V of the Stafford Act, to be coordinated by the United States Department of Homeland Security and the Federal Emergency Management Agency.

WHEREAS, on August 29, 2021, President Biden approved a Major Disaster Declaration for the State of Louisiana, authorizing individual and public assistance for all impacted parishes.

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing

procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency.

WHEREAS, Proclamation Number 165 JBE 2021 has been renewed and extended every thirty (30) days through Proclamation Number 235 JBE 2023, which ends on January 24, 2024.

WHEREAS, damage from this storm continues to pose a threat to citizens and communities across the Gulf Coast and create conditions that place lives and property in the state in jeopardy.

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations continue to be suspended for the purpose of the procurement of any goods or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: Pursuant to R.S. 29:724(D)(1), the provisions of R.S. 39:126 regarding prior approval of change orders continue to be suspended.

Section 6: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this severe weather event.

Section 7: This Order is effective upon signature and shall continue in effect from Thursday, February 15, 2024 to Friday, March 16, 2024, unless amended, modified, or terminated sooner.

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 15th day of February 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2403#071

EXECUTIVE ORDER JML 24-22

State of Emergency
Police Officer Shortage

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, our Nation and State are experiencing a police officer staffing crisis, and law enforcement agencies are losing officers faster than they can hire new ones;

WHEREAS, nationally, law enforcement agencies experienced 47% more resignations in 2022 than in 2019 and 20% more retirements in 2022 than in 2019;

WHEREAS, 78% of national law enforcement agencies reported having difficulty in recruiting qualified candidates, and 65% reported having too few candidates applying to be law enforcement officers;

WHEREAS, 50% of national law enforcement agencies reported having to change agency policies to increase the chances of gaining qualified applicants, and 25% reported having to reduce or eliminate certain agency services, units, or positions because of staffing difficulties;

WHEREAS, the national police officer shortage has affected Louisiana with departments experiencing record-low employment and an increase in police officer response times resulting in an increased threat to the lives, property, and safety of persons within the State of Louisiana;

WHEREAS, the Louisiana Sheriffs' Association estimates that Louisiana sheriffs' offices were down approximately 1,800 deputies statewide as of July 2023;

WHEREAS, there currently exists a shortage of law enforcement officers in the State of Louisiana;

WHEREAS, the provisions of R.S. 14:139.1 do not apply when a public emergency necessitates an increase in the number of deputies;

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

SECTION 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S.

29:721, *et seq.*, a state of emergency is hereby declared to exist in the State of Louisiana as a result of the imminent threat of emergency conditions that threaten the lives, property, and safety of the citizens of the State for the limited purpose of R.S. 14:139.1 (C)(1).

SECTION 2: This state of emergency is effective upon signature and shall remain in effect from Thursday, February 15, 2024, to Friday, March 15, 2024, unless terminated sooner.

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 15th day of February, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2403#072

EXECUTIVE ORDER JML 24-23

Conditions for Participation in the Industrial Tax Exemption Program

WHEREAS, Louisiana values its manufacturers and their contributions to its economy;

WHEREAS, most states offer some form of property tax exemption to manufacturers;

WHEREAS, to attract larger, high-quality projects, it is necessary to offer competitive property tax exemptions to manufacturers;

WHEREAS, La. Const. art. 7, § 21(F) provides that the Board of Commerce and Industry, with the approval of the governor, may enter into contracts for the exemption from ad valorem taxes of a new manufacturing establishment or an addition to an existing manufacturing establishment, on such terms and conditions as the board, with the approval of the governor, deems to be in the best interest of the state;

WHEREAS, the Board of Commerce and Industry is authorized to administer the granting of the exemption from ad valorem taxes provided by La. Const. art. 7, § 21(F) and, with the assistance of the Louisiana Department of Economic Development (“LED”), established the Industrial Tax Exemption Program (“ITEP”);

WHEREAS, ITEP projects involve capital investment in regions across Louisiana;

WHEREAS, consistent with the authority provided to it by the Constitution, the Board of Commerce and Industry promulgated rules and regulations for ITEP that promote the best interests of the state;

WHEREAS, the governor also plays a vital role in determining which projects will receive ITEP, and it is essential to set forth criteria that the governor will consider for purposes of deciding what is in the best interests of the state and which ITEP projects will be approved;

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: The governor will consider the criteria set forth herein for purposes of determining what is in the best interests of the state for consideration of ITEP contracts. The Board of Commerce and Industry will also consider criteria set forth in its rules and regulations for purposes of determining what is in the best interests of the state for consideration of ITEP contracts.

Section 2: ITEP contracts are to demonstrate a genuine commitment to investing in the communities in which they operate.

Section 3: ITEP contracts must meet the constitutional definition of “manufacturing establishment” determined by the Board of Commerce and Industry.

Section 4: ITEP applicants are required to file an advance notification of intent to apply for tax exemption, both for new and expansion projects, in order to be considered for approval by the governor. Applications for miscellaneous capital additions and applications for tax exemptions for maintenance capital, required environmental capital upgrades, and replacement parts, except those replacements required in the rehabilitation or restoration of an establishment, to conserve as nearly, and as long as possible, original condition, shall not be considered or approved.

Section 5: All contracts for ITEP shall include approval by the Local ITEP Committee and the decision of the committee shall be reflected in the form of a resolution to be submitted as Exhibit “A” to the contract. The Local ITEP Committee shall consist of the following local officials or employees: 1.) the parish president or the president of the police jury; 2.) the president of the school board or the superintendent of the school board, as elected by the school board; 3.) the sheriff or his designee, and 4.) the mayor, if the project is located in a municipality. Ex-officio non-voting members may include the assessor, the parish’s highest-ranking economic development staff, members of the local economic development organization, or if no local economic development organization exists, a representative from the regional economic development district. Decisions by the Local ITEP Committee are not dispositive and do not bind the governor or the Board of Commerce and Industry. Local government officials are also encouraged to provide public comment when an application is filed with the Board of Commerce and Industry.

Section 6: Input from the Local ITEP Committee is important for consideration of an industrial tax exemption; however, it should not unduly delay the ITEP application process. Upon the Board of Commerce and Industry’s approval of an ITEP application, LED shall transmit a copy of the approval within three business days of approval, upon which date shall begin a notice period of 15 days. The notice shall be transmitted to members of the Local ITEP Committee. Within the 15-day notice period, the Local ITEP Committee may notice a public meeting, in accordance with

EXECUTIVE ORDER JML 24-24

Conditions for Participation in the Industrial Tax Exemption Program

the Open Meetings Law, to be held at a location customarily used by the parish council or police jury for public meetings for purposes of considering the ITEP application. If the Local ITEP Committee places the application on the agenda for a public meeting, the committee will have an additional 30 days (for a total of 45 days from the start of the notice period) to conduct a public meeting.

Section 7: The Board of Commerce and Industry shall revise its rules to align with the Executive Order relative to providing local input in the ITEP application process.

Section 8: The Board of Commerce and Industry also may address by rule any other contractual arrangements that it deems necessary for applicants, and it may submit these requirements to the governor for his consideration via the ITEP contract.

Section 9: The Department of Revenue (“LDR”) shall review the ITEP application and may require additional information from the applicant. LED must receive a letter of no objection or a letter of approval from LDR before the Board of Commerce and Industry takes action on the ITEP application. LDR shall, in coordination with the LED, implement procedures to assure compliance with existing law, this Executive Order, and the terms of the ITEP contract.

Section 10: The exemption for ITEP projects shall be for an initial term of no more than five calendar years and may be renewed for an additional time period of up to five years.

Section 11: All property exempted shall be listed on the assessment rolls and submitted to the Louisiana Tax Commission, but no taxes shall be collected during the period of exemption.

Section 12: In considering new contracts and renewals for approval, the governor will only approve those contracts or renewals having a term of five years or less and providing for an ad valorem exemption of 80%.

Section 13: The terms for the governor’s approval of the contracts for ITEP, as provided for in this Executive Order, represent the primary cause for the governor’s approval of an ITEP contract. Any occurrence that operates to change, suspend, or breach the terms of the contract shall render the approval of the governor null and void.

Section 14: This order is effective for advance notifications filed on or after February 21, 2024. The requirements of this Executive Order do not apply to advance notifications filed before February 21, 2024, or ITEP projects approved before February 21, 2024. However, nothing in this Executive Order shall be interpreted to relieve any participants in the Industrial Tax Exemption Program from their contractual obligations.

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 21st day of February, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2403#073

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies, including those caused by breach of cybersecurity, in order to ensure that preparations of this State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, there have been severe, intentional cybersecurity breaches of public entities throughout the State of Louisiana;

WHEREAS, pursuant to R.S. 29:724(B)(1), Governor Jon Bel Edwards declared a state of emergency on December 28, 2023, in Proclamation Number 236 JBE 2023 in response to the threat of intentional cybersecurity breaches of public entities throughout the State of Louisiana;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency;

WHEREAS, the State anticipates various state agencies and political subdivisions will need to continue to work cooperatively to mitigate any damage, current or future, as a result of these cybersecurity breaches.

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the imminent threat to the citizens of the State.

Section 2: The Director of the Governor’s Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in actions

the state may take in response to the effects of this cybersecurity event.

Section 5: All departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, are further authorized and directed to take all actions necessary to preserve the security and confidentiality of any data related to this emergency, including the execution of Memoranda of Understanding (MOUs), Non-Disclosure Agreements (NDAs), and/or any other related documents.

Section 6: Any departments, commissions, boards, agencies and officers of the state, or any political subdivision thereof, that may be affected by this cybersecurity emergency are directed to work with state officials to ensure there is a coordinated response to this event and are further directed to comply with the requirements of the Database Security Breach Notification Law, R.S. 51:3071 *et seq.*

Section 7: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551 *et seq.*), Louisiana Public Bid Law (R.S. 38:2211, *et seq.*), and the Louisiana Information Technology Procurement Code (R.S. 39:196-200), and their corresponding rules and regulations are hereby suspended if strict compliance therewith would in any way prevent, hinder, or delay necessary action in coping with this emergency.

Section 8: This Order is effective upon signature and shall continue in effect from Wednesday, February 21, 2024 to Friday, March 22, 2024, unless terminated sooner.

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 21st. day of February, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2403#074

EXECUTIVE ORDER JML 24-25

Sewerage and Water Board of New Orleans Task Force

WHEREAS, Act No. 6 of the 1899 Extraordinary Session of the Louisiana Legislature created the Sewerage and Water Board of New Orleans (“SWBNO”) to furnish, construct, operate, and maintain a water treatment and distribution system and a sanitary sewerage system for the city of New Orleans;

WHEREAS, in 1903, the Drainage Commission was merged with the SWBNO to consolidate drainage, water, and sewerage programs under one agency for more efficient operations;

WHEREAS, the responsibility for the New Orleans drainage system is divided between the municipal Department of Public Works and the SWBNO, thereby presenting hurdles in effective coordination and communication;

WHEREAS, the SWBNO manages critical infrastructure designed to prevent the loss of life and property damage from major flooding within the City of New Orleans;

WHEREAS, there has been a persistent concern for the SWBNO processes essential to the agency’s effective operation and the public’s trust;

WHEREAS, the SWBNO continues to over-bill its customers, as detailed within multiple investigations, totaling millions of dollars in under and over billings;

WHEREAS, although the leadership of the SWBNO claims to have largely resolved the agency’s billing crisis, inaccurate billings—in many cases remaining unresolved for years—continue to plague customers, placing millions of public dollars into question;

WHEREAS, the SWBNO remains under investigation by various agencies to determine the scale of corruption within the SWBNO’s permitting department;

WHEREAS, rainfall in New Orleans consistently surpasses the capacity of the City’s aging drainage system and the aging infrastructure and equipment of the SWBNO continually experience technical failures;

WHEREAS, despite hundreds of millions of dollars from local, state, and federal sources being spent on the sewerage and water system, widespread flash flooding has become a common occurrence in many neighborhoods throughout New Orleans;

WHEREAS, on December 2, 2023, there was extreme street flooding following a rainstorm, and failure of Turbine 4;

WHEREAS, again, on February 3, 2024, there was more flooding in multiple areas of the City, including Orleans Avenue near Claiborne, Baronne Street, the I-610 exit near Franklin, Chef Menteur Highway near Downman, Airline Drive near Eagle, the Canal Blvd. underpass, the Carrollton underpass, Claiborne Avenue Uptown near State, Huey P. Long in Gretna, when several inches of rain fell on the city within a short period of time. To complicate matters Turbine 4 was offline due to a mechanical issue, and multiple backup generators were down due to a radiator leak and another due to electrical issues;

WHEREAS, following a rain event during the 2024 Mardi Gras season, the leadership of the SWBNO attributed significant flooding to the small-line drainage system of the city when, in fact, the agency was without adequate pumping capacity to appropriately respond to the rain event;

WHEREAS, these frequent floods impose financial burdens on residents and businesses, and drives up insurance costs;

WHEREAS, the New Orleans transition team of Governor-Elect Landry found that “the public has lost faith in this state-chartered agency and its ability to consistently deliver effective drainage and clean water” and that the issues of the SWBNO “are myriad and date back over 50 years;”

WHEREAS, the Louisiana Department of Health has found numerous drinking water quality violations by the SWBNO;

WHEREAS, in December of 2023, the SWBNO issued a boil advisory for a portion of Uptown after a 120-year-old iron water main failure;

WHEREAS, it is in the best interest of the citizens of the City of New Orleans to have the most efficient services possible; and

WHEREAS, technical experts are needed to evaluate the current operations of the SWBNO.

NOW THEREFORE, I, JEFF LANDRY, 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: The Governor's Task Force on the Sewerage and Water Board of New Orleans is established within the executive department, Office of the Governor.

Section 2: The duties of the Task Force shall include, but are not limited to, the following:

A. Review the SWBNO billing processes in totality, including internal systems, billing accuracy, dispute resolution protocols, and opportunities for best practice improvements;

B. Review the governing structure of the SWBNO, and determine whether alternative governing structures exist to increase operational efficiencies and financial stability;

C. Review the SWBNO management and organizational structure to determine if opportunity exists for reorganization or restructuring to achieve more direct lines of authority and responsibility over key facets of business and infrastructure operations; and

Section 3: The Task Force shall report its findings within 30 days so it can inform subsequent strategies, including those for the 2024 Regular Legislative Session.

Section 4: The Task Force shall be comprised of a maximum of fourteen (14) members who, unless otherwise specified, shall be designated by and serve at the pleasure of the Governor. The membership shall be composed of the following:

A. One member appointed by the Secretary of the Department of Transportation & Development;

B. One member appointed by the Executive Director of the Coastal Protection and Restoration Authority;

C. One member appointed by the Secretary of the Department of Environmental Quality;

D. One member appointed by the American Council of Engineering Companies of Louisiana;

E. One member appointed by the Louisiana Engineering Society;

F. One member appointed by Louisiana Associated General Contractors;

G. One member appointed by Jefferson Parish Public Works;

H. One member appointed by Greater New Orleans, Inc.;

I. One member appointed by the Business Council of New Orleans;

J. One member appointed by New Orleans & Company; and

K. Four (4) additional members appointed by the Governor.

Section 5: The Governor shall appoint the chair of the Task Force from the appointed members. All other officers, if any, shall be elected by the members of the Task Force.

Section 6: The Task Force shall meet at the call of the chair.

Section 7: Task Force members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Task Force.

Section 8: Support staff, facilities, and resources for the Task Force shall be provided by the Office of the Governor and other departments of the executive branch of state government.

Section 9: 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 Task Force in implementing the provisions of this Order.

Section 10: This order is effective upon signature of the Governor, and it shall remain in effect until the Task Force has completed the tasks identified in Sections 2 and 3 of this Order, or until amended, modified, terminated or rescinded by the Governor, or until terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana in the City of Baton Rouge, on this 26th day of February, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2403#075

EXECUTIVE ORDER JML 24-26

Renewal of State of Emergency
Department of Transportation and Development

WHEREAS, in Baton Rouge, Louisiana on the campus of Southern University and Agricultural and Mechanical College, certain roadways, including F Street and H Street (also known as Farm Road), are in need of immediate repairs due to the partial collapse of H Street and its slope destabilization;

WHEREAS, the damage has created significant drainage problems, which have been exacerbated by flooding that continues to be experienced in the area, which could result in loss of life and property;

WHEREAS, Southern University has requested that the Department of Transportation and Development assist in providing matching funds and manpower to assist in making the necessary repairs to the campus roadways and enhancements;

WHEREAS, Department of Transportation and Development has funds available for use as a match and manpower to help repair the compromised roadways and enhancements on Southern University's campus;

WHEREAS, in Terrebonne Parish, the bridge structure that carries Louisiana Highway 3011 over the drainage canal near Dulac was determined, by recent inspection finding, to be in need of immediate replacement;

WHEREAS, the current deteriorated condition of the bridge warrants a low posting of three tons and reduction to single lane travel. Furthermore, there is no current alternate route;

WHEREAS, the Department of Transportation and Development intends to perform an emergency replacement of the bridge but, doing so requires a complete closure of the structure;

WHEREAS, the Terrebonne Levee and Conservation District owns sufficient property to provide a detour, bypass road while the emergency bridge replacement is ongoing and the Department of Transportation and Development has funds available and manpower to construct a detour road on the property of Terrebonne Levee and Conservation District to provide a bypass for the traveling public;

WHEREAS, R.S. 29:724 confers upon the Governor the power to suspend the provisions of any regulatory statute prescribing the procedures for the conduct of state business if strict compliance with the provisions of any statute would in any way prevent, hinder, or delay necessary action in coping with an emergency;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, et seq., a state of emergency was declared through Proclamation Number 109 JBE 2017.

WHEREAS, R.S. 48:757 permits the use of state funds on roads outside of the state and federal highway system upon a finding and declaration of an emergency by the Governor.

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

Section 1: Pursuant to R.S. 48:757, a state of emergency is hereby declared on the campus of Southern University in the City of Baton Rouge for the areas surrounding F and H Streets, for the limited purpose of authorizing the expenditure of state funds to make the necessary repairs to the campus roadways and enhancements.

Section 2: Pursuant to R.S. 48:757, a state of emergency is hereby declared in the vicinity of the bridge structure that carries Louisiana Highway 3011 over the drainage canal near Dulac, Terrebonne Parish for the limited purpose of authorizing the expenditure of state funds to construct the necessary bypass road on property of the Terrebonne Levee and Conservation District.

Section 3: Pursuant to R.S. 29:724, the prohibitions in R.S. 48:757, proscribing the performance of work on a non-state highway system road or street, are hereby suspended to allow for the Department of Transportation and Development to perform the necessary actions to cope with the emergency on Southern University's campus.

Section 4: The Secretary of the Department of Transportation and Development is hereby authorized to provide funds for the express purpose of meeting the total match that is required to perform the necessary repairs and to provide the manpower necessary to make the repairs to the non-state highway system campus roadways, including F Street and H Street and its enhancements, slope, and drainage.

Section 5: This Order is effective upon signature and shall continue in effect from Wednesday, February 28, 2024 to Friday, March 29, 2024, unless terminated sooner.

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 28th day of February 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2403#076

EXECUTIVE ORDER JML 24-27

The Committee on Parole

WHEREAS, the Committee on Parole, created within the Department of Public Safety and Corrections by R.S. 15:574.2, consists of seven (7) members designated by and serving at the pleasure of the governor and one ex officio member;

WHEREAS, R.S. 15:574.2(A)(7) provides that the actual salaries of members of the Committee on Parole are to be authorized by executive order; and

WHEREAS, it is necessary to prescribe selection of the vice-chair and the actual salaries of the members of the Committee.

NOW THEREFORE, I, JEFF LANDRY, 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: The Governor shall select the vice-chair from the membership of the Committee, who shall preside over hearings in the absence of the chair.

Section 2: Members of the Committee shall, in accordance with the compensation limits set forth in R.S. 15:574.2(A)(7), receive the following annual salaries:

A. The chair of the Committee shall receive an annual salary of fifty thousand dollars (\$50,000);

B. The vice-chair of the Committee shall receive an annual salary of forty-seven thousand dollars (\$47,000);

C. Each of the other members of the Committee shall receive an annual salary of forty-four thousand dollars (\$44,000); and

D. The chair, vice-chair and other members of the Committee shall be reimbursed for necessary travel and other expenses actually incurred in the discharge of his/her duties.

Section 3: Executive Order No. JBE 2016-40, issued on July 25, 2016, is hereby rescinded.

Section 4: The provisions of this Order are 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, at the Capitol, in the City of Baton Rouge, on this 28th day of February 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2403#077

EXECUTIVE ORDER JML 24-28

Renewal of State of Emergency Heat-Related Emergencies

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation Number 141 JBE 2023 and has been renewed and extended every thirty (30) days through Executive Order Number JML 24-15, which expires on March 5, 2024;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(l) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, the National Weather Service has issued a record number of excessive heat warnings, with heat indices in the 100s, through the summer and into the fall of 2023;

WHEREAS, in addition to the extreme heat, minimal rainfall during these months led to drought conditions throughout most of the state, stressing the abilities of water districts to produce drinking water to its residents and businesses and increasing the threat of wildfires;

WHEREAS, the Office of Public Health advised that several water systems have experienced water outages, equipment breakdown, and boil advisories due to the drought conditions, saltwater intrusion, and increased water demand;

WHEREAS, the Louisiana State Fire Marshal and the Commissioner of the Department of Agriculture and Forestry issued a statewide burn ban on August 7, 2023 that was extended through November 21, 2023 due to the extremely dry conditions;

WHEREAS, although the drought has lessened, heat-related emergencies continue throughout Louisiana;

WHEREAS, the parishes affected by these heat-related emergencies continue to require assistance from the State of Louisiana to provide resources to combat the threats in order to protect the life, safety, and welfare of the citizens of Louisiana;

WHEREAS, R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency, and;

WHEREAS, it is necessary to continue the measures provided in Proclamation Number 141 JBE 2023 to further protect the health and safety of the citizens of Louisiana.

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist in the State of Louisiana as a result of the imminent threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law which he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(l), the Louisiana Procurement Code (R.S. 39:1551. *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 6: This order is effective upon signature and shall remain in effect from Thursday, March 5, 2024 to Thursday, April 4, 2024, unless terminated sooner.

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 5th day of March 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2403#078

EXECUTIVE ORDER JML 24-29

Renewal of State of Emergency
Severe Storms and Tornadoes—December 13, 2022

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or manmade causes, in order to ensure that preparations of the state will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, when the Governor determines that a disaster or emergency has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers him to declare a state of emergency by executive order or proclamation, or both;

WHEREAS, the National Weather Service indicated a high risk of numerous severe thunderstorms beginning on the late evening of Tuesday, December 13, 2022 throughout the night into most of the day on Wednesday, December 14, 2022, with the possibility of tornadoes, damaging winds gust, excessive rain, and moderate to large hail;

WHEREAS, by Tuesday night, it was reported that one or more tornadoes had touched down in Caddo, near Four Forks, Louisiana, with several more tornadoes having been reported in Union, Rapides, Madison, East Carroll, and Franklin parishes;

WHEREAS, the tornadoes caused significant damage and power outages throughout northwest and northcentral Louisiana, with a report of two known deaths related to these tornadoes;

WHEREAS, severe damage was caused by the tornados to the safety, health, and security of the citizens of the state, along with damage to private property and public facilities;

WHEREAS, Proclamation Number 183 JBE 2022 has been renewed and extended every thirty (30) days through Executive Order Number 24-16, which ends on March 5, 2024, and;

WHEREAS, there is a need to continue Proclamation Number 254 JBE 2023 because several parishes are still working to recover from the damage caused by these storms.

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

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency is hereby declared to exist in the State of Louisiana as a result of the imminent threat of emergency conditions that threaten the lives and property of the citizens of the State.

Section 2: The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to undertake any activity authorized by law that he deems appropriate in response to this declaration.

Section 3: Pursuant to R.S. 29:732, during a declared state of emergency, the prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for

comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

Section 4: Pursuant to R.S. 29:724(D)(1), the Louisiana Procurement Code (R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

Section 5: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this severe weather event.

Section 6: This order is effective upon signature and shall remain in effect from Thursday, March 5, 2024 to Thursday, April 4, 2024, unless terminated sooner.

N 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 5th day of March 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2403#079

EXECUTIVE ORDER JML 24-30

Disaster Declaration
Crawfish Aquaculture Industry

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with disasters including natural events that cause injury and property damage, such as those caused by hurricane, tornado, storm, flood, high winds and other weather related events;

WHEREAS, the Governor is responsible for meeting the dangers to the State and people presented by disasters;

WHEREAS, when the Governor determines that a disaster has occurred, or the threat thereof is imminent, R.S. 29:724(B)(1) empowers him to declare a state of disaster by executive order or proclamation, or both;

WHEREAS, on February 27, 2024, Congressman Troy A. Carter, Sr. requested that the Governor issue a statewide disaster declaration in the crawfish aquaculture industry to assist in securing federal resources;

WHEREAS, on February 28, 2024, Congressman Clay Higgins requested that the Governor issue a statewide disaster declaration to assist the impacted crawfish industry in obtaining access to federal resources;

WHEREAS, the State of Louisiana is the top producer of crawfish in the nation, generating an annual harvest between 175 and 200 million pounds;

WHEREAS, the crawfish industry in Louisiana contributes over \$500 million annually to Louisiana's economy;

WHEREAS, the State of Louisiana experienced extreme drought conditions and record temperatures with heat indices in the 100s through the summer and into the fall of 2023;

WHEREAS, the extreme drought conditions and the resulting lows in the Mississippi River resulted in saltwater intrusion from the Gulf of Mexico and the Intracoastal Waterway;

WHEREAS, 141 JBE 2023 declared a State of Emergency on August 11, 2023, due to the excessive heat, drought conditions, and saltwater intrusion and has been renewed and extended every thirty (30) days through Executive Order Number JML 24-28, which expires April 4, 2024;

WHEREAS, the President of the United States signed FEMA-3600-EM-LA on September 27, 2023, declaring Jefferson, Orleans, Plaquemines, and St. Bernard parishes to be impacted due to saltwater intrusion resulting from low water levels of the Mississippi River;

WHEREAS, in November of 2023, the LSU AgCenter compiled a preliminary estimate of the impact of drought and excessive heat on the Louisiana agriculture and forestry sectors;

WHEREAS, the LSU AgCenter found that over 46,300 crawfish acres could not be farmed due to saltwater intrusion, drought, and high temperatures;

WHEREAS, the LSU AgCenter projects that an additional 45,700 crawfish acres failed due to saltwater intrusion, drought, and high temperatures;

WHEREAS, approximately 365,000 crawfish acres have been affected by the conditions of saltwater intrusion, drought, and high temperatures;

WHEREAS, the LSU AgCenter predicts a statewide yield loss of 54 percent across the 365,000 affected crawfish acres;

WHEREAS, the exact fiscal impact to the State is indeterminable, and damages to the State's crawfish agriculture industry alone are estimated to total \$139.8 million;

NOW THEREFORE, I, JEFF LANDRY, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, order and direct as follows:

Section 1: Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of disaster is declared to exist in Louisiana.

Section 2: This disaster declaration shall be transmitted to the Administrator of the U.S. Small Business Administration and the Secretary of the U.S. Department of Agriculture.

Section 3: All departments, commissions, boards, agencies and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to this event.

Section 4: This Order is effective upon signature and shall continue in effect from Tuesday, March 5, 2024, until

Thursday, April 4, 2024, unless amended, modified, terminated, or rescinded earlier 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 5th day of March, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2403#080

EXECUTIVE ORDER JML 24-31

Continuation of National Incident Management System (NIMS) Designation and Implementation of National Qualification System

WHEREAS, it is necessary and desirable that all federal, state, local, and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management;

WHEREAS, the Homeland Security Presidential Directive 5, directed the secretary of the Department of Homeland Security to develop and administer a National Incident Management System (hereafter "NIMS"), to provide a consistent nationwide approach for federal, state, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity;

WHEREAS, the collective input and guidance from all federal, state, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation, and utilization of a comprehensive NIMS;

WHEREAS, to facilitate the most efficient and effective incident management, it is critical that federal, state, local, and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters;

WHEREAS, the NIMS standardized procedures for managing personnel, communication, facilities, and resources improve the state's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management process;

WHEREAS, the National Qualification System process is a component of NIMS and is required for Emergency Management Performance Grant funded personnel and creates a network of qualified personnel for potential deployments and disasters by enabling organizations and jurisdictions to work together.

WHEREAS, the National Qualification System provides a coordinated multi-disciplined approach to the management of minor, major, or catastrophic disasters and large-scale or complex incidents and preplanned events that will improve the ability of State and Local emergency management personnel to prepare and implement emergency management plans and programs; and

WHEREAS, the best interests of the citizens of the State of Louisiana are served by the adoption of the standardized incident command system to facilitate the most efficient and effective incident management and align with current best practices.

NOW THEREFORE, I, JEFF LANDRY, 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: The National Incident Management System (NIMS) shall continue to be the standard of incident management for the State of Louisiana, as established within the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), which continues the standard for incident management created pursuant to Executive Order Number JBE 2016-21, and as amended by Executive Order Number JBE 2023-6.

Section 2: The NIMS standards shall include the National Qualification System, which will provide a

coordinated multi-disciplined approach to the management of minor, major, or catastrophic disasters and large-scale or complex incidents and preplanned events that will improve the ability of State and Local emergency management personnel to prepare and implement emergency management plans and programs.

Section 3: All departments, commissions, boards, offices, entities, agencies, and officers of the State of Louisiana, or any political subdivision thereof, are authorized and directed to continue to cooperate with the implementation of the provisions of this Order.

Section 4: 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, at the Capitol, in the City of Baton Rouge, on this 5th day of March, 2024.

Jeff Landry
Governor

ATTEST BY
THE GOVERNOR
Nancy Landry
Secretary of State
2403#081

Emergency Rules

DECLARATION OF EMERGENCY

Department of Revenue Office of Charitable Gaming

Limited Raffle Licenses (LAC 42:I.1722)

In accordance with the emergency provisions of the Administrative Procedures Act, R.S. 49:962(A)(1)(a), the Department of Revenue, Office of Charitable Gaming adopts LAC 42:I.1722. This action has been deemed necessary to prevent imminent peril to the public welfare by “ensuring that the net proceeds of charitable games of chance conducted pursuant to the Charitable Raffles, Bingo and Keno Licensing Law are contributed to bona fide charitable causes” and to expand and expedite access to smaller non-profit entities in need of funding by reducing requirements in accordance with R.S. 4:707.1. And further, to decrease the potential for fraud in charitable games of chance and increase compliance in accordance with R.S. 4:702. This Emergency Rule shall be effective February 29, 2024, and shall remain in effect for a period of 180 days unless renewed by the Department of Revenue, Office of Charitable Gaming or until adoption of the final rules, whichever occurs first.

Act 89 of the 2023 Regular Session of the Louisiana Legislature enacted R.S. 4:707.1 to establish a limited raffle license and provide exemptions from the requirements of R.S. 4:705(2)(c) (\$75 license fee) and 4:714(F)(1) (requiring a separate charitable gaming account). LAC 42:I.1722 sets forth the qualifications and requirements for a limited raffle license. The rule establishes a reduced license and renewal fee of \$25. Limited raffle licenses are available to organizations who conduct one or more raffle games during the 12-month license period with aggregate total prize winnings that do not exceed \$10,000. Act 89 became effective August 1, 2023.

The Department of Revenue, Office of Charitable Gaming promulgated an Emergency Rule on September 1, 2023 (*Louisiana Register*, Volume 49, Number 9). Upon further discussion with various stakeholders, the Department of Revenue, Office of Charitable Gaming has determined that it is necessary to amend the provisions of the September 1, 2023 Emergency Rule. The amendment removes the mandatory assessment of penalty when the total prize winnings distributed by the licensee exceed \$10,000 during the limited license period. Effective February 29, 2024, the Department of Revenue, Office of Charitable Gaming amends the September 1, 2023 Emergency Rule which sets forth the qualifications and requirements for a limited raffle license.

Title 42

LOUISIANA GAMING

Part I. Charitable Bingo, Keno, Raffle

Subpart 1. Bingo

Chapter 17. Charitable Bingo, Keno and Raffle

§1722. Limited Raffle License Requirements

A. A limited raffle license may be issued pursuant to R.S. 4:707.1 to an organization that:

1. qualifies under Louisiana law to conduct charitable gaming;
2. holds one or more raffle games during the 12-month license period for which the aggregate value of all prizes to be awarded for all raffle games does not exceed \$10,000; and
3. the raffles are not conducted at a time and place other games of chance allowed under R.S. 4:707 are conducted.

B. Limited raffle licensees shall be subject to the same requirements as other licensed organizations conducting raffles except that:

1. the license and renewal fee shall be \$25;
2. a separate charitable gaming account shall not be required;
3. the information required by R.S. 4:716 shall be submitted annually rather than quarterly; and
4. the license renewal application may be submitted after June 30 without penalty, provided it is filed at least 30 days prior to the scheduled raffle unless the secretary waives this requirement for good cause.

C. Notwithstanding Paragraph (B)(1), if the aggregate value of all prizes to be awarded during the license period will not exceed \$250, the license and renewal fees shall be waived.

D. Raffle games for which the prize value cannot reasonably be predetermined, such as 50/50 and split the pot raffles do not qualify for a limited raffle license. Similarly, raffles with prizes that by nature exceed \$10,000, such as automobiles and immovable property, do not qualify for the limited raffle license.

E. If the total prize winnings distributed by the licensee during the 12-month limited license period exceed \$10,000, the organization shall be prohibited from renewing its limited raffle license. In this case, the organization shall apply for a standard charitable gaming license. In the event that the organization does not apply for a standard charitable gaming license, the organization’s limited raffle license will be deemed suspended for a calendar year. After the expiration of the calendar year, the organization may reapply for a limited raffle license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:707.1 and 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Charitable Gaming, LR 50:

Luke Morris
Assistant Secretary

2403#009

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2024 Commercial Menhaden Season and Associated Regulations

The Wildlife and Fisheries Commission has undertaken traditional rulemaking action to adjust restricted areas off the coast of Louisiana in which commercial menhaden fishing activity is prohibited and to amend regulations related to commercial menhaden fishing activity. The Notice of Intent to expand these restricted fishing areas published in the November 20, 2023 edition of the Louisiana Register. The Commission then took action at a special meeting on February 15, 2024 to amend the proposed restricted areas to establish a one-half mile closure off the entire Louisiana coast where commercial menhaden fishing activity is prohibited and to establish a one-mile closure off Holly Beach in southwest Louisiana. The earliest the proposed Notice of Intent (as amended) can become effective is June 20, 2024. However, the 2024 commercial menhaden season is scheduled to open on April 15, 2024.

The Gulf States Marine Fisheries Commission is expected to conduct a bycatch study as it relates to commercial menhaden fishing activity over the course of the 2024 commercial season. The study will focus on quantifying purse seine bycatch by species and location off Louisiana's coast. To reduce variables affecting the study, it is important that the commercial menhaden fishing area and regulations remain consistent for the duration of the 2024 commercial season. Therefore, the Wildlife and Fisheries Commission utilizes its authority to establish commercial fishing seasons pursuant to Emergency Rule timetables to close certain waters to commercial menhaden fishing activity for the 2024 season and to provide for related regulations.

In accordance with the provisions of R.S. 49:962(G) 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 marine finfish seasons and all rules and regulations pursuant thereto, the Wildlife and Fisheries Commission hereby adopts the following emergency rule establishing restricted areas where commercial fishing is prohibited and regulations governing the release of gear or contents of purse seine gear for the 2024 season:

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§307. Menhaden Season

A. - B. ...

C. The menhaden season shall apply to all waters one-half statute mile seaward of the inside-outside line described in R.S. 56:495, except as noted in Subsection D, including

waters in the Federal Exclusive Economic Zone (EEZ), and in Chandeleur and Breton Sounds as described in Subsection E below. All other inside waters and passes are permanently closed to menhaden fishing.

D. Coastal Buffer Restrictions

1. - 3. ...

4. Restrictions off Holly Beach, Louisiana. The menhaden season shall apply to waters beginning 1 statute mile seaward of the inside-outside line from the intersection of a private levee road and LA-27 (Latitude 29 degrees 46 minutes 01.54 seconds N, Longitude 93 degrees 24 minutes 23.00 seconds W), thence westward to the easternmost point of the rock breakwaters west of Holly Beach, Louisiana (Latitude 29 degrees 46 minutes 00.90 seconds N, Longitude 93 degrees 29 minutes 26.91 seconds W). All coordinates are in NAD 1983 feet.

E. - E.1. ...

F.1. No menhaden purse seine gear shall be released or abandoned while on the water or during the course of fishing operations. In the event that gear is released, such gear shall be marked in an appropriate manner to facilitate retrieval and effectively warn of navigational hazards caused by the released gear. Such gear shall be retrieved from the water within 48 hours of release. Failure to retrieve the gear within the prescribed period shall be considered abandonment of the gear.

2. If the contents of menhaden purse seine gear are released during the course of fishing operations, all reasonable attempts to retrieve any dead menhaden and any dead bycatch from the environment shall commence within 12 hours of the event. Retrieval efforts shall continue until the released contents of the menhaden purse seine have been removed from the environment to the extent practicable.

3. Any unintentional or intentional release of purse seine gear or contents of purse seine gear by the commercial reduction menhaden fishery shall be reported to the Enforcement Division within two hours of such release. This reporting shall be by email and by phone call to the Enforcement Division dispatch and communications center. The report shall contain, at a minimum, the following information:

- a. the date and approximate time of the release;
- b. the species of fish released;
- c. an estimated number of fish released;
- d. an estimate of the disposition of the fish released;
- e. the vessel which released the fish;
- f. to the extent available and practicable, photographic or video documentation of sufficient resolution to clearly depict the scope and composition of the release;
- g. the coordinates of the location of the release; and
- h. the causative factors of the release of fish.

4. Any release of the contents of a menhaden purse seine as set forth in this Subsection shall be considered waste of a fishery resource and subject to civil fine and restitution for the value of the wasted fish. Failure to retrieve menhaden purse seine gear from the environment or the released contents of a menhaden purse seine to the extent practicable, as set forth in this Subsection shall constitute a commercial littering violation pursuant to R.S. 30:2531.3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), R.S. 56:313, R.S. 56:315, R.S. 56:326.3, and R.S. 56:409.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 5:329 (October 1979), amended LR 14:547 (August 1988), LR 19:58 (January 1993), LR 19:1179 (September 1993), LR 48:1588 (June 2022), LR 49:514 (March 2023), LR 50:

This Emergency Rule shall become effective April 15, 2024, and remain in effect for the duration of the 2024 commercial menhaden fishing season, or until adoption of a final rule modifying the commercial menhaden fishing regulations in a manner consistent with this Emergency Rule, whichever occurs first.

Brandon J. DeCuir
Chairman

2403#001

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2024 Private Recreational and State Charter Red Snapper Season

Under the provisions of state management, the National Oceanic and Atmospheric Administration (NOAA) Fisheries has delegated season and bag limit authority and an allocated quota to the Department of Wildlife and Fisheries for the management of private recreational and state charter harvest of Red Snapper. Louisiana's private recreational and state charter season for the harvest of Red Snapper in Louisiana and federal waters is currently scheduled to open on Friday, May 24, 2024 on weekends only (Friday, Saturday, and Sunday) including Memorial Day, Labor Day, and July 4. In order to maximize opportunity for Louisiana anglers to harvest the allotted portion of the private recreational and state charter Red Snapper quota, the department is modifying the 2024 Red Snapper season to allow for daily harvest beginning on April 15, 2024 with a bag limit of four fish at the current 16 inch minimum total length limit.

In accordance with the emergency provisions of R.S. 49:962, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency rules to set finfish seasons, and R.S. 56:326.3, which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, the commission hereby declares:

The season for the private recreational and state charter harvest of Red Snapper in state waters and federal waters off the coast of Louisiana shall be open daily beginning on Monday, April 15, 2024. The bag and possession limit for private recreational and state charter anglers harvesting Red Snapper shall be four fish per day per person. Size limits shall remain at the currently established minimum size limit in LAC 76:VII.335 of 16 inches total length. The season shall remain open as described until further notice or December 31, 2024, at which time it shall close. This modification does not apply to federally permitted charter boats operating under federal law during federally

established seasons and under federally established rules for those vessels.

The commission further authorizes the secretary of the department to modify the recreational season for the harvest of Red Snapper when monitoring data warrant a modification to ensure compliance with the allocation of Red Snapper for Louisiana or as necessary as authorized in LAC 76:VII.335(G)(5).

Brandon J. DeCuir
Chairman

2403#022

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Shrimp Season Closure in Remaining State Inside Waters

The secretary of the Department of Wildlife and Fisheries has been notified that recent biological sampling conducted by the department has indicated that average white shrimp size within these waters to be closed is smaller than the minimum possession count and this action is being taken to protect these small white shrimp and provide opportunity for growth to larger and more valuable sizes. R.S. 56:498 provides that the possession count on saltwater white shrimp for each cargo lot shall average no more than 100 (whole specimens) per pound except during the time period from October 15 through the third Monday in December.

In accordance with the emergency provisions of R.S. 49:962 of the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons; R.S. 56:497 which allows the Wildlife and Fisheries Commission to delegate to the secretary of the Department of Wildlife and Fisheries the powers, duties and authority to set shrimp seasons; and in accordance with a Declaration of Emergency adopted by the commission on August 3, 2023, which authorizes the secretary of the department to close the fall inshore shrimp season when biological and technical data indicate the need to do so or if enforcement problems develop, the secretary does hereby declare:

The 2023 fall inshore shrimp season will close on Sunday, February 25, 2024, at official sunset in remaining state inside waters with the exception of the open waters of Breton and Chandeleur Sounds as bounded by the double-rig line described in R.S. 56:495.1(A)2.

Existing data do not currently support shrimping closures in additional state inside waters. Notice of any opening, delaying or closing of a season by the secretary will be made by public notice at least 72 hours prior to such action.

Madison D. Sheahan
Secretary

2402#005

Rules

RULE

**Department of Agriculture and Forestry
Office of Animal Health and Food Safety
and
Board of Animal Health**

**Identification of Goats
(LAC 7:XXI.1513)**

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:2093 et seq., the Department of Agriculture and Forestry (“Department”), through the Office of Animal Health, and the Board of Animal Health, has amended LAC 7:XXI.1513 relative to the identification of goats. The Rule changes, made in accordance with R.S. 3:2093, authorize the board to promulgate rules and regulations necessary to implement and enforce the powers and duties assigned to the board by law. The Rule changes clarify requirements for identification of goats changing ownership, mandating that they be individually identified by means of an “official identification for scrapie” as defined in LAC 7:XXI.101. The Rule amendment was promulgated in order to bring the existing rule into compliance with USDA ADT (Animal Disease Traceability) regulations. This Rule is hereby adopted on the day of promulgation.

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Animals and Animal Health

Chapter 15. Sheep and Goats

Subchapter B. Goats

§1513. Identification of Goats (Formerly §1303)

A. All goats changing ownership shall be individually identified by means of an official identification for scrapie as defined in §101 of this Part.

B. The following goats shall be individually identified by means of an official identification for scrapie:

1. live scrapie positive goats;
2. suspect scrapie positive goats;
3. all goats considered as high risk for developing scrapie, as defined by USDA;
4. all goats exposed to scrapie.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 31:1971 (August 2005), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:971 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 50:362 (March 2024).

Mike Strain, DVM
Commissioner

2403#048

RULE

**Department of Agriculture and Forestry
Office of Agro-Consumer Services
Division of Weights and Measures**

**Registration Requirements and Fees for
Electric Vehicle Supply Equipment
(LAC 7:XXXV.103, 125, and 127)**

The Department of Agriculture and Forestry, Office of Agro-Consumer Services, Weights and Measures Division adopts additions to LAC 7:XXXV.103, 125 and 127 in Chapter 7 as authorized by R.S.3:4608 to establish the fee schedule and registration requirements for commercial electric vehicle (EV) charging devices. The Rule changes were made pursuant to ACT 293 in the 2023 Regular Session, which provides for the regulation of fueling stations for electric vehicles. This Rule was promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

R.S. 3:4622(A) establishes that Electric Vehicle Supply Equipment (EVSE) shall be registered with the department and R.S. 3:4622(B)(4) establishes that the commissioner may establish a fee schedule for registering commercial weighing and measuring devices. The Rule changes to LAC 7:XXXV Sections 103, 125, and 127 established the fee schedule and registration requirements for commercial electric vehicle (EV) charging devices. This Rule is hereby adopted on the day of promulgation.

Title 7

Agriculture and Animals

Part XXXV. Agro-Consumer Services

Chapter 1. Weights and Measures

§103. Definitions

A. ...

Weights, Measures, or Weighing and Measuring Devices—all weights, scales, scanners, taxi meters, electric vehicle supply equipment, beams, measures of every kind, instruments and mechanical devices for weighing or measuring, and any appliances and accessories connected with any such instruments. However, it does not include or refer to devices used to meter or measure, other than by weight, water, natural or manufactured gas, or electricity, except for electricity used in connection with electric vehicle supply equipment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4603 (formerly R.S. 55:3).

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Commission of Weights and Measures, LR 13:157 (March 1987), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1530 (December 1993), LR 23:857 (July 1997), LR 48:995 (April 2022), LR 50:362 (March 2024).

§125. Weights and Measures Fee Structure

A. - I. ...

J. The annual fee for registration of electric vehicle charging devices will be \$100 per charging point.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608 and 3:4622.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1534 (December 1993), amended LR 23:857 (July 1997), LR 30:1142 (June 2004), LR 42:218 (February 2016), LR 42:1649 (October 2016), LR 47:852 (July 2021), LR 47:1840 (December 2021), LR 50:363 (March 2024).

§127. Registration

A. - E. ...

F. Electric vehicle charging points shall be registered according to the following criteria:

1. make;
2. model;
3. serial number; and
4. level.

G. A late fee of \$25 will be assessed for each commercial weighing and measuring device, weighmaster, service agency, and service technician, when the application is submitted after December 31, with a maximum penalty of \$100 per location.

H. A late fee of \$25 will be assessed for each new device not registered within 30 days from the date it is put into service.

I. A compound weighing device shall be considered one or more devices for the purpose of registration in accordance with the following.

1. A compound weighing device that consists of a single load receiving element and more than one indicating element shall be considered a single device when all indicating elements may be tested during the same test for the purpose of sealing the device as correct. Said device shall be considered separate devices for each separate test necessary for sealing.

2. A compound weighing device that consists of one indicating element and more than one load receiving element shall for the purpose of registration be considered a separate device for each load receiving element.

J. Applicants for registration may request application forms, verbally or in writing, from the Division of Weights and Measures of the Department of Agriculture and Forestry.

K. Each application for annual registration shall be accompanied by payment of the required fee and said registration shall be valid until December 31. To remain valid, each annual registration must be renewed before January 1. This Subsection shall not apply to the registration of taxicab meters.

L. Taxicab meters shall be registered annually with the division. Each registration shall be valid for one year from the date of issuance. Taxi meters may only be registered with the division upon completion of an inspection of the taxi meter by the department and payment of the required registration fee. The inspection period for taxicab meters for registration purposes shall occur from January 1 through

June 30 each year. After June 30, inspections for registration purposes will be done by appointment only.

1. If a taxicab operates in a municipality or parish which requires a local inspection, the inspection required under this Part shall be completed no later than the month in which the taxicab's parish, municipal, or airport inspection is due.

2. Taxicab meters inspected after June 30 will be charged a late fee of \$25 unless the late inspection is due to a meter being new, repaired, replaced, or being placed in a different vehicle.

M. Any registration obtained without complying with all of the requirements of these regulations may be voided by the division.

N. Before a device may be sealed to certify the accuracy and correctness of a device, that device must be registered with the Division of Weights and Measures of the Louisiana Department of Agriculture and Forestry.

O. In accordance with R.S. 3:4611, no one shall use a weight, measure or weighing or measuring device which has not been sealed by the division, its director, or its inspectors, at its direction, within the year prior thereto, unless written notice has been given to the division to the effect that the weight, measure or weighing or measuring device is available for examination or is due for re-examination.

P. Application for registration or renewal of registration shall fulfill the requirement of notification in Subsection L of this Section.

Q. Applications for annual renewal of registration shall be mailed by the Division of Weights and Measures of the Department of Agriculture and Forestry to all registrants, at the last address provided by the registrant, on or before November 15 and must be returned before January 1.

R. The record of all registrations shall be maintained by the Division of Weights and Measures and the director of the Division of Weights and Measures in its office in Baton Rouge.

S. Any registrant having a device registered under provisions of this regulation, and that is taken out of commercial use at the location shown on the application for registration, shall notify the commission's office in writing to remove said device from its records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4603 (formerly R.S. 55:3), 3:4607, 4608, and 3:4622.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Commission of Weights and Measures, LR 13:158 (March 1987), amended LR 15:78 (February 1989), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services, Division of Weights and Measures, LR 19:1534 (December 1993), LR 23:857 (July 1997), LR 41:2098 (October 2015), LR 42:1649 (October 2016), amended by the Department of Agriculture and Forestry, Office of Agro-Consumer Services LR 47:562 (May 2021), LR 47:1840 (December 2021), LR 50:363 (March 2024).

Mike Strain, DVM
Commissioner

2403#035

RULE

**Office of the Governor
Board of River Port Pilot Commissioners
for the Port of New Orleans**

**Education Requirements
(LAC 46:LXX.3205)**

Notice is hereby given that in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the authority vested in the Board of River Port Pilot Commissioners for the Port of New Orleans R.S. 34:991, has amended its rules governing river port pilots by establishing education requirements for applicants consistent with the pilot commissions regulating pilots in Louisiana requiring applicants to obtain a maritime bachelor’s degree by an educational instituting approved by the Federal Maritime Administration.

The effective date of the amendments to Section 3205 is December 31, 2025. Any applicant who has been certified as an apprentice candidate for the year 2026 have satisfied the education and service requirements prescribed in Section 3205 in future apprentice application processes. This Rule is hereby adopted on the day of promulgation.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXX. River Pilots

Subpart 2. Board of River Port Pilot Commissioners

§3205. Education Qualifications

A. The pilot apprentice applicant shall be a graduate from either The U.S. Merchant Marine Academy (deck curriculum), The U. S. Coast Guard Academy and qualified as officer-in-charge of a navigational watch, The U.S. Naval Academy and qualified as officer-in-charge of a navigational watch, The Great Lakes Maritime Academy (deck curriculum) or any other maritime academy approved by and conducted under rules prescribed by the federal maritime administrator and listed at Title 46, Code of Federal Regulations, Part 310. Additionally, each applicant must have held one of the licenses described in §3203. A.1., A.2.a., or A.2.b. for a period of one year prior to December 31 of the year the application is submitted to become an apprentice candidate.

B. Applicants shall document the aforementioned requirements by providing the board with an official transcript of the mandatory educational requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:991(B)(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of River Port Pilot Commissioners, LR 29:2069 (October 2003), amended LR 35:1833 (September 2009), LR 38:2369 (September 2012), LR 47:879 (July 2021), LR 50:364 (March 2024), effective December 31, 2025.

Capt. Mark Delesdernier III
President

2403#004

RULE

**Office of the Governor
Division of Administration
Patient’s Compensation Fund Oversight Board**

Disability Accommodations (LAC 37:III.302)

The Patient’s Compensation Fund Oversight Board (the “board”), under authority of the Louisiana Medical Malpractice Act, R.S. 40:1231.1, et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950, et seq., specifically R.S. 49:961(C), adopts the following Rule setting forth accommodations the board will provide for any member of the public or the board to participate in the public meetings of the board via teleconference or video conference upon receiving a request for such prior to the meeting. Pursuant to R.S. 42:14(E), the board is obligated to provide for participation via teleconference or video conference by any member of the public or the board with a disability recognized by the Americans with Disabilities Act, 42 USCA 12101 et seq. (the ADA), who prior to the meeting requests such accommodation. This Rule is hereby adopted on the day of promulgation.

Title 37

INSURANCE

**Part III. Patient’s Compensation Fund Oversight Board
Chapter 3. Organization, Functions, Delegations of
Authority, and Disability
Accommodations**

§302. Disability Accommodations

A. A person with a disability is defined as any of the following:

- 1. a member of the public or the board with a disability recognized by the ADA; or
- 2. a designated caregiver of such a person.

B. The written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of a board representative to whom a disability accommodation may be submitted.

C. The requestor shall be provided with an accommodation, including the teleconference number and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

D. Participation via electronic means (teleconference or video conference) by a board member who has requested a disability accommodation shall count for purposes of establishing quorum and voting. The presiding officer of the board shall ensure that the voting decision of any member of the board who participates via electronic means is clearly identified, recorded and included in the minutes of the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1231.4(D)(3) and Act 393 of the 2023 Regular Session of the Louisiana Legislature.

HISTORICAL NOTE: Promulgated by Office of the Governor, Patient’s Compensation Fund Oversight Board, LR 50:364 (March 2024).

Kenneth H. Schnauder
Executive Director

2403#033

RULE
Office of the Governor
Division of Administration
Tax Commission

Ad Valorem Taxation
(LAC 61:V. 304, 701, 703, 705, 905, 907, 1001,
1007, 1103, 1307, 1503, 2503, 2717, 3101, 3102,
3103, 3105, 3106, and 3107)

The Louisiana Tax Commission exercised the provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to its authority under R.S. 47:1837, adopted the

following additions, deletions and amendments to the Real/Personal Property Rules and Regulations. This Rule change amended sections of the Real/Personal Property Rules for use in the 2024 (2025 Orleans Parish) tax year. This Rule is hereby adopted on the day of promulgation.

Title 61
REVENUE AND TAXATION
Part V. Ad Valorem Taxation
§304. Electronic Change Order Specifications,
Property Classification Standards and
Electronic Tax Roll Export Specifications

A. ... * * *

B. Property Classification Standards

Class Code	Class Description (TC-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
Real Estate				
* * *				
Personal Property				
* * *				
69	Oil and Gas Wells	6800	Oil Wells	Oil Wells
		6802	Non Future Utility	Non Future Utility
		6810	Gas Wells	Gas Wells
		6811	Future	Future
		6812	Non Future	Non Future
		6820	Injection Wells Service Wells	Injection wells, Service wells, Saltwater disposal, Brine wells (suitable for LDNR Class II injection wells associated with oil and gas production, but not Class III brine mining injection wells associated with salt production from a salt dome), Water wells
		6830	Commercial Disposal Wells	Commercial Disposal Wells
70	Salt Dome Property	7010	Wells	Wells
		7020	Caverns	Caverns
Public Service				
* * *				

C. Electronic Tax Roll Export Specifications

1. For purposes of submission of electronic tax roll data to the Tax Commission on or after January 1, 2024, the parish tax assessors shall not submit any tax roll data that is deemed confidential by law. If an assessor later discovers that confidential information was submitted to the Tax Commission, the assessor shall immediately notify the Tax Commission and resubmit the electronic tax roll data without the confidential information included.

2. Regarding public records requests for assessment information submitted to the Tax Commission prior to January 1, 2024, the Tax Commission shall confer with the parish tax assessor(s) that submitted the assessment

information sought. The parish tax assessor(s) that submitted the assessment information sought by the public records request shall promptly respond to the Tax Commission and inform the Tax Commission whether any of the assessment information sought by the public records request is deemed confidential by law. The parish tax assessor(s) that submitted the assessment information sought by the public records request shall designate the assessment information that is deemed confidential by law. Such information is not a public record and will not be conveyed or transferred to any individual or entity.

* * *

Assessment Information (Assmt.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (ex. 1999, 2000)
* * *				
assessment_status	Character	2	Yes	“AC” = Active (includes assessments with partial exemptions) “AJ” = Adjudicated, “EX” = Exempt/Tax Free (only to be used for 100% tax exempt assessments)
homestead_exempt	Numeric	1	Yes	0 = None (default), 1 = Yes (homestead exemption, of any type, at any percentage, is applicable to assessment)
tax_acct	Numeric	6	No	Tax account number is required for grouping tax assessments together
* * *				
usufruct	Character	1	Yes	“N” = No (default) and “Y” = Yes

Assessment Information (Assmt.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
other_exempt	Numeric	1	Yes	0 = None (default), 1 = Yes (any other exemption, other than homestead and disabled veteran, of any type, at any percentage, is applicable to assessment)
veteran_exempt	Numeric	1	Yes	0 = None (default), 1 = disabled veteran exemption, at any level, is applicable to assessment, when claimed by disabled veteran, 2 = disabled veteran exemption, at any level, is applicable to assessment, when claimed by surviving spouse of disabled veteran

Assessment Value Information (Avalue.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (ex. 1999, 2000)

homestead_type	Numeric	1	Yes	0 = None (default), 1 = Default Homestead Exemption (\$7,500 of total assessed value), 2 = 100% Unmarried Surviving Spouse of Active Duty Homestead
homestead_percent	Numeric	6.2	Yes	Homestead Exemption percentage to be applied to assessment of item (Format: 100.00 (Default))

other_exempt_value	Numeric	10	Yes	Assessed value to be credited by other exemptions (e.g. Industrial, Restoration, Agricultural, Institutional, Religious, Non-profit); NOTE: Effective 1-1-24, the LTC plans to make this a Required Field

Assessment Millage Information (Amillage.txt) (Required)				
Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (ex. 1999, 2000)

taxing_body_approval	Numeric	1	Yes	Indicates if local taxing body related to the millage approved an exemption (or did not vote). 0 = voted to approve exemption/NA (default), 1 = voted to deny exemption

other_exempt_taxes	Numeric	11.2	Yes	Amount of taxes credited due to other exemption(s) (other than homestead) (Format: 99999999.99)

Tax Exemption Program Information (TEP.txt)				
Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (ex. 2017, 2018)

penalty_years	Numeric	12	Yes	Specifies the number of penalty years assessed by the Board of Commerce and Industry, if applicable. (Default: 0)
industrial_exemption_type	Numeric	1	Yes	1 = Industrial Exemption subject to 80% cap, 2 = Industrial Exemption megaproject subject to 93% cap, 3 = Industrial Exemption at 100%

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, §18 and R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:703 (March 2005), LR 32:427 (March 2006), LR 36:765 (April 2010), amended by the Division of Administration, Tax Commission, LR 38:799 (March 2012), LR 39:487 (March 2013), LR 40:529 (March 2014), LR 41:672 (April 2015), LR 42:745 (May 2016), LR 43:651 (April 2017), LR 44:578 (March 2018), LR 45:532 (April 2019), LR 48:1522 (June 2022), LR 49:1037 (June 2023), LR 50:365 (March 2024).

Chapter 7. Watercraft

§701. Guidelines for Ascertaining Fair Market Value of Watercraft

A. ...

B. Valuation

1. Fair market value is the valuation standard for watercraft. When using the cost approach, the assessor shall estimate the fair market value of each vessel having situs in the assessor's parish through use of the information provided

to the assessor on LAT Form 11. Taxpayers shall report the cost of the vessel.

2. The same procedure shall be used as for other forms of machinery and equipment. That is, cost of the vessel will be brought up to current value through use of the appropriate index and depreciated based on the effective age of the vessel. The appropriate cost index, percent good factors and composite multipliers appear in Tables 703.A.1, 703.B.1 and 705.A.1. The composite multipliers are only to be used when the cost of the vessel is self-reported. When the cost of the vessel is not available, or the assessor finds the information to be unreliable, the assessor may utilize the base cost and depreciation schedules found in Tables 703.A.2, 703.B.2 and 705.A.2. Obsolescence may be applied according to days worked as per Table 706. Consideration of additional obsolescence may be granted upon showing evidence of loss, substantiated by the taxpayer in writing.

3. - 4. ...

C. Vessel Types and Definitions

1. - 21. ...

22. *Offshore Support Vessel (OSV/Supply)*—an ocean-going vessel used for transporting cargo, goods, supplies, and crew, as well as for carrying out offshore exploration and production across oil platforms. These provide transportation for workers and products to and from drilling locations.

23. - 33. ...

AUTHORITY NOTE: Promulgated in accordance with La. Const. of 1974, Article VII, §18 and §21, R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:922 (November 1984), LR 12:36 (January 1986), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 20:198 (February 1994), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 44:579 (March 2018), LR 50:366 (March 2024).

§703. Tables—Watercraft

A. Motorized Floating Equipment

1. Floating Equipment—Motor Vessels

Table 703.A.1 Floating Equipment—Motor Vessels				
Cost Index (Average)		Average Economic Life 12 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2023	0.994	1	94	.93
2022	1.012	2	87	.88
2021	1.189	3	80	.95
2020	1.292	4	73	.94
2019	1.299	5	66	.86
2018	1.346	6	58	.78
2017	1.392	7	50	.70
2016	1.420	8	43	.61
2015	1.408	9	36	.51
2014	1.421	10	29	.41
2013	1.440	11	24	.35
2012	1.452	12	22	.32
2011	1.493	13	20	.30

2. Floating Equipment—Motor Vessels

Table 703.A.2 Floating Equipment—Motor Vessels						
Vessel Type/Size	Day Rate	Base Cost	2023 - 2020	2019 - 2016	2015 - 2012	2011 and Earlier
Physical Depreciation			0.835	0.54	0.265	0.2
Research Vessel						
110'-139'	N/A	\$3,000,000	\$2,505,000	\$1,620,000	\$795,000	\$600,000
140'-179'	N/A	\$3,500,000	\$2,922,500	\$1,890,000	\$927,500	\$700,000
180'-199'	N/A	\$4,000,000	\$3,340,000	\$2,160,000	\$1,060,000	\$800,000
200'-219'	N/A	\$6,000,000	\$5,010,000	\$3,240,000	\$1,590,000	\$1,200,000
220'-279'	N/A	\$9,500,000	\$7,932,500	\$5,130,000	\$2,517,500	\$1,900,000
280'-299'	N/A	\$12,000,000	\$10,020,000	\$6,480,000	\$3,180,000	\$2,400,000
300'-319'	N/A	\$18,000,000	\$15,030,000	\$9,720,000	\$4,770,000	\$3,600,000
320'+	N/A	\$20,000,000	\$16,700,000	\$10,800,000	\$5,300,000	\$4,000,000
Dive Vessel						
110'-139'	4000	\$3,000,000	\$2,505,000	\$1,620,000	\$795,000	\$600,000
140'-179'	4500	\$3,500,000	\$2,922,500	\$1,890,000	\$927,500	\$700,000
180'-199'	5500	\$4,000,000	\$3,340,000	\$2,160,000	\$1,060,000	\$800,000
200'-219'	5800	\$6,000,000	\$5,010,000	\$3,240,000	\$1,590,000	\$1,200,000
220'-279'	6500	\$8,500,000	\$7,097,500	\$4,590,000	\$2,252,500	\$1,700,000
280'-299'	7500	\$9,000,000	\$7,515,000	\$4,860,000	\$2,385,000	\$1,800,000
300'-319'	8000	\$9,300,000	\$7,765,500	\$5,022,000	\$2,464,500	\$1,860,000
320'+	8500	\$9,900,000	\$8,266,500	\$5,346,000	\$2,623,500	\$1,980,000
Pollution Control Vessel						
110'-139'	N/A	\$2,000,000	\$1,670,000	\$1,080,000	\$530,000	\$400,000
140'-179'	N/A	\$2,300,000	\$1,920,500	\$1,242,000	\$609,500	\$460,000
180'-199'	N/A	\$3,200,000	\$2,672,000	\$1,728,000	\$848,000	\$640,000
200'-219'	N/A	\$4,800,000	\$4,008,000	\$2,592,000	\$1,272,000	\$960,000
220'-279'	N/A	\$7,600,000	\$6,346,000	\$4,104,000	\$2,014,000	\$1,520,000
280'-299'	N/A	\$9,500,000	\$7,932,500	\$5,130,000	\$2,517,500	\$1,900,000
300'-319'	N/A	\$13,000,000	\$10,855,000	\$7,020,000	\$3,445,000	\$2,600,000
320'+	N/A	\$15,000,000	\$12,525,000	\$8,100,000	\$3,975,000	\$3,000,000
Platform Supply Vessel						
110'-139'	N/A	\$2,400,000	\$2,004,000	\$1,296,000	\$636,000	\$480,000
140'-179'	N/A	\$2,650,000	\$2,212,750	\$1,431,000	\$702,250	\$530,000
180'-199'	N/A	\$3,000,000	\$2,505,000	\$1,620,000	\$795,000	\$600,000
200'-219'	N/A	\$4,500,000	\$3,757,500	\$2,430,000	\$1,192,500	\$900,000
220'-279'	N/A	\$5,560,000	\$4,642,600	\$3,002,400	\$1,473,400	\$1,112,000
280'-299'	N/A	\$7,500,000	\$6,262,500	\$4,050,000	\$1,987,500	\$1,500,000

Table 703.A.2 Floating Equipment—Motor Vessels						
Vessel Type/Size	Day Rate	Base Cost	2023 - 2020	2019 - 2016	2015 - 2012	2011 and Earlier
Physical Depreciation			0.835	0.54	0.265	0.2
300'-319'	N/A	\$13,000,000	\$10,855,000	\$7,020,000	\$3,445,000	\$2,600,000
320'+	N/A	\$14,000,000	\$11,690,000	\$7,560,000	\$3,710,000	\$2,800,000
Jack Up/AHT						
60'-89'	N/A	\$1,059,000	\$884,265	\$571,860	\$280,635	\$211,800
90'-109'	N/A	\$1,059,000	\$884,265	\$571,860	\$280,635	\$211,800
110'-139'	N/A	\$2,942,000	\$2,456,570	\$1,588,680	\$779,630	\$588,400
140'-174'	6500	\$4,825,000	\$4,028,875	\$2,605,500	\$1,278,625	\$965,000
175'-219'	8000	\$6,500,000	\$5,427,500	\$3,510,000	\$1,722,500	\$1,300,000
220'-239'	14000	\$8,235,000	\$6,876,225	\$4,446,900	\$2,182,275	\$1,647,000
240'+	16300	\$10,474,000	\$8,745,790	\$5,655,960	\$2,775,610	\$2,094,800
Inland Tugs						
40-50'X15-25' 400 HP	N/A	\$400,000	\$334,000	\$216,000	\$106,000	\$80,000
50-60'X25-35' 600 HP	N/A	\$800,000	\$668,000	\$432,000	\$212,000	\$160,000
50-60'X25-45' 900 HP	N/A	\$960,000	\$801,600	\$518,400	\$254,400	\$192,000
60-70'X30-45' 1200 HP	N/A	\$1,120,000	\$935,200	\$604,800	\$296,800	\$224,000
60-70'x30-55' 1500 HP	N/A	\$1,200,000	\$1,002,000	\$648,000	\$318,000	\$240,000
70-80'X30-55' 1800 HP	N/A	\$1,440,000	\$1,202,400	\$777,600	\$318,600	\$288,000
80-100'X30-50' 2400 HP	N/A	\$2,240,000	\$1,870,400	\$1,209,600	\$593,600	\$448,000
80-100'X30-60' 3000 HP	N/A	\$2,800,000	\$2,338,000	\$1,512,000	\$742,000	\$560,000
100-120'X45-55' 4200 HP	N/A	\$3,040,000	\$2,538,400	\$1,641,600	\$805,600	\$608,000
110-150'X30-75' 6000 HP	N/A	\$4,000,000	\$3,340,000	\$2,160,000	\$1,060,000	\$800,000
Offshore Tugs						
60-80'X25-35' 1800 HP	N/A	\$500,000	\$417,500	\$270,000	\$132,500	\$100,000
75-90'X25-35' 2400 HP	N/A	\$750,000	\$626,250	\$405,000	\$198,750	\$150,000
95-105'X30-40' 3000 HP	N/A	\$850,000	\$709,750	\$459,000	\$225,250	\$170,000
100-120'X35-50' 4200 HP	N/A	\$1,000,000	\$835,000	\$540,000	\$265,000	\$200,000
120-140'X40-60' 6000 HP	N/A	\$1,500,000	\$1,252,500	\$810,000	\$397,500	\$300,000
140-160'X35-60' 10,000 HP	3300	\$1,801,000	\$1,503,835	\$972,540	\$477,265	\$360,200
Push Boats						
40-50'X15-25' 400 HP	1800	\$640,000	\$534,400	\$345,600	\$169,600	\$128,000
50-60'X25-35' 600 HP	2000	\$800,000	\$668,000	\$432,000	\$212,000	\$160,000
50-60'X25-45' 900 HP	2400	\$960,000	\$801,600	\$518,400	\$254,400	\$192,000
60-70'X30-45' 1200 HP	2600	\$1,120,000	\$935,200	\$604,800	\$296,800	\$224,000
60-70'X30-55' 1500 HP	2850	\$1,200,000	\$1,002,000	\$648,000	\$318,000	\$240,000
70-80'X30-55' 1800 HP	3000	\$1,440,000	\$1,202,400	\$777,600	\$381,600	\$288,000
80-100'X30-50' 2400 HP	4000	\$2,240,000	\$1,870,400	\$1,209,600	\$593,600	\$448,000
80-100'X30-60' 3000 HP	4200	\$2,800,000	\$2,338,000	\$1,512,000	\$742,000	\$560,000
100-120'X45-55' 4200 HP	4300	\$3,040,000	\$2,538,400	\$1,641,600	\$805,600	\$608,000
110-150'X30-75' 6000 HP	4800	\$4,000,000	\$3,340,000	\$2,160,000	\$1,060,000	\$800,000
Model Bow Boats						
50-60'X25-35' 600 HP	N/A	\$1,700,000	\$1,419,500	\$918,000	\$450,500	\$340,000
50-60'X25-45' 900 HP	N/A	\$2,200,000	\$1,837,000	\$1,188,000	\$583,000	\$440,000
60-70'X30-45' 1200 HP	N/A	\$2,600,000	\$2,171,000	\$1,404,000	\$689,000	\$520,000
75-90'X25-35' 2400 HP	N/A	\$4,500,000	\$3,757,500	\$2,430,000	\$1,192,500	\$900,000
95-105'X30-40' 3000 HP	N/A	\$6,500,000	\$5,427,500	\$3,510,000	\$1,722,500	\$1,300,000
100-120'X35-50' 4200 HP	N/A	\$8,000,000	\$6,680,000	\$4,320,000	\$2,120,000	\$1,600,000
120-140'X40-60' 6000 HP	N/A	\$10,000,000	\$8,350,000	\$5,400,000	\$2,650,000	\$2,000,000
140-160'X35-60' 10,000 HP	N/A	\$13,000,000	\$10,855,000	\$7,020,000	\$3,445,000	\$2,600,000
Skiff						
Under 20'	N/A	\$90,000	\$75,150	\$48,600	\$23,850	\$18,000
20'-40'	N/A	\$180,000	\$150,300	\$97,200	\$47,700	\$36,000
40'-60'	N/A	\$225,000	\$187,875	\$121,500	\$59,625	\$45,000
Steamboat						
120X30	N/A	\$250,000	\$208,750	\$135,000	\$66,250	\$50,000
140X40	N/A	\$450,000	\$375,750	\$243,000	\$119,250	\$90,000

Table 703.A.2 Floating Equipment—Motor Vessels						
Vessel Type/Size	Day Rate	Base Cost	2023 - 2020	2019 - 2016	2015 - 2012	2011 and Earlier
Physical Depreciation			0.835	0.54	0.265	0.2
180X54	N/A	\$900,000	\$751,500	\$486,000	\$238,500	\$180,000
250X72 Non Class	N/A	\$1,800,000	\$1,503,000	\$972,000	\$477,000	\$360,000
250X72 Class	N/A	\$2,900,000	\$2,421,500	\$1,566,000	\$768,500	\$580,000
260X72 Non Class	N/A	\$1,900,000	\$1,586,500	\$1,026,000	\$503,500	\$380,000
260X72 Class	N/A	\$3,000,000	\$2,505,000	\$1,620,000	\$795,000	\$600,000
300X100 Non Class	N/A	\$3,200,000	\$2,672,000	\$1,728,000	\$848,000	\$640,000
300X100 Class	N/A	\$6,400,000	\$5,344,000	\$3,456,000	\$1,696,000	\$1,280,000
400X100 Non Class	N/A	\$6,000,000	\$5,010,000	\$3,240,000	\$1,590,000	\$1,200,000
400X100 Class	N/A	\$10,000,000	\$8,350,000	\$5,400,000	\$2,650,000	\$2,000,000
Riverboat Casino						
120X30	N/A	\$250,000	\$208,750	\$135,000	\$66,250	\$50,000
140X40	N/A	\$450,000	\$375,750	\$243,000	\$119,250	\$90,000
180X54	N/A	\$900,000	\$751,500	\$486,000	\$238,500	\$180,000
250X72 Non Class	N/A	\$1,800,000	\$1,503,000	\$972,000	\$477,000	\$360,000
250X72 Class	N/A	\$2,900,000	\$2,421,500	\$1,566,000	\$768,500	\$580,000
260X72 Non Class	N/A	\$1,900,000	\$1,586,500	\$1,026,000	\$503,500	\$380,000
260X72 Class	N/A	\$3,000,000	\$2,505,000	\$1,620,000	\$795,000	\$600,000
300X100 Non Class	N/A	\$3,200,000	\$2,672,000	\$1,728,000	\$848,000	\$640,000
300X100 Class	N/A	\$6,400,000	\$5,344,000	\$3,456,000	\$1,696,000	\$1,280,000
400X100 Non Class	N/A	\$6,000,000	\$5,010,000	\$3,240,000	\$1,590,000	\$1,200,000
400X100 Class	N/A	\$12,000,000	\$10,020,000	\$6,480,000	\$3,180,000	\$2,400,000

B. Non-Motorized Floating Equipment

1. Floating Equipment—Barges (Non-Motorized)
Cost Index

Table 703.B.1 Floating Equipment—Barges (Non-Motorized)				
Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2023	0.994	1	97	.96
2022	1.012	2	93	.94
2021	1.189	3	90	1.07
2020	1.292	4	86	1.11
2019	1.299	5	82	1.07
2018	1.346	6	78	1.05
2017	1.392	7	74	1.03
2016	1.420	8	70	.99
2015	1.408	9	65	.92

Table 703.B.1 Floating Equipment—Barges (Non-Motorized)				
Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2014	1.421	10	60	.85
2013	1.440	11	55	.79
2012	1.452	12	50	.73
2011	1.493	13	45	.67
2010	1.540	14	40	.62
2009	1.528	15	35	.53
2008	1.572	16	31	.49
2007	1.634	17	27	.44
2006	1.723	18	24	.41
2005	1.803	19	22	.40
2004	1.939	20	21	.41
2003	2.006	21	20	.40

3. Floating Equipment—Barges (Non-Motorized)

Table 703.B.2 Floating Equipment—Barges (Non-Motorized)								
Barge Type/Size	Day Rate	Base Cost	2023-2020	2019-2016	2015-2012	2011-2008	2007-2004	2003 and Earlier
Physical Depreciation			0.915	0.76	0.575	0.375	0.23	0.2
Deck								
120x30	200	\$240,000	\$219,600	\$182,400	\$138,000	\$90,000	\$55,200	\$48,000
140X40	350	\$450,000	\$411,750	\$342,000	\$258,750	\$168,750	\$103,500	\$90,000
180X54	450	\$900,000	\$823,500	\$684,000	\$517,500	\$337,500	\$207,000	\$180,000
250X72 Non Class	600	\$1,500,000	\$1,372,500	\$1,140,000	\$862,500	\$562,500	\$345,000	\$300,000
250X72 Class	800	\$2,700,000	\$2,470,500	\$2,052,000	\$1,552,500	\$1,012,500	\$621,000	\$540,000
260X72 Non Class	500	\$1,600,000	\$1,464,000	\$1,216,000	\$920,000	\$600,000	\$368,000	\$320,000
260X72 Class	900	\$2,900,000	\$2,653,500	\$2,204,000	\$1,667,500	\$1,087,500	\$667,000	\$580,000
300X100 Non Class	1500	\$3,100,000	\$2,836,500	\$2,356,000	\$1,782,500	\$1,162,500	\$713,000	\$620,000

**Table 703.B.2
Floating Equipment—Barges (Non-Motorized)**

Barge Type/Size	Day Rate	Base Cost	2023-2020	2019-2016	2015-2012	2011-2008	2007-2004	2003 and Earlier
Physical Depreciation			0.915	0.76	0.575	0.375	0.23	0.2
300X100 Class	2000	\$5,000,000	\$4,575,000	\$3,800,000	\$2,875,000	\$1,875,000	\$1,150,000	\$1,000,000
400X100 Non Class	4000	\$6,500,000	\$5,947,500	\$4,940,000	\$3,737,500	\$2,437,500	\$1,495,000	\$1,300,000
400X100 Class	6000	\$10,900,000	\$9,973,500	\$8,284,000	\$6,267,500	\$4,087,500	\$2,507,000	\$2,180,000
Dredge								
8" Cutter	N/A	\$550,000	\$503,250	\$418,000	\$316,250	\$206,250	\$126,500	\$110,000
10" Cutter	N/A	\$650,000	\$594,750	\$494,000	\$373,750	\$243,750	\$149,500	\$130,000
14" Cutter	N/A	\$900,000	\$823,500	\$684,000	\$517,500	\$337,500	\$207,000	\$180,000
16" Cutter	N/A	\$1,300,000	\$1,189,500	\$988,000	\$747,500	\$487,500	\$299,000	\$260,000
20" Cutter	N/A	\$2,500,000	\$2,287,500	\$1,900,000	\$1,437,500	\$937,500	\$575,000	\$500,000
24" Cutter	N/A	\$3,800,000	\$3,477,000	\$2,888,000	\$2,185,000	\$1,425,000	\$874,000	\$760,000
Transport								
120X30	150	\$230,000	\$210,450	\$174,800	\$132,250	\$86,250	\$52,900	\$46,000
140X40	300	\$325,000	\$297,375	\$247,000	\$186,875	\$121,875	\$74,750	\$65,000
180X54	425	\$775,000	\$709,125	\$589,000	\$445,625	\$290,625	\$178,250	\$155,000
250X72 Non Class	550	\$1,400,000	\$1,281,000	\$1,064,000	\$805,000	\$525,000	\$322,000	\$280,000
250X72 Class	750	\$3,100,000	\$2,836,500	\$2,356,000	\$1,782,500	\$1,162,500	\$713,000	\$620,000
260X72 Non Class	575	\$1,500,000	\$1,372,500	\$1,140,000	\$862,500	\$562,500	\$345,000	\$300,000
260X72 Class	850	\$3,200,000	\$2,928,000	\$2,432,000	\$1,840,000	\$1,200,000	\$736,000	\$640,000
300X72 Non Class	1000	\$3,800,000	\$3,477,000	\$2,888,000	\$2,185,000	\$1,425,000	\$874,000	\$760,000
300X72 Class	2000	\$5,500,000	\$5,032,500	\$4,180,000	\$3,162,500	\$2,062,500	\$1,265,000	\$1,100,000
400X100 Non Class	2500	\$6,500,000	\$5,947,500	\$4,940,000	\$3,737,500	\$2,437,500	\$1,495,000	\$1,300,000
400X100 Class	6500	\$12,000,000	\$10,980,000	\$9,120,000	\$6,900,000	\$4,500,000	\$2,760,000	\$2,400,000
Crane								
120X30	350	\$1,500,000	\$1,372,500	\$1,140,000	\$862,500	\$562,500	\$345,000	\$300,000
150X50	450	\$1,900,000	\$1,738,500	\$1,444,000	\$1,092,500	\$712,500	\$437,000	\$380,000
180X60	550	\$2,500,000	\$2,287,500	\$1,900,000	\$1,437,500	\$937,500	\$575,000	\$500,000
250X72	750	\$4,000,000	\$3,660,000	\$3,040,000	\$2,300,000	\$1,500,000	\$920,000	\$800,000
300X100	850	\$6,500,000	\$5,947,500	\$4,940,000	\$3,737,500	\$2,437,500	\$1,495,000	\$1,300,000
Oil								
10K	450	\$1,900,000	\$1,738,500	\$1,444,000	\$1,092,500	\$712,500	\$437,000	\$380,000
30K	750	\$3,200,000	\$2,928,000	\$2,432,000	\$1,840,000	\$1,200,000	\$736,000	\$640,000
80K	1500	\$7,000,000	\$6,405,000	\$5,320,000	\$4,025,000	\$2,625,000	\$1,610,000	\$1,400,000
120K	2500	\$8,500,000	\$7,777,500	\$6,460,000	\$4,887,500	\$3,187,500	\$1,955,000	\$1,700,000
Spar (Holds)								
175X26 (1000 Tons)	400	\$1,900,000	\$1,738,500	\$1,444,000	\$1,092,500	\$712,500	\$437,000	\$380,000
195X35 (2200 Tons)	450	\$2,200,000	\$2,013,000	\$1,672,000	\$1,265,000	\$825,000	\$506,000	\$440,000
290X35 (3000 Tons)	550	\$3,500,000	\$3,202,500	\$2,660,000	\$2,012,500	\$1,312,500	\$805,000	\$700,000
Shugart								
10X5X2	50	\$75,000	\$68,625	\$57,000	\$43,125	\$28,125	\$17,250	\$15,000
20X10X4	75	\$85,000	\$77,775	\$64,600	\$48,875	\$31,875	\$19,550	\$17,000
40X12X5	100	\$150,000	\$137,250	\$114,000	\$86,250	\$56,250	\$34,500	\$30,000
Spud								
90X20	130	\$300,000	\$274,500	\$228,000	\$172,500	\$112,500	\$69,000	\$60,000
100X25	175	\$325,000	\$297,375	\$247,000	\$186,875	\$121,875	\$74,750	\$65,000
110x30	200	\$350,000	\$320,250	\$266,000	\$201,250	\$131,250	\$80,500	\$70,000
120X30	350	\$750,000	\$686,250	\$570,000	\$431,250	\$281,250	\$172,500	\$150,000
140X40	450	\$1,200,000	\$1,098,000	\$912,000	\$690,000	\$450,000	\$276,000	\$240,000
140X45	600	\$1,600,000	\$1,464,000	\$1,216,000	\$920,000	\$600,000	\$368,000	\$320,000
180X54	800	\$2,000,000	\$1,830,000	\$1,520,000	\$1,150,000	\$750,000	\$460,000	\$400,000
200x60	1000	\$2,200,000	\$2,013,000	\$1,672,000	\$1,265,000	\$825,000	\$506,000	\$440,000
250X72	1200	\$2,500,000	\$2,287,500	\$1,900,000	\$1,437,500	\$937,500	\$575,000	\$500,000
Pile Driver								
120X30	200	\$1,500,000	\$1,372,500	\$1,140,000	\$862,500	\$562,500	\$345,000	\$300,000
150X50	250	\$1,800,000	\$1,647,000	\$1,368,000	\$1,035,000	\$675,000	\$414,000	\$360,000
180X60	450	\$2,000,000	\$1,830,000	\$1,520,000	\$1,150,000	\$750,000	\$460,000	\$400,000

**Table 703.B.2
Floating Equipment—Barges (Non-Motorized)**

Barge Type/Size	Day Rate	Base Cost	2023-2020	2019-2016	2015-2012	2011-2008	2007-2004	2003 and Earlier
Physical Depreciation			0.915	0.76	0.575	0.375	0.23	0.2
250X72	600	\$2,500,000	\$2,287,500	\$1,900,000	\$1,437,500	\$937,500	\$575,000	\$500,000
300X100	700	\$3,500,000	\$3,202,500	\$2,660,000	\$2,012,500	\$1,312,500	\$805,000	\$700,000
Hopper (Holds)								
175X26 (1000 Tons)	275	\$2,300,000	\$2,104,500	\$1,748,000	\$1,322,500	\$862,500	\$529,000	\$460,000
195X35 (2200 Tons)	325	\$2,700,000	\$2,470,500	\$2,052,000	\$1,552,500	\$1,012,500	\$621,000	\$540,000
290X35	450	\$4,500,000	\$4,117,500	\$3,420,000	\$2,587,500	\$1,687,500	\$1,035,000	\$900,000
Tank								
195'X35' (10K)	400	\$1,700,000	\$1,555,500	\$1,292,000	\$977,500	\$637,500	\$391,000	\$340,000
200'X53' (10K)	400	\$1,700,000	\$1,555,500	\$1,292,000	\$977,500	\$637,500	\$391,000	\$340,000
297'X54' (30K)	700	\$3,200,000	\$2,928,000	\$2,432,000	\$1,840,000	\$1,200,000	\$736,000	\$640,000
350'X65' (80K)	1200	\$4,800,000	\$4,392,000	\$3,648,000	\$2,760,000	\$1,800,000	\$1,104,000	\$960,000
400'X85' (120K)	3500	\$9,500,000	\$8,692,500	\$7,220,000	\$5,462,500	\$3,562,500	\$2,185,000	\$1,900,000
Pressure								
250X50 (16,000 Barrels)	2000	\$3,200,000	\$2,928,000	\$2,432,000	\$1,840,000	\$1,200,000	\$736,000	\$640,000
Keyway								
120X30	200	\$200,000	\$183,000	\$152,000	\$115,000	\$75,000	\$46,000	\$40,000
140X40	400	\$360,000	\$329,400	\$273,600	\$207,000	\$135,000	\$82,800	\$72,000
180X54	500	\$720,000	\$658,800	\$547,200	\$414,000	\$270,000	\$165,600	\$144,000
250X72 Non Class	400	\$1,440,000	\$1,317,600	\$1,094,400	\$828,000	\$540,000	\$331,200	\$288,000
250X72 Class	600	\$2,320,000	\$2,122,800	\$1,763,200	\$1,334,000	\$870,000	\$533,600	\$464,000
260X72 Non Class	400	\$1,520,000	\$1,390,800	\$1,155,200	\$874,000	\$570,000	\$349,600	\$304,000
260X72 Class	800	\$2,560,000	\$2,342,400	\$1,945,600	\$1,472,000	\$960,000	\$588,800	\$512,000
300X100 Non Class	1200	\$2,560,000	\$2,342,400	\$1,945,600	\$1,472,000	\$960,000	\$588,800	\$512,000
300X100 Class	2400	\$5,120,000	\$4,684,800	\$3,891,200	\$2,944,000	\$1,920,000	\$1,177,600	\$1,024,000
400X100 Non Class	3000	\$4,800,000	\$4,392,000	\$3,648,000	\$2,760,000	\$1,800,000	\$1,104,000	\$960,000
400X100 Class	6000	\$9,600,000	\$8,784,000	\$7,296,000	\$5,520,000	\$3,600,000	\$2,208,000	\$1,920,000
Industrial								
120X30	200	\$250,000	\$228,750	\$190,000	\$143,750	\$93,750	\$57,500	\$50,000
140X40	400	\$450,000	\$411,750	\$342,000	\$258,750	\$168,750	\$103,500	\$90,000
180X54	600	\$900,000	\$823,500	\$684,000	\$517,500	\$337,500	\$207,000	\$180,000
250X72 Non Class	400	\$1,800,000	\$1,647,000	\$1,368,000	\$1,035,000	\$675,000	\$414,000	\$360,000
250X72 Class	600	\$2,900,000	\$2,653,500	\$2,204,000	\$1,667,500	\$1,087,500	\$667,000	\$580,000
260X72 Non Class	400	\$1,900,000	\$1,738,500	\$1,444,000	\$1,092,500	\$712,500	\$437,000	\$380,000
260X72 Class	800	\$3,000,000	\$2,745,000	\$2,280,000	\$1,725,000	\$1,125,000	\$690,000	\$600,000
300X100 Non Class	1200	\$3,200,000	\$2,928,000	\$2,432,000	\$1,840,000	\$1,200,000	\$736,000	\$640,000
300X100 Class	2400	\$6,400,000	\$5,856,000	\$4,864,000	\$3,680,000	\$2,400,000	\$1,472,000	\$1,280,000
400X100 Non Class	3000	\$6,000,000	\$5,490,000	\$4,560,000	\$3,450,000	\$2,250,000	\$1,380,000	\$1,200,000
400X100 Class	6000	\$12,000,000	\$10,980,000	\$9,120,000	\$6,900,000	\$4,500,000	\$2,760,000	\$2,400,000
Pontoon								
30X11X2	100	\$6,500.00	\$5,947.50	\$4,940.00	\$3,737.50	\$2,437.50	\$1,495.00	\$1,300.00
60X15X3	200	\$15,000.00	\$13,725.00	\$11,400.00	\$8,625.00	\$5,625.00	\$3,450.00	\$3,000.00
40X12X3	150	\$12,000.00	\$10,980.00	\$9,120.00	\$6,900.00	\$4,500.00	\$2,760.00	\$2,400.00
Dry Dock								
100'	N/A	\$1,900,000	\$1,738,500	\$1,444,000	\$1,092,500	\$712,500	\$437,000	\$380,000
200'	N/A	\$2,600,000	\$2,379,000	\$1,976,000	\$1,495,000	\$975,000	\$598,000	\$520,000
300'	N/A	\$3,900,000	\$3,568,500	\$2,964,000	\$2,242,500	\$1,462,500	\$897,000	\$780,000
500'	N/A	\$6,500,000	\$5,947,500	\$4,940,000	\$3,737,500	\$2,437,500	\$1,495,000	\$1,300,000
Quarter								
10 Person	200	\$40,000	\$36,600	\$30,400	\$23,000	\$15,000	\$9,200	\$8,000
25 Person	300	\$50,000	\$45,750	\$38,000	\$28,750	\$18,750	\$11,500	\$10,000
50 Person	450	\$100,000	\$91,500	\$76,000	\$57,500	\$37,500	\$23,000	\$20,000
300 Person	550	\$1,500,000	\$1,372,500	\$1,140,000	\$862,500	\$562,500	\$345,000	\$300,000
500 Person	650	\$4,000,000	\$3,660,000	\$3,040,000	\$2,300,000	\$1,500,000	\$920,000	\$800,000

Table 703.B.2 Floating Equipment—Barges (Non-Motorized)								
Barge Type/Size	Day Rate	Base Cost	2023-2020	2019-2016	2015-2012	2011-2008	2007-2004	2003 and Earlier
Physical Depreciation			0.915	0.76	0.575	0.375	0.23	0.2
Utility Barge								
30X11X2	50	\$9,500.00	\$8,692.50	\$7,220.00	\$5,462.50	\$3,562.50	\$2,185.00	\$1,900.00
40X12X3	100	\$22,000.00	\$20,130.00	\$16,720.00	\$12,650.00	\$8,250.00	\$5,060.00	\$4,400.00
60X15X3	200	\$38,000.00	\$34,770.00	\$28,880.00	\$21,850.00	\$14,250.00	\$8,740.00	\$7,600.00
Freight								
120X30	200	\$240,000	\$219,600	\$182,400	\$138,000	\$90,000	\$55,200	\$48,000
140X40	350	\$450,000	\$411,750	\$342,000	\$258,750	\$168,750	\$103,500	\$90,000
160X50	400	\$530,000	\$484,950	\$402,800	\$304,750	\$198,750	\$121,900	\$106,000
180X54	450	\$900,000	\$823,500	\$684,000	\$517,500	\$337,500	\$207,000	\$180,000
250X72 Non Class	600	\$1,500,000	\$1,372,500	\$1,140,000	\$862,500	\$562,500	\$345,000	\$300,000
250X72 Class	800	\$2,700,000	\$2,470,500	\$2,052,000	\$1,552,500	\$1,012,500	\$621,000	\$540,000
260X72 Non Class	500	\$1,600,000	\$1,464,000	\$1,216,000	\$920,000	\$600,000	\$368,000	\$320,000
260X72 Class	900	\$2,900,000	\$2,653,500	\$2,204,000	\$1,667,500	\$1,087,500	\$667,000	\$580,000
300X100 Non Class	1500	\$3,100,000	\$2,836,500	\$2,356,000	\$1,782,500	\$1,162,500	\$713,000	\$620,000
300X100 Class	2000	\$5,000,000	\$4,575,000	\$3,800,000	\$2,875,000	\$1,875,000	\$1,150,000	\$1,000,000
400X100 Non Class	4000	\$6,500,000	\$5,947,500	\$4,940,000	\$3,737,500	\$2,437,500	\$1,495,000	\$1,300,000
400X100 Class	6000	\$10,900,000	\$9,973,500	\$8,284,000	\$6,267,500	\$4,087,500	\$2,507,000	\$2,180,000

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:924 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:204 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), LR 25:312 (February 1999), LR 26:506 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:368 (March 2003), LR 30:487 (March 2004), LR 31:715 (March 2005), LR 32:430 (March 2006), LR 33:490 (March 2007), LR 34:678 (April 2008), LR 35:492 (March 2009), LR 36:772 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1394 (May 2011), LR 38:802 (March 2012), LR 39:490 (March 2013), LR 40:530 (March 2014), LR 41:673 (April 2015), LR 42:746 (May 2016), LR 43:652 (April 2017), LR 44:579 (March 2018), LR 45:533 (April 2019), LR 46:560 (April 2020), LR 47:460 (April 2021), LR 48:1522 (June 2022), LR 49:1040 (June 2023), LR 50:366 (March 2024).

§705. Tables—Vessels

A. Vessels—Crew-OSV/Supply-Utility

1. Table 705.A.1

Table 705.A.1 Vessels—Crew-OSV/Supply-Utility				
Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2023	0.994	1	97	.96
2022	1.012	2	93	.94
2021	1.189	3	90	1.07
2020	1.292	4	86	1.11
2019	1.299	5	82	1.07
2018	1.346	6	78	1.05
2017	1.392	7	74	1.03
2016	1.420	8	70	.99
2015	1.408	9	65	.92
2014	1.421	10	60	.85
2013	1.440	11	55	.79
2012	1.452	12	50	.73
2011	1.493	13	45	.67
2010	1.540	14	40	.62
2009	1.528	15	35	.53
2008	1.572	16	31	.49
2007	1.634	17	27	.44
2006	1.723	18	24	.41
2005	1.803	19	22	.40
2004	1.939	20	21	.41
2003	2.006	21	20	.40

2. Table 705.A.2

Table 705.A.2 Vessels—Crew-OSV/Supply-Utility								
Vessel Type/Size	Base Cost	Day Rate	2023 - 2020	2019 - 2016	2015 - 2012	2011 - 2008	2007 - 2004	2003 and Earlier
Physical Depreciation			0.915	0.76	0.575	0.375	0.23	0.20
Crew								
60'-70'	\$2,100,000	2200	\$1,921,500	\$1,596,000	\$1,207,500	\$787,500	\$483,000	\$420,000
71'-99'	\$2,200,000	2500	\$2,013,000	\$1,672,000	\$1,265,000	\$825,000	\$506,000	\$440,000

Table 705.A.2 Vessels—Crew-OSV/Supply-Utility								
Vessel Type/Size	Base Cost	Day Rate	2023 - 2020	2019 - 2016	2015 - 2012	2011 - 2008	2007 - 2004	2003 and Earlier
Physical Depreciation			0.915	0.76	0.575	0.375	0.23	0.20
100'-119'	\$3,200,000	2800	\$2,928,000	\$2,432,000	\$1,840,000	\$1,200,000	\$736,000	\$640,000
120'-140'	\$3,800,000	3200	\$3,477,000	\$2,888,000	\$2,185,000	\$1,425,000	\$874,000	\$760,000
141'-165'	\$4,200,000	3600	\$3,843,000	\$3,192,000	\$2,415,000	\$1,575,000	\$966,000	\$840,000
165'+	\$7,000,000	4200	\$6,405,000	\$5,320,000	\$4,025,000	\$2,625,000	\$1,610,000	\$1,400,000
OSV/Supply								
110'-139'	\$2,900,000	2000	\$2,653,500	\$2,204,000	\$1,667,500	\$1,087,500	\$667,000	\$580,000
140'-159'	\$3,600,000	2750	\$3,294,000	\$2,736,000	\$2,070,000	\$1,350,000	\$828,000	\$720,000
160'-179'	\$4,300,000	4000	\$3,934,500	\$3,268,000	\$2,472,500	\$1,612,500	\$989,000	\$860,000
180'-199'	\$4,900,000	5000	\$4,483,500	\$3,724,000	\$2,817,500	\$1,837,500	\$1,127,000	\$980,000
200'-219'	\$6,500,000	6000	\$5,947,500	\$4,940,000	\$3,737,500	\$2,437,500	\$1,495,000	\$1,300,000
220'-230'	\$7,500,000	6250	\$6,862,500	\$5,700,000	\$4,312,500	\$2,812,500	\$1,725,000	\$1,500,000
231'-279'	\$8,500,000	6500	\$7,777,500	\$6,460,000	\$4,887,500	\$3,187,500	\$1,955,000	\$1,700,000
280'-299'	\$12,200,000	10000	\$11,163,000	\$9,272,000	\$7,015,000	\$4,575,000	\$2,806,000	\$2,440,000
300'-319'	\$18,000,000	12000	\$16,470,000	\$13,680,000	\$10,350,000	\$6,750,000	\$4,140,000	\$3,600,000
320' +	\$22,000,000	14000	\$20,130,000	\$16,720,000	\$12,650,000	\$8,250,000	\$5,060,000	\$4,400,000
Utility								
119' & Below	\$1,137,000	3000	\$1,040,355	\$864,120	\$653,775	\$426,375	\$261,510	\$227,400
120'-139'	\$1,606,000	3250	\$1,469,490	\$1,220,560	\$923,450	\$602,250	\$369,380	\$321,200
140'-165'	\$3,078,000	3500	\$2,816,370	\$2,339,280	\$1,769,850	\$1,154,250	\$707,940	\$615,600
165' +	\$3,500,000	4000	\$3,202,500	\$2,660,000	\$2,012,500	\$1,312,500	\$805,000	\$700,000

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 33:490 (March 2007), LR 35:493 (March 2009), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 47:465 (April 2021), LR 49:1045 (June 2023), LR 50:372 (March 2024).

Chapter 9. Oil and Gas Properties

§905. Reporting Procedures

A. - A.1.j. ...

B. Surface Equipment

1. See guidelines adopted by the Louisiana Tax Commission regarding the use of Table 907.D-7 regarding depreciable life and Table 907.C-4 regarding depreciation rate. The detail of typical equipment included in the production train need not be listed on or with the LAT-12. For additional or ancillary equipment not considered as part of the production train, various sizes, items, etc. may not be commingled into one category or value. Property must be grouped, totaled and included in summary according to the following property classes:

2. - 6.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 24:480 (March 1998), LR 49:1048 (June 2023), LR 50:373 (March 2024).

§907. Valuation of Oil, Gas, and Other Wells

A. ...

B. The presence of oil or gas, or the production thereof, is to be included in the year-by-year discounted cash flow (DCF) model described below and as adopted by the Louisiana Tax Commission to determine the fair market value of an oil or gas well and its associated leasehold equipment for ad valorem tax purposes in Louisiana.

1. Production Forecast—oil and gas or other hydrocarbon production history for the well, lease or facility represented by the LUW (Lease, Unit, or Well) code is to be analyzed by the assessor for relevant trends and patterns established as of January 1 of the current tax year, using Decline Curve Analysis or other accepted empirical method. A commensurate forecast of future production, or production potential, attributable to only the working interest owner(s), is to be made by the assessor as of January 1 of the current tax year. This production forecast will consist of a Start Rate as of January 1 (daily average barrels or mcf) and up to five exponential percentage decline rates for designated periods of time in the DCF. Alternatively, a hyperbolic forecast formula may be used when appropriate.

2. Price Forecast—the forecasted oil and gas or other hydrocarbon production amounts for the well, lease or facility represented by the LUW code, attributable to the working interest owner(s), are to be factored by an oil or gas or other hydrocarbon price forecast as of January 1 of the current tax year as annually determined by the Tax Commission to result in a forecasted gross revenue stream attributable to the working interest owner(s). This price forecast is based on the following guidelines:

a. the forecasted oil and gas or other hydrocarbon price forecast shall begin with the immediately previous calendar year's monthly average price (starting price) received by the working interest owner(s) for the oil and gas or other hydrocarbons produced and sold from the lease or facility represented by the LEW code on the open market to an unaffiliated third party or otherwise at a market-oriented rate. The source of this starting price shall correspond to severance tax data as reported by the operator to the Louisiana Department of Revenue;

i. this previous year average price may vary by property;

ii. if oil and gas or other hydrocarbons were either not produced or not sold for one or more months of the previous calendar year, the average price for which similar oil and gas from comparable interests was selling during that month is to be used;

b. the previous year average price is to be increased or decreased, whichever is appropriate, for year 1 of the discounted cashflow analysis with a Price Adjustment Factor which will be commensurate with the percentage increase or decrease, respectively, as indicated by the forecasted price in the Energy Information Administration (EIA) January STEO (Short-Term Energy Outlook) report for the current tax year, relative to the actual price shown for the immediately previous calendar year in the same publication. These two prices can be referenced in the report's Table 2. Energy Prices:

i. for oil, reference "West Texas Intermediate Spot Average" (dollars per barrel);

ii. for natural gas, reference "Henry Hub Spot" (dollars per million Btu);

iii. this price adjustment factor is to be used in the appraisal of each property, to the extent the property's forecasted cash flow extends to year 1;

c. the year 1 price used in the DCF appraisal is to be either increased or decreased, whichever is appropriate, in four more or less equal percentage increments to a year 5 price considered to be representative to a long-term average price available for the sale of oil and gas from the property as calculated with reference to the last 20 years of historical oil and gas price data from the Energy Information Administration (EIA);

i. the long-term average price is to be calculated after removal of outlier prices, if any, within the 20-year range, defined as any historical price outside of one standard deviation from the simple average.

ii. these percentages are to be used in the appraisal of each property, to the extent the property's forecasted cash flow extends to either years 2, 3, 4, or 5.

d. the year 5 price used in the DCF appraisal is to be held flat for all years thereafter in the DCF, to the extent the property's forecasted cash flow extends past year 5;

e. the five oil and gas price forecast percentages discussed above, along with the zero percent escalation for any years in the DCF past year 5, together constitute the "price forecast scenario" as established by the Tax Commission and are to be used in the DCF appraisal of each property. This oil and gas price forecast scenario will be published on the LTC website.

3. Expense Forecast—in the DCF appraisal of the property, the forecasted gross revenues attributable to the working interest owner(s) are to be reduced for the allowance of reasonable and defensible direct costs of operation, as well as, all applicable state and local tax burden, to result in a forecasted net income stream attributable to the working interest owner(s) of the specific property being appraised. This cost allowance should represent the amount and timing of recurring expense, including overhead, along with any applicable non-recurring (capital) expense(s), typical to the area and similar operations and not necessarily the exact expenses incurred in any previous year, deemed reasonable and necessary for the

property to achieve the forecasted oil and gas production amounts:

a. an assessor should make effort to obtain and consider actual historical expenses being incurred by the operator as documented on expense statements required to be provided to the assessor pursuant to §903.C. Absent this information, an assessor may assume a minimal amount and/or otherwise rely on their own judgement using best information available;

b. the increase or decrease of direct operating expense allowance in the cash flow appraisal will correspond to the increase or decrease in forecasted price, as established by the Tax Commission;

c. the percentage increase or decrease for each forecasted year of the cash flow appraisal will be calculated at 1/3 of the percentage increase or decrease in price for that year relative to the previous year price, referencing the price of the property's primary hydrocarbon being produced;

d. the provision for increase or decrease of the direct operating expense allowance does not pertain to separate allowance, if any, of capital expense(s) in the property's cash flow appraisal.

4. Discount Rate—the forecasted net income amounts in the property's DCF appraisal are to be discounted (reduced) to present day worth by application of a discount factor for each year of the forecasted cash flow commensurate with an appropriate discount rate:

a. the discount rate may vary by property;

b. base discount rates to account for the time cost of money and general industry risk are to be established by the Tax Commission. These discount rates separately extend to oil wells vs. gas wells and are shown in Table 907.C-2. This is a minimum rate whereas the assessor may use a higher rate to account for additional property-specific risks and/or other considerations as appropriate for the determination of each property's market value;

c. these discount rates applies only to the forecasted net income of the DCF appraisal. A separate discount rate is established by the Louisiana Tax Commission to be applicable to valuation of the oil and gas wells' associated leasehold equipment (production train) and is shown in Table 907.C-2.

C. In the event the DCF appraisal results in a zero economic life and/or zero or negative discounted net income, a minimum amount of value will be established for the leasehold equipment (production train) associated with the oil and gas well(s) represented by the DCF, applying the appropriate schedule value in Table 907.C-3 to the average production depth of the wells represented by the DCF.

1. In the event the DCF appraisal results in a positive value but less than the minimum equipment value as derived using Table 907.C-3, the assessed value will be based on the minimum equipment value as established by Table 907.C-3.

2. Oil and Gas Well Discount Rates

Table 907.C-2 Oil and Gas Well Discount Rates	
Primary Product	Discount Rate (%)
Oil Well	15%
Gas Well	15%
Leasehold Equipment	6%

3. Minimum Leasehold Equipment Value

Onshore/Offshore	Average Production Depth (feet)	Value Per Foot (\$)
Onshore	1 – 1,499	0.50
Onshore	1,500 – 2,499	0.75
Onshore	2,500 – 9,999	1.00
Onshore	10,000 or greater	1.50
Offshore *	All Depths	2.00

* Includes production platforms/barges.

4. Serial Number to Percent Good Conversion Chart

Year	Beginning Serial Number	Ending Serial Number	20 Year Life Percent Good
2023	253984	Higher	97
2022	253176	253983	93
2021	252613	253175	90
2020	252171	252612	86
2019	251497	252170	82
2018	250707	251496	78
2017	249951	250706	74
2016	249476	249950	70
2015	248832	249475	65
2014	247423	248831	60
2013	245849	247422	55
2012	244268	245848	50
2011	242592	244267	45
2010	240636	242591	40
2009	239277	240635	35
2008	236927	239276	31
2007	234780	236926	27
2006	232639	234779	24
2005	230643	232638	22
2004	229010	230642	21
2003	Lower	229009	20 *
VAR.	900000	Higher	50

*Reflects residual or floor rate.

NOTE: For any serial number categories not listed above, use year well completed to determine appropriate percent good. If spud date is later than year indicated by serial number; or, if serial number is unknown, use spud date to determine appropriate percent good.

D. Surface Equipment

1. Listed below is the cost-new of major items used in the production, storage, transmission and sale of oil and gas. Any equipment not shown shall be assessed on an individual basis.

2. All surface equipment, including other property associated or used in connection with the oil and gas industry in the field of operation, must be rendered in accordance with guidelines established by the Tax Commission and in accordance with requirements set forth on LAT Form 12- Personal Property Tax Report - Oil and Gas Property.

3. Surface equipment will be assessed in 5 major categories, as follows:

- a. oil and gas equipment (surface equipment not considered leasehold equipment);
- b. tanks (surface equipment not considered leasehold equipment);
- c. inventories (material and supplies);

- d. field improvements (docks, buildings, etc.);
- e. other property (not included above).

4. The cost-new values listed below are to be adjusted to allow depreciation by use of the appropriate percent good listed in Table 907.C-4. When determining the value of equipment associated with a single well, use the age of that well to determine the appropriate percent good. When determining the value of equipment used on multiple wells, the average age of the wells within the lease/field will determine the appropriate year to be used for this purpose.

a. January 1, 2016 the allowance of depreciation by use of the appropriate percent good will be based on the actual age of the equipment, if known or available, and will apply only to surface equipment with an original purchase cost of \$2,500 or more.

5. Functional and/or economic obsolescence shall be considered in the analysis of fair market value as substantiated by the taxpayer in writing. Consistent with Louisiana R.S. 47:1957, the assessor may request additional documentation.

6. Sales, properly documented, should be considered by the assessor as fair market value, provided the sale meets all tests relative to it being a valid sale.

7. Surface Equipment—Property Description

Property Description	\$ Cost New
Actuators—(see Metering Equipment)	
Automatic Control Equipment—(see Safety Systems)	
Automatic Tank Switch Unit—(see Metering Equipment)	
Barges - Concrete—(assessed on an individual basis)	
Barges - Storage—(assessed on an individual basis)	
Barges - Utility—(assessed on an individual basis)	
Barges - Work—(assessed on an individual basis)	
Communication Equipment—(see Telecommunications)	
Dampeners—(see Metering Equipment—"Recorders")	
Desorbers—(no metering equipment included):	
125#	134,830
300#	148,660
500#	169,170
Destroilets—(see Metering Equipment—"Regulators")	
Desurgers—(see Metering Equipment—"Regulators")	
Desilters—(see Metering Equipment—"Regulators")	
Diatrollers—(see Metering Equipment—"Regulators")	
Docks, Platforms, Buildings—(assessed on an individual basis)	
Dry Dehydrators (Driers)—(see Scrubbers)	
Engines-Unattached—(only includes engine and skids):	
Per Horsepower	420
Evaporators—(assessed on an individual basis)	
Expander Unit—(no metering equipment included):	
Per Unit	49,460
Flow Splitters—(no metering equipment included):	
48 In. Diameter Vessel	24,080
72 In. Diameter Vessel	31,900
96 In. Diameter Vessel	48,890
120 In. Diameter Vessel	69,450
Fire Control System—(assessed on an individual basis)	
Furniture and Fixtures—(assessed on an individual basis) (Field operations only, according to location.)	
Gas Compressors-Package Unit—(Skids, scrubbers, cooling system, and power controls. No metering or regulating equipment.):	
1 - 49 HP	880
50 - 99 HP	1,780
100 - 999 HP	1,450
1,000 - 1,499 HP	1,110
1,500 HP and Up	980

Table 907.D-7 Surface Equipment	
Property Description	\$ Cost New
Gas Coolers—(no metering equipment); 5,000 MCF/D 10,000 MCF/D 20,000 MCF/D 50,000 MCF/D 100,000 MCF/D	37,990 42,790 133,110 302,000 494,600
Generators—Package Unit only -(no special installation) Per K.W.	280
Glycol Dehydration-Package Unit—(Including pressure gauge, relief valve and regulator. No other metering equipment.): Up to 4.0 MMCF/D 4.1 to 5.0 MMCF/D 5.1 to 10.0 MMCF/D 10.1 to 15.0 MMCF/D 15.1 to 20.0 MMCF/D 20.1 to 25.0 MMCF/D 25.1 to 30.0 MMCF/D 30.1 to 50.0 MMCF/D 50.1 to 75.0 MMCF/D 75.1 and Up MMCF/D	26,670 29,740 57,340 79,790 108,600 141,210 268,230 299,630 372,750 430,090
Heaters—(Includes unit, safety valves, regulators and automatic shut-down. No metering equipment.): Steam Bath—Direct Heater: 24 In. Diameter Vessel - 250,000 BTU/HR Rate 30 In. Diameter Vessel - 500,000 BTU/HR Rate 36 In. Diameter Vessel - 750,000 BTU/HR Rate 48 In. Diameter Vessel - 1,000,000 BTU/HR Rate 60 In. Diameter Vessel - 1,500,000 BTU/HR Rate Water Bath—Indirect Heater: 24 In. Diameter Vessel - 250,000 BTU/HR Rate 30 In. Diameter Vessel - 500,000 BTU/HR Rate 36 In. Diameter Vessel - 750,000 BTU/HR Rate 48 In. Diameter Vessel - 1,000,000 BTU/HR Rate 60 In. Diameter Vessel - 1,500,000 BTU/HR Rate Steam—(Steam Generators): 24 In. Diameter Vessel - 250,000 BTU/HR Rate 30 In. Diameter Vessel - 450,000 BTU/HR Rate 36 In. Diameter Vessel - 500 to 750,000 BTU/HR Rate 48 In. Diameter Vessel - 1 to 2,000,000 BTU/HR Rate 60 In. Diameter Vessel - 2 to 3,000,000 BTU/HR Rate 72 In. Diameter Vessel - 3 to 6,000,000 BTU/HR Rate 96 In. Diameter Vessel - 6 to 8,000,000 BTU/HR Rate	9,250 11,620 14,050 20,790 25,660 7,890 10,830 14,120 20,000 25,590 10,110 12,620 18,930 21,720 24,590 38,850 46,670
Heat Exchange Units-Skid Mounted—(see Production Units)	
Heater Treaters—(Necessary controls, gauges, valves and piping. No metering equipment included.): Heater - Treaters - (non-metering): 4 x 20 ft. 4 x 27 ft. 6 x 20 ft. 6 x 27 ft. 8 x 20 ft. 8 x 27 ft. 10 x 20 ft. 10 x 27 ft.	20,210 26,020 27,240 34,260 43,650 51,100 57,710 67,890
L.A.C.T. (Lease Automatic Custody Transfer)—see Metering Equipment	
JT Skid (Low Temperature Extraction)—(includes safety valves, temperature controllers, chokes, regulators, metering equipment, etc.—complete unit.): Up to 2 MMCF/D Up to 5 MMCF/D Up to 10 MMCF/D Up to 20 MMCF/D	50,170 71,680 172,040 286,720
Liqua Meter Units—(see Metering Equipment)	
Manifolds—(see Metering Equipment)	

Table 907.D-7 Surface Equipment	
Property Description	\$ Cost New
Material and Supplies-Inventories—(assessed on an individual basis)	
Meter Calibrating Vessels—(see Metering Equipment)	
Meter Prover Tanks—(see Metering Equipment)	
Meter Runs—(see Metering Equipment)	
Meter Control Stations—(not considered Communication Equipment) - (assessed on an individual basis)	
Metering Equipment Actuators—hydraulic, pneumatic and electric valves Controllers—time cycle valve - valve controlling device (also known as Intermitter) Fluid Meters: 1 Level Control 24 In. Diameter Vessel - 1/2 bbl. Dump 30 In. Diameter Vessel - 1 bbl. Dump 36 In. Diameter Vessel - 2 bbl. Dump 2 Level Control 20 In. Diameter Vessel - 1/2 bbl. Dump 24 In. Diameter Vessel - 1/2 bbl. Dump 30 In. Diameter Vessel - 1 bbl. Dump 36 In. Diameter Vessel - 2 bbl. Dump	7,810 2,440 5,940 7,670 10,610 5,590 6,730 8,460 11,390
L.A.C.T. and A.T.S. Units: 30 lb. Discharge 60 lb. Discharge Manifolds—Manual Operated: High Pressure per well per valve Low Pressure per well per valve	37,560 42,790 29,460 9,970 14,260 4,730
Manifolds—Automatic Operated: High Pressure per well per valve Low Pressure per well per valve NOTE: Automatic Operated System includes gas hydraulic and pneumatic valve actuators, (or motorized valves), block valves, flow monitors-in addition to normal equipment found on manual operated system. No Metering Equipment Included.	53,260 17,560 37,990 12,830
Meter Runs—piping, valves and supports—no meters: 2 In. piping and valve 3 In. piping and valve 4 In. piping and valve 6 In. piping and valve 8 In. piping and valve 10 In. piping and valve 12 In. piping and valve 14 In. piping and valve 16 In. piping and valve 18 In. piping and valve 20 In. piping and valve 22 In. piping and valve 24 In. piping and valve Metering Vessels (Accumulators): 1 bbl. calibration plate (20 x 9) 5 bbl. calibration plate (24 x 10) 7.5 bbl. calibration plate (30 x 10) 10 bbl. calibration plate (36 x 10) Recorders (Meters)—Includes both static element and tube drive pulsation dampener-also one and two pen operations. per meter Solar Panel (also see Telecommunications) per unit (10' x 10')	8,030 9,030 10,900 15,190 22,820 30,390 37,990 51,750 67,590 83,730 108,810 137,130 167,880 4,660 5,010 7,030 8,740 3,230 420

Table 907.D-7 Surface Equipment	
Property Description	\$ Cost New
Pipe Lines—Lease Lines	
Steel	23,360
2 In. nominal size - per mile	31,470
2 1/2 In. nominal size - per mile	40,150
3 and 3 1/2 In. nominal size - per mile	69,030
4, 4 1/2 and 5 In. nominal size - per mile	101,360
6 In. nominal size - per mile	12,830
Poly Pipe	17,280
2 In. nominal size - per mile	22,080
2 1/2 In. nominal size - per mile	37,920
3 In. nominal size - per mile	55,690
4 In. nominal size - per mile	
6 In. nominal size - per mile	
Plastic-Fiberglass	
2 In. nominal size - per mile	19,930
3 In. nominal size - per mile	34,120
4 In. nominal size - per mile	58,640
6 In. nominal size - per mile	86,080
NOTE: Allow 90 percent obsolescence credit for lines that are inactive, idle, open on both ends and dormant, which are being carried on corporate records solely for the purpose of retaining right of ways on the land and/or due to excessive capital outlay to refurbish or remove the lines.	
Pipe Stock—(assessed on an individual basis)	
Pipe Stock - Exempt—Under La. Const., Art. X, §4 (19-C)	
Production Units:	
Class I - per unit—separator and 1 heater—500 MCF/D	25,230
Class II - per unit—separator and 1 heater—750 MCF/D	33,610
Production Process Units—These units are by specific design and not in the same category as gas compressors, liquid and gas production units or pump-motor units. (Assessed on an individual basis.)	
Pumps—In Line per horsepower rating of motor	350
Pump-Motor Unit—pump and motor only	
Class I - (water flood, s/w disposal, p/l, etc.) Up to 300 HP - per HP of motor	420 510
Class II - (high pressure injection, etc.) 301 HP and up per HP of motor	
Pumping Units-Conventional and Beam Balance—(unit value includes motor) - assessed according to API designation.	8,240
16 D	15,490
25 D	19,350
40 D	25,810
40 D	43,080
57 D	44,810
80 D	60,280
114 D	65,440
160 D	82,720
228 D	98,210
320 D	118,920
456 D	125,810
640 D	
912 D	
NOTE: For "Air Balance" and "Heavy Duty" units, multiply the above values by 1.30.	
Regenerators (Accumulator)—(see Metering Equipment)	
Regulators: per unit	3,300

Table 907.D-7 Surface Equipment	
Property Description	\$ Cost New
Safety Systems	
Onshore And Marsh Area	6,590
Basic Case:	7,600
well only	11,390
well and production equipment	19,000
with surface op. ssv, add	47,530
Offshore 0 - 3 Miles	28,530
Wellhead safety system (excludes wellhead actuators)	66,520
per well	41,790
production train	4,730
glycol dehydration system	7,100
P/L pumps and LACT	
Compressors	
Wellhead Actuators (does not include price of the valve)	
5,000 psi	
10,000 psi and over	
NOTE: For installation costs - add 25 percent	
Sampler—(see Metering Equipment—"Fluid Meters")	
Scrubbers—Two Classes	
Class I - Manufactured for use with other major equipment and, at times, included with such equipment as part of a package unit.	4,010
8 In. Diameter Vessel	5,730
10 In. Diameter Vessel	6,520
12 In. Diameter Vessel	1,860
2,440	
Class II - Small "in-line" scrubber used in flow system usually direct from gas well. Much of this type is "shop-made" and not considered as major scrubbing equipment.	
8 In. Diameter Vessel	
12 In. Diameter Vessel	
NOTE: No metering or regulating equipment included in the above.	
Separators—(no metering equipment included)	
Horizontal—Filter /1,440 psi (High Pressure)	5,870
6-5/8" OD x 5'-6"	6,380
8-5/8" OD x 7'-6"	8,960
10-3/4" OD x 8'-0"	12,040
12-3/4" OD x 8'-0"	19,350
16" OD x 8'-6"	28,600
20" OD x 8'-6"	30,110
20" OD x 12'-0"	40,570
24" OD x 12'-6"	59,210
30" OD x 12'-6"	70,390
36" OD x 12'-6"	
Separators—(no metering equipment included)	
Vertical 2—Phase /125 psi (Low Pressure)	6,660
24" OD x 7'-6"	7,170
30" OD x 10'-0"	14,980
36" OD x 10'-0"	7,030
Vertical 3—Phase /125 psi (Low Pressure)	7,960
24" OD x 7'-6"	11,040
24" OD x 10'-0"	15,700
30" OD x 10'-0"	18,210
36" OD x 10'-0"	10,390
42" OD x 10'-0"	13,330
Horizontal 3—Phase /125 psi (Low Pressure)	14,550
24" OD x 10'-0"	23,220
30" OD x 10'-0"	
36" OD x 10'-0"	
42" OD x 10'-0"	

Table 907.D-7 Surface Equipment	
Property Description	\$ Cost New
Vertical 2—Phase /1440 psi (High Pressure)	
12-3/4" OD x 5'-0"	3,940
16" OD x 5'-6"	5,870
20" OD x 7'-6"	11,180
24" OD x 7'-6"	13,550
30" OD x 10'-0"	20,640
36" OD x 10'-0"	26,740
42" OD x 10'-0"	42,790
48" OD x 10'-0"	50,470
54" OD x 10'-0"	76,410
60" OD x 10'-0"	95,550
Vertical 3 - Phase /1440 psi (High Pressure)	6,880
16" OD x 7'-6"	12,040
20" OD x 7'-6"	13,980
24" OD x 7'-6"	21,570
30" OD x 10'-0"	27,600
36" OD x 10'-0"	45,020
42" OD x 10'-0"	52,190
48" OD x 10'-0"	6,730
Horizontal 2—Phase /1440 psi (High Pressure)	10,830
16" OD x 7'-6"	14,770
20" OD x 7'-6"	22,730
24" OD x 10'-0"	28,810
30" OD x 10'-0"	58,490
36" OD x 10'-0"	67,450
42" OD x 15'-0"	10,390
48" OD x 15'-0"	11,620
Horizontal 3—Phase /1440 psi (High Pressure)	16,910
16" OD x 7'-6"	24,080
20" OD x 7'-6"	34,700
24" OD x 10'-0"	38,780
30" OD x 10'-0"	49,960
36" OD x 10'-0"	47,670
36" OD x 15'-0"	69,170
Offshore Horizontal 3—Phase /1440 psi (High Pressure)	72,180
30" OD x 10'-0"	112,040
36" OD x 10'-0"	
36" OD x 12'-0"	
36" OD x 15'-0"	
42" OD x 15'-0"	
Skimmer Tanks—(see Flow Tanks in Tanks section)	
Stabilizers—per unit	7,380
Sump/Dump Tanks—(See Metering Equipment -"Fluid Tanks")	
Tanks—no metering equipment	Per Barrel*
Flow Tanks (receiver or gunbarrel)	46.10
50 to 548 bbl. Range (average tank size - 250 bbl.)	35.90
Stock Tanks (lease tanks)	
100 to 750 bbl. Range (average tank size – 300 bbl.)	
Storage Tanks (Closed Top)	
1,000 barrel	30.50
1,500 barrel	27.00
2,000 barrel	26.20
2,001 - 5,000 barrel	24.10
5,001 - 10,000 barrel	22.60
10,001 - 15,000 barrel	21.20
15,001 - 55,000 barrel	14.90
55,001 - 150,000 barrel	11.20
Internal Floating Roof	43.60
10,000 barrel	29.50
20,000 barrel	21.90
30,000 barrel	19.50
50,000 barrel	18.80
55,000 barrel	16.60
80,000 barrel	14.50
100,000 barrel	
*I.E.: (tanks size bbls.) X (no. of bbls.) X (cost-new factor.)	

Table 907.D-7 Surface Equipment	
Property Description	\$ Cost New
Telecommunications Equipment	
Microwave System	57,340
Telephone and data transmission	4,300
Radio telephone	12,250
Supervisory controls:	27,950
remote terminal unit, well	720
master station	60
towers (installed):	730
heavy duty, guyed, per foot	150
light duty, guyed, per foot	210
heavy duty, self supporting, per foot	70
light duty, self supporting, per foot	
equipment building, per sq. ft.	
solar panels, per sq. ft.	
Utility Compressors	
per horsepower - rated on motor	940
Vapor Recovery Unit—no Metering Equipment	
60 MCF/D or less	25,090
105 MCF/D max	35,840
250 MCF/D max	47,310
Waterknockouts—Includes unit, backpressure valve and regulator, but, no metering equipment.	6,810
2' diam. x 16'	10,180
3' diam. x 10'	14,050
4' diam. x 10'	23,010
6' diam. x 10'	26,600
6' diam. x 15'	33,330
8' diam. x 10'	38,280
8' diam. x 15'	42,430
8' diam. x 20'	47,230
8' diam. x 25'	55,550
10' diam. x 20'	

8. Service Stations

Table 907.D-8 Service Stations Marketing Personal Property *Alternative Procedure	
Property Description	\$ Cost New
Air and Water Units:	
Above ground	1,600
Below ground	680
Air Compressors:	
1/3 to 1 H.P.	2,150
1/2 to 5 H.P.	3,630
Car Wash Equipment:	
In Bay (roll over brushes)	57,710
In Bay (pull through)	89,580
Tunnel (40 to 50 ft.)	194,980
Tunnel (60 to 75 ft.)	260,920
Drive On Lifts:	
Single Post	10,530
Dual Post	11,860
Lights:	
Light Poles (each)	1,070
Lights - per pole unit	1,190
Pumps:	
Non-Electronic - self contained and/or remote	4,560
controlled computer	6,780
Single	7,710
Dual	10,390
Computerized - non-self service, post pay, pre/post pay. self contained and/or remote controlled dispensers	
Single	
Dual	

Table 907.D-8 Service Stations Marketing Personal Property *Alternative Procedure	
Property Description	\$ Cost New
Read-Out Equipment (at operator of self service) Per Hose Outlet	1,690
Signs:	
Station Signs	5,100
6 ft. lighted - installed on 12 ft. pole	9,320
10 ft. lighted - installed on 16 ft. pole	4,250
Attachment Signs (for station signs)	4,340
Lighted "self-serve" (4 x 11 ft.)	15,430
Lighted "pricing" (5 x 9 ft.)	20,190
High Rise Signs - 16 ft. lighted - installed on:	22,590
1 pole	8,200
2 poles	4,340
3 poles	
Attachment Signs (for high rise signs)	
Lighted "self-serve" (5 x 17 ft.)	
Lighted "pricing" (5 x 9 ft.)	
Submerged Pumps—(used with remote control equipment, according to number used - per unit)	4,550
Tanks—(average for all tank sizes)	
Underground - per gallon	2.60

NOTE: The above represents the cost-new value of modern stations and self-service marketing equipment. Other costs associated with such equipment are included in improvements. Old style stations and equipment should be assessed on an individual basis, at the discretion of the tax assessor, when evidence is furnished to substantiate such action.

*This alternative assessment procedure should be used only when acquisition cost and age are unknown or unavailable. Otherwise, see general business section (Chapter 25) for normal assessment procedure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:480 (March 1998), LR 25:313 (February 1999), LR 26:507 (March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:368 (March 2003), LR 30:488 (March 2004), LR 31:717 (March 2005), LR 32:431 (March 2006), LR 33:492 (March 2007), LR 34:679 (April 2008), LR 35:495 (March 2009), LR 36:773 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1395 (May 2011), LR 38:803 (March 2012), LR 39:490 (March 2013), LR 40:531 (March 2014), LR 41:673 (April 2015), LR 42:746 (May 2016), LR 43:653 (April 2017), LR 44:580 (March 2018), repromulgated LR 44:917 (May 2018), LR 45:534 (April 2019), LR 46:561 (April 2020), LR 47:465 (April 2021), LR 48:1523 (June 2022), LR 49:1049 (June 2023), LR 50:373 (March 2024).

Chapter 10. Brine Operation Properties

§1001. Guidelines for Ascertaining the Fair Market Value of Brine Operation Properties

A. - B.3. ...

C. Explanations

Inactive Wells—wells that are shut-in. Shut-in status becomes effective on the date the application for shut-in status is filed, consistent with the Louisiana Office of Conservation requirements.

Injection Wells—wells completed as single, or wells reclassified by the Louisiana Office of Conservation after a

conversion of another well. Wells are used for water injection or for disposal wells.

Production Depth—is the depth in feet from the surface to the end of the inner-most long-string casing set into the salt dome.

Brine Operation Wells—wells used to inject fluid into a subsurface salt formation for the purpose of extracting a brine-laden solution which is then further processed at separate surface facilities for production of salt. This type of well is categorized as Class III for underground injection control (UIC) regulatory purposes. The term “brine mining well” does not include a well used to inject fluid for the purpose of disposal of waste or leaching a cavern for the underground storage of hydrocarbons or other products.

Service Wells—wells used for ancillary non-income producing purposes such as water source wells or injection of fluid for the purpose of disposal of brine waste.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Tax Commission, LR 49:1055 (June 2023), amended LR 50:379 (March 2024).

§1007. Valuation of Brine Operation Wells

A. The Cost-New schedules below cover only that portion of the well subject to ad valorem taxation. Functional and/or economic obsolescence shall be considered in the analysis of fair market value as substantiated by the taxpayer in writing. Consistent with Louisiana R.S. 47:1957, the assessor may request additional documentation.

B. Instructions for Use of Table 1007.B and Procedure for Arriving at Assessed Value

1. Multiply the appropriate percent good factor based on age of the well as found in Table 1007.C.

2. Use cost-new to assess all active wells.

3. For wells recompleted, use new long-string casing depth to determine fair market value.

4. Adjustments for Allowance of Economic Obsolescence

a. All active service wells (i.e. salt water disposal, water source, etc.) shall be allowed a 40 percent reduction.

b. All inactive (shut-in) wells shall be allowed a 90 percent reduction.

c. Deduct any additional obsolescence that has been appropriately documented by the taxpayer, as warranted, to reflect fair market value.

d. Sales, properly documented, should be considered by the assessor as fair market value, provided the sale meets all tests relative to it being a valid sale.

5. Multiply depth of well by appropriate 15 percent of Cost-New amount as indicated in Table 1007.B.

6. Brine Operation Wells: All Regions—Louisiana

Table 1007.B Brine Operation Wells All Regions—Louisiana		
Producing Depths	Cost—New by depth, per foot for Brine Operation Wells	
	Cost @ 100%	15% Assessed
0 – 1,249 ft.	\$ 163.31	\$ 24.50
1,250 – 2,499 ft.	\$ 120.98	\$ 18.15
2,500 – 3,749 ft.	\$ 118.13	\$ 17.72
3,750 – 4,999 ft.	\$ 104.13	\$ 15.62

Table 1007.B Brine Operation Wells All Regions—Louisiana		
Producing Depths	Cost—New by depth, per foot for Brine Operation Wells	
5,000 – 7,499 ft.	\$ 142.25	\$ 21.34
7,500 – 9,999 ft.	\$ 194.06	\$ 29.11
10,000 – 12,499 ft.	\$ 264.61	\$ 39.69
12,500 – 14,999 ft.	\$ 347.13	\$ 52.07
15,000 – 17,499 ft.	\$ 562.28	\$ 84.34
17,500 – 19,999 ft.	\$ 686.51	\$ 102.98
20,000 Deeper ft.	\$ 366.58	\$ 54.99

C. Serial Number to Percent Good Conversion

Table 1007.C Serial Number to Percent Good Conversion Chart			
Year	Beginning Serial Number	Ending Serial Number	20 Year Life Percent Good
2023	253984	Higher	97
2022	253176	253983	93
2021	252613	253175	90
2020	252171	252612	86
2019	251497	252170	82
2018	250707	251496	78
2017	249951	250706	74
2016	249476	249950	70
2015	248832	249475	65
2014	247423	248831	60
2013	245849	247422	55
2012	244268	245848	50
2011	242592	244267	45
2010	240636	242591	40
2009	239277	240635	35
2008	236927	239276	31
2007	234780	236926	27
2006	232639	234779	24
2005	230643	232638	22
2004	229010	230642	21
2003	Lower	229009	20 *
VAR.	900000	Higher	50

*Reflects residual or floor rate.

NOTE: For any serial number categories not listed above, use year well completed to determine appropriate percent good. If spud date is later than year indicated by serial number; or, if serial number is unknown, use spud date to determine appropriate percent good.

D. Surface Equipment

1. Listed below is the cost-new of major items potentially used in the brine operation process. Any equipment not shown shall be assessed on an individual basis.

2. All surface equipment, including other property associated or used in connection with brine operations, must be rendered in accordance with guidelines established by the Tax Commission and in accordance with requirements set forth on LAT Form 10—Personal Property Tax Report—Brine Operation Property.

3. Brine operation personal property will be assessed in 7 major categories, as follows:

- a. wells;
- b. operation equipment (surface equipment);
- c. tanks (surface equipment);
- d. lines;
- e. inventories (material and supplies);
- f. field improvements (docks, buildings, etc.);

g. other property (not included above).

4. The cost-new values listed below are to be adjusted to allow depreciation by use of the appropriate percent good listed in Table 1007.C. When determining the value of equipment associated with a single well, use the age of that well to determine the appropriate percent good. When determining the value of equipment used on multiple wells, the average age of the wells will determine the appropriate year to be used for this purpose.

5. Functional and/or economic obsolescence shall be considered in the analysis of fair market value as substantiated by the taxpayer in writing. Consistent with Louisiana R.S. 47:1957, the assessor may request additional documentation.

6. Sales, properly documented, should be considered by the assessor as fair market value, provided the sale meets all tests relative to it being a valid sale.

7. Surface Equipment—Property Description

Table 1007.D Surface Equipment	
Property Description	\$ Cost New
Actuators—(See Metering Equipment)	
Automatic Control Equipment—(See Safety Systems)	
Automatic Tank Switch Unit—(See Metering Equipment)	
Communication Equipment—(See Telecommunications)	
Dampeners—(See Metering Equipment—"Recorders")	
Engines - Unattached—(Only includes engine and skids): Per Horsepower	420
Fire Control System—(Assessed on an individual basis)	
Furniture and Fixtures—(Assessed on an individual basis) (Field operations only, according to location.)	
Generators—Package Unit only—(No special installation) Per K.W.	280
Manifolds—(See Metering Equipment)	
Material and Supplies—Inventories—(Assessed on an individual basis)	
Meter Calibrating Vessels—(See Metering Equipment)	
Meter Prover Tanks—(See Metering Equipment)	
Meter Runs—(See Metering Equipment)	
Meter Control Stations—(not considered Communication Equipment)—(Assessed on an individual basis)	
Metering Equipment	
Manifolds—Automatic Operated:	53,260
High Pressure	17,560
per well	37,990
per valve	12,830
Low Pressure	8,030
per well	9,030
per valve	10,900
NOTE: Automatic Operated System includes gas hydraulic and pneumatic valve actuators, (or motorized valves), block valves, flow monitors—in addition to normal equipment found on manual operated system. NO METERING EQUIPMENT INCLUDED.	15,190
	22,820
	30,390
	37,990
	51,750
	67,590
	83,730
Meter Runs - piping, valves and supports—no meters:	108,810
2 In. piping and valve	137,130
3 In. piping and valve	167,880
	4,660

Table 1007.D Surface Equipment	
Property Description	\$ Cost New
4 In. piping and valve	5,010
6 In. piping and valve	7,030
8 In. piping and valve	8,740
10 In. piping and valve	3,230
12 In. piping and valve	420
14 In. piping and valve	
16 In. piping and valve	
18 In. piping and valve	
20 In. piping and valve	
22 In. piping and valve	
24 In. piping and valve	
Metering Vessels (Accumulators):	
1 bbl. calibration plate (20 x 9)	
5 bbl. calibration plate (24 x 10)	
7.5 bbl. calibration plate (30 x 10)	
10 bbl. calibration plate (36 x 10)	
Recorders (Meters)—Includes both static element and tube drive pulsation dampener—also one and two pen operations. per meter	
SOLAR PANEL (also see Telecommunications) per unit (10' x 10')	
Pipe Lines - Lease Lines	
Steel	23,360
2 In. nominal size—per mile	31,470
2 ½ In. nominal size—per mile	40,150
3 and 3 ½ In. nominal size—per mile	69,030
4, 4 ½ and 5 In. nominal size—per mile	101,360
6 In. nominal size—per mile	12,830
Poly Pipe	17,280
2 In. nominal size—per mile	22,080
2 ½ In. nominal size—per mile	37,920
3 In. nominal size—per mile	55,690
4 In. nominal size—per mile	
6 In. nominal size—per mile	
Pipe Lines—Lease Lines (Cont'd)	
Plastic—Fiberglass	19,930
2 In. nominal size—per mile	34,120
3 In. nominal size—per mile	58,640
4 In. nominal size—per mile	86,080
6 In. nominal size—per mile	
NOTE: Allow 90% obsolescence credit for lines that are inactive, idle, open on both ends and dormant, which are being carried on corporate records solely for the purpose of retaining right of ways on the land and/or due to excessive capital outlay to refurbish or remove the lines.	
Pipe Stock—(Assessed on an individual basis)	
Pipe Stock—Exempt—Under La. Const., Art. X, §4 (19-C)	
Pumps—In Line per horsepower rating of motor	350
Pump—Motor Unit—pump and motor only	
Class I—(water flood, s/w disposal, p/l, etc.)	420
Up to 300 HP—per HP of motor	510
Class II—(high pressure injection, etc.) 301 HP and up—per HP of motor	
Regenerators (Accumulator)—(See Metering Equipment)	
Regulators per unit	3,300
Skimmer Tanks—(See Flow Tanks in Tanks section)	
Sump/Dump Tanks—(See Metering Equipment - "Fluid Tanks")	
Tanks—No metering equipment	Per Barrel*
Flow Tanks (receiver or gunbarrel)	46.10
50 to 548 bbl. Range	35.90
average tank size—250 bbl.	30.50
Stock Tanks (lease tanks)	27.00
100 to 750 bbl. Range	26.20
average tank size—300 bbl.	24.10
Storage Tanks (Closed Top)	22.60

Table 1007.D Surface Equipment	
Property Description	\$ Cost New
1,000 barrels	21.20
1,500 barrels	14.90
2,000 barrels	11.20
2,001—5,000 barrels	43.60
5,001—10,000 barrels	29.50
10,001—15,000 barrels	21.90
15,001—55,000 barrels	19.50
55,001—150,000 barrels	18.80
Internal Floating Roof	16.60
10,000 barrels	14.50
20,000 barrels	
30,000 barrels	
50,000 barrels	
55,000 barrels	
80,000 barrels	
100,000 barrels	
* I.E.: (tanks size bbls.) x (no. of bbls.) x (cost-new factor)	
Telecommunications Equipment	
Microwave System	57,340
Telephone and data transmission	4,300
Radio telephone	12,250
Supervisory controls	27,950
remote terminal unit, well	720
master station	60
towers (installed):	730
heavy duty, guyed, per foot	150
light duty, guyed, per foot	210
heavy duty, self supporting, per foot	70
light duty, self supporting, per foot	
equipment building, per sq. ft.	
solar panels, per sq. ft.	
Utility Compressors	
per horsepower—rated on motor	940

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2326.

HISTORICAL NOTE: Promulgated by the Division of Administration, Tax Commission, LR 49:1056 (June 2023), amended LR 50:379 (March 2024).

Chapter 11. Drilling Rigs and Related Equipment
§1103. Drilling Rigs and Related Equipment Tables
A. Land Rigs

Table 1103.A Land Rigs		
Depth "0" to 7,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
3,000	216,400	32,500
4,000	290,500	43,600
5,000	295,500	44,300
6,000	316,800	47,500
7,000	408,500	61,300
Depth 8,000 to 10,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
8,000	597,500	89,600
9,000	888,600	133,300
10,000	1,269,000	190,400
Depth 11,000 to 15,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
11,000	1,712,700	256,900
12,000	2,185,300	327,800
13,000	2,648,700	397,300
14,000	3,065,700	459,900
15,000	3,404,300	510,600

Table 1103.A Land Rigs		
Depth 16,000 to 20,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
16,000	3,642,900	546,400
17,000	3,774,400	566,200
18,000	3,811,300	571,700
19,000	3,789,700	568,500
20,000	3,774,700	566,200
Depth 21,000 + Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
21,000	3,864,400	579,700
25,000 +	3,984,900	597,700

1. - 2. ...

B. Jack-Ups

Table 1103.B Jack-Ups			
Type	Water Depth Rating	Fair Market Value	Assessment
IC	0-199 FT.	\$ 68,400,000	\$ 10,260,000
	200-299 FT.	136,500,000	20,475,000
	300 FT. and Deeper	272,700,000	40,905,000
IS	0-199 FT.	20,500,000	3,075,000
	200-299 FT.	34,100,000	5,115,000
	300 FT. and Deeper	41,000,000	6,150,000
MC	0-199 FT.	6,800,000	1,020,000
	200-299 FT.	13,700,000	2,055,000
	300 FT. and Deeper	54,600,000	8,190,000
MS	0-249 FT.	14,300,000	2,145,000
	250 FT. and Deeper	28,200,000	4,230,000

IC - Independent Leg Cantilever
 IS - Independent Leg Slot
 MC - Mat Cantilever
 MS - Mat Slot

C. Semisubmersible Rigs

Table 1103.C Semisubmersible Rigs		
Water Depth Rating	Fair Market Value	Assessment
	\$	\$
0- 800 FT.	62,400,000	9,360,000
801-1,800 FT.	111,800,000	16,770,000
1,801-2,500 FT.	204,800,000	30,720,000
2,501 FT. and Deeper	642,700,000	96,405,000

NOTE: The fair market values and assessed values indicated by these tables are based on the current market (sales) appraisal approach and not the cost approach.

1. - 3.b.i. ...

D. Well Service Rigs Land Only

Table 1103.D Well Service Rigs Land Only				
Class	Mast	Engine	Fair Market Value (RCNLD)	Assessment
I	71' X 125M#	C-7	95,000	14,300
	71' X 150M#	50 SERIES 6V71		
	72' X 125M#			
	72' X 150M#			
	75' X 150M#			
II	96' X 150M#	C-11 50 SERIES 8V71	135,000	20,300
	96' X 180M#			
	96' X 185M#			
	96' X 200M#			
	96' X 205M#			
	96' X 210M#			
	96' X 212M#			
96' X 215M#				
III	96' X 240M#	C-11 50 SERIES 8V92	170,000	25,500
	96' X 250M#			
	96' X 260M#			
	102' X 215M#			
IV	102' X 224M#	C-15/C-13 60 SERIES 12V71	200,000	30,000
	102' X 250M#			
	103' X 225M#			
	103' X 250M#			
	104' X 250M#			
	105' X 225M#			
105' X 250M#				
V	105' X 280M#	C-15/C-13 60 SERIES 12V71 12V92	230,000	34,500
	106' X 250M#			
	108' X 250M#			
	108' X 260M#			
	108' X 268M#			
	108' X 270M#			
108' X 300M#				
VI	110' X 250M#	C-15 60 SERIES 12V71 (2) 8V92	265,000	39,800
	110' X 275M#			
	112' X 300M#			
	112' X 350M#			
VII	117' X 350M#	(2) C-18 (2) 60 SERIES (2) 8V92 (2) 12V71	310,000	46,500

D.1. - E.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:939 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:487 (March 1998), LR 25:315 (February 1999), LR 26:508 (March 2000), LR 27:426 (March 2001), LR 28:519 (March 2002), LR 30:488 (March 2004), LR 31:718 (March 2005), LR 32:431 (March 2006), LR 33:493 (March 2007), LR

34:683 (April 2008), LR 35:497 (March 2009), LR 36:778 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1399 (May 2011), LR 38:808 (March 2012), LR 39:495 (March 2013), LR 40:536 (March 2014), LR 41:678 (April 2015), LR 42:748 (May 2016), LR 43:654 (April 2017), LR 44:581 (March 2018), LR 45:535 (April 2019), LR 46:562 (April 2020), LR 47:467 (April 2021), LR 48:1525 (June 2022), LR 49:1058 (June 2023), LR 50:381 (March 2024).

Chapter 13. Pipelines

§1307. Pipeline Transportation Tables

A. Current Costs for Other Pipelines (Onshore)

Table 1307.A Current Costs for Other Pipelines (Onshore)		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
2	\$ 258,780	\$ 38,820
4	305,690	45,850
6	361,110	54,170
8	426,570	63,990
10	503,900	75,590
12	595,250	89,290
14	703,160	105,470
16	830,630	124,590
18	981,210	147,180
20	1,159,080	173,860
22	1,369,200	205,380
24	1,617,410	242,610
26	1,910,620	286,590
28	2,256,980	338,550
30	2,666,130	399,920
32	3,149,450	472,420
34	3,720,380	558,060
36	4,394,820	659,220
38	5,191,520	778,730
40	6,132,650	919,900
42	7,244,390	1,086,660
44	8,472,080	1,270,810
46	9,755,190	1,463,280
48	11,344,510	1,701,680

NOTE: Excludes river and canal crossings. For river and canal crossings, apply a factor of 2.0 to Cost Per Mile figures in table above.

B. Current Costs for Other Pipelines (Offshore)

Table 1307.B Current Costs for Other Pipelines (Offshore)		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
2	\$ 1,509,150	\$ 226,370
4	1,515,160	227,270
6	1,530,430	229,560
8	1,553,920	233,090
10	1,583,120	237,470
12	1,626,050	243,910
14	1,674,550	251,180
16	1,736,560	260,480
18	1,812,080	271,810
20	1,901,130	285,170
22	2,003,690	300,550
24	2,119,770	317,970
26	2,249,360	337,400
28	2,392,480	358,870
30	2,549,100	382,370
32	2,719,250	407,890
34	2,902,910	435,440

Table 1307.B Current Costs for Other Pipelines (Offshore)		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
36	3,100,090	465,010
38	3,310,790	496,620
40	3,535,000	530,250
42	3,772,730	565,910
44	4,023,970	603,600
46	4,288,730	643,310
48	4,567,010	685,050

C. Pipeline Transportation Allowance for Physical Deterioration (Depreciation)

Table 1307.C Pipeline Transportation Allowance for Physical Deterioration (Depreciation)	
Actual Age (Yrs)	26.5 Year Life Percent Good
1	98
2	96
3	94
4	91
5	88
6	86
7	83
8	80
9	77
10	73
11	70
12	67
13	63
14	60
15	56
16	52
17	48
18	44
19	39
20	35
21	33
22	30
23	28
24	26
25	25
26	23
27 and older	20 *

*Reflects residual or floor rate.

NOTE: See §1305.G (page PL-3) for method of recognizing economic obsolescence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:941 (November 1984), LR 12:36 (January 1986), LR 16:1063 (December 1990), amended by the Department of Revenue, Tax Commission, LR 24:489 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:426 (March 2001), LR 31:719 (March 2005), LR 32:432 (March 2006), LR 33:494 (March 2007), LR 34:684 (April 2008), LR 35:499 (March 2009), LR 36:778 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1401 (May 2011), LR 38:809 (March 2012), LR 39:496 (March 2013), LR 40:537 (March 2014), LR 41:680 (April 2015), LR 42:748 (May 2016), LR 43:655 (April 2017), LR 44:582 (March 2018), LR 45:535 (April 2019), LR 46:563 (April 2020), LR 47:468 (April 2021), LR 48:1526 (June 2022), LR 49:1059 (June 2023), LR 50:383 (March 2024).

Chapter 15. Aircraft

§1503. Aircraft (Including Helicopters) Table

A. Aircraft (Including Helicopters)

Table 1503 Aircraft (Including Helicopters)				
Cost Index (Average)		Average Economic Life (20 Years)		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2023	0.994	1	97	.96
2022	1.012	2	93	.94
2021	1.189	3	90	1.07
2020	1.292	4	86	1.11
2019	1.299	5	82	1.07
2018	1.346	6	78	1.05
2017	1.392	7	74	1.03
2016	1.420	8	70	.99
2015	1.408	9	65	.92
2014	1.421	10	60	.85
2013	1.440	11	55	.79
2012	1.452	12	50	.73
2011	1.493	13	45	.67
2010	1.540	14	40	.62
2009	1.528	15	35	.53
2008	1.572	16	31	.49
2007	1.634	17	27	.44
2006	1.723	18	24	.41
2005	1.803	19	22	.40
2004	1.939	20	21	.41
2003	2.006	21	20	.40

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:206 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:316 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:433 (March 2006), LR 33:495 (March 2007), LR 34:685 (April 2008), LR 35:499 (March 2009), LR 36:779 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1401 (May 2011), LR 38:809 (March 2012), LR 39:497 (March 2013), LR 40:538 (March 2014), LR 41:680 (April 2015), LR 42:749 (May 2016), LR 43:656 (April 2017), LR 44:584 (March 2018), LR 45:537 (April 2019), LR 46:564 (April 2020), LR 47:469 (April 2021), LR 48:1527 (June 2022), LR 49:1060 (June 2023), LR 50:384 (March 2024).

Chapter 25. General Business Assets

§2503. Tables Ascertaining Economic Lives, Percent Good and Composite Multipliers of Business and Industrial Personal Property

A. - A.1.

B. Cost Indices

Table 2503.B Cost Indices			
Year	Age	National Average 1926 = 100	January 1, 2023 = 100*
2023	1	2257.4	0.994

Table 2503.B Cost Indices			
Year	Age	National Average 1926 = 100	January 1, 2023 = 100*
2022	2	2218.3	1.012
2021	3	1888.1	1.189
2020	4	1736.4	1.292
2019	5	1727.8	1.299
2018	6	1667.7	1.346
2017	7	1612.2	1.392
2016	8	1580.9	1.420
2015	9	1593.7	1.408
2014	10	1578.8	1.421
2013	11	1558.7	1.440
2012	12	1545.9	1.452
2011	13	1503.2	1.493
2010	14	1457.4	1.540
2009	15	1468.6	1.528
2008	16	1427.3	1.572
2007	17	1373.3	1.634
2006	18	1302.3	1.723
2005	19	1244.5	1.803
2004	20	1157.3	1.939
2003	21	1118.6	2.006
2002	22	1100.0	2.040
2001	23	1093.4	2.052
2000	24	1084.3	2.070
1999	25	1065.0	2.107
1998	26	1061.8	2.114
1997	27	1052.7	2.132
1996	28	1036.0	2.166
1995	29	1020.4	2.199
1994	30	985.0	2.278
1993	31	958.0	2.343

*Reappraisal Date: January 1, 2023 – 2244.2 (Base Year)

C. ...

D. Composite Multipliers 2024 (2025 Orleans Parish)

Table 2503.D Composite Multipliers 2024 (2025 Orleans Parish)										
Age	3 Yr	5 Yr	6 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr	30 Yr
1	.70	.84	.86	.89	.91	.93	.94	.96	.97	.97
2	.50	.70	.74	.80	.85	.88	.91	.94	.96	.98
3	.40	.62	.68	.80	.90	.95	1.01	1.07	1.11	1.13
4	.21	.44	.53	.70	.87	.94	1.02	1.11	1.16	1.20
5		.30	.39	.56	.75	.86	.95	1.07	1.13	1.18
6		.24	.26	.44	.66	.78	.92	1.05	1.13	1.20
7			.25	.36	.54	.70	.86	1.03	1.13	1.20
8				.31	.43	.61	.78	.99	1.11	1.19
9				.28	.34	.51	.69	.92	1.06	1.15
10					.30	.41	.61	.85	1.01	1.12
11					.29	.35	.53	.79	.98	1.09
12						.32	.45	.73	.93	1.07
13						.30	.39	.67	.90	1.06
14							.35	.62	.86	1.05
15							.32	.53	.79	.99
16							.31	.49	.75	.96
17								.44	.72	.95
18								.41	.67	.93
19								.40	.61	.92
20								.41	.58	.91
21								.40	.56	.88
22									.53	.82
23									.49	.76
24									.41	.70
25									.42	.65
26									.42	.59

Table 2503.D Composite Multipliers 2024 (2025 Orleans Parish)										
27										.55
28										.50
29										.46
30										.46
31										.47

1. Data sources for tables are:
 - a. Cost Index—Marshall and Swift Publication Co.;
 - b. Percent Good—Marshall and Swift Publication Co.;
 - c. Average Economic Life—various.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 10:944 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:207 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:317 (February 1999), LR 26:509 (March 2000), LR 27:427 (March 2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:433 (March 2006), LR 33:496 (March 2007), LR 34:686 (April 2008), LR 35:500 (March 2009), LR 36:780 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1402 (May 2011), LR 38:810 (March 2012), LR 39:497 (March 2013), LR 40:538 (March 2014), LR 41:681 (April 2015), LR 42:750 (May 2016), LR 43:656 (April 2017), LR 44:584 (March 2018), LR 45:538 (April 2019), LR 46:564 (April 2020), LR 47:470 (April 2021), LR 48:1528 (June 2022), LR 49:1061 (June 2023), LR 50:384 (March 2024).

§2717. Tables—Use Value

A. Average Assessed Value per Acre of Agricultural and Horticultural Land, by Class

Table 2717.A Average Assessed Value per Acre of Agricultural and Horticultural Land, by Class		
Class	Assessed Value Per Acre	
	Upper	Lower
Class I	\$48.31	\$40.83
Class II	\$40.54	\$30.46
Class III	\$29.89	\$26.45
Class IV	\$25.85	\$17.22

B. Average Assessed Value per Acre of Timberland, by Class

Table 2717.B Average Assessed Value per Acre of Timberland, by Class	
Class	Assessed Value Per Acre
Class 1	\$40.22
Class 2	\$28.54
Class 3	\$12.38
Class 4	\$7.51

C. Average Assessed Value per Acre of Marsh Land, by Class

Table 2717.C.1 Average Assessed Value per Acre of Marshland, by Class West Zone	
Class	Assessed Value Per Acre
Fresh Water Marsh	\$7.00
Brackish Water Marsh	\$6.00
Salt Water Marsh	\$5.00

Table 2717.C.2 Parishes Considered to be Located in the West Zone			
Acadia	Iberia	St. Landry	Vermilion
Calcasieu	Jefferson Davis	St. Martin	
Cameron	Lafayette	St. Mary	

Table 2717.C.3 Average Assessed Value per Acre of Marshland, by Class East Zone	
Class	Assessed Value Per Acre
Fresh Water Marsh	\$ 5.00
Brackish Water Marsh	\$ 4.00
Salt Water Marsh	\$ 3.00

Table 2717.C.4 Parishes Considered to be Located in the East Zone			
Ascension	Lafourche	St. Charles	Terrebonne
Assumption	Livingston	St. James	West Baton Rouge
East Baton Rouge	Orleans	St. John	
Iberville	Plaquemines	St. Tammany	
Jefferson	St. Bernard	Tangipahoa	

NOTE: Only the parishes listed above should have lands classified as marshland. All other parishes should classify such land as all other acreage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 12:36 (January 1986), LR 13:248 (April 1987), LR 13:764 (December 1987), LR 14:110 (February 1988), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:491 (March 1998), LR 26:511 (March 2000), LR 30:492 (March 2004), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 38:811 (March 2012), LR 42:751 (May 2016), LR 46:566 (April 2020), LR 50:385 (March 2024).

Chapter 31 Public Exposure of Assessments; Appeals §3101. Public Exposure of Assessments, Appeals to the Board of Review and Board of Review Hearings

A. - H.4. ...

I. The Board of Review, during its public hearing(s), shall have copies of the Louisiana Tax Commission appeal rules and regulations and Appeal Form 3103.A available for any assessor and/or taxpayer desiring to further appeal to the Tax Commission.

J. The Board of Review shall provide each taxpayer with a written notice of their particular appeal determination with a copy submitted to the assessor and the Tax

Commission on or before the certification of the assessment list to the Tax Commission. The notice of determination shall be sent simultaneously to the assessor and the taxpayer at the address shown on the appeal form by registered or certified mail. The Board of Review shall include an Appeal Form 3103.A with the notice of determination.

K.1. - 2. ...

**Form 3101
Exhibit A**

Appeal to Board of Review
by Property Owner/Taxpayer
For Real and Personal Property

Name: _____ Parish/District: _____

Taxpayer

Address: _____ City, State, Zip: _____

Ward: _____ Assessment/Tax Bill Number: _____ Appeal No. _____

Board of Review
(Attach copy of complete appeal submitted to the Board of Review)

Address or Legal Description of Property Being Appealed (Also, please identify building by place of business for convenience of appraisal)

I hereby request the review of the assessment of the above described property pursuant to L.R.S. 47:1992.

The assessor has determined Fair Market Value of this property at:

Land \$ _____ Improvement \$ _____ * Personal Property \$ _____
Total \$ _____

I am requesting that the Fair Market Value of this property be fixed at:

Land \$ _____ Improvement \$ _____ * Personal Property \$ _____
Total \$ _____

* If you are not appealing personal property, leave this section blank.
Please notify me of the date, place and time of my appeal at the address shown below.

NOTE: The Board of Review's decision, may be appealed to the La. Tax Commission by completing and submitting Appeal Form 3103.A to the LTC within 30 calendar days of the Board of Review's decision. For further information, call the LTC at (225) 219-0339.

Property Owner/Taxpayer
Address: _____

Telephone No. _____
Email Address: _____

PLEASE NOTE: You must submit all information concerning the value of your property to your assessor before the deadline for filing an appeal with the Board of Review. The failure to submit such information may prevent you from relying on that information should you protest your value.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1992, R.S. 47:2301 and R.S. 47:2321.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 13:188 (March 1987), LR 13:764 (December 1987), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission,

LR 24:492 (March 1998), LR 25:319 (February 1999), LR 26:512 (March 2000), LR 32:435 (March 2006), LR 33:498 (March 2007), LR 34:688 (April 2008), LR 35:501 (March 2009), LR 36:781 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1403 (May 2011), LR 38:811 (March 2012), LR 40:539 (March 2014), LR 41:682 (April 2015), LR 42:751 (May 2016), LR 43:657 (April 2017), LR 45:538 (April 2019), LR 48:1529 (June 2022), LR 49:1062 (June 2023), LR 50:385 (March 2024).

**§3102. Appeals to the Louisiana Tax Commission
(for appeals filed before January 1, 2022)**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1989 and R.S. 47:1922.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Tax Commission, LR 48:1530 (June 2022). Repealed by the Office of the Governor, Division of Administration, Tax Commission, repealed LR 50:386 (March 2024).

§3103. Appeals to the Louisiana Tax Commission

A. The Louisiana Constitution provides that the correctness of assessments made by an assessor will be subject to review first by the parish governing authority, then by the Louisiana Tax Commission, and finally by the courts, all in accordance with procedures established by law. La. Const. Article VII, Section 18(E).

B.1. An appeal to the commission shall be filed with the commission within 30 calendar days of the earlier of the Board of Review's written decision is properly sent to the taxpayer and assessor; or actual delivery of the Board of Review's determination, whether electronic or otherwise. In order to institute a proceeding before the commission, the taxpayer, assessor, or bona fide representative of a tax recipient body shall file Form 3103.A and, if applicable, Form 3103.B. The applicant must include a copy of the Board of Review's written decision and notification letter with the Form 3103.A. All appeals shall be deemed filed when deposited with the United States Postal Service and can be evidenced by proof of mailing by registered or certified mail. Appeals may also be filed electronically on the commission's website. The commission may summarily dismiss an appeal not timely filed with all required documents.

2. In addition to the Forms 3103.A and 3103.B, the applicant may attach any additional documents or pleadings containing further information concerning the appeal.

3. Appeals filed by a taxpayer shall be docketed and captioned as follows.

**STATE OF LOUISIANA
LOUISIANA TAX COMMISSION
Taxpayer
v.
Assessor and Parish Board of Review
DOCKET NO. _____**

4. Appeals filed by an assessor shall be docketed and captioned as follows.

**STATE OF LOUISIANA
LOUISIANA TAX COMMISSION
Assessor
v.
Taxpayer and Parish Board of Review
DOCKET NO. _____**

5. Appeals filed by a bona fide representative of a tax recipient body shall be docketed and captioned as follows.

STATE OF LOUISIANA
LOUISIANA TAX COMMISSION
Tax Recipient Body

v.
Assessor, Taxpayer, and Parish Board of Review
DOCKET NO. _____

C.1. Except as otherwise provided, an original and seven copies of all filings, including pleadings and exhibits, shall be filed with the commission.

2. All pleadings are to be signed by the individual who files them, and shall include the capacity in which the individual is acting, the individual's mailing address, and telephone number.

3. The signing of the pleading will be construed to be the individual's statement that the individual is duly authorized to represent the property owner, that the allegations of the petition are true and correct to the best of the individual's information and belief and that the capacity in which the individual acts is properly stated.

4. All pleadings shall be accompanied by a certificate of service certifying that such pleadings have been served on all opposing parties or parties in interest in the case and shall include the manner of service.

5. All pleadings shall reflect the caption set forth in Subsection B of this Section.

6. All filings to the commission shall be on letter size paper.

7. Any filing that consists of 50 pages or less shall be filed in electronic/digital form only.

8. Any filing that consists of more than 50 pages shall be filed in electronic/digital form, along with the printed original and seven copies.

9. Motions and exceptions shall be in writing, shall be accompanied by an order or rule setting them for hearing and shall be served in accordance with these rules.

10. The commission may issue discovery and filing deadlines through a case management scheduling order.

11. In computing a period of time allowed or prescribed in this Subchapter or by order of the commission, the date of the act, event, or default after which the period begins to run is not to be included. The last day of the period is to be included, unless it is a legal holiday, in which event the period runs until the end of the next day which is not a legal holiday.

12. At the discretion of the commission, motions, objections, rules, and/or exceptions may be heard by the commission by special setting, referred to the merits of the case, or summarily adjudicated.

13. Upon written notice by the commission, through either the administrator or legal counsel for the commission, the parties or their attorneys or other representative may be directed to file memoranda with the commission. The legal memorandum shall address in a concise manner the issues presented in the appeal to the commission together with a statement of any authority supporting the party's position.

14. Upon written notice by the commission, through either the administrator or legal counsel for the commission, the parties or their attorneys or other representative may be directed to meet and confer with commission staff and/or

legal counsel for the commission to discuss any aspect of the appeal lodged with the commission.

D.1. - D.9. ...

E.1. Any taxpayer or assessor may appear and be represented by an attorney at law authorized to practice law before the highest court of any state; a natural person may appear in his own behalf, through an immediate family member, an attorney, or Registered Tax Representative as herein defined below; or a corporation, partnership or association may appear and be represented to appear before the commission by a bona fide officer, partner, full time employee, or any other person duly authorized as provided for on "Exhibit B, Power of Attorney" (Form 3103.B).

E.2 - G.11. ...

12. Notwithstanding Section 3103.D.1., or any other provision to the contrary, witness testimony is permitted, and all witnesses shall be placed under oath at the onset of each hearing. However, the commission may limit the number of witnesses and limit the allotment of time for such testimony. At its sole discretion the commission may permit live witness testimony via videoconference. All witnesses are subject to cross examination by any party. Further, the commission will not accept or consider any evidence not permitted under La. R.S. 47:1989.

G.13. - H.3. ...

I.1. Notwithstanding any other provision to the contrary, and except as otherwise instructed, the Appraisal Division shall perform a fee simple appraisal in connection with all real property appeals utilizing the criteria set forth in R.S. 47:2323 and the commission's rules.

2. The commission may accept or reject all or any part of the appraisal prepared by the Appraisal Division in its evaluation of the appeal.

J. - P. ...

Form 3103.A
Exhibit A
Appeal to Louisiana Tax Commission
by Property Owner/Taxpayer or Assessor
for Real and Personal Property

La. Tax Commission
P.O. Box 66788
Baton Rouge, LA 70896
(225) 219-0339

Name: _____ Parish/District: _____
Property Owner/Taxpayer/Assessor

Address: _____ City, State, Zip: _____

Ward: _____ Assessment Tax Bill No.: _____ Appeal No.: _____

Address or Legal Description of Property Being Appealed. Also, please identify building by place of business for convenience of appraisal. _____

I hereby appeal the decision of the Board of Review on the assessment of the above described property pursuant to La. R.S. 47:1992, La. R.S. 47:1989 and the rules of the Louisiana Tax Commission. I timely filed my appeal as required by law.

Date of the Board of Review Determination: _____

"You are required to include a copy of the Board of Review Determination with this Appeal Form."

The Fair Market Value by the assessor was:

Land \$ _____ Improvement \$ _____
Personal Property \$ _____ Total \$ _____

The Fair Market Value determined by the Board of Review was:

Land \$ _____ Improvement \$ _____
Personal Property \$ _____ Total \$ _____

The Fair Market Value should be:

Land \$ _____ Improvement \$ _____
Personal Property \$ _____ Total \$ _____

* If you are not appealing personal property leave this section blank.

NOTE: If you disagree with the Board of Review's determination, you must file an appeal. The appeal of the decision of the Board of Review by one party is not an appeal of that decision from the other party. To protect your rights, if you disagree with the determination of the Board of Review, you should file an appeal to the Louisiana Tax Commission challenging the Board of Review's determination regardless of whether or not the other party has appealed that decision.

Applicant: (Property Owner/Taxpayer/Assessor)

Address: _____

Telephone No.: _____

Email Address: _____

Date of Appeal: _____

Today's Date: _____

This form must be completed in its entirety. The failure to complete the form, in its entirety, or failure to attach a copy of the Board of Review Determination may result in summary dismissal at the discretion of the Tax Commission.

PLEASE NOTE: Any documents or other evidence submitted to the assessor and/or the Board of Review must be refiled/resubmitted to the Louisiana Tax Commission.

**Form 3103.B
Exhibit B
Power of Attorney**

**PLEASE TYPE OR PRINT
Taxpayer(s) must sign and date this form on Page 2.**

I. Taxpayer:

Your Name or Name of Entity: _____

Street Address, City, State, ZIP: _____

I/we appoint the following representative as my/our true and lawful agent and attorney-in-fact to represent me/us before the Louisiana Tax Commission. The representative is authorized to receive and inspect confidential information concerning me/our tax matters, and to perform any and all acts that I/we can perform with respect to my/our tax matters, unless noted below. Modes of communication for requesting and receiving information may include telephone, e-mail, or fax. The authority does not

include the power to receive refund checks, the power to substitute another representative, the power to add additional representatives, or the power to execute a request for disclosure of tax information to a third party.

Representatives must sign and date this form on Page 3.

II. Authorized Representative:

Name: _____

Firm: _____

Street Address _____

City, State, ZIP: _____

Telephone Number:() _____

Fax Number:() _____

Email Address: _____

III. Scope of Authorized Appointment:

Acts Authorized. Mark only the boxes that apply. By marking the boxes, you authorize the representative to perform any and all acts on your behalf, including the authority to sign tax returns, with respect only to the indicated tax matters:

A. Duration:

_____ Tax Year _____ (Days, Months, etc.) _____ Until Revoked.

B. Agent Authority:

- 1. _____ General powers granted to represent taxpayer in all matters.
- 2. _____ Specified powers as listed.

(a.) _____ File notices of protest and present protests before the Louisiana Tax Commission.

(b.) _____ Receive confidential information filed by taxpayer.

(c.) _____ Negotiate and resolve disputed tax matters without further authorization.

(d.) _____ Represent taxpayer during appeal process.

C. Properties Authorized to Represent:

- 1. _____ All property.
- 2. _____ The following property only (give assessment number and municipal address or legal description).

Additional properties should be contained on separate page

NOTICES AND COMMUNICATIONS: Original notices and other written communication will be sent only to you, the taxpayer. Your representative may request and receive information by telephone, e-mail, or fax. Upon request, the representative may be provided with a copy of a notice or communication sent to you. If you want the representative to request or receive a copy of notices and communications sent to you, check this box.

REVOCATION OF PRIOR POWER(S) OF ATTORNEY: Except for Power(s) of Attorney and Declaration of Representative(s) filed on this Form, the filing of this Power of Attorney automatically revokes all earlier Power(s) of Attorney on file with the Louisiana Tax Commission for the same tax matters and years or periods covered by this document.

SIGNATURE OF TAXPAYER(S): If a tax matter concerns jointly owned property, all owners must sign if joint representation is requested. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, or trustee on behalf of the taxpayer. I certify that I have the authority to execute this form on behalf of the taxpayer.

IF THIS POWER OF ATTORNEY IS NOT SIGNED AND DATED, IT WILL BE RETURNED.

Signature

Date (mm/dd/yyyy)

Spouse/Other Owner Signature

Date (mm/dd/yyyy)

Signature of Duly Authorized Representative, if the taxpayer title is a corporation, partnership, executor, or administrator

Date (mm/dd/yyyy)

IV. Declaration of Representative:

Under penalties of perjury, I declare that:

I am authorized to represent the taxpayer identified above and to represent that taxpayer as set forth in Part III specified herein;

I have read and am familiar with all the rules and regulations promulgated by the commission;

I have fully complied with all rules adopted by the commission regarding professional conduct and ethical considerations.

Signature

Date (mm/dd/yyyy)

IF THIS DECLARATION OF REPRESENTATIVE IS NOT SIGNED AND DATED, THE POWER OF ATTORNEY WILL BE RETURNED.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:1989 and R.S. 47:1992.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), amended by the Department of Revenue, Tax Commission, LR 24:492 (March 1998), LR 25:319 (February 1999), LR 26:512 (March 2000), LR 28:521 (March 2002), LR 31:721 (March 2005), LR 32:436 (March 2006), LR 33:498 (March 2007), LR 34:688 (April 2008), LR 36:782 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 38:811 (March 2012), LR 41:682 (April 2015), LR 42:752 (May 2016), LR 43:658 (April 2017), LR 45:539 (April 2019), LR 46:567 (April 2020), LR 47:471 (April 2021), LR 48:1533 (June 2022), LR 49:1063 (June 2023), LR 50:386 (March 2024).

§3105. Practice and Procedure for Public Service Properties Hearings

A. The Tax Commission or its designated representative, as provided by law, shall conduct hearings to consider the written protest of an applicant taxpayer. The appeal shall be filed within 30 days after receipt of the public service section's certificate of value. In order to institute a proceeding before the commission, the taxpayer shall file Form 3105.A and, if applicable Form 3103.B.

B.1. - S. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:1856.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 4:339 (September 1978), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:947 (November 1984), LR 15:1097 (December 1989), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 23:209 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:493 (March 1998), LR 25:320 (February 1999), LR 26:513 (March 2000), LR 30:492 (March 2004), LR 31:723 (March 2005), LR 32:438 (March 2006), LR 33:499 (March 2007), LR 34:689 (April 2008), LR 36:782 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 38:812 (March 2012), LR 41:683 (April 2015), LR 43:661 (April 2017), LR 45:541 (April 2019), LR 48:1538 (June 2022), LR 50:389 (March 2024).

§3106. Practice and Procedure for the Appeal of Bank Assessments

A. The Tax Commission or its designated representative, as provided by law, shall conduct hearings to consider the written protest of an applicant taxpayer. The appeal shall be filed within thirty (30) days of the dated Certificate of Value to the taxpayer. In order to institute a proceeding before the commission, the taxpayer shall file Form 3106.A and, if applicable Form 3103.B.

B. - T. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 33:499 (March 2007), LR 34:690 (April 2008), LR 36:782 (April 2010), amended by the Division of Administration, Tax Commission, LR 38:812 (March 2012), LR 41:683 (April 2015), LR 43:661 (April 2017), LR 45:541 (April 2019), LR 48:1539 (June 2022), LR 50:389 (March 2024).

§3107. Practice and Procedure for Appeal of Insurance Credit Assessments

A. Tax Commission or its designated representative, as provided by law, shall conduct hearings to consider the written protest of an applicant taxpayer. The appeal shall be filed within 30 days of the dated certificate of value to the taxpayer. In order to institute a proceeding before the commission, the taxpayer shall file Form 3107.A and, if applicable Form 3103.B.

B. - T. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 33:501 (March 2007), amended LR 34:690 (April 2008), LR 36:782 (April 2010), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 38:812 (March 2012), LR 41:683 (April 2015), LR 43:661 (April 2017), LR 45:541 (April 2019), LR 48:1539 (June 2022), LR 50:389 (March 2024).

Michael Matherne
Administrator

2403#018

RULE
Department of Health
Board of Pharmacy

Pharmacists Application (LAC 46:LIII.501)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy amended §501 of its rules relative to pharmacists application. The rule change removes the requirement to submit an application for initial pharmacist licensure to the board at least 30 days prior to any examination. This Rule is hereby adopted on the day of promulgation.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS
Part LIII. Pharmacists

Chapter 5. Pharmacists

§501. Application

A. An application for initial pharmacist licensure, whether by examination or reciprocity, shall be submitted, with appropriate fee, to the board. An application shall expire one year after the date of receipt in the board office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1182.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 14:708 (October 1988), effective January 1, 1989, amended LR 29:2082 (October 2003), effective January 1, 2004, amended LR 50:390 (March 2024).

M. Joseph Fontenot Jr.
Executive Director

2403#012

RULE
Department of Health
Board of Pharmacy

Prescription Monitoring Program
(LAC 46:LIII.2901 and 2914)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Board of Pharmacy amended §2901 and §2914 of its rules relative to the Prescription Monitoring Program (PMP). The Rule change in §2901 clarifies intent in regards to butalbital containing products and removes naloxone as a drug of concern. The Rule change in §2914 addresses record retention of PMP information. This Rule is hereby adopted on the day of promulgation.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS
Part LIII. Pharmacists

Chapter 29. Prescription Monitoring Program
§2901. Definitions

A. As used in this Chapter, the following terms shall have the meaning ascribed to them unless the context clearly indicates otherwise.

* * *

Drugs of Concern—drugs other than controlled substances as defined by rule whose use requires tracking for public health purposes or which demonstrate a potential for abuse, including any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, esters, ethers, isomers, and salts of isomers [whenever the existence of such salts, esters, ethers, isomers, and salts of isomers is possible within the specific chemical designation]:

a. butalbital.

b. promethazine when present in oral liquid formulation.

c. gabapentin.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1011.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 33:1345 (July 2007), amended LR 36:755 (April 2010), effective September 1, 2010, LR 39:314 (February 2013), LR 40:1095, 1096 (June 2014), LR 41:684 (April 2015), amended by the Department of Health, Board of Pharmacy, LR 45:42 (January 2019), LR 47:84 (January 2021), repromulgated LR 47:248 (February 2021), amended LR 50:390 (March 2024).

§2914. Record Retention of Prescription Monitoring Information

A. The board shall retain a minimum of five years of prescription monitoring information for review by persons authorized to access such information.

B. The board shall archive all prescription monitoring information not available for direct or indirect access up to 10 years.

C. The board may remove and destroy prescription monitoring information in excess of 10 years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1006(G).

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 47:85 (January 2021), repromulgated LR 47:248 (February 2021), amended LR 50:390 (March 2024).

M. Joseph Fontenot Jr.
Executive Director

2403#013

RULE

Department of Health Bureau of Health Services Financing

Adult Residential Care Providers
Licensing Standards
(LAC 48:I.6831 and 6832)

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.6831 and 6832 as authorized by R.S. 36:254 and R.S. 40:2166.1-2166.8. 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 48

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 68. Adult Residential Care Providers

Subchapter B. Administration and Organization

§6831. Visitation by Members of the Clergy during a Declared Public Health Emergency

A. - H. ...

I. Subject to the requirements of §6831.E-G, each ARCP shall allow members of the clergy to visit residents of the ARCP during a declared PHE when a resident, or his legal or designated representative, requests a visit with a member of the clergy, subject to the following conditions and requirements:

1. - 2. ...

3. An ARCP's policy and procedure on clergy visitation, at a minimum, requires the following:

a. that the ARCP shall give special consideration and priority for clergy visitation to residents receiving end-of-life care;

b. that a clergy member may be screened for infectious agents or infectious diseases, utilizing at least the current screening or testing methods and protocols recommended by the Centers for Disease Control and Prevention (CDC), as applicable; if there is a current Louisiana SHO order or emergency notice that requires more rigorous screening or testing methods, or protocols, then the ARCP shall utilize those methods and protocols;

c. that a clergy member may not be allowed to visit an ARCP resident if such clergy member has obvious signs or symptoms of an infectious agent, or infectious disease, or if such clergy member tests positive for an infectious agent, or infectious disease;

d. that a clergy member may not be allowed to visit an ARCP resident if the clergy member refuses to comply with the provisions of the ARCP's policy and procedures or refuses to comply with the ARCP's reasonable time, place, and manner restrictions;

e. that a clergy member may be required to wear PPE as determined appropriate by the ARCP, considering the resident's medical condition or clinical considerations; at the ARCP's discretion PPE may be made available by the ARCP to clergy members.

f. that an ARCP's policy and procedure include provisions for compliance with a Louisiana SHO order or emergency notice and with any governor's executive order or proclamation limiting visitation during a declared PHE;

g. that the resident shall have the right to consensual, nonsexual physical contact such as hand holding or hugging with a member of the clergy; and

h. that an ARCP's policy and procedure include provisions for compliance with any federal law, regulations, requirements, orders, or guidelines regarding visitation in ARCPs issued by any federal government agency during a declared PHE.

4. An ARCP shall submit a written copy of its visitation policies and procedures on clergy member visitation, to the Health Standards Section of the Department of Health (LDH) at the initial licensure survey.

5. After licensure, the facility shall make its visitation policies and procedures available for review by LDH at any time, upon request.

6. An ARCP shall within 24 hours after establishing its written policies and procedures on clergy member visitation, make its written policies and procedures easily accessible from the homepage of its website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1500 (October 2021), amended LR 50:391 (March 2024).

§6832. Visitation by Immediate Family Members and Other Designated Persons during a Declared Public Health Emergency

A. A licensed ARCP shall comply with any federal law, regulation, requirement, order, or guideline regarding visitation in ARCPs issued by any federal government agency during a declared PHE. The provisions of the licensing rules in §6832.B-E shall be preempted by any federal statute, regulation, requirement, order or guideline from a federal government agency that requires an ARCP to restrict resident visitation in a manner that is more restrictive than the rules.

B. - D. ...

E. Subject to the requirements of §6832.A-C, each ARCP shall allow immediate family members and other designated persons to visit a resident of the ARCP during a declared PHE when a resident, or his legal or designated representative, requests a visit with immediate family members and other designated persons, subject to the following conditions and requirements:

1. - 2. ...

3. An ARCP's policy and procedure on visitation by immediate family members and other designated persons, at a minimum, requires the following:

a. that the ARCP shall give special consideration and priority for visitation by immediate family members and other designated persons to residents receiving end-of-life care;

b. that visitation by immediate family members of the residents and other designated persons may be screened for infectious agents or infectious diseases, utilizing at least the current screening or testing methods and protocols recommended by the CDC, as applicable; if there is a current Louisiana SHO order or emergency notice that requires more rigorous screening or testing methods and protocols, then the ARCP shall utilize those methods and protocols;

c. that an immediate family member or other designated person may not be allowed to visit an ARCP resident if such immediate family member or other

designated person has obvious signs or symptoms of an infectious agent or infectious disease, or if such immediate family member or other designated person tests positive for an infectious agent or infectious disease;

d. that an immediate family member or other designated person may not be allowed to visit an ARCP resident if the immediate family member or other designated persons refuses to comply with the provisions of the ARCP's policy and procedure or refuses to comply with the ARCP's reasonable time, place, and manner restrictions;

e. that immediate family members and other designated persons may be required to wear PPE as determined appropriate by the ARCP, considering the resident's medical condition or clinical consideration; at the ARCP's discretion, PPE may be made available by the ARCP to immediate family members and other designated persons;

f. that an ARCP's policy and procedure include provisions for compliance with a Louisiana SHO order or emergency notice and with any governor's executive order or proclamation limiting visitation during a declared PHE;

g. that the resident and an immediate family member or other designated person shall have the right to consensual, nonsexual physical contact such as hand holding or hugging; and

h. that an ARCP's policy and procedure include provisions for compliance with any federal law, regulations, requirements, orders, or guidelines regarding visitation in ARCPs issued by any federal government agency during a declared PHE.

4. An ARCP shall submit a written copy of its visitation policies and procedures on family members and other designated persons' visitation, to the Health Standards Section of LDH at the initial licensure survey.

5. After licensure, the facility shall make its visitation policies and procedures available for review by LDH at any time, upon request.

6. An ARCP shall within 24 hours after establishing its written policies and procedures on family members and other designated persons' visitation, make its written policies and procedures easily accessible from the homepage of its website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1500 (October 2021), amended LR 50:391 (March 2024).

Ralph L. Abraham, MD
Secretary

2403#037

RULE

Department of Health Bureau of Health Services Financing

Ambulatory Surgical Centers Reimbursement Methodology (LAC 50:XI.7503)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:XI.7503 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 XI. Clinic Services

Subpart 11. Ambulatory Surgical Centers

Chapter 75. Reimbursement

§7503. Reimbursement Methodology

A. - G. ...

H. Effective for dates of service after March 20, 2024, an ambulatory surgical center (ASC) shall be reimbursed based on the Louisiana Medicaid Louisiana State University (LSU) enhanced fee schedule, published on the Medicaid provider website at www.lamedicaid.com, if the following conditions are met:

1. The ASC is owned and/or operated by LSU School of Dentistry, LSU Health Sciences Center, or LSU Healthcare network;

2. The ASC is licensed within the state of Louisiana; and

3. The ASC is Medicaid enrolled.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 35:1889 (September 2009), amended LR 36:2278 (October 2010), LR 37:1572 (June 2011), LR 39:317 (February 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 47:1311 (September 2021), LR 50:392 (March 2024).

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.

Ralph L. Abraham, MD
Secretary

2403#038

RULE

**Department of Health
Bureau of Health Services Financing**

**Disproportionate Share Hospital Payments
Northern Area Psychiatric Hospitals
(LAC 50:V.2503 and 2721)**

The Department of Health, Bureau of Health Services Financing has amended LAC 50:V.2503 and adopted §2721 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 V. Hospital Services

Subpart 3. Disproportionate Share Hospital Payments

Chapter 25. Disproportionate Share Hospital Payment Methodologies

§2503. Disproportionate Share Hospital Qualifications

A. - A.11. ...

12. be a major medical center located in the southeastern area of the state as defined in §2719.A;

13. be a psychiatric hospital located in the northern area of the state as defined in §2721.A; and

14. effective July 1, 1994, must also have a Medicaid inpatient utilization rate of at least 1 percent.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:655 (April 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:3294 (December 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 43:962 (May 2017), LR 45:1763 (December 2019), LR 50:393 (March 2024).

Chapter 27. Qualifying Hospitals

§2721. Psychiatric Hospitals Located in the Northern Area of the State

A. Effective for dates of service on or after February 20, 2024, hospitals qualifying for payments as psychiatric hospitals located in the northern area of the state shall meet the following criteria:

1. be a private, non-rural freestanding psychiatric hospital located in Department of Health administrative regions 7 or 8; and

2. have a current executed academic affiliation agreement for purposes of providing graduate medical education and training to at least five documented intern and resident full time equivalents (FTEs) annually.

a. the affiliation agreement must be with a medical school located in Louisiana;

b. the intern and resident FTE count must be included on the Medicare Medicaid cost report annually on worksheet S-3, column 9; and

c. the hospital must be listed as a graduate medical education program training site on the Accreditation Council for Graduate Medical Education website.

B. Payment Methodology. Effective for dates of service on or after February 20, 2024, each qualifying hospital shall be paid a DSH adjustment payment which is the pro rata amount calculated by dividing their hospital specific allowable uncompensated care costs by the total allowable uncompensated care costs for all hospitals qualifying under this category and multiplying by the funding appropriated by the Louisiana Legislature in the applicable state fiscal year for this category of hospitals.

1. Costs, patient specific data and documentation that qualifying criteria is met shall be submitted in a format specified by the department.

2. Costs and lengths of stay shall be reviewed by the department for reasonableness before payments are made.

3. Aggregate DSH payments for hospitals that receive payment from this category, and any other DSH category, shall not exceed the hospital's specific DSH limit. If payments calculated under this methodology would cause a hospital's aggregate DSH payment to exceed the limit, the payment from this category shall be capped at the hospital's specific DSH limit.

4. A pro rata decrease, necessitated by conditions specified in §2501.B.1 above for hospitals described in this Section, will be calculated based on the ratio determined by dividing the hospital's uncompensated costs by the uncompensated costs for all of the qualifying hospitals described in this Section, then multiplying by the amount of disproportionate share payments calculated in excess of the federal DSH allotment.

a. Additional payments shall only be made after finalization of the Centers for Medicare and Medicaid Services' (CMS) mandated DSH audit for the state fiscal year. Payments shall be limited to the aggregate amount recouped from the qualifying hospitals described in this Section, based on these reported audit results. If the hospitals' aggregate amount of underpayments reported per the audit results exceeds the aggregate amount overpaid, the payment redistribution to underpaid hospitals shall be paid on a pro rata basis calculated using each hospital's amount underpaid, divided by the sum of underpayments for all of the hospitals described in this Section.

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 50:393 (March 2024).

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.

Ralph L. Abraham, MD
Secretary

2403#039

RULE

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

Home and Community-Based Services Waivers
Adult Day Health Care Waiver
(LAC 50:XXI.2101, 2103, 2301, 2703, 2901, and 2903)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services has amended LAC 50:XXI.2101, §2102, §2301, §2703 and §2901 and adopted §2903 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 XXI. Home and Community-Based
Services Waivers**

Subpart 3. Adult Day Health Care Waiver

Chapter 21. General Provisions

§2101. Introduction

A. - D.2.b. ...

3. No individual, unless granted an exception by OAAS, may concurrently serve as a responsible representative for more than two participants in OAAS-operated Medicaid home and community-based service programs including:

a. the Program of All-Inclusive Care for the Elderly (PACE);

b. - d. ...

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 Human Resources, Office of Family Security, LR 11:623 (June 1985), repromulgated LR 13:181 (March 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 23:1149 (September 1997), repromulgated LR 30:2034 (September 2004), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2161 (October 2008), repromulgated LR 34:2565 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:2494 (September 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:2162 (December 2018), LR 50:394 (March 2024).

§2103. Program Description

A. ...

B. The target population for the ADHC Waiver Program includes individuals who:

1. ...

2. are 22 to 64 years old and with a physical disability; and

3. ...

C. The long-range goal for all adult day health care participants is the delay or prevention of long-term care facility placement. The more immediate goals of the Adult Day Health Care Waiver are to:

1. - 2. ...

3. restore and rehabilitate the individual to the highest possible level of functioning as may be practicable under the circumstances;

4. - 6. ...

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 Human Resources, Office of Family Security, LR 8:145 (March 1982), amended LR 11:623 (June 1985), repromulgated LR 13:181 (March 1987), amended by the Department of Health and Hospitals, Office of the Secretary, LR 14:793 (November 1988), amended by the Bureau of Health Services Financing, LR 23:1149 (September 1997), repromulgated LR 30:2034 (September 2004), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2161 (October 2008), repromulgated LR 34:2566 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:2624 (September 2011), LR 39:2495 (September 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:394 (March 2024).

Chapter 23. Services

§2301. Covered Services

A. - A.4.b. ...

c. These services do not include monthly rental charges, mortgage expenses, food, recurring monthly utilities charges, household appliances, and/or items intended for purely diversional/recreational purposes.

A.4.d. - A.5.b.iii. ...

6. ADHC Health Status Monitoring (HSM). This service monitors the status of participants that are unable to attend the ADHC on their scheduled day as outlined in the approved plan of care.

a. The ADHC provider may utilize this service and contact the participant via telephone to check in on the participant and provide follow-up on any need identified during the telephone contact.

7. Home Delivered Meals (HDMs). These services assist in meeting the nutritional needs of a participant in support of the maintenance of self-sufficiency and enhancing the quality of life.

a. Up to two nutritionally balanced meals per day may be delivered to the home of an eligible participant who is unable to prepare their own meals, and/or has no responsible caregiver in the home on days that the participant is not scheduled to attend the ADHC center.

b. Each meal shall provide a minimum of one-third of the current recommended dietary allowance (RDA) for the participant as adopted by the United States Department of Agriculture. The provision of HDMs does not provide a full nutritional regimen.

8. Activity and Sensor Monitoring (ASM). This is a computerized system that monitors the participant's in-home movement and activity for health, welfare, and safety purposes.

a. The provider agency is responsible for monitoring electronically-generated information, for responding as needed, and for equipment maintenance.

b. ASM must meet applicable manufacturing, design and installation standards.

c. ASM must be prior authorized and no experimental items shall be authorized.

9. Personal Emergency Response System (PERS). This is an electronic device which enables participants to secure help in an emergency. PERS is appropriate for participants who are cognitively and/or physically able to operate the system and who are alone for significant periods of time.

a. PERS must meet applicable manufacturing, design, and installation standards.

b. PERS must be prior authorized and no experimental items shall be authorized.

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 Human Resources, Office of Family Security, LR 11:623 (June 1985), amended LR 13:181 (March 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 23:1149 (September 1997), amended LR 25:1100 (June 1999), repromulgated LR 30:2036 (September 2004), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:2162 (October 2008), repromulgated LR 34:2566 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:2625 (September 2011), LR 39:2495 (September 2013), LR 40:791 (April 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:2163 (December 2018), LR 49:486 (March 2023), LR 50:394 (March 2024).

Chapter 27. Provider Responsibilities

§2703. Reporting Requirements

A. - B. ...

C. Support coordinators shall provide the participant's approved POC to the providers listed on the POC in a timely manner.

D. ...

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, Office of Aging and Adult Services, LR 34:2164 (October 2008), repromulgated LR 34:2568 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:2497 (September 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:2165 (December 2018), LR 50:395 (March 2024).

Chapter 29. Reimbursement

§2901. Reimbursement and Rate Requirements

A. Adult day health care services shall be reimbursed according to LAC 50:XXI.709.

1. - 5. Repealed.

B. The following services shall be reimbursed at the authorized rate or approved amount of the installation, device/equipment, and when the service has been prior approved by the plan of care:

1. home delivered meals (not to exceed the maximum limit set by OAAS);
2. activity and sensor monitoring;
3. transition services (not to exceed the maximum lifetime limit set by OAAS);
4. personal emergency response system; and
5. assistive technology.

C. ADHC health status monitoring services shall be reimbursed as a per diem rate.

1. - 5.b. Repealed.

D. The following services shall be reimbursed at an established monthly rate:

1. support coordination;

a. - d. Repealed.

2. transition intensive support coordination; and

3. monthly monitoring/maintenance for PERS and/or ASM services.

E. Reimbursement shall not be made for ADHC Waiver services provided prior to the department's approval of the POC and release of prior authorization for the services.

F. The state has the authority to set and change provider rates and/or provide lump sum payments to providers based upon funds allocated by the legislature.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 49:683 (April 2023), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:395 (March 2024).

§2903. Adult Day Health Care (ADHC) Direct Support Worker Wages, Other Benefits, and Workforce Retention Bonus Payments [Formerly LAC 50:XXI.2901]

A. Establishment of ADHC Direct Support Worker Wage Floor and Other Benefits

1. ADHC providers that were providing ADHC services on or after October 1, 2021 and employing ADHC direct support workers will receive a rate increase. The ADHC reimbursement rates shall be rebased resulting in an average increase of \$4.31 per hour (rates differ based on facility specific transportation rate).

2. For direct support workers employed at the ADHC centers on or after October 1, 2021, 70 percent of the ADHC provider rate increases shall be passed directly to the ADHC direct support workers in the form of a minimum wage floor of \$9 per hour and in other wage and non-wage benefits.

3. All ADHC providers affected by this rate increase shall be subject to passing 70 percent of their rate increases directly to the ADHC direct support worker in various forms. These forms include a minimum wage floor of \$9 per hour and wage and non-wage benefits. This wage floor and wage and non-wage benefits are effective for all affected ADHC direct support workers of any working status, whether full-time or part-time.

4. The ADHC provider rate increases, wage floor, and/or wage and non-wage benefits will end March 31, 2025 or when the state's funding authorized under section 9817 of the American Rescue Plan Act of 2021 (Pub. L. No. 117-002) is exhausted.

5. The Department of Health (LDH) reserves the right to adjust the ADHC direct support worker wage floor and/or wage and non-wage benefits as needed through appropriate rulemaking promulgation consistent with the Administrative Procedure Act.

B. Establishment of Direct Support Worker Workforce Bonus Payments

1. ADHC providers who provided services from April 1, 2021 to October 31, 2022 shall receive bonus payments of \$300 per month for each ADHC direct support worker that worked with participants for those months.

2. The ADHC direct support worker who provided services from April 1, 2021 to October 31, 2022 to participants must receive at least \$250 of this \$300 monthly bonus payment paid to the provider. This bonus payment is effective for all affected ADHC direct support workers of any working status, whether full-time or part-time.

C. Audit Procedures for ADHC Direct Support Worker Wage Floor, Other Benefits, and Workforce Bonus Payments

1. The wage enhancements, wage and non-wage benefits and bonus payments reimbursed to ADHC providers shall be subject to audit by LDH.

2. ADHC providers shall provide to LDH or its representative all requested documentation to verify that they are in compliance with the ADHC direct support worker wage floor, wage and non-wage benefits and/or bonus payments.

3. This documentation may include, but is not limited to, payroll records, wage and salary sheets, check stubs, copies of unemployment insurance files, etc.

4. ADHC providers shall produce the requested documentation upon request and within the timeframe provided by LDH.

5. Non-compliance or failure to demonstrate that the wage enhancement, wage and non-wage benefits and bonus payments were paid directly to ADHC direct support workers may result in the following:

- a. sanctions; or
- b. disenrollment from the Medicaid Program.

D. Sanctions for ADHC Direct Support Worker Wage Floor, Other Benefits and Workforce Bonus Payments

1. The ADHC provider will be subject to sanctions or penalties for failure to comply with this Rule or with requests issued by LDH pursuant to this Rule. The severity of such action will depend on the following factors:

a. failure to pass 70 percent of the ADHC provider rate increases directly to the ADHC direct support workers in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments;

b. the number of employees identified that the ADHC provider has not passed 70 percent of the ADHC provider rate increases directly to the ADHC direct support workers in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments;

c. the persistent failure to not pass 70 percent of the ADHC provider rate increases directly to the ADHC direct support workers in the form of a floor minimum of \$9 per hour and in other wage and non-wage benefits and/or the \$250 monthly bonus payments; or

d. failure to provide LDH with any requested documentation or information related to or for the purpose of verifying compliance with this Rule.

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 and the Office of Aging and Adult Services, LR 50:395 (March 2024).

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.

Ralph L. Abraham, MD
Secretary

2403#040

RULE

**Department of Health
Bureau of Health Services Financing**

Inpatient Hospital Services
Teaching Hospitals
(LAC 50:V.1301 and 1303)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:V.1301 and §1303 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 V. Hospital Services

Subpart 1. Inpatient Hospitals Services

Chapter 13. Teaching Hospitals

Subchapter A. General Provisions

§1301. Major Teaching Hospitals

A. The Louisiana Medical Assistance Program's recognition of a major teaching hospital is limited to facilities having a documented affiliation agreement for the purpose of providing graduate medical education training with a Louisiana medical school accredited by the Liaison Committee on Medical Education (LCME) or by the Commission on Osteopathic College Accreditation (COCA). A major teaching hospital shall meet one of the following criteria:

1. - 2. ...

B. For the purposes of recognition as a major teaching hospital, a facility shall be considered a "major participant" in a graduate medical education program if it meets the following criteria. The facility must participate in residency programs that:

1. require residents to rotate for a required experience; and

2. - 3. ...

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 39:324 (February 2013), amended LR 40:1697 (September 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 49:70 (January 2023), LR 50:396 (March 2024).

§1303. Minor Teaching Hospitals

A. The Louisiana Medical Assistance Program's recognition of a minor teaching hospital is limited to facilities having a documented affiliation agreement for the purposes of providing graduate medical education training with a Louisiana medical school accredited by the LCME or by the COCA. A minor teaching hospital shall meet the following criteria:

1. - 2. ...

B. For the purposes of recognition as a minor teaching hospital, a facility is considered to "participate significantly" in a graduate medical education program if it meets the following criteria. The facility must participate in residency programs that:

1. require residents to rotate for a required experience; and

2. - 3.a. ...

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 39:324 (February 2013), amended LR 40:1698 (September 2014), amended LR 40:1698 (September 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 49:70 (January 2023), LR 50:397 (March 2024).

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.

Ralph L. Abraham, MD
Secretary

2403#041

RULE

**Department of Health
Bureau of Health Services Financing**

**Intermediate Care Facilities for Persons with
Developmental Disabilities—Licensing Standards
(LAC 48:I.8531 and 8591)**

The Department of Health, Bureau of Health Services Financing has amended LAC 48:I.8531 and §8591 as authorized by R.S. 36:254 and R.S. 40:2180-2180.5. 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 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

**Chapter 85. Intermediate Care Facilities for Persons
with Developmental Disabilities**

Subchapter B. Administration and Organization

§8531. Governing Body

A. - I.10. ...

J. The ICF/DD is not required to admit registered sex offenders; however, if the ICF/DD admits a registered sex

offender, then the ICF/DD shall develop policies and procedures to ensure that residents, their family members, and/or their responsible parties or guardians are notified upon admission of sex offenders living in the facilities. Such policies and procedures must include provisions for addressing the safety and well-being of other residents, staff, and visitors. The requirement of notification shall continue for as long as the information is considered a public record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180-2180.5.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:3190 (December 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 50:397 (March 2024).

Subchapter F. Provider Responsibilities

**§8591. Visitation by Close Family Members of a
Resident during a Declared Public Health
Emergency**

A. - F. ...

G. Subject to compliance with the requirements of §8591.B-D, each ICF/DD shall allow close family members of the residents to visit a resident of the ICF/DD during a declared PHE when a resident, or his legal or designated representative, requests a visit with close family members of the resident, subject to the following conditions and requirements:

1. - 2. ...

3. An ICF/DD's policy and procedure on visitation by close family members shall, at a minimum, require the following:

a. that the ICF/DD shall give special consideration and priority for visitation by close family members and other designated persons to residents receiving end-of-life care;

b. that visitation by close family members and other designated persons may be screened for infectious agents or infectious diseases and will pass such screening prior to each visitation, utilizing at least the current screening or testing methods and protocols recommended by the Centers for Disease Control and Prevention, as applicable; if there is a current Louisiana SHO order or emergency notice that requires more rigorous screening or testing methods and protocols, then the ICF/DD shall utilize those methods and protocols;

c. that a close family member or other designated person may not be allowed to visit an ICF/DD resident if such close family member or other designated person has obvious signs or symptoms of an infectious agent or infectious disease, or if such close family member or other designated person tests positive for an infectious agent or infectious disease;

d. that a close family member or other designated person may not be allowed to visit an ICF/DD resident if the close family member and other designated person refuses to comply with the provisions of the ICF/DD's policy and procedure or refuses to comply with the ICF/DD's reasonable time, place, and manner restrictions;

e. that close family members and other designated persons may be required to wear personal protective equipment as determined appropriate by the ICF/DD,

considering the resident's medical condition or clinical considerations;

e.i. - f. ...

g. that an ICF/DD's policy and procedure include provisions for compliance with any federal law, regulations, requirements, orders, or guidelines issued by any federal government agency regarding visitation in ICF/DDs during a declared PHE;

h. that the resident and close family members shall have the right to consensual, nonsexual physical contact such as hand holding or hugging; and

i. that includes provisions for off-site visitation, allowing a close family member to visit an ICF/DD resident away from the facility campus; the policy and procedure shall include requirements for allowing the resident to return to the facility upon certain conditions, such as meeting testing and isolation requirements recommended by the CDC, the Centers for Medicare and Medicaid Services (CMS), a Louisiana SHO order or emergency notice, or a governor's executive order or proclamation.

4. An ICF/DD shall submit a written copy of its visitation policies and procedures on close family member visitation, to the Health Standards Section surveyors of the LDH at the initial licensure survey.

5. After licensure, an ICF/DD shall make its visitation policies and procedures available for review by the Department of Health at any time, upon request.

6. An ICF/DD shall within 24 hours after establishing its written policies and procedures on close family member visitation, make its written policies and procedures easily accessible from the home page of its website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180-2180.5.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:1308 (September 2021), amended LR 50:397 (March 2024).

Ralph L. Abraham, MD
Secretary

2403#042

RULE

Department of Health Bureau of Health Services Financing

Intermediate Care Facilities for Persons with Intellectual Disabilities Leave of Absence Days (LAC 50:VII.33103)

The Department of Health, Bureau of Health Services Financing has amended LAC 50: VII.33103 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 VII. Long Term Care

Subpart 3. Intermediate Care Facilities for Persons with Intellectual Disabilities

Chapter 331. Vendor Payments

§33103. Payment Limitations

A. Temporary Absence of the Client. A client's temporary absence from an ICF/ID will not interrupt the monthly vendor payment to the ICF/ID, provided the following conditions are met:

1. ...

2. the absence is for one of the following reasons:

a. hospitalization, which does not exceed seven days per hospitalization for treatment of an acute condition; or

b. leave of absence. A temporary stay outside the ICF/ID provided for in the client's written individual habilitation plan. A leave of absence will not exceed 60 days per fiscal year (July 1 through June 30) and will not exceed 45 consecutive days in any single occurrence. Certain leaves of absence will be excluded from the annual 60-day limit as long as the leave does not exceed the 45-consecutive day limit and is included in the written individual habilitation plan. These exceptions are as follows:

i. - iii. ...

iv. trial discharge leave—14 days per occurrence;

v. - v.i.(a). ...

c. the following leaves of absence will be excluded from both the annual 60-day limit and the 45-consecutive day limit as long as the leave of absence is included in the written individual habilitation plan:

i. ...

NOTE: Elopements and unauthorized absences under the written individual habilitation plan count against allowable leave days. However, Title XIX eligibility is not affected if the absence does not exceed 30 consecutive days and if the ICF/ID has not discharged the client.

3. - 6. ...

7. the ICF/ID shall promptly notify DHH of absences beyond the applicable forty-five- or seven-day limitations. Payment to the ICF/MR shall be terminated from the forty-sixth or eighth day, depending upon the leave of absence. Payment will commence after the individual has been determined eligible for Title XIX benefits and has remained in the ICF/ID for 30 consecutive days;

A.8. - J. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 13:578 (October 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:682 (April 1999), LR 31:1082 (May 2005), repromulgated LR 31:2257 (September 2005), amended by the Department of Health, Bureau of Health Services Financing, LR 43:325 (February 2017), LR 44:61 (January 2018), amended by the House of Representatives, 2020 Second Extraordinary Session, LR 46:1640 (November 2020), LR 50:398 (March 2024).

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.

Ralph L. Abraham, MD
Secretary

2403#043

RULE

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

Program of All-Inclusive Care for the Elderly
Personal Care Attendant Services
(LAC 50:XXIII.Chapters 1-11)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services has amended LAC 50:XXIII.Chapters 1-11 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 XXIII. Program of All Inclusive Care for the Elderly

Chapter 1. General Provisions

§101. Purpose and Scope

A. The Department of Health, Bureau of Health Services Financing implemented the Program of All Inclusive Care for the Elderly (PACE) in accordance with federal regulations at 42 CFR 460 et seq. These regulations set forth:

1. - 5. ...

B. The purpose of the Program of All Inclusive Care for the Elderly is to provide prepaid, capitated, comprehensive health care services designed to meet the following objectives:

1. enhance the quality of life and autonomy for enrolled participants;
2. maximize the dignity of, and respect for, enrolled participants;
3. enable enrolled participants to live in the community as long as medically and socially feasible; and
4. preserve and support the enrolled participant's family unit.

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:244 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:399 (March 2024).

§103. Organization Application and Evaluation

A. A PACE organization shall be licensed as an adult day health care (ADHC) provider.

B. If a PACE organization uses their own staff to provide personal care attendant (PCA) services to PACE participants, the PACE organization shall acquire a home and community-based services (HCBS) license under the PCA module.

C. The Department of Health (LDH) shall grant appropriate waivers of ADHC and HCBS PCA licensing requirements in instances where licensing regulations conflict with federal PACE requirements and when such waivers are determined to have no adverse effect on participants' health, safety, and quality of life.

D. A PACE organization shall not be required to be licensed as a health maintenance organization under the Louisiana regulations for risk-based entities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:245 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:399 (March 2024).

§105. Administrative Requirements

A. A PACE organization must have a fiscally sound operation, as demonstrated by:

1. total assets greater than total unsubordinated liabilities;
2. sufficient cash flow and adequate liquidity to meet obligations as they become due; and
3. a net operating surplus or a financial plan for solvency that is satisfactory to the Centers for Medicaid and Medicare Services (CMS) and the Department of Health.

B. A PACE organization shall operate under the control of an identifiable governing body such as a board of directors, which must include at least one community representative. The following advisory committees shall also be established to advise the board of directors:

1. - 2. ...
3. Restraint Committee; and
4. any other committees as required by CMS and/or LDH.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:245 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:399 (March 2024).

Chapter 3. Services

§301. Medicare and Medicaid Coordination

A. If a Medicare beneficiary or Medicaid participant chooses to enroll in a PACE program:

1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:245 (February 2004), amended by the

§303. Services Provided

A. The PACE benefit package for all participants, regardless of the source of payment, must include:

- 1 - 3. ...
4. social services;
5. behavioral health services;
 - a. - c. Repealed.
6. restorative therapies, including:
 - a. physical therapy;
 - b. occupational therapy; and
 - c. speech-language pathology services;
7. personal care and supportive services;
8. nutrition counseling;
9. recreational therapy;
10. transportation;
11. meals;
 - a. - y. Repealed.
12. medical specialty services including, but not limited

to:

- a. anesthesiology;
 - b. audiology;
 - c. cardiology;
 - d. dentistry;
 - e. dermatology;
 - f. gastroenterology;
 - g. gynecology;
 - h. internal medicine;
 - i. nephrology;
 - j. neurosurgery;
 - k. oncology;
 - l. ophthalmology;
 - m. oral surgery;
 - n. orthopedic surgery;
 - o. otorhinolaryngology;
 - p. plastic surgery;
 - q. pharmacy consulting services;
 - r. podiatry;
 - s. psychiatry;
 - t. pulmonary disease;
 - u. radiology;
 - v. rheumatology;
 - w. general surgery;
 - x. thoracic and vascular surgery; and
 - y. urology;
13. laboratory tests, x-rays, and other diagnostic procedures;
 14. drugs and biologicals;
 - a. - d. Repealed.
 15. prosthetics, orthotics, durable medical equipment, corrective vision devices, such as:
 - a. eyeglasses and lenses;
 - b. hearing aids;
 - c. dentures;
 - d. repair and maintenance of these items; and
 - e. wheelchairs, including custom wheelchairs that are medically necessary;
 - f. - l. Repealed.
 16. acute inpatient care, including:
 - a. ambulance;

- b. emergency room care and treatment room services;
- c. semi-private room and board;
- d. general medical and nursing services;
- e. medical surgical/intensive care/coronary care unit;
- f. laboratory tests, x-rays, and other diagnostic procedures;
- g. drugs and biological;
- h. blood and blood derivatives;
- i. surgical care, including the use of anesthesia;
- j. use of oxygen;
- k. physical, occupational, recreational therapies, and speech-language pathology services;
 - l. social services; and
 - m. psychiatric treatment;
17. nursing facility care, including:
 - a. semi-private room and board;
 - b. physician and skilled nursing services;
 - c. custodial care;
 - d. personal care and assistance;
 - e. drugs and biologicals;
 - f. physical, occupational, recreational therapies, and speech-language pathology, if necessary;
 - g. social services; and
 - h. medical supplies and appliances;
18. other services determined necessary by the interdisciplinary team to improve and maintain the participant's overall health status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:245 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:400 (March 2024).

§305. Excluded Services

- A. Services excluded from coverage are:
1. ...
 2. private room and private duty nursing services in an inpatient facility (unless medically necessary), and nonmedical items for personal convenience such as telephone charges and radio or television rental (unless specifically authorized by the interdisciplinary team as part of the participant's plan of care);
 3. - 5.b....

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:246 (February 2004) amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:400 (March 2024).

§307. Conditions of Service

- A. - B. ...
- C. These services must be furnished in, at least, the PACE center, the home, and inpatient facilities.
- D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:246 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:400 (March 2024).

Chapter 5. Participant Enrollment

§501. Eligibility

A. In order to be eligible for services from a PACE site an applicant must:

1. ...
2. be determined by the state administering agency to meet nursing facility level of care, as established by the Department of Health;

3. - 4. ...

B. Eligibility to enroll in a PACE program is not restricted to an individual who is either a Medicare beneficiary or Medicaid participant. A potential participant may be, but is not required to be, any or all of the following:

1. - 3. ...

C. The determination whether a potential participant can be cared for in the community at the time of enrollment without jeopardizing his or her safety is based on the PACE organization's evaluation of the potential participant. The following are issues to consider when making this determination.

1. The potential participant does not have the capability to call for emergency assistance or does not have the capability to determine when emergency assistance is needed.

2. A physician, familiar with the potential participant's health and social history, has documented a condition for the potential participant that requires 24-hour/7-days per week of skilled care.

3. The potential participant's residence:

- a. has been condemned; or
- b. has been determined unsafe by habitation by PACE provider (detailed documentation of specifics required); or
- c. poses a threat to PACE program staff due to:
 - i. physical condition and integrity of dwelling; or
 - ii. evidence of abuse and/or neglect from other household members; or
 - iii. criminal activities or behavior; or
 - iv. illegal drug use; or
 - v. brandishing of weapons; or
 - vi. dangerous pets/animals.

4. The potential participant exhibits health concerns that involve dangerous behavior(s) which would pose a threat to him/her, other PACE participants, or PACE program staff.

5. The potential participant whose current medical treatment or regimen requires 24-hour supervision and whose care is more appropriately provided in an institutional setting (hospital or skilled nursing facility).

6. Repealed.

D. If the PACE organization determines that an applicant's health and safety cannot be ensured with the services that PACE can provide, the PACE organization shall submit the following within five working days to the Office of Aging and Adult Services (OAAS):

1. justification for the determination that health and safety cannot be ensured; and

2. any and all assessments and medical records use to make the determination;

E. If OAAS agrees with the PACE organization, OAAS will provide documentation to the PACE organization in writing acknowledging the health and safety concern.

1. - 2. Repealed.

F. If the potential participant is denied enrollment because the potential participant's health or safety would be jeopardized by living in a community setting, the PACE organization must meet the following requirements:

1. notify the potential participant in writing of the reason for denial with notification of appeal rights through the state fair hearing process;

2. refer the potential participant to alternative services, as appropriate;

3. maintain supporting documentation of the reason for denial; and

4. notify CMS and OAAS in the form and manner specified by CMS and make the documentation available for review.

G. If OAAS disagrees with the PACE organization, OAAS will provide the PACE organization with specific information as to why OAAS believes that with PACE services in place, a plan of care can be developed that is adequate to ensure the participant's health, social, and welfare needs. In addition, OAAS will provide suggestions for services that would be beneficial to the participant.

H. A PACE organization shall assess the potential participant to ensure that he or she can be cared for appropriately in a community setting and that he or she meets all requirements for PACE eligibility.

I. Reevaluation of Eligibility

1. LDH shall annually reevaluate whether the participant continues to meet level of care for nursing facility services. LDH may permanently waive the annual recertification of level of care requirements for a participant if it determines that there is no reasonable expectation of improvement or significant change in the participant's condition because of the severity of a chronic condition or the degree of impairment of functional capacity.

2. LDH may determine that a PACE participant who no longer meets the state Medicaid nursing facility level of care requirements be deemed to continue to be eligible for the PACE program until the next annual reevaluation, if, in the absence of continued coverage under this program, the participant reasonably would be expected to meet the nursing facility level of care requirement within the next six months.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:247 (February 2004), LR 33:850 (May 2007), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:401 (March 2024).

§503. Enrollment

A. Enrollment Period

1. ...

2. Enrollment continues until the participants' death, regardless of changes in health status, unless either of the following actions occurs:

a. - b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:247 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:401 (March 2024).

§505. Disenrollment

A. A PACE organization shall submit proposed denial of enrollment determinations of applicants for health and safety reasons and all involuntary disenrollments of participants to LDH for review prior to notifying applicants/participants of such adverse decisions. The Department shall review denials of PACE enrollment eligibility and disenrollments in a timely manner.

B. Involuntary Disenrollment

1. A participant may be involuntarily disenrolled for any of the following reasons:

a. a participant fails to pay, or to make satisfactory arrangements to pay, any premium due to the PACE organization after a 30 calendar day grace period;

b. ...

c. the participant moves out of the PACE program service area or is out of the service area for more than 30 consecutive days, unless the PACE organization and/or LDH agrees to a longer absence due to extenuating circumstances;

d. ...

e. the PACE program agreement with CMS and LDH is not renewed or is terminated;

f. - g. ...

2. The following are considered disruptive or threatening behavior for purposes of involuntary disenrollment:

a. behavior that jeopardizes his or her health or safety, or the health or safety of others;

b. consistent refusal to comply with his or her individual plan of care or the terms of the PACE enrollment agreement by a participant with decision-making capacity, but not if the behavior is related to a mental or physical condition of the participant. Noncompliant behavior includes repeated noncompliance with medical advice and/or repeated failure to keep appointments; or

3. if a PACE organization proposes to disenroll a participant based on the disruptive or threatening behavior of the participant or the participant's caregiver, the organization shall document the following information in the participant's medical record:

a. the reasons for the proposal to disenroll the participant; and

b. all efforts made to remedy the situation and the outcome of the use of those efforts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:247 (February 2004), LR 33:850 (May 2007), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:402 (March 2024).

Chapter 7. Quality Assessment and Performance Improvement

§701. Organization Responsibilities

A. - B. ...

C. A PACE organization must take actions that result in improvements to its performance in all types of care.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:248 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:402 (March 2024).

§703. Quality Assessment and Performance Improvement Plan

A. - B. ...

C. At a minimum, the plan must specify how the PACE organization proposes to meet the following requirements:

1. identify areas to improve or maintain the delivery of services and care of the participants;

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:248 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:402 (March 2024).

§705. Minimum Requirements

A. A PACE organization's quality assessment and performance improvement program shall include, but is not limited to, the use of objective measures to demonstrate improved performance with regard to:

1. - 2. ...

3. outcome measures that are derived from data collected during assessments, including data on the following:

a. physiological wellbeing;

b. - c. ...

d. social/behavioral functioning; and

e. quality of life of participants;

4. effectiveness and safety of staff-provided and contracted services, including:

a. ...

b. promptness of service delivery; and

A.4.c. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:248 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:402 (March 2024).

§707. Internal Activities

A. A PACE organization must do the following:

1. - 3. ...

4. set priorities for performance improvement, considering prevalence and severity of identified problems, and give priority to improvement activities that affect clinical outcomes; and

A.5. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:248 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:402 (March 2024).

§711. Committees with Community Input

A. A PACE organization must establish one or more committees with community input to:

1. ...
2. address the implementation of, and results from, the quality assessment and performance improvement plan; and
3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:249 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:403 (March 2024).

Chapter 9. Sanctions

§901. Violations

A. Sanctions may be imposed against a PACE organization if it commits one or more of the following violations:

1. fails to provide medically necessary items and services to a participant that are covered PACE services, and that failure has adversely affected (or has substantial likelihood of adversely affecting) the participant;
2. involuntarily disenrolls a participant in violation of 42 CFR 460.164;
3. discriminates in the enrollment or disenrollment of Medicare beneficiaries or Medicaid participants, or both, who are eligible to enroll in a PACE program on the basis of a participant's health status or need for health care services;
4. engages in any practice that would reasonably be expected to have the effect of denying or discouraging enrollment, except as permitted by Section 460.150, by Medicare beneficiaries or Medicaid participants whose medical condition or history indicates a need for substantial future medical services;
5. ...
6. misrepresents, falsifies, or fails to disclose information that is furnished to:
 - 6.a. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:249 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:403 (March 2024).

§903. Imposition of Sanctions by CMS

A. CMS may impose the following sanctions for violations specified in §901:

1. - 4. ...
- B. CMS or the state may determine that the PACE organization is not in substantial compliance with PACE requirements, and may take one or more of the following actions:

1. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:249 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:403 (March 2024).

Chapter 11. Appeals

§1101. Participant Rights, Grievances, and Appeals

A. - B. ...

C. Medicaid-eligible participants who appeal through Medicaid shall be heard by the Division of Administrative Law (DAL) within the timeframes applicable to processing Medicaid appeals except in cases where federal PACE requirements require a more expeditious decision. The PACE organization shall prepare the Summary of Evidence in preparation for the appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, Title XIX of the Social Security Act, and 42 CFR 460 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:249 (February 2004), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 50:403 (March 2024).

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.

Ralph L. Abraham, MD
Secretary

2403#044

RULE

Department of Health Health Standards Section

Adult Day Health Care—Licensing Standards
(LAC 48:I.Chapter 42)

The Department of Health, Health Standards Section has amended LAC 48:I.Chapter 42 as authorized by R.S. 36:254 and R.S. 40: 40:2120.41-46. 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 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 42. Adult Day Health Care

Subchapter A. General Provisions

§4201. Introduction

A. - B.6. ...

C. All registered nurses, licensed practical nurses, and/or certified nurse aides supplied by staffing agencies, shall be provided through licensed nurse staffing agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2177 (October 2008), repromulgated LR 34:2622 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1964 (October 2017), amended by the Department of Health, Health Standards Section, LR 50:403 (March 2024).

§4203. Definitions

* * *

Licensed Practical Nurse (LPN)—a person who practices practical nursing and who is licensed to practice practical nursing in accordance with R.S. 37:961 et seq., or current law. The LPN works under the supervision of a registered nurse.

* * *

Nurse Staffing Agency (NSA)—any person, partnership, corporation, unincorporated association, or other legal entity, including a digital website/platform or digital smart phone application that employs, assigns, or refers nurses or certified nurse aides to render healthcare services in a healthcare facility for a fee. For purposes of these regulations, NSA does not include the following:

1. an NSA that solely provides services in Louisiana under a contract or other agreement with the state of Louisiana, or any executive branch department or agency thereof, as a result of a declared disaster, emergency, or public health emergency;
2. the federal or state government department or agency that provides nursing staff or certified nurse aides to any healthcare provider setting, evacuation site, or shelter location as a result of a declared disaster, emergency, or public health emergency; and
3. an entity that solely provides administrative or consulting services.

* * *

Registered Nurse (RN)—any individual licensed in accordance with R.S. 37:911 et seq., or current law, to engage in the practice of nursing as defined in R.S. 37:913 et seq., or current law.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2177 (October 2008), repromulgated LR 34:2622 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2373 (September 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1964 (October 2017), amended by the Department of Health, Health Standards Section, LR 50:404 (March 2024).

§4205. Licensure Requirements

A. - B.2. ...

3. The ADHC center shall have admitted and have provided services to at least two participants in the past 12 months prior to their licensure resurvey onsite at the ADHC.

C. The licensed ADHC center is required to abide by and adhere to any state laws, rules, policy, and procedure manuals or memorandums pertaining to ADHC centers issued by LDH.

D. Plan Review. A complete online submittal of plans and specifications to the Office of the State Fire Marshal

(OSFM) shall be made in accordance with the procedures established by that office. A letter shall accompany the plans to explain the scope of work. The letter shall include the types of services offered, ADHC center participant capacity, geographic location, special features, or specific requirements for the patient population served (e.g. age range, acuity level), and whether it is a relocation, renovation, and/or new construction. A copy of this letter is to be sent to the ADHC Program Desk Manager, with the applicable ADHC application packet.

1. Submission of Plans

a. New Construction. All new construction shall be done in accordance with the specific requirements of the OSFM and the Office of Public Health (OPH). The requirements cover new construction in ADHCs, including submission of preliminary plans and the final work drawings and specifications to each of these agencies. Plan review shall be performed in accordance with the rules and regulations established by the OSFM. Plans and specifications shall be prepared by or under the direction of a licensed architect and/or a qualified licensed engineer and shall include scaled architectural plans stamped by an architect.

b. Adult Day Health Care. No ADHC shall hereafter be licensed without the prior written approval of, and unless in accordance with plans and specifications approved in advance by the OSFM. This includes new construction, additions, renovations, or any change in service or the establishment of an ADHC in any healthcare facility or former healthcare facility.

2. Approval of Plans

a. Notice of satisfactory review from the OSFM constitutes compliance with this requirement if construction begins within 180 days of the date of such notice. This approval shall in no way permit and/or authorize any omission or deviation from the requirements of any restrictions, laws, ordinances, codes, or rules of any responsible agency.

b. In the event that submitted materials do not appear to satisfactorily comply with the Louisiana State Uniform Construction Code Council (LSUCCC), the OSFM shall notify the party submitting the plans in writing, listing the particular items in question, and request further explanation and/or confirmation of necessary modifications.

3. Waivers

a. The secretary of the department may, within his/her sole discretion, grant waivers to building and construction guidelines or requirements and to provisions of the licensing rules involving the clinical operation of the ADHC. The facility shall submit a waiver request in writing to the licensing section of the department on forms prescribed by the department.

b. In the waiver request, the facility shall demonstrate the following:

i. how client health, safety, and welfare will not be compromised if such waiver is granted;

ii. how the quality of care offered will not be compromised if such waiver is granted; and

iii. the ability of the facility to completely fulfill all other requirements of the service or condition or regulation.

c. The licensing section of the department shall have each waiver request reviewed by an internal waiver review committee. In conducting such internal waiver review, the following shall apply:

i. the waiver review committee may consult subject matter experts as necessary, including the OSFM; and

ii. the waiver review committee may require the facility to submit risk assessments or other documentation to the department.

ii. the waiver review committee may require the facility to submit risk assessments or other documentation to the department.

d. The director of the licensing section of the department shall submit the waiver review committee's recommendation on each waiver to the secretary, or the secretary's designee, for final determination.

e. The department shall issue a written decision of the waiver request to the facility. The granting of any waiver may be for a specific length of time.

f. The written decision of the waiver request is final. There is no right to an appeal of the decision of the waiver request.

g. If any waiver is granted, it is not transferrable in an ownership change or change of location.

h. Waivers are subject to review and revocation upon any change of circumstance related to the waiver or upon a finding that the health, safety, or welfare of a patient may be compromised.

i. Any waivers granted by the department prior to January 1, 2024, shall remain in place, subject to any time limitations on such waivers; further, such waivers shall be subject to the following:

i. such waivers are subject to review or revocation upon any change in circumstance related to the waiver or upon a finding that the health, safety, or welfare of a patient may be compromised; and

ii. such waivers are not transferrable in an ownership change or change of location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2178 (October 2008), repromulgated LR 34:2623 (December 2008), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1965 (October 2017), amended by the Department of Health, Health Standards Section, LR 50:404 (March 2024).

§4207. Initial License Application Process

A. An initial application for licensing as an ADHC center shall be obtained from the department.

B. A completed initial license application packet for an ADHC center shall be submitted to and approved by the department prior to an applicant providing ADHC services. An applicant shall submit a completed initial licensing packet to the department, which shall include:

B.1. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:2178 (October 2008), repromulgated LR

34:2624 (December 2008), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 38:2373 (September 2012), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1965 (October 2017), amended by the Department of Health, Health Standards Section, LR 50:405 (March 2024).

§4223. Inactivation of License due to a Declared Disaster or Emergency

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

d. includes an attestation that all participants have been properly discharged or transferred to another center;

e. provides a list of each participant and where that participant is discharged or transferred to; and

f. pursuant to these provisions, an extension of the 60 day deadline for initiation of the request may be granted at the discretion of the department.

A.2. - F. ...

G. Failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the ADHC center license.

H. If the ADHC center requires an extension of the timeframe allowed by §4223 due to circumstances beyond the ADHC center's control, the department will consider an extension of the original inactivation period for up to 12 months to complete construction or repairs. Such written request for extension shall show the ADHC center's active efforts to complete construction or repairs and the reasons for the request for extension of the ADHC's inactive license. Any approval for extension is at the sole discretion of the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:1970 (October 2017), amended by the Department of Health, Health Standards Section, LR 50:405 (March 2024).

§4224. Inactivation of License due to a Non-Declared Disaster or Emergency

A. - D. ...

EXCEPTION: Repealed.

1. If the ADHC center requires an extension of the timeframe allowed by §4224 due to circumstances beyond the ADHC center's control, the department will consider an extension of the original inactivation period for up to 12 months to complete construction or repairs. Such written request for extension shall show the ADHC center's active efforts to complete construction or repairs and the reasons for the request for extension of ADHC center's inactive license. Any approval for extension is at the sole discretion of the department.

E. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and 40:2120.41-46.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 43:1970 (October 2017), amended by the Department of Health, Health Standards Section, LR 50:405 (March 2024).

Ralph L. Abraham, MD
Secretary

2403#045

RULE

**Department of Health
Health Standards Section**

Behavioral Health Service Providers
Licensing Standards
(LAC 48:I.5603, 5684, and 5690)

The Department of Health, Health Standards Section has amended LAC 48:I.5603 and §5684, and has adopted §5690 as authorized by R.S. 36:254. 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 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 56. Behavioral Health Service Providers

Subchapter A. General Provisions

§5603. Definitions

* * *

Mental Health Partial Hospitalization Program—professionally directed assessment, diagnosis, and treatment provided in an organized non-residential treatment setting, including individual, group, family counseling and psycho-education, as well as medication management, medical and psychiatric examinations, and crisis mitigation coverage. Services may be offered during the day, before or after work or school, in the evening or on a weekend, and the program shall provide 20 or more hours of structured programming per week.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1682 (September 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1380 (July 2017), LR 46:587 (April 2020), LR 48:1277 (May 2022), LR 48:2755 (November 2022), LR 50:406 (March 2024).

Subchapter L. Additional Requirements for Mental Health Programs

§5684. Mobile Services

A. - C.9.d. ...

* * *

D. Mobile Crisis Response

1. Mobile crisis response services are an initial or emergent crisis intervention response intended to provide relief, resolution, and intervention provided by a mobile crisis response team (MCRT).

2. This service shall be provided under the supervision of a licensed mental health professional (LMHP) with experience regarding this specialized mental health service. The LMHP or physician shall be available at all times to provide back-up, support and/or consultation from assessment of risk and through all services delivered during a crisis.

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 48:1284 (May 2022), amended by the Department of Health, Health Standards Section, LR 50:406 (March 2024).

§5690. Mental Health Partial Hospitalization Program (MHPHP)

A. The provider shall:

1. develop admission criteria that recognizes the dual-function of MHPHPs (i.e., that they can serve as both a step-down from hospitalization and as a preventative measure to hospitalization);

a. services may be offered during the day or evening hours, before or after work or on weekends, while also allowing the patient to apply their new skills and strategies in the community;

2. maintain a minimum of 20 contact hours per week for adults, at a minimum of three days per week;

3. maintain a minimum of 20 hours per week for children/adolescents, as specified in the patient’s treatment plan, which may occur during school hours;

a. adolescents shall have access to educational services; or

b. the provider shall be able to coordinate with the school system to ensure that the adolescent’s educational needs are met;

4. review and update the treatment plan in collaboration with the client as needed or at a minimum of every 30 days;

5. have the capability to provide:

a. individual, group, and family therapy;

b. crisis management/coverage capabilities;

c. medication management capabilities; and

d. basic case management services;

6. conduct a biopsychosocial assessment that must include an assessment for substance use/addiction, and refer to a proper level of care for addiction treatment, where indicated;

7. offer aftercare/continuing care group counseling services to people successfully completing a MHPHP; and

8. have a structured psychoeducational curriculum in place that covers, at a minimum, the following subjects:

a. disease education (i.e., education on mental illness/various psychiatric illnesses);

b. the role of medication and proper medication management in the treatment of psychiatric illnesses;

c. education on co-occurring illnesses;

d. education on developing a long-term recovery plan, and guidance towards getting grounded in community-based support programming geared towards people with chronic mental health challenges;

e. education on symptom management;

f. education on crisis management;

g. education on the role of nutrition in the treatment of mental health issues; and

h. education on the role of family/key personal stakeholders in a recovery plan.

B. Staffing. The provider shall ensure that:

1. a physician is on site as needed for the management of psychiatric and medical needs and on call 24 hours per day, seven days per week;

2. there is a clinical supervisor on-site 10 hours a week and on call 24 hours per day, seven days per week;
3. there is at least one LMHP on site when clinical services are being provided;
4. each LMHP/unlicensed professional's caseload does not exceed 1:25 active clients; and
5. there are nursing services available as needed to meet the nursing needs of the clients.

a. nursing services may be provided directly by the BHS provider or may be provided or arranged via written contract, agreement, policy, or other document. The BHS provider shall maintain documentation of such arrangement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2151-2161.

HISTORICAL NOTE: Promulgated by the Department of Health, Health Standards Section, LR 50:406 (March 2024).

Ralph L. Abraham, MD
Secretary

2403#046

RULE

**Department of Health
Office of Public Health**

**Consumable Hemp Products Labeling
(LAC 49:I.519)**

The Department of Health, Office of Public Health (LDH/OPH), pursuant to rulemaking authority granted by R.S. 3:1483(L), and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, hereby amends LAC 49:I.519.7.C.

LAC 49:I.519.C.7, sets detection limits on the amounts of certain residual solvents, including ethanol, in consumable hemp products other than floral hemp materials. Ethanol is commonly used and found in non-hemp topicals, and its use therein has no material adverse health effects. The Rule amends LAC 49:I.519.C.7 to exclude ethanol from the list of solvents for which consumable hemp products designed and intended for topical use only must be tested. This Rule is hereby adopted on the day of promulgation.

Title 49

**PUBLIC HEALTH—FOOD, DRUGS, AND
COSMETICS**

Part I. Regulations

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

**§519. Consumable Hemp Products Labeling
Requirements: Certificate of Analysis**

A. - C.7.f. ...

g. ethanol—5,000 ppm; this ethanol limit shall not apply to consumable hemp products designed and intended solely for topical use;

C.8. - E. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(L) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended LR 47:480 (April 2021), LR 48:1291 (May 2022), amended LR 48:2982 (December 2022), amended LR 50:407 (March 2024).

Ralph L. Abraham, MD
Secretary

2403#034

RULE

**Department of Health
Office of the Secretary**

**Americans with Disabilities Act (ADA) Accessibility
(LAC 4:XXIII.Chapter 3)**

The Department of Health, Office of the Secretary adopted LAC 4:XXIII.Chapter 3, as authorized by R.S. 36:254. The Rule has been promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

In accordance with Act 393 of the 2023 Regular Legislative Session, the Department of Health adopted Chapter 3 of Title 4, Americans with Disabilities Act (ADA) Accessibility by adopting the framework for participation in public meetings, via teleconference or videoconference. The Rule benefits persons who have ADA accessibility issues by allowing them to participate in open public meetings, via teleconference or videoconference. This Rule is hereby adopted on the day of promulgation.

Title 4

ADMINISTRATION

Part XXIII. ADA Accessibility

Chapter 3. Department of Health

**Subchapter A. Public Participation via Teleconference or
Videoconference**

§301. Notice

A. Each public body shall include an email address, for receiving requests for a disability based accommodation, within the notice and agenda for the meeting.

B. Each public body shall email the notice and agenda including the public link and email address for requests for ADA recognized disability accommodations to any member of the public or news media who requests notice of meetings of the public body.

C. Prior notice containing instructions for virtual participation for members must be provided to each member at least 24-hours in advance of a meeting. The notice must include, at a minimum:

1. the online platform being used by the public body;
2. registration information, hosting URL, and passwords (if applicable); and
3. the name and phone number of the person responsible for questions and/or technical support for virtual participation.

D. Accessibility. Each meeting shall be conducted in accordance with R.S. 42:17.2, or current law.

1. The platform used by the public body must provide:

- a. communication access real-time translation (CART) or real-time captioning capabilities;
- b. availability for digital distribution of supplementary materials; and
- c. an avenue for comments and votes by members.

2. All printed or visual materials used at the meeting must be provided to the members through the hosting platform.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of the Secretary, LR 50:407 (March 2024).

§303. Public Comments

A. Written public comments may be submitted electronically either prior to the meeting or during any meeting via electronic means.

B. Oral public comments may be made by members of the public during the meeting.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of the Secretary, LR 50:408 (March 2024).

§305. Accommodation of Public Participation

A. The public body shall post a link on its website where documents related to the meeting may be accessed by members of the public.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of the Secretary, LR 50:408 (March 2024).

Subchapter B. Members of a Public Body Participation in Open Meetings

§307. Accommodations Provided for Member Participation

A. All members of the body shall be provided all reasonable accommodations necessary for him or her to participate in the meeting in accordance with R.S. 42:11 et seq., or current law.

1. The ADA accommodation(s) granted to a member of a public body shall be valid for the duration of the member's term, or a shorter period upon written notice by the member that the accommodation is no longer needed.

2. Subject to the requirements of R.S. 42:14 or current law, the department shall post a registration form on its website requesting registration for an accommodation to attend for the next open meeting.

a. The registration form shall allow the member of the public to specify their accessibility/accommodation needs and the registration form shall provide a reasonable deadline in advance of the public meeting for submission of such requests.

4. Subject to the requirement of R.S. 42:14 or current law, after a request for ADA accommodation is received by the deadline described in §107 A. 3. a, and if the public body does not have the capability to allow a member of the public with a disability recognized by the ADA or a designated caregiver of such a person to participate in its meetings virtually as defined in R.S. 42:17.2, or current law, the department shall postpone the meeting no later than 24 hours prior to the meeting to facilitate viable alternative methods for a member of the public with the ADA recognized

disability or a designated caregiver of such a person to participate in its meetings. Once a viable alternative method is developed, the department shall issue notice of the new meeting date as prescribed in R.S. 42:11 et seq., and include instructions for a viable alternative method(s) of participation for the public to accommodate the requests for ADA accommodation(s).

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of the Secretary, LR 50:408 (March 2024).

§309. Quorum

A. The public body shall count all members of the public body attending the meeting via teleconference or videoconference for purposes of achieving a quorum, if the member(s) in attendance is/are in compliance with R.S. 42:11 et seq., or current law.

B. If any member of the public body participating via teleconference or videoconference, in accordance with R.S. 42:11 et seq., or current law, experiences technical problems, the presiding officer shall recess the meeting until the member of the public body is able to reconnect or resolve the technical problem.

C. If a quorum is lost because of technical problems, the public body shall take no further action.

1. The meeting shall be recessed until the member of the public body is able to rejoin the meeting either via teleconference or videoconference.

2. If the member of the public body is unable to rejoin within one hour of the time connectivity was lost, the meeting shall be adjourned.

D. If technical problems do not cause the loss of a quorum, the presiding officer shall recess the meeting for at least fifteen minutes to give the member of the public body participating via teleconference or videoconference time to reconnect.

1. If a member of the public body is not able to reconnect, the meeting may continue only if a quorum is present.

E. If the anchor site experiences technical problems that cause a loss of quorum, the presiding officer shall recess the meeting.

1. If the technical problems at the anchor site cannot be resolved within one hour of the time the technical problem began, the meeting shall be adjourned.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of the Secretary, LR 50:408 (March 2024).

§311. Voting

A. If a member of a public body is participating via videoconference in accordance with R.S. 42:11 et seq., or current law, he or she shall be visible to cast a vote.

B. If a member of a public body cannot be visible at the time a vote is taken and is participating via videoconference in accordance with R.S. 42:11 et seq., or current law, he or she shall state his or her full name and his or her vote.

C. Notwithstanding any provision of R.S. 42:11 et seq., or current law, that requires a member of a public body to be physically present in order to be counted for a quorum and to participate and vote in a meeting, a member of a public body

who has a disability recognized by the ADA shall be allowed to participate and vote in a meeting via electronic means as defined in R.S. 42:17.2 or current law.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of the Secretary, LR 50:408 (March 2024).

§321. Policy

A. Each public body may develop and implement policies and procedures that are consistent with these regulations for members of a public body participating via teleconference or videoconference in accordance with R.S. 42:11 et seq., or current law.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Office of the Secretary, LR 50:409 (March 2024).

Ralph L. Abraham, MD
Secretary

2403#030

RULE

Department of Insurance Office of the Commissioner

Regulation 104—Corporate Governance Annual Disclosure (LAC 37:XIII.Chapter 2)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., has amended Regulation 104.

The purpose of the amendment to Regulation 104 is to add a definition of “Insurance Group” and to correct typographical errors and statutory references. This Rule is hereby adopted on the day of promulgation.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 2. Regulation 104—Corporate Governance Annual Disclosure

§201. Purpose

A. The purpose of this regulation is to set forth rules and procedural requirements which the commissioner deems necessary to carry out the provisions of R.S. 22:691.51-691.58 of the Insurance Code. The information called for by this regulation is hereby declared to be necessary and appropriate in the public interest and for the protection of the policyholders in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:691.51-691.58.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 41:2663 (December 2015), amended LR 50:409 (March 2024).

§203. Definitions

Commissioner—commissioner of insurance for the state of Louisiana.

Corporate Governance Annual Disclosure or *CGAD*—a confidential report filed by the insurer or insurance group compiled in accordance with the requirements of R.S. 22:691.51-691.58 and Regulation 104.

Insurance Group—those insurers and affiliates included within an insurance holding company system as defined in R.S. 22:691.2(8).

Insurer—shall have the same meaning as set forth in R.S. 22:46(14). For the purposes of this Subpart, a health maintenance organization as defined R.S. 22:242(6) shall also be considered an insurer. The term “insurer” shall not include agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state.

Senior Management—any corporate officer responsible for reporting information to the board of directors at regular intervals or providing this information to shareholders or regulators and shall include, for example and without limitation, the chief executive officer (CEO), chief financial officer (CFO), chief operations officer (COO), chief procurement officer (CPO), Chief Legal Officer (CFO), chief information officer (CIO), chief technology officer (CTO), chief revenue officer (CRO), chief visionary officer (CVO), or any other “C” level executive.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:691.51-691.58.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 41:2663 (December 2015), amended LR 50:409 (March 2024).

§205. Filing Procedures

A. An insurer, or the insurance group of which the insurer is a member, required to file a CGAD by R.S. 22:691.53 shall, no later than June 1 of each calendar year, submit to the commission a CGAD that contains the information described in §207 of this regulation.

B. - D. ...

E. Notwithstanding Subsection A of this Section, and as outlined in R.S. 22:691.53, if the CGAD is completed at the insurance group level, then it shall be filed with the lead state of the group as determined by the procedures outlined in the most recent Financial Analysis Handbook adopted by the NAIC. In these instances, a copy of the CGAD shall also be provided to the chief regulatory official of any state in which the insurance group has a domestic insurer, upon request.

F. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11 and 22:691.51-691.58.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 41:2663 (December 2015), amended LR 50:409 (March 2024).

Timothy J. Temple
Commissioner

2403#023

RULE

**Department of Public Safety and Corrections
Office of the State Fire Marshal
Uniform Construction Code Council**

Uniform Construction Code
(LAC 17:I.103,107,111, and 115)

In accordance with the provisions of R.S. 40:1730.26 and R.S. 40:1730.28, relative to the authority of the Louisiana State Uniform Construction Code Council (LSUCCC) to promulgate and enforce rules and in accordance with R.S. 49:953(B), the Administrative Procedure Act, the Department of Public Safety and Corrections, Office of the State Fire Marshal, Louisiana State Uniform Construction Code Council (LSUCCC) hereby gives notice that it amends and adopts the following Rule. The adoption and amending of the currently adopted construction codes is to replace them with more recent technology, methods and materials for the 2021 editions of the *International Residential Code*,

International Building Code, *International Plumbing Code* and *National Electrical Code*, to also comply with more current FEMA regulations and to replace an emergency rule dated October 19, 2023. This Rule will become effective April 1, 2024. This Rule is adopted on the day of promulgation.

**Title 17
CONSTRUCTION**

**Part I. Uniform Construction Code
Chapter 1. Adoption of the *Louisiana State Uniform Construction Code*
(Formerly LAC 55:VI.Chapter 3)**

**§103. *International Building Code*
(Formerly LAC 55:VI.301.A.1)**

A. *International Building Code* (IBC), 2021 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*.

Repeal	Section 3314, Fire Watch During Construction	
Adopt	Appendix G	
Amend	User Notes	
Repeal		
Amend	Section G102 Definitions	
Repeal	Manufactured Home	
Repeal	Manufactured Home Park or Subdivision	
Repeal	Recreational Vehicle	
Amend	Section G103.1 General	
Repeal	Item 1	
Repeal	Item 2	
Repeal	Item 3	
Repeal	Item 4	
Repeal	Item 7	
Amend	Section G104 Power and Duties	
Repeal	Section G104.5.1 Floodway revisions	
Repeal	Section G104.6 Watercourse alteration	
Repeal	Section G104.6.1 Engineering analysis	
Repeal	Section G104.7 Alterations in coastal area	
Amend	Section G105 Permits	
Repeal	Section G105.2 Application for permit	
Repeal	Item 1	
Repeal	Item 2	
Repeal	Item 3	
Repeal	Item 4	
Repeal	Item 5	
Repeal	Item 6	
Repeal	Item 7	
Repeal	Item 8	
Amend	Section G106 Variances	
Amend	Section G106.7 Conditions for issuance	
Repeal	Item 5	
Repeal	Section G107 Subdivisions	
Repeal	Section G107.1 General	
Repeal	Item 1	
Repeal	Item 2	
Repeal	Item 3	

Repeal	Section G 107.2 Subdivision requirements	
Repeal	Item 1	
Repeal	Item 2	
Repeal	Item 3	
Repeal	Item 4	
Amend	Section G108 Site Improvement	
Repeal	Section G108.3 Sewer Facilities	
Repeal	Section G108.4 Water Facilities	
Repeal	Section G108.5 Storm drainage	
Repeal	Section G108.6 Streets and sidewalks	
Repeal	Section G109 Manufactured Homes	
Repeal	Section G109.1 Elevation	
Repeal	Section G109.2 Foundations	
Repeal	Section G109.3 Anchoring	
Repeal	Section G109.4 Protection of mechanical equipment and outside appliances	
Repeal	Exception	
Repeal	Section G109.5 Enclosures	
Repeal	Section G 110 Recreational Vehicles	
Repeal	Section G110.1 Placement prohibited	
Repeal	Section G110.2 Temporary placement	
Repeal	Section G110.3 Permanent Placement	
Repeal	Section G111 Tanks	
Repeal	Section G111.1 Tanks	
Amend	Section 112 Other Building Work	
Repeal	Section G112.2 Fences	
Repeal	Section G112.3 Oil derricks	
Repeal	Section G112.4 Retaining walls, sidewalks and driveways	
Repeal	Section G112.5 Swimming pools	
Repeal	Section G112.6 Decks, porches, and patios	
Repeal	Section G112.7 Nonstructural concrete slabs in coastal high-hazard areas and coastal A zones	
Repeal	Section G112.8 Roads and watercourse crossings in regulated floodways	
Amend	Section G114 Utility and Miscellaneous Group U	
Amend	Section G114.1 Utility and Miscellaneous Group U	Utility and miscellaneous Group U includes buildings that are accessory in character and miscellaneous structures not classified in any specific occupancy in this code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, grain silos (accessory to a residential occupancy), greenhouses, livestock shelters, private garages, sheds, and stables.
* * *		

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), amended LR 45:1786 (December 2019), LR 48:2578 (October 2022, LR 49:1141 (June 2023), effective August 1, 2023, repromulgated LR 49:1448 (August 2023), LR 50:410 (March 2024).

**§107. International Residential Code
(Formerly LAC 55:VI.301.A.3.a)**

A.1. ...

* * *				
Amend	2021 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 <i>International Residential Code</i> 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 R315.3 Location			
Adopt	Exception			
Adopt		When a Fuel Fired Standby generator(s) or Transfer Switch (Automatic or Manual) is installed, it shall be located outside the dwelling, it shall be installed per the manufacturer's installation instructions and the additional following requirements shall be as follows:		
Adopt	Item 1	A Carbon Monoxide Alarm shall be permanently installed in each sleeping area inside the dwelling and an additional Carbon Monoxide Alarm shall be permanently installed outside of each separate sleeping area in the immediate vicinity of the bedroom, as approved by the building official. The single detector shall be located in a hallway or room adjacent of the bedrooms.		
Adopt	Item 2	The Carbon Monoxide Alarm(s) shall be permanently installed, as determined by the owner, as either stand alone or interconnected		
Adopt	Item 3	The Carbon Monoxide Alarm(s) shall receive their power from either a battery and or a building wire circuit.		
Amend	Section R317.1			
* * *				
Amend	Section R506.2.3	A minimum 6 mil (0.006 inch) vapor retarder conforming to ASTM E1745 Class A requirements with joints lapped not less than 6 inches (152 mm) shall be placed between the concrete floor slab and the base course or the prepared subgrade where a base course does not exist.		
Amend	Table R602.3(1)			
			SPACING OF FASTENERS	
ITEM	DESCRIPTION OF BUILDING ELEMENTS	NUMBER AND TYPE OF FASTENER ^{a, b, c}	SPACING OF FASTENERS	
			Edges ^h (inches)	Intermediate supports ^{c, c} (inches)
Wood structural panels, subfloor, roof and interior wall sheathing to framing and particleboard wall sheathing to framing [see Table R 602.3(3) for wood structural panel exterior wall sheathing to wall framing]				
31	3/8" - 1/2"	6d common or deformed (2" x 0.113" x 0.266" head); or 2 3/8" x 0.113" x 0.266" head nail (subfloor, wall) ⁱ	6	6f
		8d common (2 1/2" x 0.131") nail (roof); (Only allowed in areas where wind design is not required); or RSRS-01 (2 3/8" x 0.113") nail (roof) ^b (Option for all geographical locations, required in areas where wind design is required)	6	6f
32	19/32" - 3/4"	8d common (2-2 1/2" x 0.131") nail (subfloor, wall)	6	12
		8d common (2 1/2" x 0.131") nail (roof); (Only allowed in areas where wind design is not required); or RSRS-01; (2 3/8" x 0.113") nail (roof) ^b (Option for all geographical locations, required in areas where wind design is required)	6	6f
		Deformed 2 3/8" x 0.113" x 0.266" head (wall or subfloor)	6	12
Amend	Section 602.10 ,Wall Bracing	Where a building, or portion thereof, does not comply with the bracing requirements of this section, those portions shall be designed and constructed in accordance with Section 302.1. In Climate Zone 2A, one and two family dwellings shall be continuously sheathed with a minimum 7/16" wood structural panels (Table R602.10.4 CS-WSP), or it's structural equivalent as per an ICC-ESR and approved by the local building official.		

* * *		
Amend	Section P3005.2.2, Building sewers.	Building sewers smaller than 8 inches (203 mm) shall have cleanouts located at intervals of not more than 100 feet (30 480 mm). Building sewers 8 inches (203 mm) and larger shall have a manhole located not more than 80 feet from the junction of the building drain and building sewer and at intervals of not more than 400 feet (122 m). The interval length shall be measured from the cleanout or manhole opening, along the developed length of the piping to the next drainage fitting providing access for cleaning, a manhole or the end of the building sewer.
Adopt	Section P3005.2.2.1, Minimum Size Building Sewer.	No building sewer shall be less than 4 inches in size with the exception of force lines.
Adopt	Exception	
Adopt		A 2 inch sink or washing machine drain shall be allowed to continue, greater than 30 inches of developed length, from the edge of the foundation continuous to the 4 inch building sewer if it meets ALL of the following conditions:
Adopt	Item 1.	The allowable fall per inch over the entire length of pipe shall be maintained.
Adopt	Item 2.	No solid waste shall be allowed within the drain system.
Adopt	Item 3.	A disposal shall not be allowed within the drain system.
Adopt	Section P3005.6, 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.
* * *		

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), amended LR 45:1789 (December 2019), amended LR 48:2582 (October 2022), LR 49:1142 (June 2023), effective August 1, 2023, repromulgated LR 49:1448 (August 2023), LR 50:412 (March 2024).

§111. The International Plumbing Code (Formerly LAC 55:VI.301.A.5)

A. The *International Plumbing Code*, 2021 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).

* * *		
Adopt	Section 703.7, Minimum Size Building Sewer.	No building sewer shall be less than 4 inches in size with the exception of force lines.
Adopt	Exception	
Adopt		A 2 inch sink or washing machine drain shall be allowed to continue, greater than 30 inches of developed length, from the edge of the foundation continuous to the 4 inch building sewer if it meets ALL of the following conditions:
Adopt	Item 1.	The allowable fall per inch over the entire length of pipe shall be maintained.
Adopt	Item 2.	No solid waste shall be allowed within the drain system.
Adopt	Item 3.	A disposal shall not be allowed within the drain system.
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).
* * *		

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), amended LR 45:1794 (December 2019), LR 46:1611 (November 2020), amended LR 48:2589 (October 2022), LR 50:413 (March 2024).

§115. National Electric Code (Formerly LAC 55:VI.301.A.7)

A. *National Electric Code* (NEC), 2020 Edition, and the standards referenced in that code for regulation of construction in this state.

* * *		
Adopt	Item (G) Areas where welders are operated	All 125-volt, 15- and 20-ampere receptacles, supplied by single-phase branch circuits rated 150 volts or less to ground, where welders are operated, for electrical hand tools or portable lighting equipment shall have ground-fault circuit interrupter protection for personnel.
Amend	210.52(C)(2) Island and Peninsular Countertops and Work Surfaces	
Amend		Receptacle outlets, if installed to serve an island or peninsular countertop or work surface, shall be installed in accordance with 210.52(C)(3). If a receptacle outlet is not provided to serve an island or peninsular countertop or work surface, provisions shall be provided at the island or peninsula for future addition of a receptacle outlet to serve the island or peninsular countertop or work surface. These provisions shall be a dedicated circuit.
Repeal	Item (a)	
Repeal	Item (b)	
Repeal		
Amend	210.52(C)(3) Receptacle Outlet Location	Receptacle outlets shall be located in one or more of the following:
Amend	Item 1	On or above, but not more than 500 mm (20 in.) above, a countertop or work surface.
Amend	Item 2	In a countertop using receptacle outlet assemblies listed for use in countertops.
Amend	Item 3	Below countertop or work surfaces: Not more than 300 mm (12 in.) below the countertop or work surface or in a work surface using receptacle outlet assemblies listed for use in work surfaces or listed for use in countertops
Adopt		Receptacles installed below a countertop or work surface shall not be located where the countertop or work surface extends more than 150 mm (6 in.) beyond its support base.
Adopt		Receptacle outlets rendered not readily accessible by appliances fastened in place, appliance garages, sinks, or rangetops as covered in 210.52(C)(1), Exception or appliances occupying assigned spaces shall not be considered as these required outlets.
Amend	230.67 Surge Protection	
Amend	230.67(A) Surge-Protective Device	
Adopt	Exception	Services for Manufactured Housing units shall not be required to be provided with a surge-protective device (SPD)
Amend	Article 230.71, Maximum Number of Disconnects.	
Adopt	Exception	
Adopt	Item (1)	All pre-existing, renovations, alterations, repairs, or substantial improvement services shall not be required to have only one disconnecting means. The service disconnecting means for these listed construction types shall consist of not more than six switches or sets of circuit breakers, or a combination of not more than six switches and sets of circuit breakers, mounted in a single enclosure, in a group of enclosures, or in or on a switchboard or in a switchgear. There shall not be more than six sets of disconnects per service grouped in any one location.
* * *		
Amend	Article 230.85 Emergency Disconnects	A. For one- and two-family dwelling units, all service conductors shall terminate in disconnecting means having a short-circuit current rating equal to or greater than the available fault current, installed in a readily accessible outdoor location. If more than one disconnect is provided, they shall be grouped. Each disconnect shall be one of the following:
	Item 1	Service disconnects marked as follows: EMERGENCY DISCONNECT, SERVICE DISCONNECT
	Item 2	Meter disconnects installed per 230.82(3) and marked as follows: EMERGENCY DISCONNECT, METER DISCONNECT, NOT SERVICE EQUIPMENT
	Item 3	Other listed disconnect switches or circuit breakers on the supply side of each service disconnect that are suitable for use as service equipment and marked as follows: EMERGENCY DISCONNECT, NOT SERVICE EQUIPMENT
		Markings shall comply with 110.21(B)
Adopt	Article 230.85(B) Identification of Other Isolation Disconnects	Where equipment for isolation of other energy source systems is not located adjacent to the emergency disconnect required by this section, an approved plaque or directory identifying the location of all equipment for isolation of other energy sources shall be located adjacent to the disconnecting means required by this section.
Adopt	Informational Note:	See 445.18, 480.7, 705.20, and 706.15 for examples of other energy source system isolation means.
Adopt	Article 230.85(C) Marking	
Adopt	Article 230.85(C)(1) Marking Text.	The disconnecting means shall marked as follows:
Adopt	Item 1	Service disconnect: EMERGENCY DISCONNECT, SERVICE DISCONNECT
Adopt	Item 2	Meter disconnects installed in accordance with 230.82(3) and marked as follows: EMERGENCY DISCONNECT, METER DISCONNECT, NOT SERVICE EQUIPMENT
Adopt	Item 3	Other listed disconnect switches or circuit breakers on the supply side of each service disconnect that are marked suitable for use as service equipment and marked as follows: EMERGENCY DISCONNECT, NOT SERVICE EQUIPMENT
Adopt	Article 230.85(C)(2) Marking Location and Size	Markings shall comply with 110.21(B) and both of the following:

Adopt	Item 1	The marking or labels shall be located on the outside front of the disconnect enclosure with red background and white text.
Adopt	Item 2	The letters shall be at least 13 mm (1/2 in.) high
Amend	Article 551.71 Type Receptacles Provided	
* * *		

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 41:2387 (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), amended LR 48:2606 (October 2022), LR 50:413 (March 2024).

Chief Daniel H. Wallis
State Fire Marshal

2403#027

RULE

**Department of Public Safety and Corrections
Office of the State Fire Marshal
Uniform Construction Code Council**

Uniform Construction Code
(LAC 17:I.101,103, 105, 107, and 111)

In accordance with the provisions of R.S. 40:1730.26 and R.S. 40:1730.28, relative to the authority of the Louisiana State Uniform Construction Code Council (LSUCCC) to promulgate and enforce rules and in accordance with R.S. 49:953(B), the Administrative Procedure Act, the Department of Public Safety and Corrections, Office of the State Fire Marshal, Louisiana State Uniform Construction Code Council (LSUCCC) hereby gives notice that it amends and adopts the following Rule. The adoption and amending of the currently adopted construction codes is to replace them with more recent technology, methods and materials for the 2021 editions of the *International Residential Code*,

International Building Code, *International Existing Building Code*, and *International Plumbing Code*. This Rule will make corrections and add clarity to the previously adopted rule and will become effective April 1, 2024. This Rule is hereby adopted on the day of promulgation.

**Title 17
CONSTRUCTION**

Part I. Uniform Construction Code

Chapter 1. Uniform Construction Code

**§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), amended LR 47:80 (January 2021), LR 48:2577 (October 2022), LR 50:415 (March 2024).

**§103. International Building Code
(Formerly LAC 55:VI.301.A.1)**

A. *International Building Code* (IBC), 2021 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*.

* * *		
Repeal	Section 1207, Enhanced Classroom Acoustics.	
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;
* * *		

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), amended LR 45:1786 (December 2019), LR 48:2578 (October 2022), LR 49:1141 (June 2023), effective August 1, 2023, repromulgated LR 49:1448 (August 2023), LR 50:415 (March 2024).

§105. International Existing Building Code (Formerly LAC 55:VI.301.A.2)

A. *International Existing Building Code (IEBC)*, 2021 Edition, not including Chapter 1, Administration, and the standards referenced in that code for regulation of construction within this state.

* * *		
Repeal	Section 506.6 Enhanced Classroom Acoustics	
Repeal	Section 903.4 Enhanced Classroom Acoustics	
Repeal	Section 1011.4 Enhanced Classroom Acoustics	
Repeal	Section 1101.4 Enhanced Classroom Acoustics	

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), amended LR 48:2582 (October 2022), LR 50:416 (March 2024).

§107. International Residential Code (Formerly LAC 55:VI.301.A.3.a)

A.1. *International Residential Code*, 2021 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. 2021 *International Residential Code*, Appendix AQ, 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.

* * *		
Adopt	Item (1.)	(1.) On lots that are 50 feet or less in width and that contain a one or two family dwelling or townhouse that was in existence prior to October 1, 2005, the following are permitted for rebuilding: (a.) a projection 2 feet from the property line with a 1 hour minimum fire-resistance rating on the underside; (b.) a wall 3 feet or more from the property with a 0 hour minimum fire-resistance rating.
Amend	Section R303.4 Mechanical Ventilation	Where the air infiltration rate of a dwelling unit is less than 3.00 air changes per hour where tested with a blower door at a pressure of 0.2 inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole-house mechanical ventilation in accordance with Section M1505.
Amend	2021 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 <i>International Residential Code</i> 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	Section 602.10 ,Wall Bracing	Where a building, or portion thereof, does not comply with the bracing requirements of this section, those portions shall be designed and constructed in accordance with Section 302.1. In Climate Zone 2A, one and two family dwellings shall be continuously sheathed with a minimum 7/16" wood structural panels (Table R602.10.4 CS-WSP), or it's structural equivalent as per an ICC-ESR and approved by the local building official.
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
* * *		
Amend	Section P2725.1	
Adopt	Exception	
Adopt	Item (1.)	(1). Compost toilets are prohibited.
Amend	P2801.6.1	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	Section P2804.6.1, Requirements for discharge pipe.	(5.) Discharge to the floor, a waste receptor, mop sinks or to the outdoors.
* * *		

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), amended LR 45:1789 (December 2019), amended LR 48:2582 (October 2022), LR 49:1142 (June 2023), effective August 1, 2023, repromulgated LR 49:1448 (August 2023), LR 50:416 (March 2024).

§111. *The International Plumbing Code* (Formerly LAC 55:VI.301.A.5)

A. The *International Plumbing Code*, 2021 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	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, during the rough-in inspection, the system, or portion completed, shall be tested and proved tight under a hydrostatic 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 112

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 403.1.1.	
Amend	Exceptions	
Amend	Item (2.)	Where multiple-user facilities are designed to serve all genders, the minimum fixture count shall be calculated 100 percent, based on total occupant load. In such multiple-user facilities, each fixture type shall be in accordance with ICC A117.1 and each urinal that is provided shall be located in a room, created by walls from floor to ceiling, with a solid door.
Adopt	Item (4)	Child day care occupancies shall not be required to have bathtubs or showers.
Amend	Section 403.2, Separate facilities.	
Amend	Exception	
Amend	Item (6.)	Separate facilities shall not be required where rooms, created by walls from floor to ceiling, with a solid door, having both water closets and lavatory fixtures are designed for use by both sexes and privacy for water closets is provided in accordance with Section 405.3.4. Urinals shall be located in a room, created by walls from floor to ceiling, with a solid door.
Adopt	Item (7.)	Separate facilities shall not be required for existing tenant spaces under 1800 sq. ft. where the occupancy classification is either B or M.
Amend	Section 403.3 Employee and public toilet facilities.	
Amend	Exception	
	Item 2	Structures and tenant spaces intended for quick transactions, including takeout, pickup and drop-off, having a public access area less than or equal to 300 square feet (28 m ²) and shall be prohibited from containing public tables or chairs on the premises.
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 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 Marshal, 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), amended LR 45:1794 (December 2019), LR

46:1611 (November 2020), amended LR 48:2589 (October 2022), LR 50:417 (March 2024).

Chief Daniel H. Wallis
State Fire Marshal

2403#028

RULE

**Department of Revenue
Tax Policy and Planning Division**

**Election of Pass-Through Entities
(LAC 61:I.1001)**

Under the authority of R.S. 47:1511, 287.732.2, 300.6 and 300.7, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division, amends LAC 61:I.1001.

The purpose of the Rule is to implement Act 450 of the 2023 Regular Session of the Louisiana Legislature relative to the pass-through entity election pursuant to R.S. 47:287.732.2.

The Rule is written in plain language in an effort to increase transparency. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

Part I. Taxes Collected and Administered by the Secretary of Revenue

Chapter 10. Income: Pass-Through Entities

§1001. Election of Pass-Through Entities

- A. - B.3.a.ii. ...
- iii. Repealed.
- iv. formation documents of the entity such as the Articles of Incorporation, Partnership Agreement or Operating Agreement which specifically set forth how profits, losses and other tax items are distributed to the owners; and
- v. a list of all unused Louisiana net operating losses, tax credit balances and other tax items earned at the entity level prior to the election.
- vi. Repealed.
- B.4. - C.3. ...
- a. Repealed.
- b. Schedule K-1s as actually issued to the owners of the entity for the taxable year as well as Louisiana Form R-6981, *Statement of Owner's Share of Entity Level Tax Items*, reflecting any income that remains taxable to the entity's owners in Louisiana after the election such as dividends and interest; and
- c. Louisiana Form R-6982, *Schedule of Tax Paid if Paid by Owner*, calculating how much tax would have been due if the entity had passed the income through to its owners and the tax had been paid at the owner level.
4. Modification of Income and Loss
- a. Taxpayers with an ownership interest in an entity making the election shall make a modification, as follows:
- i. Resident individual taxpayers shall make a modification on Schedule E of their Louisiana Form IT-540, *Louisiana Resident Income Tax Return*, in accordance with R.S. 47:297.14. A non-resident or part-year resident shall make the modification on the Nonresident and Part-Year Resident (NPR) Worksheet of the Louisiana Form IT-540B, *Louisiana Nonresident and Part-Year Resident Income Tax Return*.
- ii. Resident and nonresident trusts or estates shall make a modification on Lines 2D and 3D and Schedule A, respectively, of their Louisiana Form IT-541, *Fiduciary Income Tax Return*.
- b. The modification shall be made for all income or loss of the entity that was included by the individual or fiduciary owners in the calculation of federal adjusted gross income or federal taxable income, respectively, but which is being taxed at the entity level for Louisiana income tax purposes after the election is made.
- c. The modification shall not be made for any income or loss that remains taxable for Louisiana individual or fiduciary income tax purposes to the entity's owners, such as interest income and dividend income.

d. For calculation purposes, individual or fiduciary income taxpayers with an ownership interest in an entity making the election shall submit a *pro forma* Federal Form 1040 or 1041, respectively, that excludes any income, deductions or other tax items that were included in the calculation of Louisiana net income on the entity's Louisiana Form CIFT-620.

C.5. - C.6.b. ...

D. Termination of the Election. Entities who make the election pursuant to R.S. 47:287.732.2, may apply to the secretary of the Department of Revenue to terminate the election. Any such termination request requires the written approval of more than one-half of the ownership interest based upon capital account balances on the date the request is submitted. A taxpayer may request a termination of the election by electronic submission of Louisiana Form R-6983, *Termination of the Pass-Through Entity Tax Election*, and satisfying the requirements of either method of termination, as follows:

1. The secretary may terminate the election if the entity shows a material change in circumstances.

a. - b. ...

c. The request to terminate the election shall include a written explanation of the material change which warrants termination.

d. Once the entity has filed a Louisiana income tax return for a taxable year for which the election has been made or a subsequent taxable year, the secretary shall not grant a termination of the election to apply to such taxable year for which a return has already been filed.

2. A taxpayer may terminate the election by filing an application for prospective termination.

a. For purposes of this Paragraph, an application shall be considered timely and complete when all required documentation has been submitted on or before November 1 prior to the close of the taxable year for calendar year filers or sixty days prior to the close of the taxable year for fiscal year filers.

3. An entity applying for termination under either method provided in this Subsection must provide the Department either:

a. A resolution signed by secretary of the corporation or equivalent officer manager verifying that more than one-half the ownership interest in the entity based upon capital account balances approved the election, or

b. Other written proof that more than one-half the ownership interest in the entity based upon capital account balances approved the request for termination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.732.2, 300.6, 300.7 and 1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 46:43 (January 2020), amended by the Department of Revenue, Policy Services Division, LR:48:2991(December 2022); amended by the Department of Revenue, Tax Policy and Planning Division, LR:50:419 (March 2024).

Kevin J. Richard, CPA
Secretary

2403#021

RULE

**Department of Revenue
Tax Policy and Planning Division**

**Electric and Hybrid Vehicles
(LAC 61:I.5501)**

Under the authority of R.S. 47:1511 and 32:461, and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division, adopts LAC 61:I.5501.

Louisiana Revised Statutes 32:461 imposes a road usage fee on all electric and hybrid propelled vehicles operated upon the highways of this state and required to be registered in this state. The Rule provides for proration of the fee and additional guidance regarding by whom the road usage fee is due and notice to be given to owners of electric and hybrid vehicles. The Rule has been promulgated in consultation with the Department of Transportation and Development. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

**Part I. Taxes Collected and Administered by the
Secretary of Revenue**

Chapter 55. Electric and Hybrid Vehicles

§5501. Electric and Hybrid Vehicle Road Usage Fee

A. Definitions. The following definitions supplement those contained in R.S. 32:461(B).

Auto Title Companies—shall have the same meaning as ascribed in R.S. 32:702(4).

Dealer—shall have the same meaning as ascribed in R.S. 32:702(7)(a).

Public License Tag Agents—a participant in a system, to include parish governing authorities, licensed new or used motor vehicle dealers or their agents, auto title companies and other entities authorized pursuant to R.S. 47:532.1, to receive and process applications filed for certificates of title, recordation of liens, mortgages, or security interests against motor vehicles, and other actions relative to the transfer of title of vehicles.

B. Application

1. The annual road usage fee imposed by R.S. 32:461 on electric and hybrid vehicles operated on the highways in Louisiana applies to:

- a. vehicles registered in Louisiana; and
- b. vehicles registered in another state but which are operated on the highways of Louisiana and required to be registered in Louisiana pursuant to R.S. 47:513, including company vehicles by resident employees, owners with dual- or multiple state residences, or other situations of permanent use.

2. An electric vehicle or hybrid vehicle that is a school bus primarily used to transport Louisiana students is exempt from the road usage fee.

C. Reporting Requirements

1. For individuals, the fee shall be reported on the Louisiana individual income tax return or on Form R-19000, Electric and Hybrid Vehicle Road Usage Fee on or before the statutory due date of May 15.

2. For businesses or other entities, the fee shall be reported on Form R-19000 on or before the statutory due date of May 15.

3. If the fee is reported to the department on Form R-19000, then payment must be remitted with submission of the form.

D. Prorated fees.

1. A vehicle registered in Louisiana for less than one year shall be subject to a partial fee to include all months of registration for that year, with any portion of a month being counted as a whole. For example, a vehicle registered on any day in March of a year will pay a prorated fee to include March through December of that year, or 10 months.

2. A vehicle registered in another state and required to be registered in Louisiana pursuant to R.S. 47:513 shall be subject to a partial fee based on the number of months it is operated on the highways of Louisiana.

3. The prorated fee schedule shall be as follows:

Electric Vehicles		Hybrid Vehicles	
Months Registered/ Operated in Louisiana	Fee	Months Registered/ Operated in Louisiana	Fee
1	\$9	1	\$5
2	\$18	2	\$10
3	\$28	3	\$15
4	\$37	4	\$20
5	\$46	5	\$25
6	\$55	6	\$30
7	\$64	7	\$35
8	\$73	8	\$40
9	\$82	9	\$45
10	\$92	10	\$50
11	\$101	11	\$55
12	\$110	12	\$60

E. Notification Required

1. Dealers selling or leasing electric and hybrid vehicles shall provide written notification to the purchaser or lessee at the time of sale, or no later than January 31 following the year of purchase or beginning of the lease, of the purchaser's or lessee's obligation to remit the road usage fee to the Department of Revenue.

2. Auto title companies and other public license tag agents not provided for in Paragraph 1 of this Subsection that process vehicle transactions, including but not limited to sale, donation, transfer, or for the relocation of vehicles from another state, shall provide written notification to the purchasing or transferee owner of the obligation to remit the road usage fee to the Department of Revenue.

3. The notification required in Paragraphs 1 and 2 shall:

a. inform the owner or lessee of the amount of the annual fee, \$110 for electric vehicles and \$60 for hybrid vehicles and the prorated fee schedules;

b. inform the vehicle owner or lessee of the permissible reporting methods outlined in Subsection C; and

c. inform the vehicle owner or lessee of the May 15 due date of the fee.

4. The notification required by this Subsection shall be provided by hand delivery, U.S. Mail, email, text message, or any means that can be verified through records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and R.S. 32:461.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 50:420 (March 2024).

Kevin J. Richard, CPA
Secretary

2403#025

RULE

**Department of Revenue
Tax Policy and Planning Division**

**Open Meetings via Electronic Means
(LAC 61:III.Chapter 2)**

Under the authority of R.S. 42:14(E), 42:17.2 and 47:1511, and in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Department of Revenue, Tax Policy and Planning Division, adopts LAC 61:III.201, 203, 205, and 207 relative to Louisiana's open meetings law.

Act 393 of the 2023 Regular Session amended R.S. 42:17.2 of Louisiana's Open Meetings law to permit certain, eligible public bodies and agencies to conduct its open meetings via electronic means (e.g., videoconference or teleconference). Regardless of its eligibility status, agencies are required by R.S. 42:14(E) to provide electronic or alternate participation in open meetings as an ADA accommodation for people with disabilities. In order to implement such provisions, R.S. 42:14(E) requires agencies to promulgate rules in accordance with the Administrative Procedures Act. The Department of Revenue meets the criteria set forth in R.S. 42:17.2 for eligibility to conduct open public meetings via electronic means. Therefore, the primary purpose of this regulation is to promulgate rules as required by R.S. 42:14(E) and R.S. 42:17.2. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

Part III. Administrative and Miscellaneous Provisions

**Chapter 2. Open Meetings via Electronic Means
Policy**

§201. Postings Prior to Meeting via Electronic Means

A. The Department of Revenue shall provide notice in accordance with R.S. 42:17.2 on the department's website at www.revenue.louisiana.gov.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14(E), R.S. 42:17.2 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Policy and Planning Division, LR 50:421 (March 2024).

**§203. Electronic Meeting Requirements and
Limitations**

A. For any meeting conducted via electronic means, the Department of Revenue shall ensure compliance with all requirements outlined in R.S. 42:17.2(C).

B. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the agency's website at www.revenue.louisiana.gov.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14(E), R.S. 42:17.2 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Policy and Planning Division, LR 50:421 (March 2024).

§205. Disability Accommodations

A. Although an open meeting may be scheduled as in-person, the Department of Revenue is obligated to provide for participation via electronic means on an individualized basis by people with disabilities.

B. People with disabilities are defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a participant member of the agency with an ADA-qualifying disability.

C. The Department of Revenue shall ensure that the written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of the designated agency representative to whom a disability accommodation may be submitted.

D. The requestor with an accommodation will receive a teleconference and/or video conference link for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14(E), R.S. 42:17.2 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Policy and Planning Division, LR 50:421 (March 2024).

Kevin J. Richard, CPA
Secretary

2403#019

RULE

**Department of Treasury
State Bond Commission**

Meetings via Electronic Means (LAC 71:III.2501)

In accordance with R.S. 49:950 et seq., R.S. 42:14, and R.S. 42:17.2, the State Bond Commission has adopted the following Rule, which amends LAC 71:III.2501-2507. This Rule amends previously adopted virtual meeting rules so that the State Bond Commission may conduct meetings via electronic means in accordance with Act 393 of the 2023 Regular Session of the Legislature. The Rule, much like the previous rule, provides for regulations and procedures to allow the public to participate via electronic means in State Bond Commission meetings that are held electronically. The first Section of the Rule provides for agency eligibility. The second Section of the Rule provides for postings prior to conducting a meeting via electronic means. The third Section provides for electronic meeting requirements and limitations. The final Section provides for disability accommodations. This Rule is hereby adopted on the day of promulgation.

Title 71

TREASURY—PUBLIC FUNDS

Part III. Bond Commission—Debt Management

Chapter 25. Open Meetings via Electronic Means

§2501. Agency Eligibility

A. The State Bond Commission meets the criteria pursuant to Act 393 to be eligible to conduct open public meetings via electronic means.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2 (Act 393 of the 2023 Regular Session of the Louisiana Legislature).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, State Bond Commission, LR 50:422 (March 2024).

§2503. Postings Prior to Meeting via Electronic Means

A. At least 24 hours prior to the meeting, the State Bond Commission shall post the following on the Department of Treasury's website:

1. meeting notice and agenda; and
2. detailed information regarding how members of the public may:

- a. participate in the meeting via electronic means, including the applicable videoconference link and/or teleconference phone number; and

- b. submit written comments regarding matters on the agenda prior to the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2 (Act 393 of the 2023 Regular Session of the Louisiana Legislature).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, State Bond Commission, LR 50:422 (March 2024).

§2505. Electronic Meeting Requirements and Limitations

A. The State Bond Commission shall not conduct any more than one-third of its open meetings via electronic means, and will only conduct successive meetings via electronic meetings as needed.

B. To the extent practicable, a schedule of meetings identifying which will be conducted via electronic means and which will be conducted as in-person meetings may be posted on the Department of Treasury's website on an annual basis.

C. All members of the State Bond Commission, whether participating from the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum and may vote.

D. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the Department of Treasury's website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2 (Act 393 of the 2023 Regular Session of the Louisiana Legislature).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, State Bond Commission, LR 50:422 (March 2024).

§2507. Disability Accommodations

A. In the event it has the capability to do so, the State Bond Commission shall provide an opportunity for people with disabilities, or their designated caregiver, to participate in any electronic meeting via electronic means, provided that the person with a disability or their designated caregiver request such accommodation prior to the meeting. If the State Bond Commission determines it does not have the above-referenced capability, it shall provide for a viable alternative method for participation in electronic meetings by people with disabilities.

B. People with disabilities are defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a participant member of the agency with an ADA-qualifying disability.

C. The written public notice for an open meeting, as required by R.S. 42:19, shall include the name, telephone number and email address of the designated agency representative to whom a disability accommodation may be submitted.

D. The requestor shall be provided with an accommodation, or viable alternative method, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2 (Act 393 of the 2023 Regular Session of the Louisiana Legislature).

HISTORICAL NOTE: Promulgated by the Department of the Treasury, State Bond Commission, LR 50:422 (March 2024).

Lela Folse

Secretary

2403#015

RULE

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

**General and WMA Turkey Hunting Regulations
(LAC 76:XIX.113)**

Notice is hereby given that the Wildlife and Fisheries Commission amends the turkey hunting areas for the 2024 hunting season. The department manages the take of resident game, outlaw quadrupeds and migratory birds in Louisiana and this action defines legal turkey hunting areas during 2024 turkey hunting season. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§113. General and WMA Turkey Hunting Regulations

A. - E. ...

F. Turkey Hunting Area Descriptions

1. Area A

a. All of the following parishes are open:

i. Beauregard;

ii. Bienville;

iii. Bossier;

iv. Claiborne;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

v. East Baton Rouge;

vi. East Feliciana;

vii. Grant;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates;

viii. Jackson;

ix. LaSalle;

x. Lincoln;

- xi. Livingston;
- xii. Natchitoches;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

- xiii. Sabine;
- xiv. St. Helena;
- xv. St. Tammany;
- xvi. Tangipahoa;
- xvii. Union;
- xviii. Vernon;

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

- xix. Washington;
- xx. Webster
- xxi. West Feliciana (including Raccourci Island);
- xxii. 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. East Carroll—that portion east of the main channel of the Mississippi River;
- vi. Evangeline—north and west of LA 115, north of LA 106 west of LA 115 to US 167, west of US 167 south to LA 10, north of LA 10 west of US 167 to LA 13, west of LA 13 south of LA 10 to Mamou and north of LA 104 west of Mamou;
- vii. 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 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. Rapides—all west of Red River and north of LA 28 east from Pineville, LA east to LaSalle Parish line;
- xii. Tensas—that portion east of the main channel of the Mississippi River.

Exception: see federal lands hunting schedule for Kisatchie National Forest dates.

2. Area B

a. All of the following parishes are open:

- i. Caddo;
- ii. DeSoto;
- iii. Red River.

3. Area C

a. All of the following parishes are open:

- i. Ascension;
- ii. Concordia;

- iii. Franklin;
- iv. Iberville;
- v. Pointe Coupee;
- vi. 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. Iberia—east of the west Atchafalaya Basin protection levee;
- v. Madison—that portion lying east of US 65 from East Carroll Parish line to US 80 and south of US 80;
- vi. 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 and that portion south of US 80 and east of LA 17;
- vii. 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.

viii. Tensas—that portion west of the main channel of the Mississippi River;

ix. 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: Indian Bayou area, 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 - G.2.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 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), LR 46:988 (July 2020), LR 47:934 (July 2021), LR 48:1897 (July 2022), LR 49:1266 (July 2023), LR 50:422 (March 2024).

Madison D. Sheahan
Secretary

2403#017

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Board of Veterinary Medicine

Continuing Education
(LAC 46:LXXXV.400, 403, 405, 409,
411, 413, 800, 811, 812, 1200, and 1227)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Board (“Board”) of Veterinary Medicine proposes to amend LAC 46:LXXXV.400, 403, 405, 409, 411, 413, 800, 811, 812, 1200, and 1227 regarding continuing veterinary education requirements for Doctor of Veterinary Medicine (DVM), Registered Veterinary Technician (RVT) and Certified Animal Euthanasia Technician (CAET) licensees and certificate holders to better define online participation for continuing education hours in §§400, 800 and 1200. Additional amendments to these sections have been made to provide greater uniformity and clarity to the continuing education language for DVMS, RVTs, and CAETs. This Rule is adopted on the date of promulgation.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXXV. Veterinarians

Chapter 4. Continuing Education

§400. Definitions

Active Status—a veterinarian who has met all of the requirements for annual licensure and is entitled to practice veterinary medicine in the state of Louisiana.

Contact Participation—physical attendance at seminars, lectures, conferences, or workshops.

Continuing Veterinary Education—approved, accredited experience obtained from participation in post graduate veterinary studies, institutes, seminars, lectures, conferences, workshops, and other authorized forms of educational experiences so as to maintain and improve professional competencies for the health, welfare, and safety of the citizens and animals of Louisiana. A continuing veterinary education program accepted by another state’s regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, as well as those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board, shall be accepted as units or hours of continuing education; however, all other programs and/or their participants, including in-house programs, shall be required to obtain pre-approval from the board in accordance with LAC 46:LXXXV.409.A.3 and 4, respectively.

Continuing Veterinary Education Units—units of measure approved by the board for the purpose of accreditation of various continuing education activities. One continuing education unit is equivalent to one hour of activity.

Inactive Status—a veterinarian who wishes to retain a Louisiana license, but who has not met all of the

requirements for active status and, therefore, is not entitled to practice veterinary medicine in the state of Louisiana.

Online Participation—mediums regarded as online participation include:

1. pre-recorded, self-test audio or video presentations with third-party grading;
2. non-interactive audio or video presentations in real-time available via the internet; and
3. interactive or “live” audio or video presentations or webinars in real-time available via the internet.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1427 (November 1993), LR 33:648 (April 2007), repromulgated LR 33:847 (May 2007), amended LR 37:1152 (April 2011), LR 38:1592 (July 2012), LR 50:

§403. Continuing Education Requirements

A. A minimum of 20 actual hours is required each fiscal year (July 1 through June 30) as a prerequisite for annual renewal of a license; however, a maximum of 10 hours shall be earned for each fiscal period (July 1 to June 30) through online participation as defined in LAC 46:LXXXV.400.

B. A continuing veterinary education program accepted by another state’s regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, as well as those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board; however, any other programs and/or their participants, including in-house programs, shall be submitted to the board for pre-approval of the units or hours of continuing education in accordance with LAC 46:LXXXV.409.A.3 and 4, respectively;

C. The 20-hour requirement for annual renewal of a license may be taken in any combination of the following board-approved programs regarding subject matter content: clinical, alternative, regulatory, practice management, and/or research; however, online participation hours are limited to the 10-hour maximum set forth in Subsection A.2 of this Section.

D.1. Proof of attendance for all completed continuing education activity shall be submitted annually for each renewal period and shall include the following:

- a. the DVM’s full name;
- b. the name of the course/program;
- c. the name of the sponsor and/or presenter;
- d. the date(s) of attendance;
- e. the total number of hours completed;
- f. the delivery method; and
- g. the specific subject matter completed.

2. All completed proof of attendance must be submitted to the board by September 30.

E. All hours shall be obtained in the 12 months preceding the renewal period of the license. Hours taken prior to the 12-month continuing education period shall not be accepted. Hours taken after the beginning of the renewal period shall be considered late and shall require payment of a late fee and possible fine as set forth in §411.B. Hours

submitted late, if accepted by the board in accordance with §413.D, cannot be applied to other renewal periods.

F. Employment at an accredited school or college of veterinary medicine will not be accepted in lieu of completion of the required continuing education hours.

G. Presenters of approved continuing education programs may not submit hours for their presentation of, or preparation for, the program as continuing education hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated as §405 by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1427 (November 1993), LR 23:1147 (September 1997), LR 28:1208 (June 2002), LR 33:649 (April 2007), repromulgated LR 33:847 (May 2007), amended LR 36:319 (February 2010), LR 37:1152 (April 2011), amended by the Department of Health, Board of Veterinary Medicine, LR 44:587 (March 2018), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

§405. Exceptions and Exemptions

A. The board may grant an extension of no more than 90 days for extenuating circumstances. The licensee requesting the extension must petition the board at least 30 days prior to the September 30 license expiration date. The board may require whatever documentation it deems necessary to verify the circumstances necessitating the extension. The board may also assess a late fee and/or fine as a result of granting the extension of time pursuant to §411.B.

B. Exemptions from these continuing veterinary education requirements may be made for persons in the following categories:

1. disabled licensees for whom completion of the continuing veterinary education requirements represents undue hardship. A request for a disability exemption must be documented by submitting a physician's statement of total disability without probability of return to practice for the annual renewal period. The documentation must be submitted annually in each renewal period;

2. a licensee who submits an affidavit of retirement for inactive status as provided by the board is entitled to a waiver of continuing veterinary education if he has reached the age of 65 years, or he submits an affidavit of disability and physician's statement of total disability without probability of return to practice for the annual renewal period:

a. once an affidavit is received by the board, a written request for reinstatement of a license may thereafter be submitted to the board within five years of such date of receipt, provided the applicant demonstrates that he has successfully obtained all continuing veterinary education hours for the past years at issue, as well as the current year;

b. a request for reinstatement within five years of the date an affidavit is received by the board may be subject to certain conditions being met as set by the board prior to such reinstatement;

c. once an affidavit is received by the board, a written request for reinstatement of a license may be submitted to the board after the expiration of five years of such date of receipt, however, the applicant shall submit an application for re-licensure, pay all required fees and satisfactorily pass all licensure examinations; and

d. a request for reinstatement shall be made in writing for review and consideration by the board;

3. licensees on active military duty. An affidavit, or other sworn document from the licensee's commanding officer must be submitted annually in each renewal period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1428 (November 1993), LR 23:1147 (September 1997), LR 29:1478 (August 2003), LR 33:649 (April 2007), repromulgated LR 33:848 (May 2007), amended LR 38:1592 (July 2012), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

§409. Approved Continuing Education Programs

A. It shall be the duty of the board to approve all continuing veterinary education programs for which credit shall be given to Louisiana licensed veterinarians as follows.

1. All units or hours from contact participation and online participation programs as defined in LAC 46:LXXXV.400 listed on the pre-approved list of the board shall be accepted, as well as all units or hours from contact participation and online participation and online participation from programs accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, as well as those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board.

2. ...

3. Additions to the list of pre-approved programs may be requested by writing to the board office and submitting all required documentation. All programs not on the pre-approved list must be submitted for pre-approval at least 14 days prior to the date of the program for the units or hours to be credited. Pre-approval may be obtained by writing or calling the board office during regular business hours.

4. An in-house continuing veterinary education program may be approved by the board if such program's subject matter content complies with the board's rules, and the program is open by invitation/advertisement to interested veterinarians in general who are not associated with the in-house practice. The general requirements regarding continuing education, including timely submission for pre-approval of the program by the board, continue to apply.

5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:224 (March 1990), amended LR 19:1428 (November 1993), LR 33:649 (April 2007), repromulgated LR 33:848 (May 2007), amended LR 36:319 (February 2010), LR 37:1152 (April 2011), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

§411. Fees

A. Each license holder must fulfill his annual continuing veterinary education requirements at his own expense. Any registration fee(s) for his annual continuing veterinary education requirements are not included in the annual renewal fee.

B. A late fee of \$25 shall be paid for any late continuing education hours taken after the beginning of the renewal period. A fine of up to \$50 may also be levied for non-compliance with these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), amended LR 19:1428 (November 1993), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

§413. Non-Compliance

A. - B. ...

C. Failure to submit all satisfactory proof of attendance for continuing veterinary education hours by the September 30 deadline pursuant to §403 or §403 or falsifying certification shall be considered a violation of R.S. 37:1526(14) and/or (15).

D. Failure to obtain the required number of hours in the specified time period shall be considered a violation of the rules of professional conduct. An extension of no more than 90 days after the September 30 license expiration date may be granted by petitioning the board in accordance with §405.A.

E. A licensee who fails to obtain the required minimum of 20 approved hours within the prescribed 12-month period will not meet the requirements for renewal of his license. Such a license shall expire on September 30 for any licensee who does not timely and properly comply with the annual continuing veterinary education requirements. Thereafter, a licensee may apply for renewal of his expired license; however, he shall be unable to lawfully practice veterinary medicine with an expired license and may be subject to disciplinary action by the board, until such time as all requirements for renewal have been met and documented to the satisfaction of the board. Any late fees and/or fines assessed by the board shall be paid before the renewal is issued.

F. The promulgation of rule amendments by the board published in the *Louisiana State Register* on January 20, 2011 shall become effective for the period of time (July 1, 2010 - June 30, 2011) for the 2011-2012 annual license renewal and every annual license renewal period thereafter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:225 (March 1990), amended LR 19:1428 (November 1993), LR 33:649 (April 2007), repromulgated LR 33:848 (May 2007), amended LR 36:320 (February 2010), LR 37:1152 (April 2011), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

Chapter 8. Registered Veterinary Technicians

§800. Definitions

Contact Participation—physical attendance at seminars, lectures, conferences, or workshops.

Online Participation—mediums regarded as online participation include:

1. pre-recorded, self-test audio or video presentations with third-party grading;
2. non-interactive audio or video presentations in real-time available via the internet; and
3. interactive or “live” audio or video presentations or webinars in real-time available via the internet.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

§811. Certificate Renewal and Late Charges

A. - C. ...

D. - G. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:227 (March 1990), amended LR 23:1686 (December 1997), LR 26:84 (January 2000), LR 36:320 (February 2010), LR 37:1153 (April 2011), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

§812. Continuing Education

A. Basic Requirements

1. A minimum of 10 actual hours is required each fiscal year (July 1 through June 30) as a prerequisite for annual renewal of certification; however, a maximum of 10 hours shall be earned for each fiscal period (July 1 to June 30) through online participation as defined in LAC 46:LXXXV.800. An RVT who fails to obtain a minimum of 10 continuing education hours within the applicable fiscal period will not meet the requirements for renewal of his certificate.

2.a. Proof of attendance for all completed continuing education activity shall be submitted annually for each renewal period and shall include the following:

- i. the RVT's full name;
- ii. the name of the course/program;
- iii. the name of the sponsor and/or presenter;
- iv. the date(s) of attendance;
- v. the total number of hours completed;
- vi. the delivery method; and
- vii. the specific subject matter completed.

b. All completed proof of attendance must be submitted to the board by September 30.

3. All hours shall be obtained in the 12 months preceding the renewal period of the certificate. Hours taken prior to the 12-month continuing education period shall not be accepted. Hours taken after the beginning of the renewal period shall be considered late. Hours submitted late, if accepted by the board, cannot be applied to other renewal periods.

4. Each RVT must fulfill his annual educational requirements at his own expense or through a sponsoring agency other than the board. Any registration fee(s) for his annual continuing veterinary education requirements are not included in the annual renewal fee.

5. Employment at an accredited school or college will not be accepted in lieu of completion of the required continuing education hours.

6. Presenters of an approved continuing education program may not submit hours for their presentation of, or preparation for, the program as continuing education hours.

B. Approved Continuing Education Programs. It shall be the duty of the board to approve all continuing veterinary education programs for which credit shall be given to Louisiana registered veterinary technicians as follows.

1. Hours may be taken from any programs accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, as well as those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board shall be accepted as units or hours

of annual continuing education. All other continuing education programs must be approved by the board prior to attendance with the subject matter content properly addressing the duties of a registered veterinary technician. Those continuing education programs not timely submitted in accordance with Subsection F below will not be allowed for annual continuing education credit.

2. The list of programs for which pre-approval has been granted will be updated as needed and published by the board on its website, as well as those programs which are accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, and those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board.

3. Additions to the list of pre-approved programs may be requested by writing to the board office and submitting all required documentation. All programs not on the pre-approved list must be submitted for pre-approval at least 14 days prior to the date of the program for the units or hours to be credited. Pre-approval may be obtained by writing or calling the board office during regular business hours.

4. In order to qualify for board approval, all continuing education programs must be open by invitation/advertisement to interested registered veterinary technicians in general.

C. Non-Compliance with Continuing Education Requirements

1. Non-compliance with these rules shall be considered to be a violation of R.S. 37:1526(14).

2. Failure to submit proof of attendance for continuing education hours by the September 30 deadline pursuant to Subsection A.2 or falsifying certification shall be considered a violation of R.S. 37:1526(14) and/or (15).

3. Failure to obtain the required number of hours in the specified time period shall be considered a violation of the rules of professional conduct. An extension of no more than 90 days after the September 30 certificate expiration date may be granted by petitioning the board in accordance with Paragraph 4 below.

4. The board may grant an extension of no more than 90 days for extenuating circumstances. The RVT requesting the extension must petition the board at least 30 days prior to the September 30 certificate expiration date. The board may require whatever documentation it deems necessary to verify the circumstances necessitating the extension.

5. An RVT who fails to obtain the required minimum of ten approved hours within the prescribed 12-month period will not meet the requirements for renewal of his certificate. Such a certificate shall expire on September 30 for any RVT who does not timely and properly comply with the annual continuing education requirements. Thereafter, an RVT may apply for renewal of his expired certificate; however, he shall be unable to lawfully perform the allowed duties of an RVT and may be subject to disciplinary action by the board, until such time as the requirements for renewal have been met and documented to the satisfaction of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1549.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

Chapter 12. Certified Animal Euthanasia Technicians §1200. Definitions

A. All definitions used in this chapter shall have the meaning assigned to them in R.S. 37:1552. In addition, the following definitions shall be applied.

Certified Animal Euthanasia Technician—a person who is instructed in a board approved program in the proper methods of humanely euthanizing animals by injecting legal drugs in accordance with rules adopted by the board, in proper security precautions, in proper record keeping, and related skills, and who has been issued a certificate by the board. Only a certified animal euthanasia technician, registered veterinary technician (RVT), or veterinarian licensed by the board may legally perform pre-euthanasia chemical restraint and/or chemical euthanasia. Pre-euthanasia chemical restraint and/or chemical euthanasia cannot be delegated to another person who is not a certified animal euthanasia technician, registered veterinary technician (RVT), or veterinarian licensed by the board.

Contact Participation—physical attendance at seminars, lectures, conferences, or workshops.

Full Certification—a certificate of approval granted to an applicant who has fulfilled all requirements of this Chapter. Such certificates shall expire annually. The certificate shall entitle the CAET to perform pre-euthanasia chemical restraint and/or chemical euthanasia only at the facility site of the certificate holder's employment, which may include an animal control shelter's mobile vehicle, and only one certificate shall be issued to a certificate holder at any one time.

Lead Certified Animal Euthanasia Technician or Lead CAET—a CAET who also meets the requirements of R.S. 37:1552(4). There shall be only one Lead CAET per animal control shelter or facility.

Online Participation—mediums regarded as online participation include:

- a. pre-recorded, self-test audio or video presentations with third-party grading;
- b. non-interactive audio or video presentations in real-time available via the internet; and
- c. interactive or "live" audio or video presentations or webinars in real-time available via the internet.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1424 (November 1993), amended LR 26:317 (February 2000), LR 38:357 (February 2012), LR 40:309 (February 2014), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

§1227. Continuing Education

A. Basic Requirements

1. A minimum of 6 actual hours is required each fiscal year (July 1 through June 30) as a prerequisite for annual renewal of certification; however, a maximum of 3 hours shall be earned for each fiscal period (July 1 to June 30) through online participation as defined in LAC 46:LXXXV.1200. An CAET who fails to obtain a minimum of 6 continuing education hours within the applicable fiscal period will not meet the requirements for renewal of his certificate.

2.a. Proof of attendance for all completed continuing education activity shall be submitted annually for each renewal period and shall include the following:

- i. the CAET's full name;
- ii. the name of the course/program;
- iii. the name of the sponsor and/or presenter;
- iv. the date(s) of attendance;
- v. the total number of hours completed;
- vi. the delivery method; and
- vii. the specific subject matter completed.

b. All completed proof of attendance must be submitted to the board by September 30.

3. All hours shall be obtained in the 12 months preceding the renewal period of the certificate. Hours taken prior to the 12-month continuing education period shall not be accepted. Hours taken after the beginning of the renewal period shall be considered late. Hours submitted late, if accepted by the board, cannot be applied to other renewal periods.

4. Each CAET must fulfill his annual educational requirements at his own expense or through a sponsoring agency other than the board. Any registration fee(s) for his annual continuing veterinary education requirements are not included in the annual renewal fee.

5. Presenters of an approved continuing education program may not submit hours for their presentation of, or preparation for, the program as continuing education hours.

B. Approved Continuing Education Programs. It shall be the duty of the board to approve all continuing veterinary education programs for which credit shall be given to Louisiana certified animal euthanasia technicians as follows.

1. Hours may be taken from any programs accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, as well as those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board shall be accepted as units or hours of annual continuing education with the subject matter content properly addressing the duties of a certified animal euthanasia technician. All other continuing education programs must be approved by the board prior to attendance with the subject matter content properly addressing the duties of a certified animal euthanasia technician. Those continuing education programs not timely submitted in accordance with Subsection C below will not be allowed for annual continuing education credit.

2. The list of programs for which pre-approval has been granted will be updated as needed and published by the board on its website, as well as those programs which are accepted by another state's regulatory board of veterinary medicine, a governmental entity, and/or AAVSB, and those programs sponsored by AVMA accredited schools of veterinary medicine and/or any professional associations recognized by the board.

3. Additions to the list of pre-approved programs may be requested by writing to the board office and submitting all required documentation. All programs not on the pre-approved list must be submitted for pre-approval at least 14 days prior to the date of the program for the units or hours to be credited. Pre-approval may be obtained by writing or calling the board office during regular business hours.

4. In order to qualify for board approval, all continuing education programs must be open by invitation/advertisement to interested certified animal euthanasia technicians in general.

C. Non-Compliance with Continuing Education Requirements

1. Non-compliance with these rules shall be considered to be a violation of R.S. 37:1526(14).

2. Failure to submit proof of attendance for continuing education hours by the September 30 deadline pursuant to Subsection A or falsifying certification shall be considered a violation of R.S. 37:1526(14) and/or (15).

3. Failure to obtain the required number of hours in the specified time period shall be considered a violation of the rules of professional conduct. An extension of no more than 90 days after the September 30 certificate expiration date may be granted by petitioning the board in accordance with Paragraph 4 below.

4. The board may grant an extension of no more than 90 days for extenuating circumstances. The CAET requesting the extension must petition the board at least 30 days prior to the September 30 certificate expiration date. The board may require whatever documentation it deems necessary to verify the circumstances necessitating the extension.

5. A CAET who fails to obtain the required minimum of 6 approved hours within the prescribed 12-month period will not meet the requirements for renewal of his certificate. Such a certificate shall expire on September 30 for any CAET who does not timely and properly comply with the annual continuing education requirements. Thereafter, a CAET may apply for renewal of his expired certificate; however, he shall be unable to lawfully perform the allowed duties of a CAET and may be subject to disciplinary action by the board, until such time as the requirements for renewal have been met and documented to the satisfaction of the board.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1558.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 26:321 (February 2000), amended LR 36:320 (February 2010), LR 37:1153 (April 2011), amended by the Department of Health, Board of Veterinary Medicine, LR 44:588 (March 2018), amended by the Department of Agriculture and Forestry, Board of Veterinary Medicine, LR 50:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Analysis

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

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 effect on 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 parties may submit written comments to the Louisiana Board of Veterinary Medicine, Attention: Jared Granier, Executive Director, via U.S Mail at 5825 Florida Blvd, Baton Rouge, LA 70806 or via e-mail attachment to director@lsbvm.org or via hand delivery. Comments will be accepted until 3 p.m. on Tuesday, April 9, 2024. All written comments must be dated and must include the first and last name, email address, mailing address, phone number, and the original signature of the person submitting the comments.

Public Hearing

Interested parties may submit a written request to conduct a public hearing to the Louisiana Board of Veterinary Medicine, Attention: Jared Granier, Executive Director, via U.S Mail at 5825 Florida Blvd, Baton Rouge, LA 70806 or via e-mail attachment to director@lsbvm.org or via hand delivery; however, such request must be received by no later than 3 p.m. on Tuesday, April 9, 2024. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, a public hearing will be conducted at 1 p.m. on Wednesday, April 24, 2024 at 5825 Florida Blvd, Baton Rouge, LA 70806. To confirm whether or not a public hearing will be held, interested parties should visit www.lsbvm.org/rulemaking-projects on or after Wednesday, April 10, 2024. If a public hearing is to be held, all interested parties are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in front of the Department of Agriculture and Forestry Building at 5825 Florida Blvd, Baton Rouge, LA 70806.

Jared B. Granier
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Continuing Education

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no costs or savings to state or local governmental units, except for the cost associated with publishing the proposed rule change, which is estimated at \$750 for each rule and included in the annual operating budget of the Board of Veterinary Medicine (Board).

The proposed rule change better defines online participation for continuing education hours and provides greater uniformity and clarity to the continuing education language for Doctors of Veterinary Medicine (DVM), Registered Veterinary Technicians (RVT), and Certified Animal Euthanasia Technicians (CAET).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not affect revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change has no impact on directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition or employment.

Jared B. Granier, MBA
Executive Director
2403#026

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 126—Charter Schools
Governance and Processes
(LAC 28:CXXXIX.515, 2103, 2501, 4001, and 4003)

Editor's Note: This Notice of Intent is being reprinted because of an error upon submission. The original Notice of Intent can be viewed in its entirety on pages 265-267 of the February 20, 2024 *Louisiana Register*.

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28: CXXXIX in Bulletin 126—*Charter Schools*. The aforementioned change modifies the application process to reduce duplicative efforts, requires charter board governance training, reduces from seven to four years the time in which business professional qualifications must be obtained, further outlines autonomy, and includes items regarding display of the national motto and completion of numeracy skills coursework in compliance with state laws.

Title 28
EDUCATION

Part CXXXIX. Bulletin 126—Charter Schools

**Chapter 5. Application and Approval Process for
BESE-Authorized Charter Schools**

**§515. Application Components for BESE-Authorized
Charter Schools**

A. - D.2. ...

3. admission requirements, if any, that are consistent with the school's role, scope, and mission may be established in accordance with that permitted in R.S. 17:3991 and this bulletin;

4. - 7. ...

8. evidence of community engagement throughout the development of the charter application;

9. ...

10. - 12. Repealed

13. evidence that the curriculum meets Louisiana grade progression and ultimately graduation requirements and sets students up to master Louisiana state standards;

14. the school plan for identifying and successfully serving students with disabilities, English language learners, students who are academically behind, and gifted and talented students, as applicable, in order to comply with applicable laws and regulations;

15. school rules, regulations, and disciplinary practices consistent with the requirements of R.S. 17:252 and that provides adequate due process;

16. - 20. Repealed.

21. ...

22. - 25. Repealed.

26. ...

27. explanations of any partnerships or contractual relationships central to the school's operations or mission, particularly education service providers;

28. ...

29. procedures for parents and staff to file complaints and for the charter to respond;

30. Repealed.

31. - 34. ...

35. - 36. Repealed.

37. ...

38. - 40. Repealed.

41. ...

42. - 46. Repealed.

47. - 49. ...

50. - 51. Repealed.

52. ...

53. - 54. Repealed.

E. - H.13 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), 17:3981, and 17:3991.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1362 (July 2008), amended LR 37:869 (March 2011), LR 37:2383 (August 2011), LR 38:38 (January 2012), LR 38:750 (March 2012), repromulgated LR 38:1392 (June 2012), amended LR 38:1583 (July 2012), LR 38:3118 (December 2012), LR 39:1432 (June 2013), LR 43:2477 (December 2017), LR 44:233 (February 2018), LR 44:2130 (December 2018), LR 47:572 (May 2021), amended LR 50:

Chapter 21. Charter School Governance

§2103. Board Member Responsibilities

A. - G. ...

H. Beginning August 1, 2024, each president of a BESE-authorized charter board shall participate in at least one hour of board governance, special education, and financial management training coordinated by LDOE within one year of assuming the role of board president.

I. Beginning June 1, 2025, each new member of the board of directors of a BESE-authorized charter operator shall participate in at least one hour of board governance, special education, and financial management training coordinated by LDOE within one year of appointment to the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1370 (July 2008), amended LR 37:874 (March 2011), amended LR 50:

Chapter 25. Charter School Fiscal Responsibilities

§2501. Qualified and Competent Business Professional

A. - C. ...

D. All qualified and competent business professionals must acquire Certified Louisiana School Business Administrator (CLSBA) certification or Certified Louisiana Charter School Business Administrator (CLCSBA) certification by the Louisiana Association of School Business Officials (LASBO) within four years of the first date of hire as a qualified and competent business professional by any BESE-authorized charter school and maintain certification while employed as a qualified and competent business professional. A Louisiana CPA license may be substituted for the CLSBA certification. The CPA license must remain in active status while employed as a qualified and competent business professional.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3981.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 34:1372 (July 2008), amended LR 38:3120 (December 2012), LR 39:1437 (June 2013), LR 39:3068 (November 2013), LR 44:241 (February 2018), amended LR 50:

Chapter 40. Charter School Autonomy

**§4001. Applicability of State and Local Rules and
Regulations**

A. - A.16. ...

B. Unless otherwise mutually agreed upon by a charter school and authorizer, the charter school shall have complete autonomy over school operation in compliance with all applicable federal, state, and local laws and regulations. Unless otherwise stated in the charter contract, areas of school autonomy shall include but not be limited to the following:

1. school programming, instruction, curriculum, materials, texts, calendars, and schedules;

2. personnel, employment, salaries and benefits, educator certification and evaluation, performance management, participation in retirement planning and collective bargaining;

3. budgeting, purchasing, procurement, contracts, food service, and management of transportation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3996.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018), amended LR 50:

§4003. Applicability of State Laws

A. - A.48. ...

49. display of the national motto in each classroom in each school under its jurisdiction, R.S. 17:262;

50. completion of approved numeracy skills course in accordance with LAC 28:CXV.511, R.S. 17:24.13;

51. dyslexia screening and reporting, R.S. 17:392.11.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10) and R.S. 17:3996.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 44:246 (February 2018), amended LR 48:1269 (May 2022), LR 50:

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? No.

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 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 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on 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 noon, March 11, 2024, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan 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: Governance and Processes

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule change. The change modifies the charter school application process for increased efficiency, requires charter board governance training coordinated by the Louisiana Department of Education (LDOE), modifies the timeline for completion of business professional qualifications, and addresses autonomy and applicability of state laws.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There are no anticipated costs and/or economic benefits to directly affected persons, small businesses, or nongovernmental

groups. The governance training coordinated by LDOE will be offered at no charge to charter board members, although other options for completion of the training may be available for a cost.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no anticipated impacts on competition and employment as a result of the proposed rule change.

Beth Scioneaux
Deputy Superintendent
2402#046

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT
Office of the Governor
Board of Home Inspectors

Meetings, Continuing Education, and Ethics
(LAC 46:XL.107, 121, and 501)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 37:1475(4), notice is hereby given that the Board of Home Inspectors proposes to amend LAC 46:XL.107, 121 and 501. The proposed amendment to §107 is in compliance with newly enacted R.S. 42:14.E and 42:17.2.1 and provides for reasonable accommodation for members of the public and board members with disabilities to participate in meetings. The proposed amendment to §121 increases the maximum number of hours of continuing education to be obtained by home inspectors from four to ten for attending board meetings. The proposed amendment to §501.B.7 extends to one year the period within which home inspectors and companies and firms with which a home inspector is employed would be restricted from performing contracting services on an inspected home.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XL. Home Inspectors

Chapter 1. General Rules

§107. Meetings

A. - D. ...

E. All members of the public with a disability recognized by the Americans with Disabilities Act or their caretaker shall be allowed to participate in any meeting via electronic means, by video conference, teleconference or other reasonable means. At least 15 days prior to the scheduled meeting, the member of the public with such disability must make a request by email or telephone to the chief operating officer of the board and identify the reasonable means in which he or she wishes to participate in the meeting. This Subsection E does not apply to properly called executive session meetings.

F. All board members with a disability recognized by the Americans with Disabilities Act or their caretaker shall be allowed to participate in any meeting and vote via electronic means, by video conference, teleconference or other reasonably accommodated means. Participation by such board member shall count towards the making of a quorum.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1474-1475 and R.S. 42:7 and R.S. 42:14(E) and 42:17.2.1.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2739 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 41:919 (May 2015), LR 50:

§121. Continuing Education; Instructors

A.1. - B.5. ...

6. The licensee may receive up to ten hours of continuing education credit per licensing period for attending a quarterly or special board meeting or for serving on a committee appointed by the board and up to three hours of credit per appointment and six hours per licensing period for acting as a special investigating entity as described in §707.

B.7. - F.9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1477 and R.S. 37:1479-1480.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2742 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 36:2860 (December 2010), LR 37:2405 (August 2011), LR 38:2531 (October 2012), LR 40:1003 (May 2014), LR 43:314 (February 2017), LR 43:1911 (October 2017), LR 48:2288 (September 2022), LR 50:

Chapter 5. Code of Ethics

§501. Code of Ethics

A. - B.6. ...

7. The LHI or any company or firm with which the home inspector is an employee, owner, or independent contractor, shall not solicit to repair, replace, or upgrade, or repair, replace or upgrade for compensation, any system or component of the home which the inspector noted in the inspection report as deficient, in need of repair or replacement, or unsafe for a period of one year following the date of the home inspection.

8 - 14. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.37:1475 and 37:1478.B.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Board of Home Inspectors, LR 26:2749 (December 2000), amended by the Office of the Governor, Board of Home Inspectors, LR 30:1693 (August 2004), LR 36:2863 (December 2010), LR 37:2406 (August 2011), LR 41:924 (May 2015), repromulgated LR 41:2339 (November 2015), amended LR 43:315 (February 2017), LR 43:1913 (October 2017), LR 50:

Family Impact Statement

The Rule has no known impact on family formation, family stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

The Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

The Rule has no known impact on small businesses as described in R.S. 49:965.6.

Provider Impact Statement

The Rule has no known impact on providers as described in HCR 170 of 2014.

Public Comments

Interested persons may submit written comments to Morgan Spinosa, Chief Operating Officer, Louisiana State Board of Home Inspectors, 5211 Essen Lane, Suite 9, Baton Rouge, LA 70809. Morgan Spinosa is responsible for responding to inquiries regarding this proposed Rule. The

deadline for submitting written comments is at 4:30 p.m. on April 10, 2024.

Morgan Spinosa
Chief Operating Officer

see an increase in participation by licensed home inspectors. The magnitude of the impact is indeterminable at this time.

Albert J. Nicaud
Board Attorney
2403#032

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Meetings, Continuing
Education and Ethics**

NOTICE OF INTENT

**Office of the Governor
Division of Administration
Office of Group Benefits**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

**Schedule of Benefits and Prescription Drug Benefits
(LAC 32:III.107, 109; V.205, 207,
305, 307, 405, 505, and 507)**

The proposed rule change is not anticipated to result in any cost or savings to the state or local government unit, other than the cost of promulgation in FY 24, including \$1,500 in attorney fees associated with crafting and publishing the rule in the state register.

The proposed rule change does the following:

1. clarifies the types of continuing education available to licensees;
2. adds the requirement that a licensed home inspector reports on the presence of carbon monoxide alarms;
3. extends the requirement that a licensed home inspector wait until one year after a home inspection (instead of after the real estate closing on the home) to perform any work on any area of the home which the home inspector listed as defective, unsafe or deficient in his report. This change is pursuant to Act 338 of the 2023 Regular Legislative Session.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to have any effect on revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change may have an economic impact on directly affected persons:

1. there may be a minimal cost of inspecting to determine whether the home contains a carbon monoxide detector;
2. to the extent live-streaming video decrease the costs of attending an in-person continuing education cost, licensed home inspectors may experience a minimal decrease in costs to meet the continuing education requirements;
3. continuing education providers may realize a decrease in costs and a potential increase in participants to the extent home inspectors choose to use this method;
4. home inspectors who are also licensed contractors may also realize a loss of revenue since they will no longer be able to perform work on the portions of residential structures that they reported as defective or deficient.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change may increase competition and employment by extending the requirement that a licensed home inspector wait until one year after a home inspection (instead of after the real estate closing on the home) to perform any work on any area of the home which the home inspector listed as defective, unsafe, or deficient in the report. Any immediate repairs will have to be performed by a different contractor, company, or firm. The magnitude of the impact is indeterminable at this time.

The proposed rule change may have an impact on competition and employment of continuing education providers. If a provider decides to not adopt the new methods of delivery of online education, they may see a decrease in participation by licensed home inspectors. Alternatively, if the provider decides to provide a live-streaming option, they may

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., as authorized pursuant to R.S. 42:801 and 42:802, the Office of the Governor, Division of Administration, Office of Group Benefits, proposes to amend Chapter 1 of LAC 32:III, Primary Plan of Benefits, and Chapters 2, 3, 4, and 5 of LAC 32:V, Additional Plans and Operations. The Rule is revised to amend the Schedule of Benefits and Prescription Drug Benefits schedule. The Schedule of Benefits for the Magnolia Local Plus, Magnolia Open Access, Magnolia Local, Pelican HSA775, and Pelican HRA1000 plans are amended to correct language used to describe physician office visits, flu shots and H1N1 vaccines, and ambulance services; the Prescription Drug Benefits schedules for the Magnolia Local Plus, Magnolia Open Access, Magnolia Local, and Pelican HRA1000 plans are amended to correct language used to describe the prescription drug benefits.

Title 32

EMPLOYEE BENEFITS

Part III. Primary Plan of Benefits

Chapter 1. Operation of Primary Plan

§107. Schedule of Benefits

A. Benefits, Copayments, and Coinsurance

	Copayments and Coinsurance	
	Network Providers	Non-Network Providers
Physician Office Visits <ul style="list-style-type: none"> • General Practice • Family Practice • Internal Medicine • OB/GYN • Pediatrics 	\$25 Copayment per Visit	No Coverage
* * *		
Emergency Ground Ambulance Services; In-State	\$50 Copayment	\$50 Copayment
Emergency Ground Ambulance Services; Out-of-State	\$50 Copayment	\$50 Copayment
Non-Emergency Ground Ambulance Services	\$50 Copayment	No Coverage
* * *		
Flu shots and H1N1 vaccines (administered at Network Providers, Non-Network Providers, Pharmacy, Job Site or Health Fair)	100% - 0%	100% - 0%

	Copayments and Coinsurance	
	Network Providers	Non-Network Providers

¹ Subject to Plan Year Deductible, if applicable ² Pre-Authorization Required, if applicable. Not applicable for Medicare primary. ³ Age and/or Time Restrictions Apply ⁴ No Benefits will be payable unless Prior Authorization is obtained, including Plan Participants with Medicare as the Primary Plan.		

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:350 (February 2015), effective March 1, 2015, amended LR 43:2153 (November 2017), effective January 1, 2018, LR 49:1377 (August 2023), LR 50:

§109. Prescription Drug Benefits

A. Prescription Drug Benefits

Plan pays balance of eligible expenses

Member who chooses a brand-name drug for which an approved generic version is available, pays the cost difference between the brand-name drug and the generic drug, plus the co-pay for the brand-name drug; the cost difference does not apply to the \$1,500 out of pocket amount.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:352 (February 2015), effective March 1, 2015, amended LR 43:2154 (November 2017), effective January 1, 2018, LR 50:

Part V. Additional Plans and Operations

Chapter 2. PPO Plan Structure—Magnolia Open Access Plan

§205. Schedule of Benefits

A. Benefits and Coinsurance

	Coinsurance		
	Active Employees/ Non-Medicare Retirees (regardless of retire date)		Retirees with Medicare (regardless of retire date)
	Network Providers	Non- Network Providers	Network and Non-Network Providers

Emergency Ground Ambulance Services; In-State	90% - 10% ¹	90% - 10% ¹	80% - 20% ¹
Emergency Ground Ambulance Services; Out-of-State	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹
Non-Emergency Ground Ambulance Services	90% - 10% ¹	70% - 30% ¹	80% - 20% ¹

	Coinsurance		
	Active Employees/ Non-Medicare Retirees (regardless of retire date)		Retirees with Medicare (regardless of retire date)
	Network Providers	Non- Network Providers	Network and Non-Network Providers

¹ Subject to Plan Year Deductible, if applicable ² Pre-Authorization Required, if applicable. Not applicable for Medicare primary. ³ Age and/or Time Restrictions Apply ⁴ No Benefits will be payable unless Prior Authorization is obtained, including Plan Participants with Medicare as the Primary Plan.			

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:356 (February 2015), effective March 1, 2015, amended LR 43:2155 (November 2017), effective January 1, 2018, LR 48:2769 (November 2022), LR 49:1378 (August 2023), LR 50:

§207. Prescription Drug Benefits

A. Prescription Drug Benefits

Plan pays balance of eligible expenses

Member who chooses a brand-name drug for which an approved generic version is available, pays the cost difference between the brand-name drug and the generic drug, plus the co-pay for the brand-name drug; the cost difference does not apply to the \$1,500 out of pocket amount.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:358 (February 2015), effective March 1, 2015, amended LR 43:2157 (November 2017), effective January 1, 2018, LR 50:

Chapter 3. Narrow Network HMO Plan Structure—Magnolia Local Plan (in certain geographical areas)

§305. Schedule of Benefits

A. Benefits, Copayments, and Coinsurance

	Copayments and Coinsurance	
	Network Providers	Non-Network Providers
Physician Office <ul style="list-style-type: none"> General Practice Family Practice Internal Medicine OB/GYN Pediatrics 	\$25 Copayment per Visit	No Coverage

Emergency Ground Ambulance Services; In-State	\$50 Copayment	\$50 Copayment
Emergency Ground Ambulance Services; Out-of-State	\$50 Copayment	\$50 Copayment
Non-Emergency Ground Ambulance Services	\$50 Copayment	No Coverage

	Coinsurance	
	Network Providers	Non-Network Providers

Flu shots and H1N1 vaccines (administered at Network Providers, Non-Network Providers, Pharmacy, Job Site or Health Fair)	100% - 0%	100% - 0%

¹ Subject to Plan Year Deductible, if applicable ² Pre-Authorization Required, if applicable. Not applicable for Medicare primary. ³ Age and/or Time Restrictions Apply ⁴ No Benefits will be payable unless Prior Authorization is obtained, including Plan Participants with Medicare as the Primary Plan.		

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:359 (February 2015), effective March 1, 2015, amended LR 43:2157 (November 2017), effective January 1, 2018, LR 48:2770 (November 2022), LR 49:1379 (August 2023), LR 50:

§307. Prescription Drug Benefits

A. Prescription Drug Benefits

Plan pays balance of eligible expenses

Member who chooses a brand-name drug for which an approved generic version is available, pays the cost difference between the brand-name drug & the generic drug, plus the co-pay for the brand-name drug; the cost difference does not apply to the \$1,500 out of pocket amount.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:360 (February 2015), effective March 1, 2015, amended LR 43:2158 (November 2017), effective January 1, 2018, LR 50:

Chapter 4. PPO/Consumer-Driven Health Plan Structure—Pelican HSA 775 Plan

§405. Schedule of Benefits

A. Benefits and Coinsurance

	Coinsurance	
	Network Providers	Non-Network Providers

Emergency Ground Ambulance Services; In-State	80% - 20% ¹	80% - 20% ¹
Emergency Ground Ambulance Services; Out-of-State	80% - 20% ¹	80% - 20% ¹
Non-Emergency Ground Ambulance Services	80% - 20% ¹	80% - 20% ¹

¹ Subject to Plan Year Deductible, if applicable ² Pre-Authorization Required, if applicable. Not applicable for Medicare primary. ³ Age and/or Time Restrictions Apply		

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Office of the Governor, Division of Administration, Office of Group

Benefits, LR 41:361 (February 2015), effective March 1, 2015, amended LR 43:2159 (November 2017), effective January 1, 2018, LR 50:

Chapter 5. PPO/Consumer-Driven Health Plan Structure—Pelican HRA 1000 Plan

§505. Schedule of Benefits

A. Benefits and Coinsurance

	Coinsurance	
	Network Providers	Non-Network Providers

Emergency Ground Ambulance Services; In-State	80% - 20% ¹	80% - 20% ¹
Emergency Ground Ambulance Services; Out-of-State	80% - 20% ¹	80% - 20% ¹
Non-Emergency Ground Ambulance Services	80% - 20% ¹	80% - 20% ¹

¹ Subject to Plan Year Deductible, if applicable ² Pre-Authorization Required, if applicable. Not applicable for Medicare primary. ³ Age and/or Time Restrictions Apply ⁴ No Benefits will be payable unless Prior Authorization is obtained, including Plan Participants with Medicare as the Primary Plan.		

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:364 (February 2015), effective March 1, 2015, amended LR 43:2160 (November 2017), effective January 1, 2018, LR 49:1381 (August 2023), LR 50:

§507. Prescription Drug Benefits

A. Prescription Drug Benefits

Plan pays balance of eligible expenses

Member who chooses a brand-name drug for which an approved generic version is available, pays the cost difference between the brand-name drug & the generic drug, plus the co-pay for the brand-name drug; the cost difference does not apply to the \$1,500 out of pocket amount.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C) and 802(B)(1).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 41:365 (February 2015), effective March 1, 2015, amended LR 43:2161 (November 2017), effective January 1, 2018, LR 50:

Family Impact Statement

The proposed revision of this Rule is not anticipated to have an impact on family formation, functioning, stability, or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed revision of this Rule is not anticipated to have an impact on poverty, as described in R.S. 49:973.

Small Business Analysis

The proposed revision of this Rule is not anticipated to have an adverse effect or economic impact on small businesses in accordance with the Regulatory Flexibility Act.

Provider Impact Statement

The proposed revision of this 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

Interested persons may submit written comments about the proposed Rules to the Office of Group Benefits, Attn.: Bill Guerra, P.O. Box 44036, Baton Rouge, LA 70804. The deadline for receipt of written comments is Wednesday, April 10, 2024 by 4:30 PM.

Heath Williams
Chief Executive Officer

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Schedule of Benefits and Prescription Drug Benefits**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed amendments to LAC 32:III.107 – *Schedule of Benefits*, LAC 32:III.109 – *Prescription Drug Benefits*, LAC 32:V.205 – *Schedule of Benefits*, LAC 32:V.207 – *Prescription Drug Benefits*, LAC 32:V.305 – *Schedule of Benefits*, LAC 32:V.307 – *Prescription Drug Benefits*, LAC 32:V.405 – *Schedule of Benefits*, LAC 32:V.505 – *Schedule of Benefits*, and LAC 32:V.507 – *Prescription Drug Benefits* will not have an impact on the expenditures of the Office of Group Benefits ("OGB") or local governments.

The proposed amendments to the medical benefits schedules for the Magnolia Local Plus, Magnolia Open Access, Magnolia Local, Pelican HSA775, and Pelican HRA1000 plans correct language used to describe benefits for physician office visits and certain vaccinations, and adds information on ground ambulance services in emergency and non-emergency situations. The proposed amendments update cost sharing proportions on non-network ground ambulance transportation under the Magnolia Open Access plan, as well as certain vaccines administered out-of-network, to reflect current practices.

The proposed amendments to the prescription drug benefits schedules for the Magnolia Local Plus, Magnolia Open Access, Magnolia Local, and Pelican HRA1000 plans correct language used to describe out-of-pocket costs for prescription drug benefits.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed amendments to LAC 32:III.107 – *Schedule of Benefits*, LAC 32:III.109 – *Prescription Drug Benefits*, LAC 32:V.205 – *Schedule of Benefits*, LAC 32:V.207 – *Prescription Drug Benefits*, LAC 32:V.305 – *Schedule of Benefits*, LAC 32:V.307 – *Prescription Drug Benefits*, LAC 32:V.405 – *Schedule of Benefits*, LAC 32:V.505 – *Schedule of Benefits*, and LAC 32:V.507 – *Prescription Drug Benefits* will not have an impact on the revenues of OGB or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

There will be no additional costs or economic benefits to the existing or future OGB health plan members of OGB or agencies participating in OGB programs as a result of the proposed amendments to LAC 32:III.107 – *Schedule of Benefits*, LAC 32:III.109 – *Prescription Drug Benefits*, LAC

32:V.205 – *Schedule of Benefits*, LAC 32:V.207 – *Prescription Drug Benefits*, LAC 32:V.305 – *Schedule of Benefits*, LAC 32:V.307 – *Prescription Drug Benefits*, LAC 32:V.405 – *Schedule of Benefits*, LAC 32:V.505 – *Schedule of Benefits*, and LAC 32:V.507 – *Prescription Drug Benefits*.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed amendments to LAC 32:III.107 – *Schedule of Benefits*, LAC 32:III.109 – *Prescription Drug Benefits*, LAC 32:V.205 – *Schedule of Benefits*, LAC 32:V.207 – *Prescription Drug Benefits*, LAC 32:V.305 – *Schedule of Benefits*, LAC 32:V.307 – *Prescription Drug Benefits*, LAC 32:V.405 – *Schedule of Benefits*, LAC 32:V.505 – *Schedule of Benefits*, and LAC 32:V.507 – *Prescription Drug Benefits* will not have an effect on competition and employment.

Heath Williams
Chief Executive Officer
2403#008

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Officer

NOTICE OF INTENT

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

Home and Community-Based Services Waivers
Community Choices Waiver
(LAC 50:XXI.Chapters 81, 83, 85, 86, 87, 89, 93 and 95)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to amend LAC 50:XXI.Chapters 81, 83, 85, 86, 87, 89, 93, and 95 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.

Throughout the duration of the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE), the Department of Health allowed additional individuals to function as personal assistance services (PAS) workers and to be principal caregivers under the monitored in-home caregiving (MIHC) service for participants in the Community Choices Waiver (CCW). The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) subsequently approved the department's request to amend the CCW to adopt this policy permanently after the COVID-19 PHE ended.

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to amend the provisions governing the CCW to update the individuals approved to be PAS workers and MIHC principal caregivers, permit MIHC participants to receive adult day health care services; however, ADHC and MIHC cannot be received on the same day in order to avoid duplication of services. Financial management services is also being added as a new service when participants choose the self-direction option in order to align the administrative rule with the CMS-approved waiver amendment.

Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community Based Services
Waivers

Subpart 7. Community Choices Waiver

Chapter 81. General Provisions

§8101. Introduction

A. The target population for the Community Choices Waiver (CCW) includes individuals who:

A.1. - D....

1. The appropriate form authorized by the Office of Aging and Adult Services (OAAS) shall be used to designate a responsible representative.

a. ...

b. The written designation is valid until it is revoked by the individual granting the designation. To revoke the written designation, the revocation must be submitted in writing to OAAS or its designee.

2. - 2.b....

3. No individual, unless granted an exception by OAAS, may concurrently serve as a responsible representative for more than two participants in OAAS-operated Medicaid home and community-based service programs. This includes but is not limited to:

a. the Program of All-Inclusive Care for the Elderly (PACE);

b. long term-personal care services (LT-PCS);

c. ...

d. the Adult Day Health Care (ADHC) Waiver.

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 and the Office of Aging and Adult Services, LR 37:3517 (December 2011), amended LR 40:791 (April 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1896 (October 2018), repromulgated LR 44:2005 (November 2018), amended LR 50:

§8103. Request for Services Registry

A. ...

B. Individuals who desire their name to be placed on the community choices waiver registry shall be screened to determine whether they meet:

1. nursing facility level of care; and

B.2. - C. ...

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 and the Office of Aging and Adult Services, LR 37:3517 (December 2011), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1896 (October 2018), LR 50:

§8105. Programmatic Allocation of Waiver Opportunities

A. ...

B. Community Choices Waiver opportunities shall be offered to individuals on the registry according to priority groups. The following groups shall have priority for Community Choices Waiver opportunities, in the order listed:

1. individuals with substantiated cases of abuse or neglect referred by protective services who, without

Community Choices Waiver services, would require institutional placement to prevent further abuse or neglect;

2. - 4. ...

5. individuals who are not presently receiving home and community-based services (HCBS) under another Medicaid program, including, but not limited to:

a. ...

b. long term—personal care services (LT-PCS); and/or

c. ...

6. all other eligible individuals on the CCW registry, by date of first request for services.

C. If an applicant is determined to be ineligible for any reason, the next individual on the CCW registry is notified as stated above and the process shall continue until an individual is determined eligible. A Community Choices Waiver opportunity is assigned to an individual when eligibility is established and the individual is certified.

D. Notwithstanding the priority group provisions, 75 Community Choices Waiver opportunities are reserved for qualifying individuals who have been diagnosed with amyotrophic lateral sclerosis (ALS). Qualifying individuals who have been diagnosed with ALS shall be offered an opportunity on a first-come, first-serve basis.

E. Notwithstanding the priority group provisions, up to 300 Community Choices Waiver opportunities may be granted to qualified individuals who require emergency expedited waiver services. These individuals shall be offered an opportunity on a first-come, first-serve basis.

1. To be considered for an emergency expedited waiver opportunity, the individual must, at the time of the request for the expedited opportunity, be approved for the maximum amount of services allowable under the LT-PCS and require institutional placement, unless offered an expedited waiver opportunity.

2. The following criteria shall be considered in determining whether to grant an emergency expedited waiver opportunity:

a. - e. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3517 (December 2011), amended LR 39:319 (February 2013), LR 39:1778 (July 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1896 (October 2018), LR 45:756 (June 2019), LR 50:

Chapter 83. Covered Services

§8302. Long Term-Personal Care Services

A. Community Choices Waiver participants cannot also receive long term-personal care 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, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:320 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1897 (October 2018), LR 50:

§8305. Environmental Accessibility Adaptations

A. - A.4....

a. If final inspection, conducted either by OAAS staff or the assessor, reveals that the adaptation(s) is

substandard, the costs of correcting the work will be the responsibility of the party in error.

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 and the Office of Aging and Adult Services, LR 37:3519 (December 2011), amended LR 39:320 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1897 (October 2018), LR 50:

§8307. Personal Assistance Services

A. Personal assistance services (PAS) provide assistance and/or supervision necessary for the participant with functional impairments to remain safely in the community. PAS include the following services and supports based on the approved POC:

1. - 3. ...

4. supervision or assistance with health related tasks (any health related procedures governed under the Nurse Practice Act) where the direct service worker has received proper training pursuant to R.S. 37:1031-1034;

A.5. - H....

I. The following individuals are allowed to provide PAS to a participant:

1. the participant's spouse;

a. when it is determined that the spouse may be the worker due to the participant needing extraordinary care.

2. - 4. ...

5. the person to whom the participant has given representative and mandate authority (also known as power of attorney).

6. Repealed.

J. The participant's responsible representative is prohibited from being a PAS worker for a participant.

1. Repealed.

K. Participants are not permitted to receive PAS while living in a home or property owned, operated, or controlled by an owner, operator, agent, or employee of a licensed provider of long term care services and providers are prohibited from providing and billing for services under these circumstances. Participants may not live in the home of their direct support worker unless the direct support worker is related to, and it is the choice of, the participant.

1. The provisions of §8307.K may be waived with prior written approval by OAAS or its designee.

L. It is permissible for the PAS allotment to be used flexibly within a prior authorized week in accordance with the participant's preferences and personal schedule, and with proper documentation.

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 and the Office of Aging and Adult Services, LR 37:3519 (December 2011), amended LR 39:320 (February 2013), LR 39:1778 (July 2013), LR 40:791 (April 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1898 (October 2018), LR 47:885 (July 2021), LR 49:486 (March 2023), LR 50:

§8309. Transition Services

A. - C. ...

D. These services do not include monthly rental payments, mortgage expenses, food, recurring monthly utility charges, and household appliances and/or items

intended for purely diversional/recreational purposes. These services may not be used to pay for furnishing or to set-up living arrangements that are owned or leased by a waiver provider.

E. - F. ...

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 and the Office of Aging and Adult Services, LR 37:3520 (December 2011), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1898 (October 2018), LR 50:

§8313. Caregiver Temporary Support Services

A. - E. ...

F. When caregiver temporary support services are provided by an ADHC center, services may be provided no more than 10 hours per day.

G. Caregiver temporary support services may be utilized no more than 30 calendar days or 29 overnight stays per plan of care year for no more than 14 consecutive calendar days or 13 consecutive overnight stays. The service limit may be increased based on documented need and prior approval by OAAS.

H. Caregiver temporary support services may not be delivered at the same time as adult day health care or personal assistance services.

I. Caregiver temporary support services may be provided for the relief of the principal caregiver for participants who receive monitored in-home caregiving (MIHC) 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, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3521 (December 2011), amended LR 39:321 (February 2013), LR 40:792 (April 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1898 (October 2018), LR 50:

§8323. Skilled Maintenance Therapy

A. - F.2.h. ...

3. speech language therapy (SLT) services which preserve abilities for independent function in communication, facilitate oral motor and swallowing function, facilitate use of assistive technology, and/or prevent progressive disabilities including:

a. - h. ...

i. consulting or collaborating with other service providers or family members, as specified in the POC.

G. - H. ...

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 and the Office of Aging and Adult Services, LR 37:3522 (December 2011), amended LR 39:321 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1899 (October 2018), LR 47:885 (July 2021), LR 50:

§8329. Monitored In-Home Caregiving Services

A. ...

B. The principal caregiver is responsible for supporting the participant to maximize the highest level of

independence possible by providing necessary care and supports that may include:

1. - 4. ...

5. supervision or assistance while escorting/accompanying the participant outside of the home to perform services indicated in the plan of care and to provide the same level of supervision or assistance as would be rendered in the home; and

6. ...

C. The following individuals are allowed to be the MIHC principal caregiver:

1. the participant's spouse;
2. the participant's curator;
3. the participant's tutor;
4. the participant's legal guardian; or

5. the person to whom the participant has given representative and mandate authority (also known as power of attorney).

D. The participant's responsible representative is prohibited from being a MIHC principal caregiver for a participant.

1. - 3. Repealed.

E. Participants electing monitored in-home caregiving services shall not receive the following Community Choices Waiver services during the period of time that the participant is receiving monitored in-home caregiving services:

1. personal assistance services; or
2. home delivered meal services.

F. Monitored in-home caregiving providers must be licensed HCBS providers with a monitored in-home caregiving module who employ professional staff, including a registered nurse and a care manager, to support principal caregivers to perform the direct care activities performed in the home. The provider must assess and approve the home in which services will be provided, and shall enter into contractual agreements with caregivers who the agency has approved and trained. The provider will pay per diem stipends to caregivers.

G. The MIHC provider must use secure, web-based information collection from principal caregivers for the purposes of monitoring participant health and caregiver performance. All protected health information (PHI) must be transferred, stored, and otherwise utilized in compliance with applicable federal and state privacy laws. Providers must sign, maintain on file, and comply with the LDH HIPAA business associate addendum.

H. The department shall reimburse for monitored in-home caregiving services based upon a tiered model which is designed to address the participant's acuity.

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 and the Office of Aging and Adult Services, LR 40:792 (April 2014), amended LR 41:2642 (December 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1900 (October 2018), LR 50

§8335. Financial Management Services

A. Financial management services (FMS) assist the participant to live independently in the community while controlling their services by choosing the staff who work with them.

B. FMS are provided to participants who have chosen and are capable of self-directing their Community Choices Waiver services.

C. FMS are provided by a Medicaid enrolled fiscal employer agent (F/EA) and the F/EA's responsibilities and standards for participation are identified in LAC 50:XXI.Chapter 11, Subchapters A-C.

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 and the Office of Aging and Adult Services, LR 50:

Chapter 85. Self-Direction Initiative

§8501. Self-Direction Service Option

A. - C.1....

2. Involuntary Termination. The department may terminate the self-direction service option for a participant and require him/her to receive provider-managed services under the following circumstances:

a. - c. ...

d. the participant or responsible representative:

i. - iii. ...

iv. fails to cooperate with the department, fiscal agent or support coordinator;

C.2.d.v. - D.3. ...

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 and the Office of Aging and Adult Services, LR 37:3523 (December 2011), amended LR 39:321 (February 2013), LR 39:1779 (July 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1900 (October 2018), LR: 49:1726 (October 2023), LR 50:

Chapter 86. Organized Health Care Delivery System

§8601. General Provisions

A. - C. ...

D. Prior to enrollment, an OHCDs must show the ability to provide all of the following Community Choices Waiver services:

1. - 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, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 40:792 (April 2014), amended LR 41:2643 (December 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1901 (October 2018), LR 50:

Chapter 87. Plan of Care

§8701. Plan of Care

A. The applicant and support coordinator have the flexibility to construct a plan of care that serves the participant's health and welfare needs. The service package provided under the POC shall include services covered under the Community Choices Waiver in addition to services covered under the Medicaid state plan (not to exceed the established service limits for either waiver or state plan services) as well as other services, regardless of the funding source for these services. All services approved pursuant to the POC shall be medically necessary and provided in a cost-effective manner. The POC shall be developed using a

person-centered process coordinated by the support coordinator.

B. - C.3. ...

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 and the Office of Aging and Adult Services, LR 37:3524 (December 2011), amended LR 39:321 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1901 (October 2018), LR 50:

Chapter 89. Admission and Discharge Criteria

§8901. Admission Criteria

A. Admission to the Community Choices Waiver program shall be determined in accordance with the following criteria:

1. - 3. ...

4. justification, as documented in the approved POC, that the Community Choices Waiver services are appropriate, cost effective and represent the least restrictive environment for the individual; and

5. reasonable assurance that the health and welfare of the participant can be maintained in the community with the provision of Community Choices Waiver services.

B. ...

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 and the Office of Aging and Adult Services, LR 37:3524 (December 2011), amended LR 39:322 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1901 (October 2018), LR 50:

§8903. Admission Denial or Discharge Criteria

A. Admission shall be denied or the participant shall be discharged from the Community Choices Waiver program if any of the following conditions are determined.

1. - 4. ...

5. Continuity of services is interrupted as a result of the participant not receiving and/or refusing Community Choices Waiver services (exclusive of support coordination services) for a period of 30 consecutive days.

EXCEPTION: An exception may be granted by OAAS to delay discharge if interruption is due to an acute care hospital, rehabilitation hospital, or nursing facility admission.

6. The health and welfare of the individual cannot be reasonably assured through the provision of Community Choices Waiver services.

7. - 9. ...

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 and the Office of Aging and Adult Services, LR 37:3524 (December 2011), amended LR 39:322 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1901 (October 2018), LR 50:

Chapter 93. Provider Responsibilities

§9301. General Provisions

A. ...

B. The provider shall not request payment unless the participant for whom payment is requested is receiving services in accordance with the Community Choices Waiver program provisions and the services have been prior authorized and actually provided.

C. Any provider of services under the Community Choices Waiver shall not refuse to serve any individual who chooses their agency unless there is documentation to support an inability to meet the individual's health and welfare needs, or all previous efforts to provide service and supports have failed and there is no option but to refuse services.

C.1. - D. ...

E. Any provider of services under the Community Choices Waiver shall not interfere with the eligibility, assessment, care plan development, or care plan monitoring processes with use of methods including, but not limited to:

1. - 3. ...

F. Any provider of services under the Community Choices Waiver shall have the capacity and resources to provide all aspects of any service they are enrolled to provide in the specified service area.

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 and the Office of Aging and Adult Services, LR 37:3524 (December 2011), amended LR 39:322 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1901 (October 2018), LR 50:

§9303. Reporting Requirements

A. ...

B. Support coordinators and direct service providers are responsible for documenting the occurrence of incidents or accidents that affect the health and welfare of the participant and for completing an incident report. The incident report shall be submitted to the department or its designee with the specified requirements within specified timelines.

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 and the Office of Aging and Adult Services, LR 37:3525 (December 2011), amended LR 39:322 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1902 (October 2018), LR 50:

Chapter 95. Reimbursement

§9501. Reimbursement and Rate Requirements

A. Reimbursement for the following services shall be a prospective flat rate for each approved unit of service provided to the participant. One quarter hour (15 minutes) is the standard unit of service, which covers both the service provision and administrative costs for the following services, and reimbursement shall not be made for less than one quarter hour (15 minutes) of service:

1. personal assistance services (except for the "a.m. and p.m." service delivery model);

a. ...

b. there is a separate reimbursement rate for shared personal assistance services;

2. in-home caregiver temporary support services when provided by a personal care services or home health agency;

A.3. - C.2.a. ...

D. The following services shall be reimbursed at an established monthly rate:

1. ...

2. transition intensive support coordination;

3. monthly monitoring/maintenance for certain assistive devices/technology and medical supplies procedures; and

4. financial management services.

E. - E.2. ...

F. Reimbursement shall not be made for Community Choices Waiver services provided prior to the department's, or its designee's, approval of the POC and release of prior authorization for the services.

G. - H. ...

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 and the Office of Aging and Adult Services, LR 37:3525 (December 2011), amended LR 39:322 (February 2013), LR 39:508, 508 (March 2013), repromulgated LR 39:1048 (April 2013), amended LR 39:1779 (July 2013), LR 40:793 (April 2014), LR 42:897 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1902 (October 2018), LR 47:886 (July 2021), LR 49:487 (March 2023), LR 50:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972, as it permits additional individuals to be PAS workers and MIHC caregivers and allows CCW participants that receive MIHC to access an additional service.

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.

Small Business Analysis

In compliance with the Small Business Protection Act, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have a positive impact on small businesses as it permits more individuals to be PAS workers and MIHC caregivers and allows providers to provide adult day health care (ADHC) services to participants that also receive MIHC services.

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; however, the proposed Rule may have a positive impact on the cost to the provider and the provider's ability to provide the same level of service as described in HCR 170, since it expands the individuals permitted to provide services to CCW participants and allows MIHC and ADHC services to be provided simultaneously.

Public Comments

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

Ms. Sullivan is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on April 29, 2024.

Public Hearing

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on April 9, 2024. If the criteria set forth in R.S. 49:961(B)(1) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on April 25, 2024 in Room 173 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after April 9, 2024. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing.

Ralph L. Abraham, M.D.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Home and Community-Based Services Waivers—Community Choices Waiver

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in increased state costs of approximately \$93,022 for FY 23-24, \$100,917 for FY 24-25, and \$110,906 for FY 25-26. It is anticipated that \$2,808 (\$1,404 SGF and \$1,404 FED) will be expended in FY 23-24 for the state's administrative expense of this proposed rule and the final rule.

This proposed rule amends the provisions governing the Community Choices Waiver (CCW) to continue policy implemented during the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE) which allowed additional individuals to be personal assistance services (PAS) workers and principal caregivers under the monitored in-home caregiving (MIHC) service, to allow MIHC participants to receive adult day health care services (ADHC) which cannot be received on the same day to avoid duplication of services and to add financial management services as a new service when participants choose the self-direction option in order to align the administrative rule with the waiver amendment approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS).

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will increase revenue collections by approximately \$201,284 for FY 23-24, \$220,169 for FY 24-25, and \$241,960 for FY 25-26. It is anticipated that \$1,404 will be collected in FY23-24 for the federal share expense promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule amends the provisions governing the Community Choices Waiver (CCW) to continue policy implemented during the Coronavirus Disease 2019 (COVID-19) public health emergency (PHE) which allowed additional individuals be personal assistance services workers and principal caregivers under the monitored in-home caregiving

(MIHC) service, to allow MIHC participants to receive adult day health care services (ADHC); however, ADHC and MIHC cannot be received on the same day in order to avoid duplication of services. Financial management services is also being added as new service when participants choose the self-direction option in order to align the administrative rule with the waiver amendment approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS). This proposed rule will allow CCW participants to continue to receive services from workers/caregivers that they are comfortable with and to have access to an additional service while receiving MIHC services. Implementation of this proposed rule will benefit CCW providers and small businesses, since it is anticipated to increase Medicaid payments for these services by approximately \$291,498 for FY 23-24, \$321,086 for FY 24-25, and \$352,866 for FY 25-26. This proposed rule also permits more individuals to be PAS workers and MIHC caregivers and allows providers to provide ADHC services to participants that also receive MIHC services.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule permits more individuals to be PAS workers and MIHC caregivers and allows providers to provide ADHC services to CCW participants that also receive MIHC services.

Kimberly Sullivan, JD
Medicaid Executive Director
2403#036

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Sales and Use Tax Commission for Remote Sellers**

**Open Meetings via Electronic Means
(LAC 61:III.2907, 2909, 2911 and 2913)**

Under the authority of R.S. 42:14(E), 42:17.2 and 47:340, and in accordance with the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Louisiana Sales and Use Tax Commission for Remote Sellers, proposes to adopt LAC 61:III.2907, 2909, 2911, and 2913 relative to Louisiana's open meetings law.

Act 393 of the 2023 Regular Session amended R.S. 42:17.2 of Louisiana's Open Meetings law to permit certain, eligible public bodies and agencies to conduct its open meetings via electronic means (e.g., videoconference or teleconference). Regardless of its eligibility status, agencies are required by R.S. 42:14(E) to provide electronic or alternate participation in open meetings as an ADA accommodation for people with disabilities. In order to implement such provisions, R.S. 42:14(E) requires agencies to promulgate rules in accordance with the Administrative Procedures Act. Therefore, the primary purpose of this proposed regulation is to promulgate rules as required by R.S. 42:14(E) and R.S. 42:17.2.

Title 61

REVENUE AND TAXATION

**Part III. Administrative and Miscellaneous Provisions
Chapter 29. Louisiana Sales and Use Tax Commission
for Remote Sellers**

§2907. Agency Eligibility

A. The Louisiana Sales and Use Tax Commission for Remote Sellers (LRSC) meets the below criteria pursuant to Act 393 of the 2023 Regular Session to be eligible to conduct open public meetings via electronic means:

1. is a state agency as defined by R.S. 49:951;
2. has powers, duties, or functions that are not limited in scope to a particular political subdivision or region;
3. conducts at least six regularly scheduled meetings in a calendar year; and
4. is not one of the agencies identified by R.S. 42:17.2(I) to which open meetings via electronic means shall not apply.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:17.2 and R.S. 47:340.

HISTORICAL NOTE: Promulgated by the Louisiana Sales and Use Tax Commission for Remote Sellers, LR 50:

§2909. Postings Prior to Meeting via Electronic Means

A. At least 24 hours prior to the meeting, the LRSC shall post the following on the agency's website.

1. meeting notice and agenda; and
2. detailed information regarding how members of the public may:
 - a. participate in the meeting via electronic means, including the applicable videoconference link and/or teleconference phone number; and
 - b. submit written comments regarding matters on the agenda prior to the meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14(E), R.S. 42:17.2 and R.S. 47:340.

HISTORICAL NOTE: Promulgated by the Louisiana Sales and Use Tax Commission for Remote Sellers, LR 50:

§2911. Electronic Meeting Requirements and Limitations

A. For any meeting conducted via electronic means, the LRSC shall ensure compliance with all requirements outlined in R.S. 42:17.2(C).

B. The LRSC shall not conduct any more than one-third of its open meetings via electronic means, and will only conduct successive meetings via electronic meetings as needed.

C. A schedule of meetings identifying which will be conducted via electronic means and which will be conducted as in-person meetings shall be posted on the agency's website on an annual basis.

D. All members of the LRSC, whether participating from the anchor location or via electronic means, shall be counted for the purpose of establishing a quorum and may vote.

E. An online archive of any open meetings conducted via electronic means shall be maintained and available for two years on the agency's website.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14(E), R.S. 42:17.2 and R.S. 47:340.

HISTORICAL NOTE: Promulgated by the Louisiana Sales and Use Tax Commission for Remote Sellers, LR 50:

§2913. Disability Accommodations

A. Although an open meeting may be scheduled as in-person, the LRSC is obligated to provide for participation via electronic means on an individualized basis by people with disabilities.

B. People with disabilities are defined as any of the following:

1. a member of the public with a disability recognized by the Americans with Disabilities Act (ADA);
2. a designated caregiver of such a person; or
3. a participant member of the agency with an ADA-qualifying disability.

C. The LRSC shall ensure that the written public notice for an open meeting, as required by R.S. 42:19, includes the name, telephone number and email address of the designated agency representative to whom a disability accommodation may be submitted.

D. The requestor shall be provided with an accommodation, including the teleconference and/or video conference link, for participation via electronic means as soon as possible following receipt of the request, but no later than the start of the scheduled meeting.

E. Participation via electronic means shall count for purposes of establishing quorum and voting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:14(E), R.S. 42:17.2 and R.S. 47:340.

HISTORICAL NOTE: Promulgated by the Louisiana Sales and Use Tax Commission for Remote Sellers, LR 50:

Family Impact Statement

The proposed Rule should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically, the implementation of this proposed rule will have no known or foreseeable effect on:

1. the stability of the family.
2. the authority and rights of parents regarding the education and supervision of their children.
3. the functioning of the family.
4. family earnings and family budget.
5. the behavior and personal responsibility of children.
6. The ability of the family or a local government to perform this function.

Poverty Statement

This proposed Rule will have no foreseeable impact on poverty as described in R.S. 49:973.

Small Business Analysis

The proposed Rule is not expected to have a significant adverse impact on small businesses as defined in the Regulatory Flexibility Act. The agency, consistent with health, safety, environmental and economic factors has considered and, where possible, utilized regulatory methods in drafting this proposed amendment to accomplish the objectives of applicable statutes while minimizing any anticipated adverse impact on small businesses.

Provider Impact Statement

The proposed Rule will have no known or foreseeable effect on:

1. the staffing levels requirements or qualifications required to provide the same level of service.
2. the total direct and indirect effect on the cost to the provider to provide the same level of service.
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Any interested person may submit written data, views, arguments or comments regarding these proposed amendments to Renee Ellender Roberie, Executive Director, Louisiana Sales and Use Tax Commission for Remote Sellers by mail to 7722 Office Park Blvd., Suite 400, Baton Rouge, LA 70809. All comments must be received no later than 4 p.m., April 24, 2024.

Public Hearing

A public hearing will be held on April 25 at 2 p.m. on in the Remote Sellers Commission conference room on the second floor of 7722 Office Park Blvd, Baton Rouge, LA 70809. Should individuals with a disability need an accommodation in order to participate, contact Renee Ellender Roberie at the address given above in the Public Comments section, by phone at (225) 342-2156, or by e-mail at Renee.Roberie@la.gov

Renee Ellender Roberie
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Open Meetings via Electronic Means**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule is not anticipated to result in any direct material effect on state or local governmental units. Implementation costs for the open meetings via electronic meetings created by this proposed agency rule are included in the current budget for the Louisiana Sales and Use Tax Commission for Remote Sellers. The Commission currently uses electronic means for observation purposes for its meetings.

The purpose of the proposed rule is to implement the provisions of R.S. 42:14(E) and R.S. 42:17.2 enacted by ACT 393 of the 2023 Regular Session of the Louisiana Legislature.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated direct material effect on state or local revenues as a result of this measure.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule has no anticipated costs/and or economic benefits to directly affected persons, small businesses, or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition and employment.

Renee Ellender Roberie
Executive Director
2403#006

Deborah Vivien
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT
Workforce Commission
Office of Workers' Compensation

Forms (LAC 40:I.6665 and 6667)

The Louisiana Workforce Commission does hereby give notice of its intent to amend certain portions of the Louisiana Administrative Code, Title 40, Labor and Employment, Part I, Workers' Compensation Administration, Subpart 3, Hearing Rules, Chapter 66. The purpose of this amendment is to update the records request forms in accordance with current administrative process. This Rule is promulgated by the authority vested in the assistant secretary of the Office of Workers' Compensation found in R.S. 23:1291 and R.S. 23:1310.7.

Title 40
LABOR AND EMPLOYMENT
Part I. Workers' Compensation Administration
Subpart 3. Hearing Rules
Chapter 66. Miscellaneous
Subchapter E. Forms
§6665. Workers' Compensation Records Request Form;
LWC-WC-1150

WORKERS' COMPENSATION RECORDS REQUEST FORM	
<p>Mail completed form to: Louisiana Workforce Commission OWCA Records Management Section 1001 N. 23rd Street P.O. Box 94040 Baton Rouge, LA 70804-9040 Telephone No. 225-342-7565</p>	<p>Status of your records request: (Office use only.)</p> <p><input type="checkbox"/> Will be processed. <input type="checkbox"/> Is being returned. See Section III, Page 2. <input type="checkbox"/> Has been processed. You owe a copying fee. See Section III, Page 2. <input type="checkbox"/> Is complete. See Section III, Page 2.</p>
<p>Note: Copies of documents provided through this request shall adhere to the provisions of La. R.S. 23:1020.1, et seq. and La. R.S. 44:1, et seq., which limits the inspection and copying of workers' compensation records. *A \$25.00 fee is required per employee search. (Exception: Requests for LWC-WC-1002 will NOT be assessed a \$25.00 search fee.) Copying fees are \$0.25 per page. Make all checks payable to the OWCA Administrative Fund.</p>	
<p>SECTION I - TO BE COMPLETED BY REQUESTOR</p> <p>1. Select all that apply:</p> <p><input type="checkbox"/> I am the Employee OR Legal Representative of the Employee. (Attach letter of representation.) <input type="checkbox"/> I am the Employer/Insurer OR Legal Representative of the Employer/Insurer. (Attach letter of representation.) <input type="checkbox"/> I am NOT a party to a workers' compensation claim. (Attach employee authorization, LWC-WC-1151.) (Must be notarized.) <input type="checkbox"/> I am a Prospective Employer. (Attach employee authorization, LWC-WC-1151.) (Must be notarized.)</p>	
2. Name of Requestor (Please Print)	3. Phone Number
4. Company Name (if Applicable)	5. Fax Number
6. Address, City, State ZIP	7. Email
<p>SECTION II: RECORDS REQUESTED</p> <p>1. Employee's Name (Please use a separate form for each employee.)</p> <p>2. Employee's Social Security Number</p>	
<p>3. Identify the workers' compensation claim you are requesting:</p> <p><input type="checkbox"/> Workers' Compensation Claim Docket # _____ Date of injury: _____</p> <p><input type="checkbox"/> All cases for this injured worker. - If known, list the Docket # and Date of injury for each claim in the Additional Comments Section, see right. You will be assessed a \$25.00 search fee for each workers' compensation docket number.</p>	
<p>4. Additional records I am requesting:</p> <p><input type="checkbox"/> Notice Of Payment, Modification, Suspension, Termination or Controversion of Compensation or Medical Benefits (LWC-WC-1002). *Only available to Employee or Employee Representative per La. R.S. 23:1201.1. You will NOT be assessed a \$25.00 search fee for this records request. <input type="checkbox"/> Other documents requested. Please specify in the Additional Comments Section.</p>	
<p>5. Need records certified? (If certified, you will be assessed \$25.00.)</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Page 1 of 2 Revised 01/2024</p>	

I have read and understand this form and the accompanying instructions. I certify that all information provided by me to the Office of Workers' Compensation Administration is accurate and correct to the best of my knowledge. I understand that providing false or misleading information may subject me to prosecution.

Signature of Requestor _____ Date _____

SECTION III: TO BE COMPLETED BY OWCA RECORDS MANAGEMENT SECTION

1. This records request will NOT be processed due to the following:

\$25.00 Search fee not received.
 No Social Security Number/incomplete number.
 Employee Authorization form required.
 Incomplete information. Please provide: _____
 *Your request will NOT be processed until the information is provided.

2. Your request has been processed.

_____ Pages of responsive records have been found. Please submit a check in the amount of \$_____ to the OWCA Administrative Fund. *No records will be sent until the check is received by the OWCA.

Your request has produced more than one employee claim. _____ claims have been found. Please submit a check in the amount of \$_____ to the OWCA Administrative Fund. *No records will be sent until the check is received by the OWCA.

3. Your request is complete. The records search has: No Records found See Attached records.

Records request completed by _____ Date: _____

Page 2 of 2
 Revised
 01/2024

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1 and R.S. 23:1293.

HISTORICAL NOTE: Promulgated by the Workforce Commission, Office of Workers' Compensation Administration, LR 44:103 (January 2018), repromulgated LR 44:798 (April 2018), amended LR 50:

§6667. Employee Authorization for OWCA to Release

EMPLOYEE AUTHORIZATION FOR OWCA TO RELEASE CONFIDENTIAL WORKERS' COMPENSATION RECORDS	
<p>EMPLOYEE: Please be aware that you DO NOT have to release all of your confidential information and you have a right to refuse to sign this document. You can choose to release only your public records, which includes: any final decision, award, or order of a workers' compensation judge. However, if you choose to release all of your confidential workers' compensation information, you MUST authorize the Office of Workers' Compensation Administration to release your confidential records information to anyone not a party to your workers' compensation claim. *This release must be attached to the Employee Workers' Compensation Records Request Form.</p>	
<p>SECTION I: TO BE COMPLETED BY EMPLOYEE</p> <p>1. Employee's Full Name (Please Print)</p> <p>2. Social Security Number</p>	
3. Street Address	4. Date of Birth
5. City, State, Zip	6. Phone Number
<p>7. What records do you want to release?</p> <p><input type="checkbox"/> Only my workers' compensation claim(s) information that is considered public record under La. R.S. 23:1293(B)(1) which only includes: final decision(s), award(s), or order(s) of a workers' compensation judge.</p> <p style="text-align: center;">OR</p> <p><input type="checkbox"/> Any and all of my workers' compensation claim(s) information, including confidential information, medical records, wage information, etc. in the possession of the Office of Workers' Compensation Administration, Records Management.</p>	
<p>I understand that the Louisiana Workers' Compensation Act, La. R.S. 23:1020.1, et seq., provides that certain information regarding prior work related injuries may be released to a requesting party. By signing this authorization, I hereby voluntarily authorize the State of Louisiana, Office of Workers' Compensation Administration, Records Management Section to release only the information selected above in Section I and contained in my workers' compensation records, if any, to the Recipient named in Section II. This release may contain public and non-public records in my workers' compensation file(s) depending on my selection in Section I. This release is only for the recipient named in Section II and shall not be released to any third parties or any party not specifically named on this authorization.</p>	
<p>This authorization will expire thirty (30) days from the date of signature.</p> <p>Employee's Signature _____ Date _____</p>	
<p>SECTION II: RECORDS TO BE DISCLOSED TO</p> <p>1. Name of Recipient (Please Print)</p> <p>2. Company Name (if applicable)</p>	
3. Street Address	4. Phone Number
5. City, State, Zip	6. Please state Recipient's relationship to the employee. *See Section III, Page 2.
<p>Page 3 of 2 Revised 01/2024</p>	

SECTION III: IF THE RECIPIENT IS A PROSPECTIVE EMPLOYER
You must certify and sign the following:

I hereby certify the information sought by this authorization is made on an applicant for employment only after a conditional job offer has been made and accepted, or on a current employee for a purpose which is job related and consistent with business necessity. I further certify the information obtained in the authorization will NOT be used to discriminate in any manner against the individual who is the subject of this authorization on any basis, in violation of the Americans with Disabilities Act of 1990, 42 U.S.C. §12101, et seq., or any other state or federal law, as applicable.

I am aware of the confidential and privileged nature of an employee's Workers' Compensation records, pursuant to La. R.S. 23: 1293.

Employer's Signature _____ Date _____

Sworn and subscribed before me this _____ day of _____, 20____ at _____, Louisiana.

Notary Public's Signature
Print Name: _____
Notary ID: _____
My commission expires: _____

SECTION IV: IF THE REQUESTOR IS NOT A PARTY TO THE CASE
You must certify and sign the following:

I hereby certify the information sought by this authorization is made on a claimant who is aware I have requested their records.

I am aware of the confidential and privileged nature of an employee's Workers' Compensation records, pursuant to La. R.S. 23: 1293.

Requestor's Signature _____ Date _____

Sworn and subscribed before me this _____ day of _____, 20____ at _____, Louisiana.

Notary Public's Signature
Print Name: _____
Notary ID: _____
My commission expires: _____

LWC-WC-1151 Page 2 of 2
Revised 01/2004

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1310.1 and R.S. 23:1293.

HISTORICAL NOTE: Promulgated by the Workforce Commission, Office of Workers' Compensation Administration, LR 44:105 (January 2018), amended LR 50:

Family Impact Statement

This amendment to Title 40 should have no impact on families.

Poverty Impact Statement

This amendment to Title 40 should have no impact on poverty or family income.

Small Business Analysis

This amendment to Title 40 should have no direct impact on small or local businesses.

Provider Impact Statement

1. This Rule should have no impact on the staffing level of the Office of Workers' Compensation as adequate staff already exists to handle the procedural changes.

2. This Rule should create no additional cost to providers or payers.

3. This Rule should have no impact on ability of the provider to provide the same level of service that it currently provides.

Public Comments

All interested persons are invited to submit written comments or hearing request on the proposed Rule. Such comments or request should be sent to Brian Blackwood, OWC-Administration, 1001 North 23rd Street, Baton Rouge, LA 70802. Such comments should be received by 5:00 pm on April 10, 2024.

Susana Schowen
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Forms

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule changes are not anticipated to result in any direct material effect on state or local governmental units.

The purpose of the proposed amendments is to codify existing form processing requirements that are currently being used by the Office of Workers' Compensation. The proposed rule change updates a records request form and an employee authorization for OWCA to release confidential records form.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no anticipated direct material effect on state or local revenues as a result of this measure.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change is not anticipated to result in a direct economic benefit to persons, small businesses, or non-governmental groups. However, it is anticipated that the proposed rules will provide an indirect benefit to injured workers, employers, and insurers, by providing clearer understanding to parties in how to have their records request processed expeditiously.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

Tavares A. Walker
Deputy Assistant Secretary
2403#047

Patrice Thomas
Deputy Fiscal Officer
Legislative Fiscal Office

Potpourri

POTPOURRI

Department of Agriculture and Forestry Office of the Commissioner

Letter of Authorization Granting Hunting
Season Variance—Blackhawk Farms

January 17, 2024

Pursuant to LAC 7: XXI.1719(A), farm-raised white-tailed deer may be harvested by killing from October 1 through January 31. LAC 7:XXI.1719(C) authorizes the Commissioner of Agriculture and Forestry to establish, by written order, variances of these dates as the commissioner deems necessary to carry out the purposes of R.S. 3:3101-3108.

In light of the foregoing, and in consideration of its application for a variance, Commissioner of Agriculture and Forestry, Mike Strain, DVM hereby authorizes:

Blackhawk Farms, LLC, License No. 1010/1011,
6978 Hwy 15, Vidalia, La. 71373,
through its owner, Joshua McCoy

to open its hunting grounds for the purpose of harvesting farm-raised white-tailed deer from February 1, 2024, until February 15, 2024.

This notice will be published in the next issue of the Louisiana Register, in accordance with LAC 7:XXI.1719(C).

Mike Strain,
Commissioner

2403#003

POTPOURRI

Department of Agriculture and Forestry Office of the Commissioner

Letter of Authorization Granting Hunting
Season Variance—Malone Properties

January 19, 2024

Pursuant to LAC 7: XXI.1719(A), farm-raised white-tailed deer may be harvested by killing from October 1 through January 31. LAC 7:XXI.1719(C) authorizes the Commissioner of Agriculture and Forestry to establish, by written order, variances of these dates as the commissioner deems necessary to carry out the purposes of R.S. 3:3101-3108.

In light of the foregoing, and in consideration of its application for a variance, Commissioner of Agriculture and Forestry, Mike Strain, DVM hereby authorizes:

Malone Properties, License No. 2042,
411 Bud Farrar Rd. Lillie, La. 71256,
through its owner, Karl Malone

to open its hunting grounds for the purpose of harvesting farm-raised white-tailed deer from February 1, 2024, until April 30, 2024.

This notice will be published in the next issue of the Louisiana Register, in accordance with LAC 7:XXI.1719(C).

Mike Strain
Commissioner

2403#002

POTPOURRI

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Notice of Public Hearing and Request for
Comments to Initiate Triennial Review
of Louisiana Water Quality Standards

In accordance with Section 303(c)(1) of the federal Clean Water Act, the Louisiana Department of Environmental Quality hereby gives notice of its intent to initiate a review of Louisiana's Water Quality Standards (WQS), which can be found in LAC 33:IX.Chapter 11. This review is being conducted to evaluate the need to update or revise the WQS in order to remain consistent with state and federal law. The review will also ensure that Louisiana's WQS continue to reflect the best available science and support sound water quality management policies to improve and protect the water resources of the state. This is a preliminary step in the review and potential rulemaking process. Official rulemaking, if necessary, will be initiated after review and consideration of the comments received. (2403Pot1)

With this notice the department is soliciting comments from interested parties and members of the public on any aspect of the WQS that the department should consider for potential revision. Persons commenting should reference this potpourri notice; 2403Pot1. A public hearing will be held via Zoom on April 30, 2024, at 1:30 p.m. Interested persons are invited to attend and submit oral comments via PC, Mac, Linux, iOS, or Android at <https://deqlouisiana.zoom.us/j/9373792954?omn=82375904166>, or by telephone dialing (636) 651-3182 and entering conference code: 725573.

Interested persons are invited to attend and submit oral comments on any aspect of the WQS which they would like the department to consider. Interested persons may also submit written comments. Comments should include the name of the commenter and the organization that they are representing, if appropriate, and are due no later than 4:30 p.m., May 7, 2024, and should be sent to Jamie Phillippe, Office of Environmental Assessment, Water Planning and Assessment Division, P.O. Box 4314, Baton Rouge, LA 70821-4314. Electronic comments may be submitted via e-mail to WQ.Standards@la.gov.

Written responses to the comments will not be provided. Progress on the triennial review will be communicated to the public through the Water Planning and Assessment Division, Water Quality Standards and Assessment webpage, <https://www.deq.louisiana.gov/page/water-quality>. Any proposed revisions to the WQS resulting from the review will be subject to the rulemaking provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Aurelia S. Giacometto
Secretary

2403#010

POTPOURRI

**Department of Health
Board of Examiners of Psychologists**

Public Hearing Notice

The Board of Examiners of Psychologists 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 provide written or oral 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 located at 4334 S. Sherwood Forest Blvd., Suite C150, Baton Rouge, LA 70816 on Friday April 19, 2024 from 12 p.m. - 12:30 p.m. Persons with disabilities may contact the board office at 225-295-8410 or jaime.monic@la.gov to request ADA accommodations. Written comments may be submitted in advance to: LSBEP Attn. Jaime Monic, Executive Director, 4334 S. Sherwood Forest Blvd., Suite C150, Baton Rouge, LA 70816. The deadline for receiving written comments is Wednesday, April 17, 2024.

Jaime T. Monic
Executive Director

2403#011

POTPOURRI

Louisiana Department of Justice

Occupational Licensing Review Program
Accepting Participants for FY 2024-2025

The Louisiana Department of Justice is currently accepting occupational licensing boards into its Occupational Licensing Review Program established by R.S. 49:260. This program provides active state supervision for the occupational rulemaking and disciplinary actions of participating boards to ensure that boards and board members avoid liability under federal antitrust laws. Participants for the 2024-2025 Fiscal Year will be accepted into the program through May 31, 2024. For information

about participating in the program, contact Nicol Hebert at hebertn@ag.louisiana.gov.

Nicol M. Hebert
Assistant Attorney General

2403#020

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
Beem Oil & Gas Company	Holly Beach	L	Ray B Peveto et al	001	204506
E N Callens and Frank J Hall	Greenwood-Waskom	S	John Flournoy Fee	001	64352
G. M. Bagley	Caddo Pine Island	S	McDade	001	62496 (30)
G. M. Bagley	Caddo Pine Island	S	McDade	002	62495 (30)
G. W. Strange Oil Co.	Wildcat-No La Shreveport Dist	S	Dixon	015	3418 (29)
Herman Fields	Caddo Pine Island	S	Gayle	002	43465 (30)
Louanna Oil & Gas Co.	Longwood	S	Cushman	002	15453 (30)
McCord-Dale Exploration	Jeanerette	L	Carter	001	201950 (29)
Moses and New	Greenwood-Waskom	S	Abney et al C	003	71974 (30)
Muslow And Parker	Caddo Pine Island	S	E K Smith	069	95901 (30)
O.S. Pate & Geo C. Fuller	Wildcat-No La Shreveport Dist	S	P C Worley Succn	007	58748 (30)
Shreveport Oil Corp.	Caddo Pine Island	S	Hicks	008	14549 (30)
Star Falcon Oil Co.	Caddo Pine Island	S	Herdon	002	26660 (30)

Operator	Field	District	Well Name	Well Number	Serial Number
Sugar Field Oil Co.	University	L	McDonald Community	001	22983 (30)
Vast Oil Inc.	Pine Ridge	L	L Hby ra sua; Lawton	002	180451
Vast Oil Inc.	Pine Ridge	L	Lawton et al Swd	001	206256
Vast Oil Inc.	Pine Ridge	L	Lawton et al	003	234128
Vast Oil Inc.	Pine Ridge	L	Lawton et al	004	242122

Benjamin C. Bienvenu
Commissioner

2403#016

POTPOURRI

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Public Hearing—Substantive Change to Notice of Intent
2024-2026 Hunting Regulations and Seasons
(LAC 76:XIX.Chapter 1)

The Department of Wildlife and Fisheries (department) and the Wildlife and Fisheries Commission (commission) published a Notice of Intent to amend its rules in the January 20, 2024 edition of the *Louisiana Register*. The commission proposes to amend the original Notice of Intent to include a proposed change for Deer Area 2, deer dog tracking language on private lands, establishes a high water benchmark closure for Deer Area 1, clarifies firearms carry and use on wildlife management areas, modifies turkey regulations, removes language regarding the depredation order for grackles, blackbirds and crows, and modifies the proposed waterfowl dates. The department manages wildlife

C. Deer Hunting Schedule 2024-2025

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
1	OPENS: first day of Oct. CLOSES: last day of Jan.	OPENS: second Sat. of Nov. CLOSES: Fri. after second 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 third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first Sat. of Dec. OPENS: Mon. after first Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: Sun. after first Sat. of Jan.
2	OPENS: first day of Oct. CLOSES: last day of Jan.	OPENS: last Sat. of Oct. CLOSES: Fri. before first Sat. of Nov. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: after 7 days	OPENS: first Sat. of Nov. CLOSES: Tues. before third 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 second Sat. of Dec.	OPENS: Wed. before the third 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 second Sat. of Dec. on odd years and Thurs. during even numbered years CLOSES: 33 days after opening in odd numbered years or 32 days after opening in even numbered years

and their associated habitat, methods of take, sets the season dates, bag limits and harvesting reporting requirements in Louisiana. Action is being proposed for deer dog tracking rule change to allow private landowners to use an unleashed dog during daylight hours to trail mortally wounded deer. Action is being proposed as public comment has indicated that persons in the east and west waterfowl zones and persons hunting Deer Area 2 prefer alternatives to the proposed dates. Action is being proposed to address concerns with deer hunting during Mississippi River high water levels in portions of East Carroll and Madison Parishes. Proposed amendments modifies current turkey regulations as some hunters are concerned with harvesting juvenile male turkeys. Action is being proposed as depredation order language is not relevant to the hunting seasons.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this amended Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the amended Notice of Intent and compiling public comments and submissions for the commission’s review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the amended proposed rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§103. Resident Game Birds and Animals

A. - B. ...

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
3	OPENS: third Sat. of Sept. CLOSES: Jan. 15	OPENS: second Sat. of Oct. CLOSES: Fri. before third Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: after 7 days	OPENS: third Sat. of Oct. CLOSES: Sun. after Thanksgiving Day	OPENS: Mon. after Thanksgiving Day CLOSES: after 35 days
4	OPENS: first day of Oct. CLOSES: last day of Jan.	OPENS: second Sat. of Nov. CLOSES: Fri. after second 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 third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first Sat. of Dec. OPENS: Mon. after first Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: Sun. after first Sat. of Jan.
5	OPENS: first day of Oct. CLOSES: Feb. 15 (first 15 days are BUCKS ONLY)	(All Either Sex except as noted.) OPENS: second Sat. of Nov. CLOSES: Fri. before third 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 third Sat. of Nov. CLOSES: Fri. before second Sat. of Dec. except when there are 5 Sats. in Nov. and then it will close on the Fri. before the first 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 third Sat. of Nov. CLOSES: Sun. of the same weekend. (EITHER SEX) OPENS: Fri. after Thanksgiving Day CLOSES: Sun. after Thanksgiving Day (EITHER SEX)	OPENS: second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open on the first Sat. of Dec. CLOSES: next to last Sun. of Jan. (BUCKS ONLY UNLESS EITHER SEX SEASON IS IN PROGRESS) OPENS: second Sat. of Dec. CLOSES: Sun. after second Sat. of Dec. except when there are 5 Sats. in Nov., then it will open the first Sat. of Dec. and closes Sun. of the same weekend (EITHER SEX) OPENS: third Sat. of Dec. CLOSES: Sun. after third Sat. of Dec. except when there are 5 Sats. in Nov., then it will open the second Sat. of Dec. and close Sun. of the same weekend (EITHER SEX)
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7	OPENS: third Sat. of Sept. CLOSES: Jan. 15.	OPENS: second Sat. of Oct. CLOSES: Fri. before third Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: after 7 days	OPENS: third Sat. of Oct. CLOSES: Sun. after Thanksgiving	OPENS: Mon. after Thanksgiving Day CLOSES: after 35 days
8	OPENS: third Sat. of Sept. CLOSES: Jan. 15	OPENS: second Sat. of Oct. CLOSES: Fri. before third Sat. of Oct. OPENS: Mon. after last day of Modern Firearm Season CLOSES: after 7 days	OPENS: third Sat. of Oct. CLOSES: Sun. after Thanksgiving Day	OPENS: Mon. after Thanksgiving Day CLOSES: after 35 days

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
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D. Deer Hunting Schedule 2025-2026

Area	Archery	Primitive Firearms (All Either Sex Except as Noted)	Still Hunt (No dogs allowed)	With or Without Dogs
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E. - G.4. ...

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), LR 46:957 (July 2020), LR 47:901 (July 2021), LR 48:1863 (July 2022), LR 49:1232 (July 2023), LR 50:

§111. General and Wildlife Management Area Hunting Rules and Regulations

A. - C.3. ...

4. Crows. The season for crows shall be September 1 through January 1 with no limit.

C.5. - E.7. ...

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 dog may be used to trail and retrieve mortally wounded deer. Except in Wildlife Management Areas, a licensed hunter or tracker may pursue a deer that was legally shot and mortally wounded during legal hunting hours, after legal hunting hours, and to dispatch the deer if the deer is found alive. The licensed hunter or tracker pursuing the mortally wounded deer may utilize lights and a blood-trailing or tracking dog. No more than one dog may be used per tracking party in pursuit of the wounded deer. A second dog may be utilized for the purpose of deer retrieval training. Tracking dogs shall be on a handheld leash or utilize a GPS tracking collar. Any wounded deer, discovered alive, may be dispatched by the licensed hunter or tracker using a centerfire handgun with a barrel no longer than six inches, caliber no larger than .45 or smaller than .25.

E.9. - E.16.b.iii. ...

F. Description of Areas

1. Area 1

a. All of the following parishes are open: Concordia, East Carroll, Franklin, Madison, Richland, Tensas, West Carroll.

i. High water benchmark closure. Deer hunting in that portion of Madison Parish, east of US-65 and north of the Port Elevator Road, and all lands east of US-65 in East Carroll Parish, will be archery hunting only once the Mississippi River water level at Vicksburg reaches 43.0 feet MSL (flood stage) and will reopen once level recedes below 41.0 feet MSL.

F.1.b. - G.3.k. ...

4. Firearms

a. Firearms having live ammunition in the chamber and crossbows cocked in the ready position are not allowed in or on vehicles, boats under power, motorcycles, ATVs, UTVs, ATCs, WMA check stations, or in camping areas on WMAs.

b. Rifles, shotguns, pre-charged pneumatic devices, 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 permitted pursuant to R.S. 56:109(C) and for purposes of transport pursuant to 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. Any person who meets the qualifications of R.S. 14:95(M) may possess handguns on WMAs provided these firearms are not used for any hunting purpose.

c. Hunting with the following firearms or ammunition on any WMA is prohibited, except during modern or primitive firearm deer seasons, or a firearm season established on any WMA for feral hogs:

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. Possession of such ammunition in the presence of a shotgun during closed season shall create a rebuttable presumption of hunting activity.

d. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

e. 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. - 15 ...

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.

G.17-G.21.c.vi. ...

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), LR 46:961 (July 2020), LR 47:904 (July 2021), LR 48:511 (March 2022), LR 48:1867 (July 2022), LR 49:1235 (July 2023), LR 50:

§113. General and WMA Turkey Hunting Regulations

A. General Regulations. Only adult gobblers (male turkeys) may be taken. An adult gobbler is defined by having one of the following: wing feathers that have white barring all the way to the tip, tail feathers that are the same length, beard that is longer than 6 inches, or a spur that is at least 1/2-inch long. Properly licensed youth under 18 years of age may take one juvenile male turkey (jake) with a beard less than six inches per season. Any turkey harvested during the youth season are part of the season bag limit of two. 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. - G.2.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 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), LR 46:988 (July 2020), LR 47:934 (July 2021), LR 48:1897 (July 2022), LR 49:1266 (July 2023), LR 50:

§115. Turkey Hunting Areas, Seasons, and Bag Limits

A. Daily limit is one adult gobbler (male turkey). An adult gobbler is defined by having one of the following: wing feathers that have white barring all the way to the tip, tail feathers that are the same length, beard that is longer than 6 inches, or a spur that is at least 1/2 -inch long. Properly licensed youth under 18 years of age may take one juvenile male turkey (jake) with a beard less than 6 inches per season. Season limit is two gobblers (male turkey). Any turkey harvested during the youth season are part of the season bag limit. Turkeys taken on WMAs are part of the season bag limit. Only one turkey may be taken during spring WMA lottery hunts.

B. - C. ...

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 45:966 (July 2019), LR 46:990 (July 2020), LR 47:936 (July 2021), LR 48:1899 (July 2022), LR 49:1268 (July 2023), LR 50:

§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. 21 Oct. 19-Nov. 30 Dec. 14-Jan. 14 North Zone: Sept. 7-Sept. 28 Oct. 5-Nov. 9 Dec. 21-Jan. 21	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	West Zone: Nov. 2 – Dec. 8 Dec. 21 – Feb. 28 East Zone: Nov. 2 – Dec. 8 Dec. 21 – Feb. 28	8	24

Species	Season Dates	Daily Bag Limit	Possession Limit
Ducks, Coots and Mergansers	West Zone: Nov. 2 – 3 (youth only) Nov. 9 – Dec. 8 Dec. 21 – Jan. 5 Jan. 18 – Jan. 31 Feb. 1 – 2 (Veteran’s only) East Zone: Nov. 9 (youth and Veteran’s only) Nov. 16 – Dec.1 Dec. 14 – Jan. 26 Feb. 1 (youth and Veteran’s only)	Daily bag limit on ducks is 6 and may include no more than 4 mallards (no more than 2 females), 3 wood ducks, 2 canvasbacks, 2 redheads, 1 black duck and 1 pintail. Only 1 scaup may be taken for the first 15 days of the season with 2 per day allowed for the remainder. No mottled ducks may be taken for the first 15 days of the season with 1 per day allowed for the remainder. Daily bag limit on coots is 15. Mergansers-The daily bag limit for mergansers is 5, only 2 of which may be hooded mergansers, in addition to the daily bag limit for ducks.	Three times the daily bag limit.
Light Geese (Snow, Blue, and Ross’) and White-Fronted Geese	East Zone: Nov. 2 – Dec. 1 Dec. 14 – Jan. 26 West Zone: Nov. 2 – Dec. 8 Dec. 21 – Jan. 5 Jan. 18 – Feb. 7	Daily bag limit on Light Geese (snow, blue, and ross’) is 20. Daily bag limit on White-Fronted Geese is 3.	No possession limit on Light Geese (snow, blue, and ross’) Possession limit on White-Fronted Geese is 9.
Canada Geese	East Zone: Nov. 2 – Dec. 1 Dec. 14 – Jan. 26 West Zone: Nov. 2 – Dec. 8 Dec. 21 – Jan. 5 Jan. 18 – Feb. 7	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’)	East Zone: Dec. 2 – Dec. 13 Jan. 27 – Mar. 2 West Zone: Dec. 9 – Dec. 20 Jan. 6 – Jan. 17 Feb. 1 – Mar. 2	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. 14- Sept. 30	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. 2-Jan. 26	
Ducks	Nov. 2 – Jan. 29	

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 44:1306 (July 2018), LR 45:966 (July 2019), LR 46:991 (July 2020), LR 47:937 (July 2021), LR 48:1899 (July 2022), LR 49:1268 (July 2023), LR 50:

Public Hearing

In accordance with R.S. 49:966(H)(2), a public hearing on the proposed substantive changes will be held by the Department of Wildlife and Fisheries on April 22, 2024 at 10 a.m. in the Joe L. Herring Louisiana Room of the Wildlife and Fisheries Headquarters Building, 2000 Quail Drive, Baton Rouge, LA, 70808.

Brandon J. DeCuir
Chairman

D. - H.2....

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

2403#029

POTPOURRI

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Public Hearing—Substantive Change to Notice of Intent Menhaden Season (LAC 76:VII.307)

The Wildlife and Fisheries Commission does hereby give notice of intent to amend its rules in the November 20, 2023 edition of the Louisiana Register. The commission proposes to amend the original Notice of Intent to modify the statewide fishing buffer, buffers off western Louisiana, and requirements following the release of gear or fish for the commercial menhaden fishery. The original Notice of Intent proposed a statewide buffer of one mile, added provisions that establish a buffer zone three miles off the area between Holly Beach and Rutherford Beach in southwestern Louisiana, and clarified when the retrieval of any menhaden or bycatch released into the environment must begin and the conditions and penalties associated with such a release. The commission seeks to amend the original Notice of Intent by reducing the proposed one mile statewide buffer to one-half mile, eliminating the proposed buffer off Rutherford Beach, reducing the buffer off Holly Beach from three miles to one mile, and adjusting regulations governing release of gear or net contents during fishing operations. Authority for amendment of this Rule is included in the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:6(25)(a), R.S. 56:313, R.S. 56:315, R.S. 56:326.3, R.S. 56:409.1 and R.S. 30:2531.3.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery §307. Menhaden Season

A. - B. ...

C. The menhaden season shall apply to all waters one-half statute mile seaward of the inside-outside line described in R.S. 56:495, except as noted in Subsection D, including waters in the Federal Exclusive Economic Zone (EEZ), and in Chandeleur and Breton Sounds as described in Subsection E below. All other inside waters and passes are permanently closed to menhaden fishing.

D. Coastal Buffer Restrictions

1. - 3. ...

4. Restrictions off Holly Beach, Louisiana. The menhaden season shall apply to waters beginning 1 statute mile seaward of the inside-outside line from the intersection

of a private levee road and LA-27 (Latitude 29 degrees 46 minutes 01.54 seconds N, Longitude 93 degrees 24 minutes 23.00 seconds W), thence westward to the easternmost point of the rock breakwaters west of Holly Beach, Louisiana (Latitude 29 degrees 46 minutes 00.90 seconds N, Longitude 93 degrees 29 minutes 26.91 seconds W). All coordinates are in NAD 1983 feet.

E. - E.1. ...

F.1. No menhaden purse seine gear shall be released or abandoned while on the water or during the course of fishing operations. In the event that gear is released, such gear shall be marked in an appropriate manner to facilitate retrieval and effectively warn of navigational hazards caused by the released gear. Such gear shall be retrieved from the water within 48 hours of release. Failure to retrieve the gear within the prescribed period shall be considered abandonment of the gear.

2. If the contents of menhaden purse seine gear are released during the course of fishing operations, all reasonable attempts to retrieve any dead menhaden and any dead bycatch from the environment shall commence within 12 hours of the event. Retrieval efforts shall continue until the released contents of the menhaden purse seine have been removed from the environment to the extent practicable.

3. Any unintentional or intentional release of purse seine gear or contents of purse seine gear by the commercial reduction menhaden fishery shall be reported to the Enforcement Division within two hours of such release. This reporting shall be by email and by phone call to the Enforcement Division dispatch and communications center. The report shall contain, at a minimum, the following information:

- a. the date and approximate time of the release,
- b. the species of fish released,
- c. an estimated number of fish released,
- d. an estimate of the disposition of the fish released,
- e. the vessel which released the fish,
- f. to the extent available and practicable, photographic or video documentation of sufficient resolution to clearly depict the scope and composition of the release,
- g. the coordinates of the location of the release, and
- h. the causative factors of the release of fish.

4. Any release of the contents of a menhaden purse seine as set forth in this Subsection shall be considered waste of a fishery resource and subject to civil fine and restitution for the value of the wasted fish. Failure to retrieve menhaden purse seine gear from the environment or the released contents of a menhaden purse seine to the extent practicable, as set forth in this Subsection shall constitute a commercial littering violation pursuant to R.S. 30:2531.3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), R.S. 56:313, R.S. 56:315, R.S. 56:326.3, and R.S. 56:409.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 5:329 (October 1979), amended LR 14:547 (August 1988), LR 19:58 (January 1993), LR 19:1179 (September 1993), LR 48:1588 (June 2022), LR 49:514 (March 2023), LR 50:

Public Hearing

In accordance with R.S. 49:966(H)(2), a public hearing on proposed substantive changes will be held by the

Department of Wildlife and Fisheries on April 23, 2024 at 10 a.m. in the Joe L. Herring Louisiana Room of the Wildlife and Fisheries Headquarters Building, 2000 Quail Drive, Baton Rouge, LA, 70808. Interested persons are invited to attend and submit oral comments on the proposed amendments.

Brandon J. DeCuir
Chairman

2403#014

POTPOURRI

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Public Hearing—Substantive Change to Notice of Intent Red Drum—Harvest Regulations (LAC 76:VII.363)

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission published a Notice of Intent to amend its rules in the August 20, 2023 and December 20, 2023 editions of the *Louisiana Register*. The commission previously amended the original Notice of Intent to modify the proposed statewide daily size, bag, and possession limits for red drum. The previously amended Notice of Intent proposed a statewide 18 inch minimum and a 27 inch maximum length limit with a bag and possession limit of three fish per day. The commission proposes to further amend the Notice of Intent to establish a four fish bag limit. These changes are based upon public comment provided during the comment period for the original Notice of Intent, during the Legislative Oversight hearing held on November 7, 2023, and during a Potpourri hearing held on January 22, 2024.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this amended Notice of Intent, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the amended Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the amended proposed Rule, the secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§363. Red Drum—Harvest Regulations

A. Recreational Regulations.

1. The daily take and possession limit for red drum (*Sciaenops ocellatus*) caught recreationally within or without Louisiana waters shall be four fish per day.

2. The minimum legal size for the recreational taking of red drum shall be 18 inches total length with the mouth closed. The maximum legal size for the taking of red drum shall be 27 inches total length with the mouth closed. Possession of red drum over the prescribed maximum size of 27 inches total length, when measured with the mouth closed, is prohibited.

3. Captain and crew members shall not retain a bag limit of red drum while operating or representing themselves as a charter vessel or headboat. Captain and crew may engage in fishing activity to assist passengers to catch, retrieve, or land red drum, or to demonstrate to passengers how to catch red drum.

B. No person who, pursuant to state or federal law, is subject to the jurisdiction of the state shall violate any federal law, rule or regulation particularly those rules and regulations enacted pursuant to the Magnuson-Stevens Fishery Conservation Act and published in the Code of Federal Regulations as amended Title 50 and 15, for red drum while fishing in the EEZ, or possess, purchase, sell, barter, trade, or exchange red drum within or without the territorial boundaries of Louisiana in violation of any state or federal law, rule or regulation particularly those rules and regulations enacted pursuant to the Magnuson-Stevens Fishery Conservation Act and published in the Code of Federal Regulations as amended Title 50 and 15 law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), R.S. 56:320.2(C), R.S. 56:325.1, R.S. 56: 325.1(A)(2), and 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 27:2266 (December 2001), LR 50:

Public Hearing

In accordance with R.S. 49:966(H)(2), a public hearing on proposed substantive changes will be held by the Department of Wildlife and Fisheries on April 29, 2024 at 10 a.m. in the Joe L. Herring Louisiana Room of the Wildlife and Fisheries Headquarters Building, 2000 Quail Drive, Baton Rouge, LA, 70808. Interested persons are invited to attend and submit oral comments on the proposed amendments.

Brandon J. DeCuir
Chairman

2403#024

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