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This public document was published at a total cost of \$2,400.00. Five hundred copies of this public document were published in this monthly printing at a cost of \$2,400.00. The total cost of all printings of this document including reprints is \$2,400.00. This document was published by Moran Printing, Inc. 5425 Florida Boulevard, Baton Rouge, LA 70806, as a service to the state agencies in keeping them cognizant of the new rules and regulations under the authority of R.S. 49:950-971 and R.S. 981-999. This material was printed in accordance with standards for printing by state agencies established pursuant to R.S. 43:31. Printing of this material was purchased in accordance with the provisions of Title 43 of the Louisiana Revised Statutes.

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Executive Orders

EXECUTIVE ORDER KBB 05-04

Maritime Advisory Task Force

WHEREAS, Executive Order No. KBB 2004-55, issued on December 9, 2004, recreated the Maritime Advisory Task Force in order to make recommendations on methods of promoting and protecting Louisiana's maritime industry and increasing the state's competitiveness in global maritime markets; and

WHEREAS, it is necessary to amend Executive Order No. KBB 2004-55 in order to extend the time period for submitting its report to the governor;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, 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: Section 3 of Executive Order No. KBB 2004-55, issued on December 9, 2004, is amended as follows:

By June 1, 2005, the Task Force shall submit a written comprehensive report to the governor on the issues set forth in Section 2 of this Order. Annually thereafter, the Task Force shall submit an updated report to the governor.

SECTION 2: All other sections, subsections, and paragraphs of Executive Order No. KBB 2004-55 shall remain in full force and effect.

SECTION 3: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.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 23rd day of February, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0503#068

EXECUTIVE ORDER KBB 05-05

Urban Search and Rescue Commission

WHEREAS, the geography, industry, and critical assets of the state of Louisiana require a ready posture for emergency preparedness and response;

WHEREAS, the state of Louisiana presently lacks an organization of persons trained to perform search and rescue operations in the event of a collapse of a multi story building or of a catastrophic event at a large facility;

WHEREAS, the Louisiana Fire Chiefs Association and the Department of Public Safety, Office of State Police

have committed to provide competent volunteers who can be trained to provide services necessary for urban search and rescue; and

WHEREAS, the interests of the citizens of the state of Louisiana would best be served by the creation of a commission designed to organize an urban search and rescue team, coordinate the team's training, and authorize the team's acquisition of necessary equipment;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, 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 Urban Search and Rescue Commission (hereafter "Commission") is established and created within the Department of Public Safety and Corrections, Office of State Police.

SECTION 2: The duties and functions of the Commission shall include, but are not limited to, the following:

A. Establishing an operational urban search and rescue team to provide statewide assistance in the event of a disaster requiring personnel with highly specialized training and equipment;

B. Providing search and rescue personnel with training related to collapsed buildings and confined spaces; and

C. Purchasing equipment necessary for carrying out large-scale search and rescue missions.

SECTION 3: The Commission shall be composed of twelve (12) members who, unless otherwise specified, shall be appointed by and serve at the pleasure of the governor. The membership of the Commission shall be selected as follows:

A. The superintendent of the Louisiana State Police, or the superintendent's designee;

B. The adjutant general of Louisiana, or the adjutant general's designee;

C. One (1) representative of each of the nine (9) fire districts nominated by the Louisiana Fire Chiefs Association; and

D. One (1) representative of the Louisiana Emergency Preparedness Association.

SECTION 4: The Commission shall be co-chaired by the superintendent of the Louisiana State Police and the adjutant general of Louisiana, or their respective designees. All other officers, if any, shall be elected by and from the membership of the Commission.

SECTION 5: The Commission shall meet at regularly scheduled intervals and at the call of the co-chairs.

SECTION 6:

A. Commission members shall not receive additional compensation or a per diem from the Department of Public Safety and Corrections for serving on the Commission.

B. Commission members who are employees or elected public officials of the state of Louisiana or a political subdivision thereof may seek reimbursement of travel

expenses, in accordance with PPM 49, from their employing and/or elected department, agency and/or office.

C. Commission members who are also members of the Louisiana Legislature may seek a per diem from the Louisiana State Senate or House of Representatives, as appropriate, for their attendance.

SECTION 7: Support staff, facilities, and resources for the Commission shall be provided by the Department of Public Safety and Corrections, Office of State Police.

SECTION 8 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 Commission in implementing the provisions of this Order.

SECTION 9: 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 23rd day of February, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0503#069

EXECUTIVE ORDER KBB 05-06

Drug Control and Violent Crime Policy Board

WHEREAS, incidents of violent crimes and drug abuse are problematic for the state of Louisiana;

WHEREAS, the federal government provides financial assistance to the state to improve the operational effectiveness of our drug and violent crime control efforts through such programs as the Violent Crim.Control and Law Enforcement Act of 1994, 42 U.S.C.A. §13701 et seq., and the Drug Control and System Improvement Grant Program, 42 U.S.C.A. §3751 et seq.; and

WHEREAS, the interests of the citizens of the state of Louisiana would be best served through the utilization of a single coordinating board to administer these federal assistance programs in order to function as a communication forum and to facilitate the coordination of drug abuse and violent crime projects within the state;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, 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 Louisiana Drug Control and Violent Crime Policy Board (hereafter "Board") is reestablished within the executive department, Office of the Governor.

SECTION 2: The duties of the Board shall include, but are not limited to, the following:

A. Serve as an advisory body to the Louisiana Commission on Law Enforcement and Administration of Criminal Justice;

B. Develop a statewide drug control and violent crime strategy encompassing all components of the criminal justice system; and

C. Perform any duties and functions requested by the governor and/or the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

SECTION 3: The Board shall be composed of a maximum of eighteen (18) members who unless otherwise specified, shall be appointed by and serve at the pleasure of the governor. The membership of the Board shall be as follows:

A. The superintendent of the Department of Public Safety, or the superintendent's designee;

B. Three (3) district attorneys, one each from the eastern, the western, and the middle areas of the state;

C. The executive director of the Louisiana District Attorneys Association, or the executive director's designee;

D. Three (3) sheriffs, one each from the eastern, the western, and the middle areas of the state;

E. The executive director of the Louisiana Sheriffs' Association, or the executive director's designee;

F. Three (3) chiefs of police, one each from the eastern, the western, and the middle areas of the state;

G. One (1) marshal or constable selected from either the eastern, the western, or the middle areas of the state; and

H. Five (5) at-large members who are private citizens and/or former members of the state judiciary and who are active in community drug control and prevention.

SECTION 4: The chair of the Board shall be appointed by the governor from the membership of the Board. All other officers, if any, shall be elected from the membership of the Board.

SECTION 5: The Board shall meet at regularly scheduled intervals and at the call of the chair.

SECTION 6:

A. Board members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Board.

B. Board members who are employees or elected public officials of the state of Louisiana or a political subdivision thereof may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency and/or office.

C. Board members who are also members of the Louisiana Legislature may seek a per diem from the Louisiana State Senate or House of Representatives, as appropriate, for their attendance.

SECTION 7: Support staff, facilities, and resources for the Board shall be provided by the Office of the Governor.

SECTION 8: 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 Board in implementing the provisions of this Order.

SECTION 9: 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 23rd day of February, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0503#070

EXECUTIVE ORDER KBB 05-07

Grant Application Policy

WHEREAS, the state of Louisiana desires to effectively maximize the use of federal and private grant funds available to departments, commissions, boards, offices, entities, agencies, and officers of the state (hereafter "agencies of the state"), and units of local government of the state of Louisiana;

WHEREAS, the state of Louisiana desires to increase the awareness of availability of such funds and programs available to agencies of the state, units of local government, and nonprofit organizations;

WHEREAS, the state of Louisiana desires to reduce duplication of efforts and unnecessary competition within and among agencies of the state; and

WHEREAS, the Division of Administration's Office of Community Development is part of the executive branch of the state of Louisiana;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, 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 Division of Administration's Office of Community Development (hereafter "DOA-OCD") shall perform the following functions:

A. Provide technical assistance in prospect research and grant writing to all agencies of the state, units of local government, and non-profit organizations;

B. Notify all agencies of the state and units of local government of available programs to which said entities could apply for funding; and

C. Develop a system to collect information regarding federal and private grant funds received by agencies of the state, including procedures for notification of intent to apply for federal and private grant funds,

notification of application, and notification of award to DOA-OCD.

SECTION 2: All agencies of the state shall submit an annual report to that includes information regarding disbursements made to units of local government and any political subdivision thereof; and

SECTION 3: The annual report and/or notices shall conform to the requirements set forth by the DOA-OCD.

SECTION 4: Institutions of post secondary education shall:

A. Be exempt from the requirements of Sections 1(C), 2 and 3 above; and

B. Submit an annual report to DOA-OCD that includes information regarding federal and private grant awards received by the institutions.

SECTION 5: The Board of Regents in conjunction with the management boards of the institutions of post-secondary education shall submit a plan to DOA, Office of the Commissioner, which outlines how institutions of post-secondary education shall participate in accomplishing the objectives set forth in this Order. This plan shall be submitted to the DOA by September 2005.

SECTION 6: All agencies of the state shall designate a single point of contact that will be responsible for communications with the DOA-OCD in regards to the actions outlined in this order.

SECTION 7: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the implementation of the provisions of this Order.

SECTION 8: 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, 2005.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0503#071

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry
Office of Agro Consumer Services

Petroleum Products (LAC 7:XXXV.351-365)

The Commissioner of Agriculture and Forestry adopts the following Emergency Rule relating to advertising, offering to sell or sale at retail of motor vehicle fuels in a manner contrary to law. This Rule is adopted in accordance with R.S. 3:4608, R.S. 3:4671, R.S. 3:4679, R.S. 3:4680, R.S. 3:4686, and R.S. 51:421 et seq. and the Emergency Rule provisions of R.S. 49:953(B) of the Administrative Procedure Act. These emergency regulations renew the previously adopted emergency regulations on this subject matter. Notice of intent to adopt permanent regulations on this subject matter were published in the January 20, 2005 Louisiana Register.

Motor vehicle fuels are essential to the community, to industry including agriculture and forestry, and to the welfare of the citizens of Louisiana. The free and fair distribution and sale of motor vehicle fuels is necessary for the economic vitality of this state in general, and of particular industries such as agriculture and forestry. The free and fair distribution and sale of motor vehicle fuels is therefore important to the public welfare.

Advertising, offering to sell or selling of motor vehicle fuels below cost is unfair competition contrary to and violative of the public policy of this state.

Presently there exists within this state advertisements, offers to sell and sales at retail of motor vehicle fuels below cost, which advertisements, offers and sales are unlawful. The advertisements, offers to sell and sales at retail of motor vehicle fuels below cost tend to reduce competition through the elimination of competitors, thereby threatening the free and fair distribution and sale, and thus the supply, of motor vehicle fuels. Maintenance of competition in the sale of motor vehicle fuels is critical to the free and fair distribution and sale of motor vehicle fuels throughout the state. The reduction of competition and harm to the free and fair distribution and sale of motor vehicle fuels constitutes imminent peril to the public welfare.

The Commissioner of Agriculture and Forestry finds that the circumstances described above constitute an imminent peril to the public welfare and that the adoption of a Rule upon shorter notice than that provided in R.S. 49:953(A) is therefore required.

These emergency regulations become effective upon signature, February 18, 2005, and will remain in effect for a period of one hundred twenty days, unless renewed, or until promulgated as permanent regulations in accordance with the Administrative Procedure Act, whichever occurs first.

Title 7

AGRICULTURE AND ANIMALS

Part XXXV. Agro-Consumer Services

Chapter 3. Petroleum Products

Subchapter B. Sale of Motor Vehicle Fuels

§351. Definitions

A. As used in this Subchapter, the terms defined in this section have the meanings herein given to them, except where the context expressly indicates otherwise:

Commissioner—the Commissioner of Agriculture and Forestry.

Cost to the Retailer—only bona fide costs. Purchases made by retailers at prices which cannot be justified by prevailing market conditions within this state shall not be used in determining *cost to the retailer*.

a. The invoice cost, or the replacement cost, of motor vehicle fuels to the retailer, whichever is lower;

i. less all trade discounts except customary discounts for cash;

ii. plus, in the following order:

(a). freight charges not otherwise included in the invoice cost or the replacement cost;

(b). cartage to the retail outlet if done or paid by the retailer, which cartage cost, in the absence of proof of a lesser cost, shall be three-fourths of one per cent of the cost to the retailer after adding freight charges but before adding cartage and markup; and,

(c). a markup to cover a proportionate part of the cost of doing business, which markup, in the absence of proof of a lesser cost, shall be six per cent of the cost to the retailer after adding freight charges and cartage.

b. In determining *cost to the retailer* in those cases where the retailer buys at wholesale and receives the wholesaler's profits and discounts on motor vehicle fuels to be sold at retail, both a wholesale markup of two per cent and the retail markup of six percent, in the absence of proof of a lesser cost, shall be added to cover a proportionate part of the cost of doing business.

Discount—any reduction, direct or indirect, in the price of motor vehicle fuels.

Freight—all costs of transportation of motor vehicle fuels from a terminal or other bulk storage facility to the retailer.

Held for Sale—that a motor vehicle fuel is stored on the premises of a retailer such that motor vehicle fuel is capable of being sold or dispensed in connection with sales at retail.

Individual—person.

Invoice—the document evidencing the purchase of motor vehicle fuels by a retailer containing purchase information including the date, quantity, description of product and the actual sale price of each product to the retailer.

Invoice Cost—the actual price of motor vehicle fuels purchased by the retailer as set forth in an invoice. In the event any retailer obtains motor vehicle fuels for resale in a manner that does not generate an invoice, in the absence of proof of a different cost, the invoice cost for such fuel for that retailer shall be the rack average price, for the date the motor vehicle fuel was advertised, offered for sale, or sold at retail for the same motor vehicle fuel product at the rack which is geographically closest to the retailer's outlet.

Motor Vehicle Fuel and *Motor Vehicle Fuels*—those petroleum products, such as gasoline, diesel fuel, or any other refined hydrocarbon mixture, distributed for use as a fuel in self-propelled vehicles designed primarily for use on public streets, roads and highways.

Person—a natural person or legal entity.

Replacement Cost—the lowest cost per unit at which the motor vehicle fuels sold or offered for sale could have been bought by the retailer at any time within thirty days prior to the date of sale or the date upon which the motor vehicle fuels are offered for sale by the retailer if bought in the same quantity as the retailer's last purchase of the motor vehicle fuels.

Retailer—any person engaged in the business of making sales at retail within this state of motor vehicle fuels, or if any person is engaged in the business of making sales both at retail and at wholesale, *retailer* shall apply only to the retail portion of the business.

Sell at Retail and *Sales at Retail*—any transfer for a valuable consideration, made in the ordinary course of trade or in the usual prosecution of the retailer's business, of title to motor vehicle fuels to the purchaser for consumption or use other than resale, further processing or manufacturing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, R.S. 3:4671, R.S. 3:4679, R.S. 3:4680, R.S. 3:4686, and R.S. 51:421 et seq.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Weights and Measures Commission, LR 31:

§353. Prohibition on Below-Cost Sales of Motor Vehicle Fuels at Retail

A. No retailer shall advertise, offer to sell, or sell at retail any motor vehicle fuels at less than cost to the retailer.

B. When motor vehicle fuels are advertised, offered for sale, or sold with one or more other items at a combined price, or are advertised, offered as a gift, or given with the sale of one or more items, or are advertised, offered, or sold with a gift of one or more items, each and all of the items shall for the purposes of this Subchapter be considered advertised, offered for sale, or sold, and the price of the motor vehicle fuels for the purposes of this Subchapter shall include the cost of the other items to the retailer. In the absence of proof of a lesser cost, the cost of the other items to the retailer shall be determined in the same manner as "cost to the retailer" of motor vehicle fuels is determined in this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, R.S. 3:4671, R.S. 3:4679, R.S. 3:4680, R.S. 3:4686, and R.S. 51:421 et seq.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Weights and Measures Commission, LR 31:

§355. Exemptions

A. The provisions of this Subchapter shall not apply to sales at retail where motor vehicle fuels are:

1. sold in bona fide clearance sales, if advertised, marked, and sold as such;
2. being discontinued and are advertised, marked and sold as such;
3. sold upon the final liquidation of any business;
4. sold for charitable purposes or to relief agencies;
5. sold on contract to departments of the government or governmental institutions;
6. sold in good faith to meet that competition which permits a competitor to sell at a lesser price where such competitor is able to do so without violating the terms and conditions of this Subchapter;
7. sold by any officer acting under the order or direction of any court;
8. sold by the manufacturer or producer thereof; or
9. sold as medicants, germicides, insecticides or cleaning fluids.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, R.S. 3:4671, R.S. 3:4679, R.S. 3:4680, R.S. 3:4686, and R.S. 51:421 et seq.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Weights and Measures Commission, LR 31:

§357. Burdens and Presumptions

A. Upon proof being made at any adjudicatory hearing that a person has advertised, offered to sell, or sold motor vehicle fuels at retail at less than cost to the retailer plus applicable taxes, such person shall be presumed to be in violation of this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, R.S. 3:4671, R.S. 3:4679, R.S. 3:4680, R.S. 3:4686, and R.S. 51:421 et seq.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Weights and Measures Commission, LR 31:

§359. Recordkeeping and Inspection of Records

A.1. Each retailer, dealer, distributor, marketer, jobber, importer, or refiner of motor vehicle fuels or any person performing one or more of those functions shall keep a full and complete record of motor vehicle fuels received, used, sold, or held for sale within this state by him, including but not limited to the following:

- a. invoices, bills of lading, and other pertinent records and papers that document or establish the cost to the retailer as defined in §351 of this Subchapter;
- b. records of all measurements of the retailer's inventory of motor vehicle fuels; and
- c. records of all motor vehicle fuels pump or dispenser totalizer readings.

2. The records shall be kept for a period of three years from the end of the calendar year in which they were created. The records shall be kept in a manner that permits prompt access to all such records and shall be kept in a manner that facilitates the determination by audit of the cost to the retailer as defined in §351 of this Subchapter. In order to enforce the provisions of this Subchapter, the commissioner may from time to time audit the books and records of retailers, dealers, distributors, marketers, jobbers,

importers, or refiners of motor vehicle fuels and each shall permit access to the records described in this section for such audit during normal business hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, R.S. 3:4671, R.S. 3:4679, R.S. 3:4680, R.S. 3:4686, and R.S. 51:421 et seq.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Weights and Measures Commission, LR 31:

§361. Suspension of Right to do Business

A. A violator of the provisions of §353 of this Subchapter may have his right to engage in the business of making sales at retail within this state of motor vehicle fuels suspended in addition to any civil penalty that may be imposed by the commissioner. For a first or second offense, the violator's right to continue or engage in the business of making sales at retail within this state of motor vehicle fuels at the place of business involved may be suspended for not less than one week nor more than six months. For any subsequent offense, the violator's right to engage in said business may be suspended for not less than three months nor more than twelve months. This suspension shall extend only to the individual guilty of the offense, unless the person is acting as an agent for a principal who knew of and participated in the violation, or knowing of the violation, acquiesced therein. The suspension shall extend to the right to use the filling station and all tanks, pumps, containers or equipment located at that station for the same period of time. However, if the violator does not own the property or equipment, and is merely renting, leasing or borrowing it, or is acting as agent for another, the suspension will extend to the owner or principal only if the owner or principal knew, or had good reason to know, of the violation. The commissioner has authority on motion in court to take a rule against the retailer, to show cause in not less than two nor more than ten days, inclusive of holidays after the service thereof, why said retailer should not be ordered to cease from further pursuit of business as retailer for the aforesaid period. Violations of the injunction shall be considered as a contempt of court and punished according to law. These motions shall be tried out of term and in chambers, and always by preference.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, R.S. 3:4671, R.S. 3:4679, R.S. 3:4680, R.S. 3:4686, and R.S. 51:421 et seq.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Weights and Measures Commission, LR 31:

§363. Monetary Penalty; Adjudicatory Hearing Required; Cost of Adjudicatory Hearing; Court Enforcement of Rulings; Injunctive Relief; Stipulated Resolution; Service

A. A violator of any provisions of this Subchapter shall be subject to a civil penalty of not more than five hundred dollars for each act of violation. Each day on which a violation occurs shall be a separate offense.

B. Penalties may be assessed only by a ruling of the commissioner based upon an adjudicatory hearing held in accordance with the provisions of the Administrative Procedure Act.

C. In addition to civil penalties, the commissioner may assess the proportionate costs of the adjudicatory hearing

against the offender. The commissioner shall determine the amount of costs to be assessed.

D. The commissioner may institute civil proceedings to enforce his rulings in the district court for the parish in which the violation occurred.

E. The commissioner may institute civil proceedings seeking injunctive relief to restrain and prevent the violation of the provisions of this Chapter in the district court for the parish in which the violation occurred.

F. Nothing contained in this Part shall limit the right of the commissioner to offer any stipulated resolution of any alleged violation.

G. All notices including notices of adjudicatory hearings and service of subpoenas shall be served upon the agent for service of process, an officer, the principal owner, a manager or an employee of the entity to be noticed or served and, once served in accordance herewith said notice or service, shall be valid.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, R.S. 3:4671, R.S. 3:4679, R.S. 3:4680, R.S. 3:4686, and R.S. 51:421 et seq.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Weights and Measures Commission, LR 31:

§365. Severability Clause

A. If any provision of this Subchapter is declared invalid for any reason by a final judgment of a court of competent jurisdiction, that declaration shall not affect the validity of the remaining provisions of this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4608, R.S. 3:4671, R.S. 3:4679, R.S. 3:4680, R.S. 3:4686, and R.S. 51:421 et seq.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Weights and Measures Commission, LR 31:

Bob Odom
Commissioner

0503#003

DECLARATION OF EMERGENCY

**Department of Environmental Quality
Office of Environmental Assessment**

Postponement of Permit Deadline for
Oil and Gas Construction Activities
(LAC 33:IX.2511)(WQ060E)

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, which allow the Department of Environmental Quality to use emergency procedures to establish rules, and of R. S. 30:2011 and 2074, which allow the department to establish standards, guidelines, and criteria, to promulgate rules and regulations, and to issue compliance schedules, the secretary of the department hereby declares that an emergency action is necessary in order to implement the March 9, 2005, Environmental Protection Agency (EPA) rule to postpone until June 12, 2006, the permit authorization deadline for National Pollutant Discharge Elimination System (NPDES) storm water permits for oil and gas related construction activity that disturbs one to five acres of land. This is the second postponement promulgated by EPA for these

activities. Within six months of that action, EPA intends to publish a notice of proposed rulemaking in the *Federal Register* for addressing these discharges and to invite public comments.

This Emergency Rule will allow operators at construction sites related to oil and gas exploration, production, processing, or treatment operations, or transmission facilities that disturb equal to or greater than one acre and less than five acres of land to legally conduct those construction activities without being permitted until the regulations found at LAC 33:IX.2511 can be revised to incorporate the new June 12, 2006, federal permit authorization deadline for those construction activities. The Department of Environmental Quality, Office of Environmental Services (successor to the former Office of Water Resources) became the NPDES permit issuing authority for the State of Louisiana on August 27, 1996. An emergency rule is necessary for the Louisiana Pollutant Discharge Elimination System (LPDES) program to be consistent with the EPA NPDES program. Accordingly, the department adopts the following Emergency Rule.

This Emergency Rule is effective on March 10, 2005, and shall remain in effect for a maximum of 120 days or until a final rule is promulgated, whichever occurs first. For more information concerning WQ060E you may contact the Regulation Development Section at (225) 219-3550.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality

Subpart 2. The Louisiana Pollutant Discharge

Elimination System (LPDES) Program

Chapter 25. Permit Application and Special LPDES Program Requirements

§2511. Storm Water Discharges

A. - E.7.c. ...

8. Any storm water discharge associated with small construction activity identified in Subparagraph B.15.a of this Section, other than discharges associated with small construction activity at oil and gas exploration, production, process, and treatment operations or transmission facilities, requires permit authorization by March 10, 2003, unless designated for coverage before then. Discharges associated with small construction activity at such oil and gas sites require permit authorization by June 12, 2006.

E.9 - G.4.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074.B.(3) and B.(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:957 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2273 (October 2000), LR 26:2552 (November 2000), repromulgated LR 27:40 (January 2001), amended LR 28:467 (March 2002), LR 29:701 (May 2003), repromulgated LR 30:230 (February 2004), amended by the Office of Environmental Assessment, LR 31:

Mike D. McDaniel, Ph.D.
Secretary

0503#067

DECLARATION OF EMERGENCY

**Department of Health and Hospitals
Office of Public Health**

Vital Records (LAC 48:V.11707)

The Department of Health and Hospitals, Office of Public Health, promulgates the following Emergency Rule in the Vital Records and Statistics Program as authorized by R.S. 40:33(C). This Emergency Rule is promulgated in accordance with the Administrative Procedures Act, R.S.49:953(B)(1) et. seq., and shall be in effect for the maximum period allowed by law or until adoption of the Rule, whichever occurs first.

As a result of a shortage of death certificate banknote security paper and problems the vendor has encountered in printing this paper, the department has determined it necessary to issue electronic death certificates. This action is being taken in order to avoid the interruption in the availability of death certificates. Vital Records currently has electronic death certificate security paper and has the infrastructure in place at all parish health units to issue electronic death certificates. The shipment of security paper will not arrive before the supply of death certificate security paper is exhausted statewide. This Emergency Rule will allow department to continue to meet the needs of the public in this situation.

This Emergency Rule is effective February 18, 2005, and is to remain effective for a period of 120 days or until adoption of the final Rule, whichever occurs first.

Title 48

PUBLIC HEALTH-GENERAL

Part V. Preventive Health Services

Subpart 45. Vital Records

Chapter 117. Availability of Records

§11707. Certified Copies of Records

A. - B. ...

C. Electronic certified abstracts of vital events may be issued in lieu of certified copies of documents on file with the Vital Records Registry. Data items certified are determined by the state registrar of vital records. Copies which suppress protected health information shall be made available. Fees for certified abstracts shall be in accordance with R.S. 40:40.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:32 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of Public Health, LR 15:473 (June 1989), LR 31:

Frederick P. Cerise, M.D., M.P.H.
Secretary

0503#002

DECLARATION OF EMERGENCY

Department of Health and Hospitals Office of Public Health

Repeal of Emergency Rule Vital Records (LAC 48:V.11707)

Editor's Note: The referenced Emergency Rule may be viewed in this edition of the *Louisiana Register* on page 616.

The Department of Health and Hospitals, Office of Public Health, hereby repeals the following Emergency Rule in the Vital Records and Statistics Program as authorized by R.S. 40:33(C). The repeal of this Emergency Rule is promulgated in accordance with the Administrative Procedures Act, R.S.49:953(B)(1) et. seq. and is effective March 3, 2005.

Title 48

PUBLIC HEALTH GENERAL

Part V. Preventive Health Services

Subpart 45. Vital Records

Chapter 117. Availability of Records

§11707. Certified Copies of Records

A. - B. ...

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:32 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Preventive and Public Health Services, LR 13:246 (April 1987), amended by the Department of Health and Hospitals, Office of Public Health, LR 15:473 (June 1989), LR 31:

Frederick P. Cerise, M.D., M.P.H.
Secretary

0503#074

DECLARATION OF EMERGENCY

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

Home and Community Based Services Waivers New Opportunities Waiver (LAC 50:XXI.13707-13709)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services proposes to adopt LAC 50:XXI.13707-13709 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is being promulgated in accordance with the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule on June 20, 1997 to establish the provisions governing the programmatic allocation of waiver slots for the Mental Retardation/Developmental Disabilities (MR/DD) Waiver (*Louisiana Register*, Volume 23, Number 6). The June 20, 1997 Rule was subsequently amended on May 20, 2002 to update the methodology for slot allocation in order to better meet the needs of citizens with disabilities in the state of

Louisiana (*Louisiana Register*, Volume 28, Number 5). The Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services promulgated a Rule implementing a new home and community based services waiver designed to enhance the support services available to individuals with developmental disabilities titled the New Opportunities Waiver (NOW) (*Louisiana Register*, Volume 30, Number 6). The New Opportunities Waiver replaced the MR/DD Waiver upon completion of the transition of all MR/DD participants to NOW.

The Appropriations Bill of the 2004 Regular Session of the Legislature allocated funds for the establishment of 66 emergency slots for NOW and mandated the development and enforcement of rules established under the Administrative Procedure Act to create an equitable and precise methodology for defining an emergency and the issuance of such slots. The bureau promulgated an Emergency Rule that established the provisions governing emergency waiver opportunities. In addition, the bureau repealed the rules governing programmatic allocation of MR/DD Waiver slots and adopted provisions to govern the programmatic allocation of waiver opportunities for NOW (*Louisiana Register*, Volume 30, Number 8). This Emergency Rule is being promulgated to continue provisions contained in the August 20, 2004 Rule.

This action is being taken to promote the health and welfare of those individuals with developmental disabilities by facilitating access to waiver services when the individual meets the criteria for an emergency waiver opportunity.

Effective April 19, 2005, the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services repeals the May 20, 2002 rule and adopts the following provisions governing the programmatic allocation of waiver opportunities in the New Opportunities Waiver.

Title 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part XXI. Home and Community Based Services Waivers

Subpart 11. New Opportunities Waiver

Chapter 137. General Provisions

§13707. Programmatic Allocation of Waiver Opportunities

A. The Bureau of Community Supports and Services (BCSS) Request for Services Registry, hereafter referred to as "the registry," shall be used to evaluate individuals for waiver eligibility and shall be used to fill all waiver opportunities administered by the BCSS for persons with mental retardation or developmental disabilities. BCSS shall notify, in writing, the next individual on the registry that a waiver opportunity is available and that he/she is next in line to be evaluated for a possible waiver assignment. The individual shall then choose a case management agency that will assist in the gathering of the documents needed for both the financial eligibility and medical certification process for level of care determination. If the individual is determined to be ineligible, either financially or medically, that individual shall be notified in writing. The next person on the registry shall be notified as stated above and the process continues until an eligible person is assigned the waiver opportunity. A waiver opportunity shall be assigned to an individual when eligibility is established and the individual is certified. By

accepting a waiver opportunity, the person's name shall be removed from the registry.

B. Right of Refusal. A person may be designated inactive on the registry upon written request to BCSS. When the individual determines that he/she is ready to begin the waiver evaluation process, he/she shall request, in writing, to BCSS that his/her name be removed from inactive status and his/her original protected request date will be reinstated. In addition, persons who left a publicly operated developmental center after July 1, 1996 and who would have received a waiver opportunity, but chose another option at the time of discharge may request access to a waiver opportunity through the Office for Citizens with Developmental Disabilities (OCDD) regional administrative units. OCDD will verify that the individual meets the criteria for this option and will refer the person to BCSS for access to the next available waiver opportunity based on their date of discharge from the developmental center that will become their protected date.

C. Utilizing these procedures, waiver opportunities shall be allocated to the targeted groups cited as follows.

1. A minimum of 90 opportunities shall be available for allocation to foster children in the custody of the Office of Community Services (OCS), who successfully complete the financial and medical certification eligibility process and are certified for the waiver. OCS is the guardian for children who have been placed in their custody by court order. OCS shall be responsible for assisting the individual in gathering the documents needed in the eligibility determination process, preparing the comprehensive plan of care, and submitting the plan of care document to BCSS.

2. A minimum of 160 opportunities shall be available for people living at Pinecrest and Hammond Developmental Centers, or their alternates, who have chosen to be de-institutionalized, have successfully completed the financial eligibility and medical certification process, and are certified for the waiver. In situations where alternates are used, an alternate shall be defined as a person who lives in a private ICF-MR facility and chooses to apply for waiver participation, is eligible for the waiver, and vacates a bed in the private ICF-MR facility for an individual being discharged from a publicly operated developmental center. A person living at Pinecrest or Hammond Developmental Center must be given freedom of choice in selecting a private ICF-MR facility placement in the area of his/her choice in order to designate the individual being discharged from the private ICF-MR facility as an alternate. The bed being vacated in the private ICF-MR facility must be reserved for 120 days for the placement of a person being discharged from a publicly operated developmental center.

3. Except for those opportunities addressed in Paragraphs C.1, C.2, C.6 and C.7, opportunities vacated during the waiver year shall be made available to persons leaving any publicly operated ICF-MR or their alternates.

4. For those individuals who do not complete the transition process and move from a publicly operated developmental center during the 120-day reservation period, the waiver opportunity will be converted to a community opportunity for processing. Justification to exceed the

120-day reservation period may be granted by the BCSS as needed.

5. Opportunities not utilized by persons living in public ICFs-MR or their alternates shall be divided between:

- a. the next individual on the registry who is living in either a nursing facility or private ICF-MR; and
- b. the next individual on the registry who is residing in the community.

6. Ten waiver opportunities shall be used for qualifying persons with developmental disabilities who receive services from the Developmental Neuropsychiatric Program (DNP) administered by Southeast Louisiana State Hospital. This is a pilot project between the BCSS, the OCDD, and the Office of Mental Health (OMH) in the development of coordinated wrap around services for individuals who choose to participate in the waiver and meet the financial and medical eligibility requirements for the waiver.

7. Sixty-six waiver opportunities shall be used for qualifying individuals with developmental disabilities who require emergency waiver services. In the event that an opportunity is vacated, the opportunity will be returned to the emergency pool for support planning based on the process for prioritization. Once the 66 opportunities are filled, then supports and services based on the priority determination system will be identified by OCDD and addressed through other resources currently available for individuals with developmental disabilities.

8. Funded opportunities not addressed above shall be available for allocation to the next individual on the registry who successfully completes the financial eligibility and medical certification process and is certified for the waiver.

D. The Bureau of Community Supports and Services has the responsibility to monitor the utilization of waiver opportunities. At the discretion of the BCSS, specifically allocated opportunities may be reallocated to better meet the needs of citizens with disabilities in the state of Louisiana.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 31:

§13709. Emergency Opportunities

A. Requests for emergency waiver services shall be made through the regional administrative units (RAU), which are local and regional governmental entities responsible for implementing OCDD policies. When a request for emergency services is received, the RAU (which may be OCDD regional offices, human services districts, or human services authorities) shall complete a priority assessment that incorporates standardized operational procedures with standardized assessment tools to determine the priority of the individual's need in a fair and consistent manner.

B. To be considered for emergency waiver supports, the individual must need long term supports, not temporary or short term supports. All of the following criteria shall be used in the determination of priority for an emergency opportunity.

1. Urgency of Need. The individual will require further assessment for emergency services if one of the following situations exists:

- a. the caregiver is unable or unwilling to continue providing care (i.e., the individual was dropped off and the caregiver was not found);
- b. death of the caregiver and there are no other available supports (i.e., other family member);
- c. the caregiver is incapacitated and there are no other available supports (i.e., other family member) due to physical or psychological reasons;
- d. intolerable temporary placement, immediate need for new placement; or
- e. other family crisis exists with no caregiver support available.

2. Level of Risk. The individual will be assessed to determine the risk to health and safety in areas of daily living, health care and behavioral supports if an emergency waiver opportunity is not made available. Level of risk will be categorized as follows.

- a. High Risk. The person's health or safety is at imminent risk without the requested developmental disability supports.
- b. Moderate Risk. The person has a potential risk of losing their current level of health or safety without the requested developmental disability supports.
- c. Low Risk. The person is at little or no risk of losing their current level of health or safety without the requested developmental disability supports.

3. Level of Unmet Needs. The person's needs shall be identified and assessed to determine the level to which the needs are being met.

4. Adaptive Service Level Determination. The person's service needs will be determined utilizing a standardized rating based on adaptive behavior levels.

5. Financial Resources Determination. Individual or family income shall be considered to determine whether it is adequate to meet unmet needs.

C. For individuals who appear to meet the criteria for an emergency waiver opportunity, the RAU will forward the Priority Ranked Score and all supporting documentation to the DHH emergency review team coordinator at OCDD in Baton Rouge to complete the determination process.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Community Supports and Services, LR 31:

Implementation of this proposed Rule is subject to approval by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services.

Interested persons may submit written comments to Barbara Dodge, Bureau of Community Supports and Services, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. She is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency

Rule is available for review by interested parties at parish Medicaid offices.

Frederick P. Cerise, M.D., M.P.H.
Secretary

0503#032

DECLARATION OF EMERGENCY

Department of Social Services Office of Family Support

Earned Income Tax Credit (EITC) Program (LAC 67:III.5581)

The Department of Social Services, Office of Family Support, has exercised the emergency provision of R.S. 49:953(B), the Administrative Procedure Act, to adopt §5581, Earned Income Tax Credit as a new TANF Initiative. This Emergency Rule effective February 11, 2005, will remain in effect for a period of 120 days.

Pursuant to Act 1 of the 2004 Regular Session of the Louisiana Legislature, the agency proposes to adopt Section 5581 to provide public awareness, education and targeted outreach strategies regarding the benefits of claiming the Earned Income Tax Credit (EITC) Program, state tax credit programs, and free taxpayer assistance.

The authorization for emergency action in this matter is contained in HB 1 of the 2004 Regular Session of the Louisiana Legislature.

Title 67

SOCIAL SERVICES

Part III. Family Support

Subpart 15. Temporary Assistance to Needy Families (TANF) Initiatives

Chapter 55. TANF Initiatives

§5581. Earned Income Tax Credit (EITC) Program

A. The agency has entered into contracts to provide public awareness, education and targeted outreach strategies regarding the benefits of claiming the Earned Income Tax Credit (EITC) Program, state tax credit programs, and free taxpayer assistance effective January 1, 2005. Strategies include collaboration with the IRS, various state departments and the targeted expansion of existing outreach activities to assure that free taxpayer assistance is available statewide.

B. These services meet the TANF goal to encourage the formation and maintenance of two-parent families.

C. Eligibility for services is not limited to needy families.

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

AUTHORITY NOTE: Promulgated in accordance with 42 U.S.C. 601 et seq.; R.S. 46:231 and R.S. 36:474; Act 1, 2004 Reg. Session.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 31:

Ann Silverberg Williamson
Secretary

0503#001

Rules

RULE
Department of Civil Service
Board of Ethics

Ethics
(LAC 52:I.Chapter 19)

Editor's Note: Chapter 19 of the following Rule is being repromulgated to re-codify the disclosure forms. The original Rule may be viewed in its entirety on pages 2668-2687 of the December 20, 2004 edition of the *Louisiana Register*.

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Louisiana Board of Ethics has promulgated rules, and amendments to the rules for the Board of Ethics, as well as repealed the procedural

§1906. Personal Financial Disclosure Form

Appendix A
Personal Financial Disclosure Form
for Governors and Gubernatorial Candidates
Filed pursuant to LSA_R.S. 42:1124

rules for drug testing elected officials, since that statutory provision was declared unconstitutional.

Title 52
ETHICS
Part I. Board of Ethics
Chapter 19. Lobbyist Disclosure Act
§1902. Filing Fees

A. Lobbyist registration fees submitted pursuant to R.S. 24:53 shall be made by check or money order payable to the Board of Ethics.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 25:624 (April 1999), amended LR 30:2672 (December 2004), repromulgated LR 31:620 (March 2005).

1. FULL NAME	2. SPOUSE'S FULL NAME
3. RESIDENCE ADDRESS	
4. SPOUSE'S OCCUPATION (IF ANY)	
5. SPOUSE'S PRINCIPAL BUSINESS ADDRESS	
6. This report covers calendar year _____	7. Check if Amended Report _____

Note: Where amounts are required herein, indicate such amounts by use of one of the following categories:

- I. less than \$5,000;
- II. \$5,000 to \$24,999;
- III. \$25,000 to \$49,999;
- IV. \$50,000 to \$99,999;
- V. \$100,000 to \$199,999;
- VI. \$200,000 or more.

Use as many pages of each section of the form as are required. Machine copies of the form's pages may be used. Complete all sections (if not applicable, so indicate). Please type or print.

8. Affidavit

I do hereby certify, after having been first duly sworn, that the information contained in this personal financial disclosure form is true and correct to the best of my knowledge, information, and belief.

Sworn to and subscribed before me this _____ day of _____, 20____.

Person Filing Report

Notary Public

Page _____ of _____

A. Positions

The name, address of, position in, and amount of interest in each business in which you or your spouse (either individually or collectively) were a director, officer, partner, member, or trustee during the calendar year. (Note: For purposes of this section "business" is defined as any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, business, organization, self-employed individual, holding company, trust, or any other legal entity or person.)

1. Individual, Spouse, or Both	2. Full Name and Address of Business	3. Position	4. Amount
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
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<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			

B. Business Interests

The name, address, and amount of interest in each business with which your sole relationship during the calendar year was as an owner of an interest and in excess of 10 percent held by you or your spouse (either individually or collectively). (Note: For purposes of this section "business" is defined as any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, business, organization, self-employed individual, holding company, trust, or any other legal entity or person.)

1. Individual, Spouse, or Both	2. Full Name and Address of Business	3. Position	4. Amount
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
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<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			

C. Income

The name, address, type, and amount of each source of income in excess of \$1,000 received by you or your spouse (either individually or collectively) during the calendar year. "Income" means any income from whatever source derived, including but not limited to the following types: compensation for services, including fees, salaries, commissions, and similar items; income derived from business; gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from interest in an estate or trust. For income from compensation, give a very brief description of the services rendered. For income from mental health, medical health, or legal services, if the disclosure of the source of the income would reveal the identity of a patient or client, then either mental health, medical health, or legal services should be given as the source.

1. Individual, Spouse, or Both	2. Name and Address of Source of Income	3. Type	4. Amount	5. Description of Services
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
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<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both				

D. Real Estate Holdings

The address and a short description (i.e., size, use of land) of each parcel of real property having a fair market value in excess of \$2,000 in which you or your spouse (either individually or collectively) had an interest during the calendar year.

1. Individual, Spouse, or Both	2. Address of Real Property	3. Description
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		

E. Transactions

A brief description, the date, and amount of each purchase, sale, exchange, donation, or gift, other acquisition or disposition, in excess of \$1,000, by you or your spouse (either individually or collectively) during the calendar year in any real property, and of any stocks, bonds, commodities futures, or other forms of securities, including but not limited to, any option to acquire and/or dispose of any stocks, bonds, commodities futures, other forms of securities, negotiable instruments, movable or immovable property, or any other interest.

1. Individual, Spouse, or Both	2. Description	3. Position	4. Amount
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
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<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both			

F. Liabilities

The name, address, and amount of each liability in excess of \$10,000 owed to any creditor by you or your spouse (either individually or collectively) during the calendar year. (Note: Exclude any loan secured by a personal motor vehicle, household furniture, or appliance if such loan does not exceed the purchase price of the item that secures it.)

1. Individual, Spouse, or Both	2. Full Name and Address of Business	3. Amount
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
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<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		
<input type="checkbox"/> Individual <input type="checkbox"/> Spouse <input type="checkbox"/> Both		

Page ____ of ____

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2673 (December 2004), repromulgated LR 31:620 (March 2005).

§1907. Lobbying Expenditure Form

LOBBYING REGISTRATION FORM
To be used for initial registrations and renewals

Lobbyist's Registration Number

Instructions

- Print in ink or type.
- Complete form and return with \$110 registration fee to the Board of Ethics, 2415 Quail Dr., 3rd Floor, Baton Rouge, LA 70808, (225) 763-8777 or (800) 842-6630.
- Initial registrations must be submitted within 5 days of (1) employment as a lobbyist or (2) first action requiring registration. Registrations expire as of December 31 unless a renewal is submitted between December 1 and January 31.

FOR OFFICE USE ONLY

Postmark Date: _____

1. NAME _____
Last First MI

2. BUSINESS PHONE _____
Area Code and Phone Number

3. BUSINESS ADDRESS _____
Street and No. City State Zip

MAILING ADDRESS _____
Street and No. City State Zip

4. EMPLOYER _____

5. EMPLOYER'S ADDRESS _____
Street and No. City State Zip

6. LIST BELOW (a) Names of persons, groups, or organizations which you represent; (b) the address of each such person, group, or organization you represent; (c) the type of business each is engaged in or the purpose or function of the organization or group; (d) whether or not the client or someone else pays you to lobby.

1. Name _____
Address _____
Business or purpose _____
Does this person pay you? _____
If No, then who pays you? _____

2. Name _____
Address _____
Business or purpose _____
Does this person pay you? _____
If No, then who pays you? _____

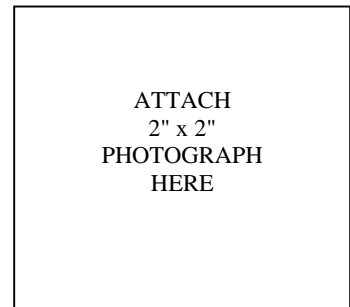
3. Name _____
Address _____
Business or purpose _____
Does this person pay you? _____
If No, then who pays you? _____

4. Name _____
Address _____
Business or purpose _____
Does this person pay you? _____
If No, then who pays you? _____

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; and that no information required by the Lobbyist Disclosure Act [LSA-R.S. 24:50 et seq.] has been deliberately omitted.

Signature of Lobbyist



AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2680 (December 2004), repromulgated LR 31:627 (March 2005).

§1908. Lobbying Registration Form

LOBBYING REGISTRATION REPORT

COVERING JANUARY 1 THROUGH JUNE 30, ____
DUE BY AUGUST 15

COVERING JULY 1 THROUGH DECEMBER 31, ____
DUE BY FEBRUARY 15

Lobbyist's Registration Number

FOR OFFICE USE ONLY

Postmark Date: _____

Instructions

- Print in ink or type.
- Fill in registration number in spaces provided.
- Check the box that identifies which report is being filed and fill in the year that the report is covering in the space provided.
- Complete form and return to the Board of Ethics, 2415 Quail Dr., 3rd Floor, Baton Rouge, LA 70808 (225) 763-8777 or (800) 842-6630
- **This form must be delivered or postmarked by the due date.**
- This form may be faxed to (225) 763-8787.

*The report covering July 1-Dec.31 is a **cumulative report**. You must include information from the first half of the year.

1. NAME _____
Last First MI

2. BUSINESS ADDRESS _____
Street and No. City State Zip

MAILING ADDRESS _____
Street and No. City State Zip

3. BUSINESS PHONE _____
Area Code and Phone Number

4. Total of all expenditures made January 1 through June 30: \$ _____
(Include expenditures from Schedules A and B)

5. Total of all expenditures made July 1 through December 31: \$. _____
(When applicable) (Include expenditures from Schedules A and B)

6. Total of all expenditures made during calendar year: \$ _____
(Line 4 added with Line 5 should equal Line 6)

7. Did you make an expenditure exceeding \$50 on one occasion for any one legislator:

From January 1 through June 30? YES NO
From July 1 through December 31? YES NO NA

If the answer to either question in Number 7 above is YES, please complete Schedule A and attach.

8. Did you make expenditures exceeding the sum of \$250 for any one legislator:

From January 1 through June 30? YES NO
From July 1 through December 31? YES NO NA

If the answer to either question in Number 8 above is YES, please complete Schedule A and attach.

9. Did you expend funds for a reception, social gathering, or other function to which the entire legislature, either house, any standing committee, select committee, statutory committee, committee created by resolution of either house, subcommittee of any committee, recognized caucus, or any delegation thereof were invited during this reporting period?

YES NO

If the answer to either question in Number 9 above is YES, please complete Schedule B and attach.

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; that all reportable expenditures have been included herein; and that no information required by the Lobbyist Disclosure Act [LSA-R.S. 24:50 et seq.] has been deliberately omitted.

Signature of Lobbyist

SCHEDULE A: EXPENDITURES FOR LEGISLATION

This schedule must be completed if you answered YES to either question 7 or 8 on the Lobbying Expenditure Report. If, during the period January 1 through June 30 or the period July 1 through December 31, you made either (a) an expenditure for any one legislator exceeding \$50 on any one occasion or (b) aggregate expenditures exceeding \$250 for any one legislator during a reporting period, then you must provide the aggregate total of expenditures made on that legislator in that reporting period. **NOTE: Report covering July-December is cumulative. You must include reportable expenditures from the first half of the year in Column #2.**

1. LEGISLATOR'S NAME	2. AMOUNT OF EXPENDITURES MADE ON A LEGISLATOR FOR WHOM YOU EITHER SPENT OVER \$50 ON ONE OCCASION OR MADE EXPENDITURES EXCEEDING \$250 BETWEEN JANUARY 1 AND JUNE 30.	3. AMOUNT OF EXPENDITURES MADE ON A LEGISLATOR FOR WHOM YOU EITHER SPENT OVER \$50 ON ONE OCCASION OR MADE EXPENDITURES EXCEEDING \$250 BETWEEN JULY 1 AND DECEMBER 31.	4. TOTAL OF COLUMNS 2 AND 3.

SCHEDULE B: EXPENDITURES FOR RECEPTIONS, ETC.

This schedule must be completed if you answered YES to either question 9 on the Lobbying Expenditure Report. The following information must be provided for all receptions, social gatherings, or other functions to which the entire legislature, either house, any standing committee, select committee, statutory committee, committee created by resolution of either house, subcommittee of any committee, recognized caucus, or any delegation thereof, was invited.

1. NAME(S) OF GROUP(S) INVITED	2. DATE OF RECEPTION	3. LOCATION OF RECEPTION	4. TOTAL AMOUNT OF EXPENDITURES FOR ATTENDING LEGISLATORS*

*** No amount expended on persons other than attending legislators is reportable.**

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2682 (December 2004), repromulgated LR 31:629 (March 2005).

§1909. Lobbying Supplemental Registration Form

LOBBYING SUPPLEMENTAL REGISTRATION FORM
To be used for changes to registrations and terminations.

Lobbyist's Registration Number

Instructions

- Print in ink or type.
- Complete form and return to the Board of Ethics, 2415 Quail Dr., 3rd Floor, Baton Rouge, LA 70808, (225) 763-8777 or (800) 842-6630. No fee is required.

This form must be submitted within 5 days of any changes in your registration form or to add employers or those you represent. It must be submitted within 10 days of any termination of employment or representations.

FOR OFFICE USE ONLY
Postmark Date: _____

1. NAME _____
Last First MI

2. BUSINESS PHONE _____
Area Code and Phone Number

3. BUSINESS ADDRESS _____
Street and No. City State Zip

MAILING ADDRESS _____
Street and No. City State Zip

4. EMPLOYER _____

5. EMPLOYER'S ADDRESS _____
Street and No. City State Zip

6. Have you ceased or terminated all lobbying activities requiring registration? Yes _____ No _____

7. LIST BELOW (a) Names of persons, groups, or organizations which you are adding or eliminating; (b) the address of each such person, group, or organization listed; (c) the type of business each is engaged in or the purpose or function of the organization or group; (d) whether or not the client or someone else pays you to lobby; and (e) the date of termination if applicable.

1. Name _____

Address _____

Business or purpose _____

New Representation
Does this person pay you? _____
If No, who pays you? _____

Terminated Representation as of _____

2. Name _____
Address _____
Business or purpose _____
 New Representation
Does this person pay you? _____
If No, who pays you? _____
 Terminated Representation as of _____

3. Name _____
Address _____
Business or purpose _____
 New Representation
Does this person pay you? _____
If No, who pays you? _____
 Terminated Representation as of _____

CERTIFICATION OF ACCURACY

I hereby certify that the information contained herein is true and correct to the best of my knowledge, information, and belief; and that no information required by the Lobbyist Disclosure Act [LSA-R.S. 24:50 et seq.] has been deliberately omitted.

Signature of Lobbyist

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2684 (December 2004), repromulgated LR 31:631 (March 2005).

§1910. Disclosure Statement Pursuant to R.S. 39:1233.1

LSA-R.S. 39:1233.1 DISCLOSURE STATEMENT	
<p>The Louisiana Code of Governmental Ethics generally prohibits any member or chief executive officer of a local depositing authority from serving as an officer, director, or employee of a bank in which agency funds are deposited L.S.A.-R.S. 39:1233.1 creates a narrow exception allowing a local governing authority member or chief executive officer to serve in such a capacity, despite the agency's deposit of funds in the bank, if he (1) recuses himself from voting in favor of any such bank and does not otherwise participate in the depositing authority's consideration of any matter affecting actual or potential business with the bank, (2) discloses the reason for recusal and files these reasons, in writing, in the minutes or record of the agency, and (3) files this disclosure form with the Board of Ethics within 15 days of any such recusal. Any such disclosure statement shall be deemed filed when it is received in the office of the Board of Ethics or at the time it is postmarked by the United States Postal Service, if it is subsequently received in the office of the Board of Ethics, whichever is earlier. This exception may be used only by members of "local depositing authorities." Local depositing authorities are defined by law to include all parishes, municipalities, boards, commissions, sheriffs and tax collectors, judges, clerks of court, and any other public bodies or officers of any parish, municipality or township, but do not include the state, state commissions, state boards and other state agencies. Unless a written advisory opinion has been obtained from the Board of Ethics, members and chief executive officers of special agencies created by, representing OR comprised of more than one political subdivision are NOT included in this exception. Sole decision makers may NOT take advantage of this exception.</p>	
<p>NOTE: This exception is narrow—completion of this form will not cure any violation of the Ethics Code except those situations specifically addressed in LSA-R.S. 39:1233.1.</p>	
1. Name and address of official	2. Office held (Please include the office title and the political subdivision.)
3. Name and address of bank	4. Position(s) held at bank (If officer, state office held. If employee, give job title.)
5. Position with bank is _____ compensated _____ noncompensated. (Check one)	
6. Description of transaction from which you recused yourself from participating (for example, consideration of method of selecting bank(s) to be used, selection of a bank or banks, decision affecting deposits, decision to discontinue use of a bank, etc.) Include the date of each instance on which you recused yourself from voting or otherwise participating in any such transaction.	
7. _____ <div style="display: flex; justify-content: space-between; width: 100%;"> Signature of Official Date </div>	
Mail or hand deliver to: Ethics Administration Program, 2415 Quail Drive, Third Floor, Baton Rouge, Louisiana 70808. If you have any questions, please call (225) 763-8777 or (800) 842-6630.	

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2686 (December 2004), repromulgated LR 31:633 (March 2005).

R. Gray Sexton
Administrator

0503#075

RULE

Board of Elementary and Secondary Education

Bulletin 111 **C**Louisiana School, District,
and State Accountability System
(LAC 28:LXXXIII.4310-4313)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted revisions to *Bulletin 111 C Louisiana School, District, and State Accountability System* (LAC 28: LXXXIII). Act 478 of the 1997 Regular Legislative Session called for the development of an Accountability System for the purpose of implementing fundamental changes in

classroom teaching by helping schools and communities focus on improved student achievement. The State's Accountability System is an evolving system with different components. These changes take advantage of new flexibility in guidance for No Child Left Behind and address situations that were not considered when the accountability policy was initially written.

Title 28

EDUCATION

Part LXXXIII. Bulletin 111 **CLouisiana School, District, and State Accountability System**

Chapter 43. District Accountability

§4310. Subgroup Component AYP (Adequate Yearly Progress)

A. District Subgroup Component Indicators

1. Each district shall be evaluated on the subgroup component at three different levels (grade-clusters); elementary (K-5), middle (6-8), and high school (9-12). A district shall pass the subgroup component provided that each subgroup of students within each grade-cluster meets the passes the subgroup component, and each grade-cluster the district, as a whole, meets the criteria for status or improvement on the additional academic indicator.

a. Passing the Subgroup Component

i. Participation rate test: 95 percent of the students within the each subgroup within each grade-cluster participated in the standards-based assessments; and

ii. Annual Measurable Objective status test (AMO status test): the subgroup percent proficient score within each grade-cluster is at/or above the annual measurable objective in ELA and mathematics; or

iii. Safe harbor test:

(a). the percentage of non-proficient students within the each subgroup within each grade-cluster reduced declined by at least 10 percent of the previous year's value; and

(b). the subgroup improved or met the criterion on the additional academic indicator (attendance rate for the elementary and middle schools grade-clusters and non-dropout rate for the high schools grade-cluster).

b. 2002-03 will be year one of judging districts based on the subgroup component.

c. 2003-04 will be year two of judging districts based on the subgroup component.

d. For the non-proficient reduction portion of the safe harbor test, a comparison of current year assessment data to the previous year assessment data shall be used. For the additional academic indicator check for the safe harbor test and for the whole grade-cluster district check, attendance and dropout data from two years the prior year will be compared to data from three years prior.

e. To ensure high levels of reliability, Louisiana will apply a 99 percent confidence interval to the calculations of subgroup component determinations for:

i. AMO status test;

ii. reduction of non-proficient students (safe harbor test); and

iii. status attendance/non-dropout rate analyses.

f. Louisiana will not apply a confidence interval to improvement analyses for attendance/non-dropout rate.

B. Inclusion of Students in the Subgroup Component

1. Students that meet the following criteria shall be included in all subgroup component analyses for the AMO status test and reduction of non-proficient students (safe harbor test).

a. Enrolled for the Full Academic Year (FAY):

i. at school level enrolled at the school on Oct. 1 and the date of testing;

ii. at district level enrolled in the district on Oct. 1 and the date of testing;

iii. at state level enrolled in a public LEA in the state on Oct. 1 and the date of testing.

b. First administration of the test:

i. only the first test administration will be used for the subgroup status and growth tests;

ii. excludes summer school results and repeaters.

c. Not exempted from testing due to medical illness, death of the student's family member(s), the student being in protective custody, or the student being identified as LEP and in an English-speaking school for less than one full academic year.

d. Beginning with the fall 2005 accountability results, former LEP students for up to two years after no longer being considered LEP under state rules.

e. These students will not count toward the minimum n for the LEP subgroup and will not be included in the SPS Growth Target adjustment.

2. For analyses involving the additional academic indicator, all students in each subgroup within each grade-cluster in the district shall be included.

3. Each subgroup (African American, American Indian/Alaskan Native, Asian, Hispanic, White, Economically Disadvantaged, Limited English Proficient, Students with Disabilities, and All Students) within each grade-cluster within each district shall be evaluated separately on ELA and mathematics.

a. In calculating the subgroup component for a district, the alternate academic achievement standards for students participating in LAA will be used, provided that the percentage of LAA students scoring proficient at the district level does not exceed 1.0 percent of all students in the grades assessed. If the district exceeds the 1.0 percent cap, the district shall request a waiver. If the district fails to request the waiver or if the district requests the waiver but it is determined by LDE that ineligible students were administered LAA, the students that exceed the cap or that are ineligible shall be assigned a zero on the assessment and considered non-proficient.

b. Students participating in LAA shall be included in the special education subgroup.

c. LEP students shall participate in the statewide assessments.

i. Scores shall not be included in AMO or improvement in Percent Proficient calculations for LEP students who have not been enrolled in an English-speaking school for one full school year.

4. Subgroups shall consist of:

a. at least 10 students in order to be evaluated for the subgroup component;

b. at least 40 students in order to be evaluated for the 95 percent participation rate.

5. Subgroups shall pass the participation rate test and either the AMO status test; or the safe harbor test in order to be considered as having passed the subgroup /component.

C. AMO

1. The Annual Measurable Objective (AMO) is the percent of students required to reach the proficient level in a given year on the standards-based assessments, which through 2005 will include English/language arts and mathematics tests for 4th, 8th, and 10th grades.

a. Proficient = a score of basic, mastery or advanced.

2. As required in NCLB, the AMOs have been established based on the baseline percent proficient score (proficient = CRT level of basic, mastery, or advanced) in English-language arts and mathematics in the 20th percentile school, using the 2002 CRT test scores in ELA and mathematics for grades 4, 8, and 10.

3. The AMOs for ELA and math are as follows.

School Year	ELA	Mathematics
2001-2002		
2002-2003	36.9%	30.1%
2003-2004	36.9%	30.1%
2004-2005	47.4%	41.8%
2005-2006	47.4%	41.8%
2006-2007	47.4%	41.8%
2007-2008	57.9%	53.5%
2008-2009	57.9%	53.5%
2009-2010	57.9%	53.5%
2010-2011	68.4%	65.2%
2011-2012	78.9%	76.9%
2012-2013	89.4%	88.6%
2013-2014	100.0%	100.0%

4. A 99 percent confidence interval shall be used when evaluating whether subgroups within a grade-cluster within a district have attained the Annual Measurable Objective (AMO).

5. A confidence interval is a statistic that creates a range of scores. Subgroups with a 95 percent participation rate that attain a percent proficient score within or above the confidence interval range for the AMO shall be considered as having passed the subgroup component. Confidence interval ranges are affected by subgroup size. Smaller subgroups will have a wider range and larger subgroups will have a narrower range.

D. Safe Harbor

1. Subgroups that do not pass the AMO status test by attaining a percent proficient score within or above the confidence interval range shall be evaluated for safe harbor.

2. Safe harbor is attained if:

a. the subgroup makes a 10 percent reduction in its non-proficiency rate from the previous year:

i. a 99 percent confidence interval is applied to this reduction check; and

b. the subgroup:

i. achieves a 90 percent non-dropout rate (9-12) or attendance rate (K-5, 6-8) (any LEA without a 12th grade shall use attendance rate). (A 99 percent confidence interval is applied to the 90 percent attendance rate and 90 percent non-dropout rate check); or

ii. makes at least 0.1 percent improvement in non-dropout rate (9-12) or attendance rate (K-5, 6-8) from the previous year (any LEA without a 12th grade shall use attendance rate).

3. The non-dropout rate shall be evaluated for students in grade 9 and above.

4. Subgroups passing the participation rate test and achieving safe harbor shall be considered as having passed the subgroup component.

E. Failing the Subgroup Component

1. A district shall fail the subgroup component if ANY subgroup within that ANY grade-cluster in the district fails the participation rate test, the ELA or math AMO status test and the safe harbor test.

2. A grade-cluster district in which all subgroups have passed the subgroup component must also have the grade-cluster district pass the additional academic indicator:

a. achieved a 90 percent non-dropout rate (9-12) or attendance rate (K-5, 6-8) (any LEA without a 12th grade shall use attendance rate). (A 99 percent confidence interval

is applied to the 90 percent non-dropout or attendance rate check.); or

b. made at least 0.1 percent improvement in non-dropout rate (9-12) or attendance rate (K-5, 6-8) from two years prior to the previous year (any LEA without a 12th grade shall use attendance rate).

NOTE: If a grade-cluster district in which all subgroups have passed the subgroup component does not pass the additional academic indicator, it shall not pass the subgroup component.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 30:1447 (July 2004), amended LR 30:2446 (November 2004), LR 31:633 (March 2005).

§4311. Performance Labels

A. Districts shall be assigned a DPS performance label as follows.

A district shall not receive a label for its district performance score.

Performance Label	District Performance Score
Academically Unacceptable	Below 45.0
Academic Warning*	45.0 – 59.9
★	60.0 – 79.9
★★	80.0 – 99.9
★★★	100.0 – 119.9
★★★★	120.0 – 139.9
★★★★★	140.0 and above

*Effective with the 2005 performance labels, the definition of an academically unacceptable district shall be any district with a DPS below 60.0. The academic warning label will be used only with the 2003 and 2004 district performance scores.

B. A label shall be reported for the District Responsibility Index (DRI) and for each of the four indicators.

District Responsibility Index	DRI Label
120.0 or more	Highly responsive
100.0 – 119.9	Adequately responsive
80.0 – 99.9	Responsive
60.0 – 79.9	Minimally responsive
0.0 – 59.9	Unresponsive

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2757 (December 2003), amended LR 30:1449 (July 2004), LR 31:635 (March 2005).

§4313. Corrective Actions

A. The Louisiana Department of Education shall report district scores and labels on every school district. Consequences imposed on a district shall be based on its District Responsibility Index (DRI). Any district receiving a performance label of unsatisfactory for its DRI shall become subject to an operational audit. If a district scores unsatisfactory again within two years, the SBESE shall have the authority to act on the audit findings, including the withholding of funds to which the district might otherwise be entitled.

B. Beginning in 2004, districts shall be evaluated on their District Responsibility Index Label and on the subgroup component. Districts that receive a DRI Index label of Unresponsive and/or fail to achieve Adequate Yearly Progress (AYP) in the subgroup component shall complete

district self-assessments and submit it to the Louisiana Department of Education.

1. The DOE shall review each self-assessment.
2. The DOE may recommend that BESE schedule a District Dialogue with the district.

C. Districts that receive a DRI Index label of Unresponsive for a second consecutive year and/or fail to achieve AYP in the subgroup component for a second consecutive year are identified for improvement by the subgroup component shall write District Improvement Plans based on the prior years' self-assessments and submit those plans to the LDE.

1. A district is identified for improvement when it fails in all grade-clusters, in the same subject, to achieve subgroup AYP for two consecutive years.
2. The DOE shall review each District Improvement Plan.
3. The DOE may recommend that BESE schedule a District Dialogue with the District.

D. Districts that receive a DRI Index label of Unresponsive and/or fail in all grade-clusters, in the same subject, to achieve AYP in the subgroup component for a third consecutive year shall be audited by the LDE. The audit shall include academic, fiscal, and support services.

E. BESE shall take action on the findings of the prior years audit for districts that receive a DRI Index label of Unresponsive and/or fail in all grade-clusters, in the same subject, to achieve AYP in the subgroup component for a fourth consecutive year. Actions taken shall be dependent upon whether identification was through the DRI label or the subgroup component.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2757 (December 2003), amended LR 30:1449 (July 2004), LR 31:635 (March 2005).

Weegie Peabody
Executive Director

0503#008

RULE

Board of Elementary and Secondary Education

Bulletin 741 Louisiana Handbook for Nonpublic School Administrators Graduation Exit Examination (LAC 28:LXXIX.2511)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Nonpublic Bulletin 741 Louisiana Handbook for Nonpublic School Administrators*. In August 2004, the Board of Elementary and Secondary Education voted to eliminate the BESE Honor's Curriculum for both public and nonpublic schools. This policy will not take effect until the 2006-2007 school year so that students who are currently juniors and seniors can still receive this recognition. Students should be encouraged to meet both the core course and grade-point requirements for TOPS. The BESE Honors Curriculum has no grade-point requirements and does not allow the substitutions as TOPS does.

Title 28

EDUCATION

Part LXXIX. Bulletin 741 Louisiana Handbook for Nonpublic School Administrators

**Chapter 25. Curriculum and Instruction
Subchapter C. Secondary Schools**

§2511. Graduation Exit Examination

A. - E.

F. - F.10. Repealed.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2351 (November 2003), amended LR 31:636 (March 2005).

Weegie Peabody
Executive Director

0503#007

RULE

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel Requirements for Certification as Superintendent, Ancillary Superintendent, and Education Leader 3 (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. This revision to the policy for certification as a Superintendent, Ancillary Superintendent, and Educational Leader 3 allows experience as an assistant principal to qualify for administrative experience. The assistant principal experience would be limited to a maximum of two years of experience in that position. This will allow more flexibility in the certification of higher-level school administrators.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans**

Subchapter A. Bulletins and Regulations

§903. Teacher Certification Standards and Regulations

A. Bulletin 746

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:183, 310, 399, 435, 541 (April, July, September, October, December 1975), LR 28:2505-2508 (December 2002), LR 29:117-119 (February 2003), LR 29:119-121 (February 2003), LR 29:121-123 (February 2003), LR 31:636 (March 2005).

Parish or City School Superintendent

A parish or city school superintendent must meet the following criteria:

1. Hold a valid Type A or Level 3 Louisiana Teaching Certificate.

2. Have had five years of successful school experience (state, parish, or city) as a superintendent, assistant superintendent, supervisor of instruction, principal, or assistant principal in a state-approved system, or experience certified as equivalent to any of these by the Board of Elementary and Secondary Education. The assistant principal experience would be limited to a maximum of two years of experience in that position.

3. Hold an earned master's degree from a regionally accredited institution of higher education.

4. Have completed 48 semester hours of graduate credit, to include the following:

A. Thirty semester hours in educational administration and supervision of instruction, to include the following:

1) Foundations of (Introductory) Educational Administration or Theory of Educational Administration.

2) School Law.

3) Principles of Instructional Supervision (Elementary or Secondary).

4) School Community Relations.

5) Principalship (Secondary or Elementary School).

6) School Finance.

7) Twelve semester hours of electives in educational administration and instructional supervision from School Facilities; School Personnel Administration; Group Dynamics; Office and Business Management; Clinical Supervision or Internship or Practicum in Educational Administration or Instructional Supervision, Program Development and Evaluation (in professional education or areas outside professional education).

B. Twelve semester hours in professional education, to include the following:

1) Three semester hours of Educational Research.

2) Three semester hours of History or Philosophy of Education.

3) Six semester hours of curriculum (three semester hours at the elementary level and three semester hours at the secondary school level).

C. Six semester hours of electives from cognate fields outside professional education related to educational administration and supervision in business, political science, psychology, sociology, or speech.

5. Assistant superintendents who supervise any part of the instructional program are required to meet the same standards as superintendents.

6. Assistant superintendents for noninstructional areas* shall be certified as a school superintendent or meet the following requirements:

A. A minimum of five years of demonstrated successful administrative experience at a managerial level in education and/or related fields, either in the public or private sector.

B. Possess an earned master's degree from a regionally accredited institution of higher education in either education administration, business administration, public administration, or a related area of study including, but not limited to, accounting, finance, banking, insurance and law.

The responsibilities assumed by this category of administrators must be related to noninstructional programs and the experience obtained while at that level may not be

used for meeting the certification requirements for superintendent.

*Noninstructional areas include finance, management, facilities planning, and ancillary programs.

7. A statement of eligibility for certification as a parish city school superintendent may be issued upon documentation and verification that the applicant meets the following criteria (Items a-d):

a) Hold an out-of-state teaching certificate with authorization to serve as a school superintendent.

b) Hold an earned master's degree from a regionally accredited institution of higher learning.

c) Have had five years of successful school experience as a superintendent, assistant superintendent, supervisor of instruction, principal, or assistant principal. The assistant principal experience would be limited to a maximum of two years of experience in that position.

d) Have had five years of successful teaching experience in a properly certified field.

A parish or city school superintendent ancillary certificate may be issued to an applicant who has met the requirements of Items G 1-4 above and who is employed to serve in this position in a Louisiana school system. The certificate is valid only for the period and place of employment.

For certain school districts, allowable circumstance for waiver of the school superintendent certification requirements are addressed in Bulletin 741, Louisiana Handbook for School Administrators.
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Education Leader Certificate-Level 3

All candidates must meet the following requirements in order to receive a five-year Level 3 Educational Leader Certificate to become a superintendent. The five-year certification period is activated with the candidate's first full-time appointment as a Superintendent.

Candidates for initial Level 3 Educational Leader (Professional) Certification shall meet the following criteria:

1. Hold a valid Louisiana Level 2 Educational Leader Certificate.

2. Have had five years of successful administrative or management experience in education at the level of assistant principal or above. The assistant principal experience would be limited to a maximum of two years of experience in that position.

3. Earn a passing score on the School Superintendent Assessment (SSA), in keeping with state requirements.

Renewal Requirements:

Level 3 Educational Leaders must complete a minimum of 150 continuing learning units of professional development over a five-year time period that is consistent with the leader's Individual Professional Growth Plan (IPGP) and includes updating the educational leader portfolio.

* * *

Weegie Peabody
Executive Director

0503#006

RULE

Board of Elementary and Secondary Education

Bulletin 1943 Policies and Procedures for
Louisiana Teacher Assistance and Assessment
(LAC 28:XXXVII.2503)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 1943 Policies and Procedures for Louisiana Teacher Assistance and Assessment* (LAC Part Number XXXVII). These changes to current Bulletin 1943 policy provide for administrative waivers related to two situations involving new teachers in their fourth semester of the LaTAAP. This applies to new teachers who successfully completed semester three of the LaTAAP and are moving to another state due to family re-employment or military assignment. This amended language streamlines current policy and aligns Bulletin 1943 policy with Blue Ribbon Commission Year One recommendations related to improving teacher quality in Louisiana.

Title 28

EDUCATION

Part XXXVII. Bulletin 1943 Policies and Procedures for Louisiana Teacher Assistance and Assessment Chapter 25. Assessment Procedures §2503. Extenuating Circumstances in the Assessment Process

A. When extenuating circumstances in the assessment process occur, the procedures outlined below shall be followed.

1. New teachers employed or unreported to the LDE by the LDE established dates shall not enter the first phase (initial support semester) of the assistance and assessment program until the following semester.

2. If a new teacher is employed and reported by the dates specified above, but is reassigned to a new school or a new subject/grade assignment after October 1 or February 1, the teacher shall not enter the first phase (initial support semester) of the assistance and assessment program until the following semester.

3. If a new teacher who has completed the first year of teaching is reassigned to a new school or a grade/subject greatly different from the previous assignment, the teacher may request in writing that the LEA and LDE defer assessment for one semester. A written response to the request must be delivered to the teacher within 10 working days from the date that the LEA and LDE receive the request. If the assessment is deferred, the new teacher shall be assessed the following semester.

4. If a new teacher does not complete either the initial support year or the assessment semester, the new teacher shall reenter that phase of the assessment program, i.e., either support or assessment, that was incomplete.

5. If a new teacher does not meet the assessment standards for certification at the end of the first assessment period, the teacher may request changes in the mentor and/or the assessment team for the second assessment period. The written request shall be submitted to both the principal and the LEA contact person.

6. If a new teacher has successfully completed semester three of the Louisiana Teacher Assistance and

Assessment Program and will be moving to another state due to family re-employment or due to a military assignment, the teacher may request a waiver from the fourth semester of the Louisiana Teacher Assistance and Assessment Program. The written request shall be submitted to both the principal and the LEA contact person, with supporting documentation (e.g. verification from out-of-state employer or military orders). The LEA contact person will forward the teacher's waiver request to the LDE for approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.10; R.S. 17:3871-3873; R.S. 17:3881-3884; R.S. 17:3891-3895; R.S. 17:3901-3904.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 28:288 (February 2002), amended LR 31:638 (March 2005).

Weegie Peabody
Executive Director

0503#005

RULE

Board of Elementary and Secondary Education

School Approval Standards and Regulations, Early Childhood Programs, Pupil Progression and Remedial Education, Competency Based Education, and State Content Standards (LAC 28:I.901, 906, 907, 925, and 930)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended to Chapter 9 (LAC 28:I). The *Louisiana Administrative Code* should contain regulatory policies and procedures germane to the conduct of BESE business. The board is in the process of removing Sections that either contain no regulatory language, the programs they refer to no longer exist, or the language will be transferred to or is already contained in the appropriate regulatory bulletin. The Sections being removed will not have an effect on the way BESE conducts board business or the regulatory procedures or language used to oversee any programs.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans Subchapter A. Bulletins and Regulations

§901. School Approval Standards and Regulations

A. - I. Repealed.

J. - J.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7(5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2), (6); R.S. 17:151.1; R.S. 17:151.3; R.S. 17:176; R.S. 17:232; R.S. 17:191.11; R.S. 17:1941; R.S. 17:2007; R.S. 17:2050; R.S. 17:2501-2507; P.L. 94-142; R.S. 17:154(1); R.S. 17:402.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 1:483 (November 1975), amended LR 29: 866 (June 2003), LR 31:638 (March 2005).

§906. Early Childhood Programs

A. - A.2. ...

B. Repealed.

C. - C.2. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 18:1249 (November

1992), amended LR 19:1549 (December 1993), LR 20:416 (April 1994), LR 21:1220 (November 1995), LR 24:295 (February 1998), LR 25:254 (February 1999), LR 31:638 (March 2005).

§907. Pupil Progression and Remedial Education

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 7:24.4 and R.S. 17:394-400.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 6:144, 539, 651 (April, September, November 1980), LR 8:276, 323, 510 (June, July, October 1982), LR 11:685 (July 1985), LR 12:420 (July 1986), LR 15:622 (August 1989), amended LR 16:297 (April 1990), LR 16:766 (September 1990), LR 19:1417 (November 1993), LR 24:2081 (November 1998), repealed LR 31:639 (March 2005).

§925. Competency Based Education

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4; R.S. 17:391.1-391.11.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 8:63 (February 1982), amended LR 8:188 (April 1982), LR 9:60 (February 1983), LR 10:400 (May 1984), LR 10:745 (October 1984), LR 11:520 (May 1985), LR 11:848 (September 1985), LR 12:14 (January 1986), LR 12:762 (November 1986), LR 13:496 (September 1987), LR 13:563 (October 1987), LR 14:10 (January 1988), LR 15:469 (June 1989), LR 16:297 (April 1990), LR 16:605 (July 1990), repealed LR 31:639 (March 2005).

§930. State Content Standards

A. - F.2. Repealed.

G. - G.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 24:296 (February 1998), amended LR 24:2088 (November 1998), LR 31:639 (March 2005).

Weegie Peabody
Executive Director

0503#009

RULE

**Tuition Trust Authority
Office of Student Financial Assistance**

Student Tuition and Revenue Trust (START Saving)
Program Education Savings Account
(LAC 28:VI.107 and 311)

The Louisiana Tuition Trust Authority (LATTA), in accordance with the Administrative Procedure Act [R.S. 49:953(B)], has amended its START Savings Program Rules (R.S. 17:3091 et seq.).

**Title 28
EDUCATION**

**Part VI. Student Financial Assistance Higher
Education Savings**

Chapter 1. General Provisions

Subchapter A. Student Tuition Trust Authority

§107. Applicable Definitions

Deposits the actual amount of money received from an account owner for investment in an education savings account. Deposits do not include earnings on deposits nor earnings enhancements or interest earned thereon.

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:712 (June 1997), amended LR 24:1268 (July 1998), LR 25:1794 (October 1999), LR 26:2260 (October 2000), LR 27:37 (January 2001), LR 27:1222 (August 2001), LR 27:1876 (November 2001), LR 28:450 (March 2002), LR 28:777 (April 2002), LR 28:2334 (November 2002), LR 29:556 (April 2003), LR 30:786 (April 2004), LR 30:1169 (June 2004), LR 30:2302 (October 2004), LR 31:639 (March 2005).

Chapter 3. Education Savings Account

§311. Termination and Refund of an Education Savings Account

A. - C.1. ...

2. All other requests for refund will result in the termination of the account and in the refund of:

a. the deposits invested in fixed earnings, if the account has been open for less than twelve months;

b. the redemption value, if the account has been open for 12 or more months;

c. the deposits or the current value (less earning enhancements allocated to the account and earnings thereon) of an account invested in variable earnings, whichever is less, if the account has been open for less than twelve months;

d. the current value (less earning enhancements allocated to the account and earnings thereon) of an account invested in variable earnings, if the account has been open for twelve or more months.

C.3. - H. ...

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

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:717 (June 1997), amended LR 24:1273 (July 1998), repromulgated LR 26:2265 (October 2000), amended LR 27:38 (January 2001), LR 27:1882 (November 2001), LR 28:779 (April 2002), LR 30:790 (April 2004), LR 31:639 (March 2005).

0503#004

George Badge Eldredge
General Counsel

RULE

**Department of Environmental Quality
Office of Environmental Assessment**

Transportation Conformity Incorporation by Reference
(LAC 33:III.1432)(AQ247*)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.1432 (Log #AQ247*).

This Rule is identical to federal regulations found in 69 FR 40004-40081, No. 126 (July 1, 2004) and 69 FR 43325-43327, No. 138 (July 20, 2004), which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4314, Baton Rouge, LA 70821-4314. No fiscal or economic impact will result from the Rule;

therefore, the Rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This Rule revision incorporates by reference two federal transportation conformity rule amendments (as amended through July 20, 2004) into the state's existing transportation conformity regulations. The two federal amendments to 40 CFR Part 93 were promulgated by EPA to include conformity criteria and procedures for the new 8-hour ozone and fine particulate matter (PM2.5) national ambient air quality standards (NAAQS). This Rule is also a revision to the state implementation plan (SIP) for transportation conformity.

On July 1, 2004, EPA published a final rule in the Federal Register (69 FR 40004) that substantially amends and revises the 40 CFR Part 93 transportation conformity regulation. This final Rule also revises "the conformity regulation in the context of EPA's broader strategies for implementing the new ozone and PM2.5 standards." Subsequent to the July 1, 2004, conformity regulation amendments, EPA published a related amendment in 69 FR 43325 (July 20, 2004) that corrects two errors discovered in the preamble of the final Rule. The corrections include revisions to a table in Section II.D of the preamble. The basis and rationale for this Rule revision are to mirror the federal transportation conformity regulations as amended through July 20, 2004. Transportation conformity is required under Clean Air Act, Section 176(c) to ensure that federally supported highway and transit project activities conform to the purpose of a state air quality implementation plan (SIP).

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33
ENVIRONMENTAL QUALITY
Part III. Air

Chapter 14. Conformity
Subchapter B. Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Developed, Funded, or Approved under Title 23 U.S.C. or the Federal Transit Act

§1432. Incorporation by Reference

A. 40 CFR Part 93, Subpart A, July 1, 2004, is hereby incorporated by reference with the exclusion of Section 105. Also incorporated by reference are amendments published in the *Federal Register* on July 1, 2004 (69 FR 40004-40081, No. 126) and July 20, 2004 (69 FR 43325-43327, No. 138).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 24:1280 (July 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:2229 (December 2001), LR 28:994 (May 2002), LR 29:697 (May 2003), LR 30:1009 (May 2004), amended

by the Office of Environmental Assessment, LR 31:640 (March 2005).

Wilbert F. Jordan, Jr.
Assistant Secretary

0503#013

RULE

Office of the Governor
Division of Administration
Office of Facility Planning and Control

Performance-Based Energy Efficiency Contracting
(LAC 34:V.105)

In accordance with R.S. 49:950 et seq., the Commissioner of Administration promulgates this Rule for performance-based energy efficiency contracting pursuant to Act 869 of the 2004 Regular Session of the Legislature, in order to implement the provisions of that Act. This Rule is necessary to permit the award of performance-based energy efficiency contracts, as such contracts are defined in R.S. 39:1484(A)(14), "performance contracts", and for the audit, review, approval and oversight of such contracts, all consistent with the Energy Management Act of 2001, R.S. 39:251 et seq. This new Section shall be incorporated by reference into every performance contract and into every "request for proposals" prepared pursuant to R.S. 39:1496.1 and the following proposed Rule.

Title 34

GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY CONTROL

Part V. Procurement of Professional, Personal, Consulting and Social Services

Chapter 1. Procurement of Professional, Personal, Consulting and Social Services

Subchapter A. General Provisions

§105. Performance-Based Energy Efficiency Contracting

A. Preparation of Requests for Proposals

1. Performance contracts shall be considered to be consulting services contracts under the provisions of Title 39, Chapter 16 of the Louisiana Revised Statutes and shall be awarded in accordance with the provisions of that Chapter, the rules and regulations promulgated by OCR pursuant to that Chapter, and this Section.

2. Prior to its preparation of an RFP, a state agency, as defined in R.S. 39:2 (hereinafter, "user agency") shall perform a needs analysis in accordance with the provisions of Title 39, Chapter 16 of the Louisiana Revised Statutes and the rules and regulations promulgated by the Division of Administration, through its Office of Contractual Review ("OCR") pursuant to that Chapter. Such needs analysis shall be in a form approved by the Commissioner of Administration or his designated agent and shall include a detailed audit of energy use.

3. Prior to its preparation of an RFP, a user agency shall submit its needs analysis to the Commissioner of Administration or his designated agent for approval.

4. Upon approval of a user agency's needs analysis pursuant to this Section, such user agency shall prepare an RFP in a form approved by OCR, which form shall require proposers to separately itemize the costs and savings associated with each proposed energy cost savings measure ("ECSM"). In accordance with the provisions of Title 39, Chapter 16 of the Louisiana Revised Statutes and the rules and regulations promulgated by OCR pursuant to that Chapter, every RFP shall indicate the relative importance of price and other evaluation factors, shall clearly define the tasks to be performed under the performance contract, the criteria to be used in evaluating the proposals and the time frames within which the work must be completed. Prior to advertising its RFP, a user agency shall submit it to the Commissioner of Administration or his designated agent and obtain his written consent to the advertisement of the RFP.

5. Upon approval of a user agency's RFP, such user agency shall advertise its RFP in accordance with the provisions of Title 39, Chapter 16 of the Louisiana Revised Statutes and the rules and regulations promulgated by OCR pursuant to that Chapter.

B. Evaluation of Submitted Proposals

1. A user agency shall review any proposals it timely receives in response to its RFP and shall submit to the Department of Natural Resources ("DNR") the results of its review, along with each proposal that is responsive and responsible and otherwise in accordance with the provisions of Title 39, Chapter 16 of the Louisiana Revised Statutes, the rules and regulations promulgated by OCR pursuant to that Chapter, and this Section. A user agency shall not make a final selection from among the proposals it submits to DNR.

2. Prior to the award of any performance contract, DNR shall evaluate all proposals submitted by a user agency for that performance contract. In its evaluation, DNR shall include suggestions, if appropriate, for the resolution of any unique issues arising in connection with a particular proposed performance contract. DNR's evaluation shall also include, but not be limited to, a consideration of the following:

- a. whether proposed ECSMs are in compliance with the provisions of R.S. 39:1496.1;
- b. whether proposed ECSMs will generate net savings, as those terms are defined in Subsection E of this Section; and
- c. whether the proposed protocol for measuring and verifying the energy savings guaranteed in the contract conforms to the latest standards set forth by the International Performance Measurement and Verification Protocol.

3. DNR shall, within 60 days of the receipt of the submitted proposals, forward to the Commissioner of Administration or his designated agent DNR's written evaluation of the submitted proposals, along with the results of the review of the submitted proposals by the user agency. DNR shall not make a final selection from among the proposals it forwards to the Commissioner of Administration or his designated agent.

4. Prior to the award of any performance contract, the Commissioner of Administration or his designated agent may retain an independent consultant in accordance with this

Section. Such independent third-party consultant shall evaluate all proposals and written evaluations submitted by DNR to the Commissioner of Administration or his designated agent. Such evaluation shall be in accordance with the provisions of Title 39, Chapter 16 of the Louisiana Revised Statutes, the rules and regulations promulgated by OCR pursuant to that Chapter, and this Section. After completing its evaluation, an independent consultant shall submit to the Commissioner of Administration or his designated agent the written results of such evaluation, along with the written evaluation provided by DNR. An independent consultant shall not make a final selection from among the proposals it evaluates.

5. Prior to retaining an independent third-party consultant pursuant to this Section, the Commissioner of Administration or his designated agent shall require every proposed independent consultant to execute a written certification verifying that he or she has no direct conflict of interest as to the user agency that requested the proposals to be evaluated, the proposals themselves and/or those who submitted the proposals to the user agency. Such written certification shall be in a form approved by the legislative auditor. In order to assist the legislative auditor in verifying the independence of a proposed independent consultant, such proposed independent consultant shall provide to the legislative auditor any documentation or information the legislative auditor requests. A proposed independent consultant shall not be retained, unless the legislative auditor has determined that such proposed independent consultant has no direct conflict of interest as to the user agency that requested the proposals to be evaluated, the proposals themselves and/or those who submitted the proposals to the user agency.

6. After completing his review of proposals submitted by DNR and evaluations prepared by the independent consultant, if any, pursuant to this Section, the Commissioner of Administration or his designated agent shall provide written notification to a user agency that the Commissioner of Administration or his designated agent has consented to the award of a performance contract to a specified energy services company ("ESCO") or that he has not consented to the award of a performance contract. Pursuant to the provisions of Title 39, Chapter 16 of the Louisiana Revised Statutes, the rules and regulations promulgated by OCR pursuant to that Chapter, and this Section, such consent shall be given to the responsible ESCO whose proposal is determined by the Commissioner of Administration or his designated agent to be the most advantageous to the state of Louisiana, taking into consideration all of the evaluation factors set forth in the RFP, as well as any evaluations or recommendations provided by the user agency, DNR and the independent consultant, if any. In the event that the Commissioner of Administration or his designated agent determines that consent to the award of a performance contract would not be advantageous to the state of Louisiana, he shall provide the user agency with written reasons for his decision to withhold his consent.

7. Except as explicitly set forth in this Section, no party shall disclose information derived from submitted proposals prior to the consent by the Commissioner of

Administration or his designated agent to the award of a performance contract to a specified ESCO.

C. Negotiation of Performance Contracts

1. A user agency shall negotiate with an approved ESCO a performance contract in a form approved by OCR. The process of such negotiation shall be in accordance with the provisions of Title 39, Chapter 16 of the Louisiana Revised Statutes, the rules and regulations promulgated by OCR pursuant to that Chapter, and this Section. The Commissioner of Administration or his designated agent may require that an independent consultant retained pursuant to this Section participate on behalf of a user agency in the negotiation of a performance contract with an approved ESCO.

a. Notwithstanding any other provisions of this Section, every performance contract negotiated pursuant to this Section shall set forth the total units of energy saved, the method, device or financial arrangement to be used to establish the amount of such savings, the cost per unit of energy and, if applicable, the basis for any adjustment in the cost per unit of energy during the term of the contract.

b. Notwithstanding any other provisions of this Section, every performance contract negotiated pursuant to this Section shall, with respect to each ECSM included in such performance contract and in addition to fulfilling any other requirements set forth in this Section, state the following:

- i. the detailed scope of work to be performed pursuant to the performance contract;
- ii. the initial price to be paid by the user agency;
- iii. the annual energy cost savings guaranteed by the ESCO;
- iv. the annual maintenance savings guaranteed by the ESCO, including, but not limited to, services, parts, materials, labor and equipment;
- v. the annual new maintenance costs, including operating expenses added as a result of new equipment installed or service performed by the ESCO; and
- vi. the total annual savings guaranteed by the ESCO. *Total annual savings* means annual energy cost savings plus annual maintenance savings minus annual new maintenance costs.

c. Notwithstanding any other provisions of this Section, no payment shall be made to an ESCO pursuant to a performance contract unless such performance contract complies with Paragraph C.1.

2. The term of every performance contract negotiated pursuant to this Section and term of any obligation incurred by a user agency to fund a performance contract shall be for a period equal to the lesser of 20 years or the average life of the equipment installed by the ESCO and shall contain a guarantee of energy savings, which guarantee shall, at a minimum, ensure total annual savings sufficient to fully fund any financing arrangement entered into pursuant to such performance contract.

3. Every performance contract negotiated pursuant to this Section shall contain the following clause: "The continuation of this contract is contingent upon the appropriation of funds by the legislature to fulfill the requirements of the contract. If the legislature fails to appropriate sufficient monies to provide for the continuation of the contract, the contract shall terminate on the last day of

the fiscal year for which funds have been appropriated. Such termination shall be without penalty or expense to the agency, board or commission except for payments which have been earned prior to the termination date."

4. A user agency shall submit a negotiated performance contract to OCR for its review and approval. A user agency's submission of a negotiated performance contract shall be in accordance with the provisions of Title 39, Chapter 16 of the Louisiana Revised Statutes, the rules and regulations promulgated by OCR pursuant to that Chapter, and this Section.

5. At the time a performance contract is executed, the contracting ESCO shall submit a certified or cashiers check, payable to the Commissioner of Administration or his designated agent, in a sum equal to no more than 2 1/2 percent of the total value of the proposed performance contract. The percentage of such total value and the means of calculating such total value shall be determined by the Commissioner of Administration or his designated agent and shall be set forth in the performance contract.

D. Audits of Performance Contracts

1. An ESCO that enters into a performance contract shall provide the user agency with all performance information and other reports required by the performance contract.

a. An ESCO's reports to the user agency shall conform with the standards of the International Performance Measurement and Verification Protocol.

b. An ESCO's reports to the user agency shall, in addition to fulfilling any other requirements set forth in its performance contract or in this Section, state the following:

- i. the name of the user agency;
- ii. the ESCO's name and address;
- iii. whether the payment obligation under the performance contract is either:
 - (a). set as a percentage of the annual energy cost savings attributable to the services or equipment under the performance contract; or
 - (b). guaranteed by the ESCO to be less than the annual energy cost savings attributable to the services or equipment under the performance contract;
- iv. the total annual savings guaranteed by the ESCO;
- v. the total amount the user agency is required to pay under the performance contract and the term of the contract;
- vi. the total amount paid to date by the user agency and the amount paid each year to date under the performance contract;
- vii. any costs paid by the user agency which were associated with the set-up or maintenance of the performance contract or with repair or maintenance of the equipment used under the performance contract;
- viii. the annual cost to the user agency of energy or other utilities beginning two years prior to operation of the performance contract and during the operation of the performance contract; and
- ix. the annual energy cost savings each year, shown also as a percentage of the annual amount to be paid by the user agency under the performance contract. When calculating annual energy cost savings, maintenance savings shall be included. *Maintenance savings* means operating

expenses eliminated and future capital replacement expenditures avoided by the user agency as a result of new equipment installed or services performed by the ESCO.

2. Upon a request by a user agency, by the Commissioner of Administration or his designated agent or by the legislative auditor, an ESCO shall provide any working documents, accounting records or other materials relating to costs, pricing or any other aspect of the ESCOs performance pursuant to a performance contract. Documents, records and other materials provided by an ESCO in accordance with this Section shall be subject to review and verification by a user agency, by the Commissioner of Administration or his designated agent, by the legislative auditor, or by an independent third party selected by a user agency, by the Commissioner of Administration or by the legislative auditor.

3. User agencies shall provide to the legislative auditor copies of all performance information and other reports submitted by an ESCO pursuant to a performance contract or this Section. The legislative auditor shall conduct periodic audits of performance contracts, both during the term of such performance contracts and upon the completion of such performance contracts.

E. Retention by User Agencies of Net Savings Generated by Energy Cost Savings Measures

1. Pursuant to R.S. 39:254.B(1), a user agency that is able to demonstrate net savings from implementing an ECSM by means of a performance contract may retain its net savings relating to such ECSM, until the investment costs of implementing the ECSM are paid in full, and thereafter may retain one half of such net savings over the remaining useful life of the ECSM. Such retained net savings shall be from funds appropriated or allocated to the user agency for utility costs.

2. The Commissioner of Administration or his designated agent shall develop and promulgate such rules and regulations as are necessary to provide for the measurement and verification of net savings relating to ECSMs.

3. For the purposes of these rules, ECSM refers to a repair, equipment modification, procedure, course of action or other step taken which lowers energy costs.

4. For the purposes of these rules, *net savings* from the implementation of ECSMs shall be defined as measurable and verifiable energy cost savings that directly result from such implementation and shall be determined in accordance with the following provisions.

a. ESCOs shall employ energy savings measurement techniques that embody the best practical methods of determining net savings generated by the ECSMs to be evaluated. Such measurement techniques shall be fully defined and set forth in the RFP and performance contract that includes the ECSMs. In selecting a measurement technique, an ESCO shall consider the complexity of the ECSM to be evaluated and other factors that may affect energy use, such as changes in the mission of a facility, population, space utilization and weather.

b. Energy savings measurement may be based upon estimates, calculations or computer models, if metering is not practical.

c. Every RFP and performance contract shall set forth in detail the method to be used by an ESCO in order to

determine the unit energy costs by which an energy baseline and energy savings are to be multiplied. For the purposes of these rules, an energy baseline shall be defined as the amount of energy that would be consumed annually without implementation of a given ECSM and shall be based upon historical metered data, engineering calculations, sub-metering of buildings or other energy-consuming systems, building load simulations, statistical regression analysis, or some combination of these methods.

d. The selection of every energy savings measurement technique and method of determining unit energy costs or energy baseline shall be subject to the approval of the Commissioner of Administration or his designated agent, who shall have the authority to modify such techniques and methods if he determines, in his sole discretion, that such modification is warranted by changed conditions or other circumstances affecting the accuracy or appropriateness of such techniques and methods.

e. Net savings must be real savings of money that the state of Louisiana either is currently spending or has budgeted to spend in the future. Such money must be available in the state's budget for payments against the performance contract involved. Net savings may be either recurring or one-time cost savings.

f. Examples of net savings shall include, but not be limited to, recurring operation, maintenance and repair tasks, which are currently performed by the state or its agents and which are directly related to the energy-consuming system affected by an ECSM. The savings associated with such tasks shall be net savings, if the ESCO assumes such tasks, reduces the burden of such tasks or eliminates such tasks. The Commissioner of Administration or his designated agent shall determine whether an ESCO's action with respect to a given recurring task generates net savings and shall determine the value of such net savings.

g. Net savings may also include one-time cost savings of money budgeted by the state and available to fund a project or task that is made unnecessary by the implementation of an ECSM. The Commissioner of Administration or his designated agent shall determine whether an ESCO's action with respect to a given one-time project or task generates net savings and shall determine the value of such net savings.

h. Any utility company rebates or other incentives arising in connection with the implementation of an ECSM shall be the property of the user agency. An ESCO shall provide any assistance necessary in order to permit a user agency to apply for and receive such rebates or other incentives.

F. Grandfathered Performance Contracts

1. Notwithstanding any other provision of this Section, where an RFP or a proposed performance contract is exempt from the application of Subparagraphs (a) through (d) of R.S. 39:1496.1.E(1), the selected ESCO shall, at the time a performance contract is executed, submit a certified or cashier's check, payable to the Commissioner of Administration or his designated agent, in a sum equal to no more than 1 percent of the total value of the proposed performance contract. The percentage of such total value and the means of calculating such total value shall be determined by the Commissioner of Administration or his designated agent and shall be set forth in the performance contract.

2. Where an RFP or a proposed performance contract is exempt from the application of Subparagraphs (a) through (d) of R.S. 39:1496.1E(1), such RFP or proposed performance contract shall not be subject to the application of Subsection A or B of this Section but shall be subject to the remaining provisions of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39:1490(B).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office Facility Planning and Control, LR 31:640 (March 2005).

Jerry W. Jones
Director

0503#014

RULE

Office of the Governor Division of Administration Office of State Uniform Payroll

Recoupment of Overpayments (LAC 4:III.Chapter 7)

In accordance with R.S. 42:460, notwithstanding any other provision of law to the contrary, the Office of the Governor, Division of Administration, Office of State Uniform Payroll adopts the following Rule regarding recoupment of overpayments to state employees. The purpose of the Rule is to establish procedures for state agencies to follow when state employees have been overpaid. State agencies are to develop specific policies regarding recoupment of overpayments incorporating these procedures into their policy.

Title 4

ADMINISTRATION

Part III. Payroll

Chapter 7. Recoupment of Overpayments

§701. Definitions

Active Employee Employee currently working for the agency that overpaid the employee.

Agency Any one of the 20 major departments of state government and the executive office or any subdivision thereof and any other entity paid through one of the 20 major departments of state government or the executive office. This includes those agencies using ISIS HR for payroll and those agencies not using ISIS HR for payroll.

Deduction Any voluntary/involuntary reduction in net pay (e.g., health insurance, united way, taxes)

Direct Deposit Reversal A formal request to the financial institution to return funds deposited into an account.

Division of Administration (DOA) The Louisiana state agency under the Executive Department which provides centralized administrative and support services to state agencies as a whole by developing, promoting, and implementing executive policies and legislative mandates.

Gaining Agency The agency to which the overpaid employee is transferring.

ISIS Human Resource System (ISIS HR) The integrated statewide information system administered by the Division of Administration, Office of State Uniform Payroll to provide uniform payroll services to state agencies.

ISIS HR Paid Agency A state agency who processes payroll through the ISIS HR system.

ISIS HR Non-Paid Agency A state agency who uses a system other than the ISIS HR system to process payroll.

Losing Agency The agency from which the overpaid employee is terminating/separating.

Net Pay The amount of compensation due to the employee after withholding all voluntary and involuntary deductions from his wages and compensation earned.

Office of State Uniform Payroll (OSUP) The section within the Division of Administration primarily responsible for the DOA statewide payroll system and administration of the rules governing state employee payroll deductions.

Overpayment Unearned compensation of state funds to employees.

Recoupment Reimbursement of overpayment that was not due an employee.

Separated Employee Employee no longer working for the agency that overpaid the employee.

Wage Payment for services to an employee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:644 (March 2005).

§703. Introduction

A. Overpayments occur when compensation that is not owed to the employee is paid in error. This includes but is not limited to overpayment of wages, annual leave paid in error, as well as, erroneous refunds of deductions. Unearned payments to employees are prohibited by Article 7, Section 14 of the Louisiana State Constitution which prohibits the donation of public funds. As a result, state agencies are required to make a reasonable effort to recoup overpayments to both active and separated employees. Agencies must also establish internal controls to prevent overpayments. State agencies are to develop specific policies regarding recoupment of overpayments incorporating these procedures into their policy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:644 (March 2005).

§705. Notification to Employee of Overpayment

A. Employees must be notified immediately once an agency determines that an overpayment has been made. Written notification must be provided prior to withholding the recoupment from a future payment(s). The notification to the employee must include the following:

1. pay date(s) the overpayment occurred;
2. amount of the overpayment;
3. reason for overpayment;
4. agency plan of action for recoupment;
5. employee options for reimbursement of overpayment, as appropriate; and
6. agency procedure by which the proposed recoupment can be disputed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:644 (March 2005).

§707. Recoupment from Active Employees

- A. The following repayment options are available:
 - 1. direct deposit reversal:
 - a. agencies paid through ISIS HR must follow OSUP policy for direct deposit reversals;
 - 2. one-time deduction from a subsequent paycheck;
 - 3. payment plan; or
 - a. recurring deductions can be established for a period not to exceed 12 months. Agencies paid through ISIS HR must obtain approval from OSUP for exceptions to the 12 month period;
 - 4. personal payment from employee (i.e., check, money order):
 - a. agencies paid through ISIS HR must obtain approval from OSUP to accept a check from an active employee.
- B. If an employee who has been overpaid is separating from the agency, the amount of the overpayment must be withheld from the employee's final paycheck. If the full amount is not recovered the agency should follow the guidelines in §711.
- C. The amount to be recouped in a one-time payment or in recurring payments cannot bring the employee's biweekly gross hourly wage amount below the federal minimum wage. If the employee agrees to have a larger amount withheld, the agency must obtain written approval from the employee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:645 (March 2005).

§709. Recoupment from Employees Transferring to Another State Agency

- A. If an overpaid employee is transferring to another state agency, and the losing agency has not completed the recoupment process, the losing agency must notify the gaining agency that the employee has an outstanding balance due the losing agency. The losing agency must provide pertinent documentation regarding the details of the overpayment and the recoupment plan established:
 - 1. employee transferring from ISIS HR paid agency to another ISIS HR paid agency:
 - a. the gaining agency must continue any payment plan that was established at the losing agency. If a payment plan was not established, the losing agency and gaining agency must coordinate the recoupment of the overpayment through the payroll system. Agencies must follow guidelines established by the Division of Administration for transferring the funds received at the gaining agency back to the losing agency;
 - 2. employee transferring from an ISIS HR paid agency to an ISIS HR non-paid agency, employee transferring from an ISIS HR non-paid agency to an ISIS HR paid agency, or employee transferring between two ISIS HR non-paid agencies:
 - a. the losing and gaining agencies must work together to determine a reasonable solution for recouping the overpayment from the employee and for transferring funds received at the gaining agency back to the losing agency.
- B. If a payment plan is established in the payroll system of the gaining agency, the amount to be recouped in a one-time payment or in recurring payments cannot bring the

employee's biweekly gross hourly wage amount below the federal minimum wage. If the employee agrees to have a larger amount withheld, the agency must obtain written approval from the employee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:645 (March 2005).

§711. Recoupment from Separated Employees

- A. Agencies must notify employee of overpayment according to guidelines in §705. The written notice to the employee must include a demand for repayment.
- B. The following repayment options are available:
 - 1. one-time personal payment from employee (i.e., check, money order); or
 - 2. payment plan:
 - a. employee may submit multiple payments as agreed upon with the agency;
 - b. the period of recoupment may not exceed 12 months. Agencies paid through ISIS HR must obtain approval from OSUP for exceptions to the 12 month period.
- C. If an agency is unable to recover overpayments from a separated employee, the agency must follow agency policies regarding consulting the legal department of the specific overpaying agency to determine if legal recourse is warranted. Items to consider are:
 - 1. total dollar value of the overpayment;
 - 2. period of time for which the overpayment has occurred;
 - 3. period of time that has elapsed since the overpayment;
 - 4. cost of recoupment efforts; and
 - 5. likelihood of success of continued recoupment efforts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:645 (March 2005).

§713. Condition of Employment

- A. Prior to submitting job offers to prospective employees, a signed statement must be obtained from the prospective employee acknowledging his/her understanding of the agency recoupment policy and that, if overpaid, the overpayment may be recouped in a future pay period after notification from the agency in accordance with the agency policy. Prospective employees include new hires and employees who have transferred from one agency to another agency.
- B. Departments/Agencies are responsible for incorporating this condition of employment within the hiring process and withholding job offers to prospective employees failing to comply with this rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:645 (March 2005).

§715. Agency Policies and Procedures

- A. Agencies must develop polices with specific procedures to follow when an employee has been overpaid. The procedures in this rule must be incorporated into the agency policy.

1. OSUP shall provide specific details on recoupment procedures as related to the ISIS HR Payroll system via OSUP memoranda.

2. Agencies not paid through ISIS HR must develop policies as related to their payroll system.

3. Agencies must incorporate into their recoupment policy the policies and procedures for the collection and reporting of accounts receivable which are published in the November 20, 2002 edition of the *Louisiana Register*.

4. Agencies must incorporate into their recoupment policy a dispute procedure for an employee to follow if the employee does not agree with the agency claim of overpayment.

B. All employees and agency staff who affect the pay process in an agency including timekeepers, employee administration, payroll, and human resources, are responsible to assist in achieving an overall effective system of control to produce accurate payments. Thus, agencies are to prepare internal control policies and maintain an effective system of internal controls to prevent overpayments.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:460.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of State Uniform Payroll, LR 31:645 (March 2005).

Jena W. Cary
Director

0503#011

RULE

Department of Health and Hospitals Office for Addictive Disorders Addictive Disorder Regulatory Authority

Addictive Disorder Practice Requirements (LAC 46:LXXX.Chapters 1-19)

Notice is hereby given, in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., that the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, pursuant to the authority vested in the Department of Health and Hospitals by the Addictive Disorders Practice Act, R.S. 37:3386-3390.6, amends Title 46:LXXX by repealing Chapters 1-19 thereof and in place of the repealed provisions, adopting regulations implementing the Addictive Disorders Practice Act. The Rule is set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXXX. Substance Abuse Counselors

Chapter 1. General Provisions

§101. Scope

A. The rules of this Part are relative to and govern the issuing of practice credentials and certifications to addictive disorders counselors and prevention professionals by the Louisiana Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, and all related matters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:646 (March 2005).

§103. Source and Authority

A. These rules are promulgated by the Louisiana Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority to provide for and implement its authority and responsibility pursuant to the Addictive Disorders Practice Act (the Act), R.S. 37:3386-3390.6, Acts 2004, No. 803, §3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:646 (March 2005).

§105. Definitions

A. As used in these Rules, the following terms shall have the meanings specified:

Act The Addictive Disorders Practice Act (the act), R.S.37:3386-3390.6, Acts 2004, No. 803, §3, sometimes referred to as "the Act".

Addictive Disorder Counselor Any person who, by means of his specific knowledge acquired through formal education and practical experience, is qualified to provide addictive disorder counseling services which utilize the basic core functions/Knowledge, Skills, and Attitudes specific to addictive disorder counseling and is recognized as such by the ADRA as a Licensed, Certified, and/or Registered Addiction Counselor. The ADRA shall consider any person providing such services as purporting to be an addictive disorder counselor.

Addictive Disorder Regulatory Authority (ADRA) The office within the Louisiana Department of Health and Hospitals, Office for Addictive Disorders designated to provide for and implement the authority allowed or required by the Act.

Approved Clinical Training Program (ACTP) Any clinical setting involving addictive disorder treatment, addictive disorder counseling services or prevention intervention services which has applied for, received, and maintained approval by the ADRA. The ADRA shall provide for institutions to register as being ADRA approved for clinical training in addictive disorder treatment, counseling and prevention, as well as in any other certifications or creditable offered or recognized by the ADRA.

Approved Educational Program (AEP) Any course, workshop, seminar, conference or other educational program presented by an organization which has applied for, received, and maintained approval by the ADRA. The ADRA shall provide for organizations to register as being ADRA approved as an education provider in the field of addictive disorder counseling and prevention.

Approved Institution of Higher Education (AIHE) Any university or college accredited by a recognized regional accrediting body which has applied for, received, and maintained approval of the ADRA. The ADRA shall provide for institutions of higher education to register as being ADRA approved for higher education in addictive disorder counseling and prevention.

Core Functions The screening, intake, orientation, assessment, treatment planning, counseling, case management, crisis intervention, client education, referral,

reports and record keeping activities associated with counseling and consultation with credentialed professionals.

Certified Clinical Supervisor (CCS) Any person holding the necessary credentials of licensed, certified or registered addiction counselor or other qualified mental health professional who has satisfied the requirements established by the ADRA to provide clinical supervision.

Clinical Supervision The interpersonal tutorial relationship between a clinical supervisor and a licensed, certified, registered, or counselor-in-training addiction professional or prevention professional or prevention specialist in training centered on the goals of skill development and professional growth through learning and utilization of best practices.

Counselor-In-Training (CIT) or Prevention Specialist-In-Training (PSIT) A status held by any person who has not yet met the qualifications to become credentialed in a particular field but who has made application in the manner prescribed in the act and these rules and is registered as such by the ADRA.

Direct Supervision Means responsible, continuous, on-the-premises observation, by a certified clinical supervisor or qualified professional supervisor approved by the ADRA, whereby the supervisor is personally present in the servicing facility and immediately available to the service area. Direct supervision may include treatment team or staffing meetings, observation in group, individual, family, education or other, private conversations (one to one) discussing cases, core functions, KSA's or reviews of charts or medical records. The professional providing direct supervision shall be ultimately responsible for the acts or omissions of the counselor in training or prevention specialist is training he is supervising. Where off-the-premises experience is arranged for the candidate being supervised, the supervision plan shall so indicate and shall designate an appropriate professional at the off premises site to act in a supervisory capacity.

IC and RC The International Certification and Reciprocity Consortium. Sometimes referred to as "ICRC".

Knowledge, Skills, and Attitudes (KSA) The knowledge, skills, and attitudes designated by the ADRA as being necessary in providing effective addiction counseling and prevention services.

Performance Domains For prevention specialists are:

- a. education and skill development;
- b. community organization;
- c. public and organization policy;
- d. planning and evaluation; and
- e. professional growth and responsibility.

Prevention Services At a minimum, can be understood to incorporate a process that utilizes multiple strategies designed not only to delay or prevent the onset of the use of alcohol, tobacco and other drugs, but also to delay or prevent the involvement in other high risk behaviors. Prevention principles and strategies foster the development of social, emotional and physical environments that facilitate healthy, drug-free lifestyles by focusing on individuals, peers, schools, families and communities. Prevention strategies target universal, selective and indicated populations.

Qualified Professional Supervisor (QPS) An addictive disorder counselor or prevention professional, recognized as such by the ADRA, and who has worked in a licensed or ADRA approved addictive disorder treatment or prevention

program for a minimum of two years post certification; or a qualified mental health professional, or any other professional recognized as a trainer by the ADRA upon presentation of verification and documentation of expertise.

Substance Abuse The repeated pathological use of drugs, including alcohol, which causes physical, psychological, economic, legal, or social harm to the individual user or to others affected by the user's behavior.

B. All terms used in these Rules which are defined by the act, R.S. 37:3386.1, shall have the same meanings in these Rules as defined by the act.

C. Masculine terms whosoever used in these rules shall also be deemed to include the feminine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:646 (March 2005).

§107. Severability

A. If any provision of these Rules, or the application or enforcement thereof, is held invalid, such invalidity shall not affect other provisions or applications of these Rules which can be given effect without the invalid provisions or applications, and to this end the several provisions of these Rules are hereby declared severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:647 (March 2005).

Chapter 3. Practice

§301. Scope of Practice

A. The practice of addictive disorder counseling within the meaning and intent of these Rules and regulations shall consist of the rendering of professional guidance to individuals suffering from addictive disorders to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible life style. The scope of practice shall include making appropriate referrals to qualified professionals, providing counseling to family members when appropriate, and utilizing the core functions and KSA's of addictive disorder counseling.

B. The practice of prevention within the meaning and intent of these Rules and regulations shall consist of the rendering of prevention services. The scope of the practice shall include collaboration with qualified professionals and utilization of the performance domains of prevention to increase the awareness of high risk behaviors and the perception that high risk behaviors are, or potentially can be, harmful. In addition to any other positive outcomes that may be sought, the practice of prevention seeks to:

1. reduce the availability of alcohol, tobacco and other substances to youth; achieve long term reductions in underage drinking and the use of tobacco and other drugs;
2. reduce the underage access to and use of alcohol;
3. impact other prioritized substance use and related behaviors including increased or retained employment or return to and stay in school;
4. decrease criminal justice involvement;
5. increase stability in family and living conditions;
6. increase access to services (including treatment services);

7. increase social supports and increase social connectedness.

C. Nothing in these rules and regulations shall be construed to authorize an addictive disorder counselor, compulsive gambling counselor, or prevention specialist to practice medicine, social work, or psychology, or to provide any counseling other than addictive disorders counseling or prevention services. An addictive disorder counselor, compulsive gambling counselor, or prevention specialist shall not order, administer, or interpret psychological tests or utilize psychometric procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:647 (March 2005).

§303. Minimum Standards of Practice

A. The minimum standard of practice for Addiction Counselors and Prevention Professionals will be met if:

1. the individual has a valid and current credential issued or recognized by, and is in good standing with, the ADRA;

2. the individual adheres to the code of ethics as set forth in these Rules; and

3. the individual practices within the scope of practice defined in the act and in these Rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:648 (March 2005).

Chapter 5. ADRA Documents and Payment of Costs

§501. Reserved Fees

§503. ADRA Documents

A. Official Records

1. Office records of the ADRA shall be maintained at the office of the ADRA or other depository authorized by the ADRA.

2. All official records of the ADRA excluding materials containing information considered confidential, shall be open for inspection during regular office hours.

3. Any person desiring to examine official records shall be required to properly identify himself and sign statements listing the records questioned and examined. Records which are stored in historical files or which have been authorized for off-site storage may require the payment of costs for research and location.

4. Official records shall not be taken from the ADRA's office without the express authorization of the Director of the ADRA. Persons may obtain copies of records upon written request and by paying a fee prescribed by the Division of Administration.

B. Certificate

1. The ADRA shall prepare and provide to each credentialed professional a certificate which lists the individual's name, the credential issued, date of initial certification, and certification number.

2. Original certificates shall not be issued until the application has been evaluated and approved by official action of the ADRA. The ADRA may set the effective date and expiration date of the certificate at the time of approval.

3. Replacement certificates, including credentials re-designated pursuant to the authority of R.S.:37.3388.3, shall be issued when the required request has been received and the cost of issuing the replacement certificate paid. Replacement certificates, other than those issued pursuant to R.S. 37:3388.3, shall contain the same information as the original certificate. Credentials re-designated pursuant to R.S. 37:3388.3, may be issued with or without a request from the holder of the credential.

4. Official certificates shall be signed by the director and be affixed with the official seal of the State of Louisiana.

5. Currency of the certificate shall be documented by a wallet card issued by the ADRA with the date of certification or renewal and the date of expiration.

C. Roster and Mailing Lists

1. Each year the ADRA shall make available a roster of all ADRA persons holding a credential issued or recognized by the ADRA. The ADRA may also make any such roster available on any web-site maintained by the ADRA.

2. The roster shall include the name, professional address, professional telephone number and credential (s) of each individual, and such other information as the individual may permit. It is the counselor's or specialist's responsibility to keep the ADRA informed of changes of address or other information.

3. The ADRA shall make copies of the roster available to counselors, specialists, interested agencies, and the general public upon request and upon payment of the cost incurred by the ADRA for providing the copy.

4. Rosters and mailing lists are the property of the ADRA and shall not be distributed nor used by any party other than that which initially obtained a copy.

D. Notice and Receipt

1. Any and all communications, including but not limited to notices, are official when signed by the Director of the ADRA, or other authorized person, and mailed to the address of record. It is the responsibility of the individual to insure that the mailing address maintained by the ADRA is current and to advise the ADRA immediately of any change in the individual's mailing address.

2. The receipt of applications, forms, notices, and other communications by the ADRA shall be determined by the postmark date or the date actually received in the office of the ADRA, whichever is earlier.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:648 (March 2005).

§505. Advice and Consultation

A. The ADRA shall seek the advice of the Louisiana Commission on Addictive Disorders. The ADRA shall also consult with the commission on matters pertaining to requirements and standards for issuing and recognizing credentials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:648 (March 2005).

Chapter 7. Credentials for License/Certification/Registration

§701. Licensed Addiction Counselor (LAC)

A. The ADRA shall recognize as a LAC each candidate who make application on the forms required by the ADRA and who:

1. possesses a master's degree from an accredited institution of higher education. The degree shall be in human service or a behavioral science discipline or such other discipline(s) as the department may deem appropriate. The applicant shall provide the ADRA with an official (certified) copy of any an all academic transcripts. Any person seeking to be recognized as an LAC who possesses a master's degree in a discipline other than human services or behavioral science may apply to the ADRA for a waiver. In considering the application for wavier the ADRA shall consult with representatives of a national credentialing organization for purposes of insuring compliance with national standards and/or institutions of higher education for advice and guidance and/or the Louisiana Commission on Addictive Disorders and may grant or deny the wavier. The ADRA may grant the waiver on such terms and conditions as are deemed appropriate and in the best interest of the public;

2. is at least 21 years of age (date the application is received);

3. is a legal resident of the United States;

4. is not in violation of any ethical standards subscribed to by the ADRA;

5. is not now, and has not been, a substance abuser or compulsive gambler for a period of two years from the date the application is received;

6. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The ADRA may waive this requirement for good cause upon request of the applicant. The applicant shall provide the ADRA with a certified copy of their criminal history;

7. signs the ADRA form of professional and ethical accountability and responsibility;

8. provides evidence of having satisfied the following requirements in education, supervised practical training and experience:

a. education C has successfully completed a minimum of 270 clock hours of education with a minimum of 180 hours specific to substance abuse and up to 90 hours in related courses or areas of study. Education is defined as formal, structured instruction in the form of work shops, seminars, institutes, in-services, college/university credit courses and distance education. Of the substance abuse specific hours required by this provision, at least 6 hours must be in professional ethics. The professional ethics hours may not be obtained through "in service" training;

b. supervised practical training C has successfully completed a minimum 300 performance hours in the KSA's/12 core functions (with a minimum of 10 hours in each core function or KSA equivalent). The candidate shall document and verify the performance hours on a form required by the ADRA. Training is defined as a formal systematic process that focuses on skill development and integration of knowledge. The training must take place in a setting where addictive disorder counseling is provided. The training may occur as part of eligible work experience (see Subparagraph c below) and may be completed under more

than one supervisor or agency. All training hours must be documented and verified;

c. experience C documents and verifies evidence of having successfully completed 2000 hours (one year) of supervised work experience providing addictive disorder counseling services. Supervised work experience must be paid or voluntary experience as a counselor who provides direct counseling services to individuals diagnosed as having one or more addictive disorders, at least one of which is alcohol or substance abuse related. Supervised work experience must be in the KSA's and 12 core functions with substance abuse clients. Unsupervised work experience will not be considered. The supervision required herein must be provided by a certified clinical supervisor with a minimum of one contact hour per week. In the event a certified clinical supervisor is unavailable, the individual may apply to the ADRA for a waiver;

9. demonstrates professional competency in addictive disorder counseling by satisfying written and oral examination requirements established by the ADRA and providing documentation of such. The ADRA shall indicate the examination requirements that govern each testing cycle;

10. it is the candidate's responsibility to assure himself that his educational preparation has provided comprehensive coverage of the subjects and topics necessary to allow him to develop a sufficient knowledge base and to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling;

11. it is the candidate's responsibility to assure himself that his clinical experience has provided comprehensive training sufficient to adequately prepare him to be a able to demonstrate professional competency in addictive disorder counseling;

12. provide three letters of recommendation attesting to the individual's fitness to be an addictive disorder counselor;

13. the scope of practice, for the LAC, shall include making appropriate referrals to qualified professionals, providing counseling to family members when appropriate, and utilizing the core functions and KSA's of addictive disorder counseling. The LAC shall have an independent scope of practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:649 (March 2005).

§703. Certified Addiction Counselor (CAC)

A. The ADRA shall recognize as a CAC each candidate who:

1. possesses a bachelor's degree from an accredited institution of higher education. The degree shall be in human service or a behavioral science discipline or such other discipline(s) as the department may deem appropriate. The applicant shall provide the ADRA with an official (certified) copy of any and all academic transcripts. Any person seeking to be recognized as a CAC who possesses a bachelor's degree in a discipline other than human services or behavioral science may apply to the ADRA for a waiver. In considering the application for wavier, the ADRA may consult with representatives of national credentialing organizations and/or institutions of higher education for advice and guidance and may grant or deny the wavier. The ADRA may grant the waiver on such terms and conditions

as are deemed appropriate and in the best interest of the public;

2. is at least 21 years of age (from the date the application is received);

3. is a legal resident of the United States;

4. is not in violation of any ethical standards subscribed to by the ADRA;

5. is not now, and has not been, a substance abuser or compulsive gambler for a period of two years from the date the application is received;

6. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The ADRA may waive this requirement for good cause upon request of the applicant. The applicant shall provide the ADRA with a certified copy of his criminal history;

7. sign the ADRA form of professional and ethical accountability and responsibility;

8. provides evidence of having satisfied the following requirements in education, supervised practical training and experience:

a. education. Has successfully completed a minimum of 270 clock hours of education with a minimum of 180 hours specific to substance abuse and up to 90 hours in related courses or areas of study. Education is defined as formal, structured instruction in the form of work shops, seminars, institutes, in-services, college/university credit courses and distance education. Of the substance abuse specific hours required by this provision, at least 6 hours must be in professional ethics. The professional ethics hours may not be obtained through "in service" training;

b. supervised practical training. Has successfully completed a minimum 300 performance hours in the KSA's/12 core functions (with a minimum of 20 hours in each core function or KSA equivalent). The candidate shall document and verify the performance hours on a form required by the ADRA. Training is defined as a formal systematic process that focuses on skill development and integration of knowledge. The training must take place in a setting where addictive disorder counseling is provided. The training may occur as part of eligible work experience (see Subparagraph c below) and may be competed under more than one supervisor or agency. All training hours must be documented and verified;

c. experience. Documents and verifies evidence of having successfully completed 4000 hours (two years) of supervised work experience providing addictive disorder counseling services. Supervised work experience must be paid or voluntary experience as a counselor who provides direct counseling services to individuals diagnosed as having one or more addictive disorders, at least one of which is alcohol or substance abuse related. Supervised work experience must be in the KSA's and 12 core functions with substance abuse clients. Unsupervised work experience will not be considered. The supervision required herein must be provided by a certified clinical supervisor with a minimum of one contact hour per week. In the event a certified clinical supervisor is unavailable, the individual may apply to the ADRA for a waiver;

9. demonstrates professional competency in addictive disorder counseling by satisfying written and oral examination requirements established by the ADRA and

providing documentation of such. The ADRA shall indicate the examination requirements that govern each testing cycle;

10. it is the candidate's responsibility to assure himself that his educational preparation has provided comprehensive coverage of the subjects and topics necessary to allow him to develop a sufficient knowledge base and to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling;

11. it is the candidate's responsibility to assure himself that his clinical experience has provided comprehensive training sufficient to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling;

12. provide three letters of recommendation attesting to the individual's fitness to be an addictive disorder counselor;

13. the scope of practice for the CAC, shall include making appropriate referrals to qualified professionals, providing counseling to members when appropriate, and utilizing the 12 core functions and KSA's of addictive disorder counseling. Unless allowed an independent scope of practice under the Practice Act, and recognized by the ADRA, the CAC shall maintain a consulting relationship with an LAC. The ADRA shall provide a letter to CAC's authorized to practice independently, recognizing their exemption from the requirement of consulting with an LAC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:649 (March 2005).

§705. Registered Addiction Counselor (RAC)

A. The ADRA shall recognize as a RAC each candidate who:

1. is at least 21 years of age (from the date the application is received);

2. is a legal resident of the United States;

3. is not in violation of any ethical standards subscribed to by the ADRA;

4. is not now, and has not been, a substance abuser or compulsive gambler for a period of two years from the date the application is received;

5. has not been convicted of, pleaded guilty to, or entered a plea of nolo contendere to, a felony. The ADRA may waive this requirement for good cause upon request of the applicant. The applicant shall provide the ADRA with a certified copy of his criminal history;

6. signs the ADRA form of professional and ethical accountability and responsibility;

7. provides evidence of having satisfied the following requirements in education, supervised practical training and experience:

a. education. Has successfully completed a minimum of 270 clock hours of education with a minimum of 180 hours specific to substance abuse and up to 90 hours in related courses or areas of study. Education is defined as formal, structured instruction in the form of work shops, seminars, institutes, in-services, college/university credit courses and distance education. Of the substance specific hours required by this provision, at least 6 hours must be in professional ethics. The professional ethics hours may not be obtained through "in service" training;

b. supervised practical training. Has successfully completed a minimum 300 performance hours in the

KSA's/12 core functions (with a minimum of 10 hours in each core function). Training is defined as a formal systematic process that focuses on skill development and integration of knowledge. The training must take place in a setting where addictive disorder counseling is provided. The training may occur as part of eligible work experience (see Subparagraph c below) and may be completed under more than one supervisor or agency. All training hours must be documented and verified;

c. experience documents and verifies evidence of having successfully completed 6000 hours (3 years) of supervised work experience providing addictive disorder counseling services. Supervised work experience must be paid or voluntary experience as a counselor who provides direct counseling services to individuals diagnosed as having one or more addictive disorders, at least one of which is alcohol or substance abuse related. Supervised work experience must be in the KSA's and 12 core functions with substance abuse clients. Unsupervised work experience will not be considered. The supervision required herein must be provided by a certified clinical supervisor with a minimum of one contact hour per week. In the event a certified clinical supervisor is unavailable, the individual may apply to the ADRA for a waiver. An Associate Degree from an accredited institution of higher education in a human services or behavioral science discipline or such other discipline (s) as the Department may deem appropriate, may be substituted for 1,000 hours of the 6,000 hours of experience required herein;

8. demonstrates professional competency in addictive disorder counseling by satisfying written and oral examination requirements and providing documentation of such. The ADRA shall indicate the examination requirements that govern each testing cycle;

9. it is the candidate's responsibility to assure himself that his educational preparation has provided comprehensive coverage of the subjects and topics necessary to allow him to develop a sufficient knowledge base and to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling;

10. it is the candidate's responsibility to assure himself that his clinical experience has provided comprehensive training sufficient to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling;

11. provides three letters of recommendation attesting to the individual's fitness to be an addictive disorder counselor;

12. the scope of practice for the RAC, shall include making appropriate referrals to qualified professionals, providing counseling to family members when appropriate, and utilizing the 12 core functions and KSA's of addictive disorder counseling. The RAC is not permitted an independent scope of practice. The RAC shall maintain a consulting relationship with an LAC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:650 (March 2005).

§707. Counselor-In-Training (CIT)

A. The ADRA shall recognize as a CIT each candidate who:

1. documents that they are actively pursuing a career tract to be a licensed, certified, or registered addiction counselor;

2. is at least 18 years of age;

3. is a legal resident of the United States;

4. is not in violation of any ethical standards subscribed to by the ADRA;

5. is not now, and has not been, a substance abuser or compulsive gambler for a period of two years from the date the application is received, unless the individual has applied for and been granted a waiver by the ADRA;

6. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The applicant shall provide the ADRA with a certified copy of his criminal history;

7. signs the ADRA form of professional and ethical accountability and responsibility;

8. it is the candidate's responsibility to assure himself that his educational preparation has provided comprehensive coverage of the subjects and topics necessary to allow him to develop a sufficient knowledge base and to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling;

9. it is the candidate's responsibility to assure himself that his clinical experience has provided comprehensive training sufficient to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling;

10. the CIT status is granted for a 12 month period. During the 12 month period the CIT shall comply with the ADRA guidelines for CIT status and, if required, sign an agreement acknowledging and consenting to the provisions of the guidelines;

11. CIT shall be allowed to maintain the CIT status for an aggregate period not to exceed 72 months;

12. provide 3 letters of recommendation attesting to the individual's fitness to be an addictive disorder counselor;

13. the ADRA shall develop CIT Supervision guidelines and shall post the guidelines on the web site maintained by the ADRA. The guidelines shall be considered the minimum standards applicable to all CIT's and CIT supervisors. It shall be the obligation of all CIT's and CIT supervisors to regularly consult the website and review the guidelines to insure familiarity and compliance with the minimum standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:651 (March 2005).

§709. Addiction Treatment Assistant (ATA)

A. The ADRA shall recognize as an ATA each candidate who:

1. is at least 16 years of age;

2. is a legal resident of the United States;

3. is not in violation of any ethical standards subscribed to by the ADRA;

4. is not now, and has not been, a substance abuser or compulsive gambler for a period of six months from the date the application is received;

5. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The ADRA may waive this requirement for good cause upon request of the applicant. The applicant shall provide the ADRA with a certified copy of his criminal history;

6. documents the completion of 6 hours of ADRA approved professional ethics training(s) for ATA's and signs the ADRA form of professional and ethical accountability and responsibility;

7. documents the completion of an approved training on confidentiality and documents the completion of an ADRA approved training in First Aid and CPR;

8. provides three letters of recommendation attesting to the individual's fitness to be an addictive disorder counselor;

9. scope of practice of an ATA shall be to serve in a supportive role within the therapeutic environment under the direct supervision of a licensed, certified, and/or registered addiction counselor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:651 (March 2005).

§711. Certified Clinical Supervisor (CCS)

A. The ADRA shall recognize as a CCS each candidate who:

1. possesses a valid and current credential as a Licensed, Certified, or Registered Addiction Counselor and/or Qualified Mental Health Professional;

2. is at least 21 years of age;

3. is a legal resident of the United States;

4. is not in violation of any ethical standards subscribed to by the ADRA and does not have any pending disciplinary proceedings;

5. is not a defendant in any pending felony criminal proceedings;

6. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The ADRA may waive this requirement for good cause upon request of the applicant;

7. the applicant shall provide the ADRA with a certified copy of his criminal history;

8. signs the ADRA form of professional and ethical accountability and responsibility;

9. documents having satisfied the ADRA requirements for certification in Clinical Supervision. The requirements shall be posted on the website maintained by the ADRA;

10. provides three letters of recommendation;

11. scope of practice:

a. the LAC or QMHP can provide clinical supervision for LAC, CAC, RAC, CIT, or ATA;

b. the CAC can provide clinical supervision for: CAC, RAC, CIT, or ATA;

c. the RAC can provide clinical supervision for: RAC, CIT, ATA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:652 (March 2005).

§713. Certified Compulsive Gambling Counselor (CCGC)

A. The ADRA shall recognize as a CCGC each candidate who:

1. possesses a valid and current credential as a Licensed, Certified, or Registered Addiction Counselor and/or Qualified Mental Health Professional;

2. is at least 21 years of age;

3. is a legal resident of the United States;

4. is not in violation of any ethical standards subscribed to by the ADRA and does not have any pending disciplinary actions;

5. is not a defendant in any pending felony criminal proceedings;

6. has not been convicted of, pleaded guilty to, or entered a plea of nolo contendere to, a felony;

7. the applicant shall provide the ADRA with a certified copy of his criminal history;

8. signs the ADRA form of professional and ethical accountability and responsibility;

9. provides evidence of having satisfied the following requirements:

a. has successfully completed a minimum of 60 clock hours of education approved by the ADRA specific to addiction, at least six of which must be in professional ethics;

b. a minimum of 30 clock hours of education approved by the ADRA specific to gambling addiction;

c. demonstrates professional competency in compulsive gambling counseling by passing a written examination prescribed by the ADRA;

10. provides three letters of recommendation;

11. the Scope of Practice for the CCGC shall be consistent with and shall not exceed the scope of practice allowed for the practice credential of the holder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:652 (March 2005).

§715. Certified Prevention Specialist (CPS)

A. The ADRA shall recognize as a CPS each candidate who:

1. provides evidence of having satisfied the following requirements in education, supervised practical training and experience:

a. education possesses at least, a bachelor's degree from an accredited institution of higher education or possesses a high school diploma or its equivalent. The degree shall be in human services or a behavioral science discipline. Any person seeking to be recognized as a CPS who possesses at least a bachelor's degree in a discipline other than human services or behavioral science may apply to the ADRA for a waiver. In considering the application for waiver the ADRA shall consult with representatives of a national credentialing organization for purposes of insuring compliance with national standards and/or institutions of higher education for advice and guidance and/or the

Louisiana Commission on Addictive Disorders and may grant or deny the waiver. The ADRA may grant the waiver on such terms and conditions as are deemed appropriate and in the best interest of the public. The applicant must also document 100 education hours with a minimum of 50 hours specific to addictive disorder training. An applicant with at least a master's degree in a human services or behavioral science discipline must document 50 education hours with a minimum of 25 hours specific to addictive disorder training. At least 6 of these hours must be in professional ethics;

b. supervised practical training must provide documentation and verification of 120 hour practicum in the 5 performance domains (minimum of 10 in each). The 5 domains are: planning and evaluation, education and skill development, community organization, public and organizational policy and professional growth and responsibility;

c. experience completes all experience requirements prescribed by the ADRA, including the following:

i. for an applicant with, at a minimum, an approved bachelor's degree, verification of 2000 hours (one year) of full-time ADRA approved supervised experience engaged in the providing of prevention services; or,

ii. for an applicant with a high school diploma, five years of ADRA approved experience consistent with the requirements discussed hereinabove;

2. documents successful completion of 30 hours of a National Prevention Training program approved by the ADRA. The 30 hours required herein may also be counted in and applied to the 100 hours of education required hereinabove;

3. is at least 21 years of age;

4. is a legal resident of the United States;

5. is not in violation of any ethical standards subscribed to by the ADRA;

6. is not now, and has not been, a substance abuser or compulsive gambler for a period of two years from the date the application is received;

7. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The applicant shall provide the ADRA with a certified copy of his criminal history;

8. signs the ADRA form of professional and ethical accountability and responsibility;

9. demonstrates professional competency in prevention by satisfying written examination requirements established by the ADRA and providing documentation of such. The ADRA shall indicate the examination requirements that govern each testing cycle;

10. it is the candidate's responsibility to assure himself that his educational preparation has provided comprehensive coverage of the subjects and topics necessary to allow him to develop a sufficient knowledge base and to adequately prepare him to be able to demonstrate professional competency in prevention;

11. it is the candidate's responsibility to assure himself that his experience has provided comprehensive training sufficient to adequately prepare him to be able to demonstrate professional competency in prevention;

12. provide three letters of recommendation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:652 (March 2005).

§717. Registered Preventionist (RP)

A. The ADRA shall recognize as a RP each candidate who:

1. possesses a high school diploma or its equivalent;

2. documents successful completion of 30 hours of a National Prevention Training program approved by the ADRA;

3. is at least 21 years of age;

4. is a legal resident of the United States;

5. is not in violation of any ethical standards subscribed to by the ADRA;

6. is not now, and has not been, a substance abuser or compulsive gambler for a period of two years from the date the application is received;

7. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The applicant shall provide the ADRA with a certified copy of his criminal history. Signs the ADRA form of professional and ethical accountability and responsibility; and

8. provide 21 letters of recommendation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:653 (March 2005).

§719. Prevention Specialist-In-Training (PSIT)

A. The ADRA shall recognize as a PSIT each candidate who:

1. documents that he is actively pursuing a career tract to be a CPS or RPS;

2. is at least 18 years of age;

3. is a legal resident of the United States;

4. is not in violation of any ethical standards subscribed to by the ADRA;

5. is not now, and has not been, a substance abuser or compulsive gambler for a period of two years from the date the application is received;

6. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The applicant shall provide the ADRA with a certified copy of his criminal history. Signs the ADRA form of professional and ethical accountability and responsibility;

7. it is the candidate's responsibility to assure himself that his educational preparation has provided comprehensive coverage of the subjects and topics necessary to allow him to develop a sufficient knowledge base and to adequately prepare him to be able to demonstrate professional competency in prevention;

8. it is the candidate's responsibility to assure himself that his experience has provided comprehensive training sufficient to adequately prepare him to be able to demonstrate professional competency in prevention;

9. the PSIT status is granted for a 12 month period. During the 12 month period the PSIT shall comply with the ADRA guidelines for PSIT Supervision;

10. PSIT shall be allowed to maintain the PSIT status for an aggregate period not to exceed 72 months;

11. provide three letters of recommendation;

12. the ADRA shall develop PSIT Supervision guidelines and shall post the guidelines on the website maintained by the ADRA. The guidelines shall be considered the minimum standards applicable to all PSIT's and PSIT supervisors. It shall be the obligation of all PSIT's and PSIT supervisors to regularly consult the website and review the guidelines to insure familiarity and compliance with the minimum standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:653 (March 2005).

§721. Certification as a Counselor by Reciprocity from Other States

A. The ADRA may issue a certificate, without examination in this state, to any person who meets the following requirements:

1. if the applicant is applying from an ICRC jurisdiction, the applicant should following the ICRC reciprocity process;

2. if the applicant is not applying from an ICRC jurisdiction, the applicant must submit an application and satisfy the following:

a. possess a valid certificate to practice as an addiction or prevention counselor or professional or para-professional in any other state of the United States;

b. document and verify that the certificate from the other state is based upon an examination and other requirements substantially equivalent to the requirements for practice in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:654 (March 2005).

§723. Application and Examination

A. Request for Application

1. Persons desiring information regarding a practice credential (LAC, CAC, RAC, CPS, and/or RP), specialty certification (e.g., CCS, and/or CCGC), or status (CIT, and/or PSIT) shall be sent an information brochure and a request for application form. The ADRA may, in lieu of mailing information, make such information available on line at any web site maintained by the ADRA.

2. An application package shall be made available to any interested persons. The ADRA may, in lieu of mailing, make the package available on line at any web site maintained by the ADRA.

3. Any applicant for a practice credential or specialty certification who fails the written examination and, who, prior to the next scheduled written examination completes an ADRA approved test preparation training, shall have the application period extended to include either the next consecutive testing cycle or such subsequent testing cycle as the applicant shall designate in writing.

B. Required Application Materials

1. The application package shall contain forms for the applicant to provide information and documentation of meeting the requirements for a practice credential, specialty certification and/or status.

2. Each application package shall require such information as the ADRA deems necessary and appropriate.

3. An application will not be reviewed for test eligibility until the submitted application package is completed, i.e., all of the required information and forms, including a case study in the event an oral examination is required, are received by the ADRA.

4. Candidates will not be certified as eligible to take the written and oral examinations until the completed application package has been reviewed and approved by the ADRA.

5. By submitting the application package, candidates are deemed to have made a request to the ADRA to take the appropriate examination(s).

6. The ADRA shall determine the scope of the examination(s) to provide the opportunity for the candidate to demonstrate competency in the field for which he seeks certification, or shall designate the examination(s) which satisfy the ADRA requirements. The ADRA shall designate the test or tests which satisfy examination requirements and shall identify those tests on a testing cycle events schedule published and maintained by the ADRA. After three written examination failures, the ADRA may, in addition to the test preparation training, impose on the applicant such conditions as may be deemed appropriate to enhance the individual's training and/or clinical experience and/or to supplement preparation for the examination.

7. The ADRA shall notify each candidate of the examination results only after the examination results have been certified.

8. The application of a candidate who fails to appear for an examination date selected or agreed to by the candidate for reasons other than documented illness or other causes beyond the candidate's control becomes void. The candidate must re-apply and may be required to reimburse the ADRA for the cost of the examination, in accordance with the policy of the ADRA. By submitting an application packet, a candidate shall be deemed to have consented to this policy.

9. Satisfaction of the examination requirements by the applicant, does not guarantee the issuance of a credential or certification. Applicants who pass all required examinations shall be deemed eligible for, and undergo, final evaluation by the ADRA prior to the issuing of a credential or certification and the applicants shall be so notified.

10. The ADRA shall rule on any questions concerning examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:654 (March 2005).

§725. Renewal

A. Every practice credential and/or specialty certification, including the ATA and RP, issued under these rules and regulations shall be renewed every two years. The status of CIT/ PSIT is issued for one year.

B. It shall be the responsibility of the individual to timely renew all practice credentials and certifications.

C. The ADRA shall renew a credential or certification only upon receipt of an application for renewal and proof of the required continuing professional education hours. If satisfied of the accuracy of the application for renewal, the ADRA shall issue a new wallet card with the date of renewal and the new expiration date.

D. Applications for renewal which do not satisfy the requirements will be deficient. The individual will be notified and allowed to correct the deficiency. It is the individual's responsibility to correct the deficiency prior to the expiration date of his certification.

E. The ADRA shall rule on any questions regarding applications for renewal of certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:654 (March 2005).

§727. Continuing Professional Education

A. Renewal

1. Within the two years prior to application for renewal, all LAC, CAC, RAC, and CPS must complete at least 48 clock hours of education directly applicable to addictive disorder counseling or prevention, whichever is applicable, at least 6 of which must be in professional ethics. The ADRA shall publish guidelines for the continuing education requirements applicable to the paraprofessional ATA and the RP.

2. Within the two years prior to application for renewal, and in addition to any other education hours required herein, the CCGC must have completed at least 16 clock hours of education directly applicable to compulsive gambling counseling. The CCS must have completed at least 8 clock hours directly applicable to clinical supervision. The RP must have completed at least six clock hours of education directly applicable to prevention. In addition, the CCGC, RP and CCS must have a minimum of 6 hours of ethics training approved by the ADRA for the particular specialty certification or credential to be renewed.

3. Within the one year prior to application for renewal, the CIT and PSIT must document and verify compliance with the CIT and PSIT guidelines published by the ADRA.

B. Sources

1. Continuing education must be in the form of workshops, seminars, courses, or other organized educational programs conducted by providers approved by the ADRA. Semester credit hours may be converted to clock hours at the rate of 15 clock hours per one semester hour.

2. In-service training conducted by and for a counselor's own agency does not constitute continuing education. Education conducted by a counselor's own agency which has prior ADRA approval shall be accepted.

3. Delivery of an ADRA approved educational program is an education equivalent if the trainer documents that the material was presented for the first time or from recently acquired updated sources.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:655 (March 2005).

§729. Inactive Certificate; Late Renewal; Reactivation

A. Inactive Certificate: a credential or certificate becomes inactive immediately upon passing the expiration date.

B. Late Renewal: applications for renewal of a credential or certification or any part thereof received after the expiration date are considered late.

C. Reactivation Grace Period: a 90 day grace period shall be granted to reactivate a credential or certification without any lapse in continuity, provided a satisfactory application for renewal is received within 90 days of the expiration date.

D. Notification of Licensure or Certification: individuals will be notified within 30 days upon the approval of their application for reactivation of a credential or certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:655 (March 2005).

§731. Lapsed Credential/Certification; Reinstatement; Surrender

A. A credential or certification is considered lapsed on the 91st day following the expiration date. Lapsed credentials or certificates shall be surrendered to the ADRA upon demand. A lapsed practice credential (e.g., LAC, CAC, RAC, LCSW, MD) terminates immediately the current and valid status of any specialty certification (e.g., CCS, CCGC) unless and until reinstatement of the practice credential is granted by the ADRA, or appropriate regulatory body.

B. A lapsed practice credential issued by a regulatory body other than the ADRA, shall be governed by the law pertinent to that credential and the rules for reinstatement promulgated by that body. A lapsed practice credential or certification issued by the ADRA, may be reinstated within one year of the expiration date, provided:

1. a satisfactory application for renewal is submitted within a year of the date of the expiration, together with an explanation of the lapse and a written request for reinstatement;

2. for the LAC, CAC, RAC, and CPS, the individual must document and verify having successfully completed the 48 clock hours of education which would have been required for timely renewal, together with an additional 12 hours of education if the application is received within six months of the expiration date or an additional 24 hours of education if the application is received more than six months after the expiration date;

3. for the CCGC, CCS and RP the individual must document and verify having successfully completed the clock hours of education which would have been required for timely renewal together with additional clock hours of education in the appropriate specific; area(s) as follows:

a. CCGC ~~8~~ hours;

b. CCS ~~4~~ hours;

c. RP ~~3~~ hours;

4. there is no lapsed CIT or PSIT status or reinstatement period;

5. if reinstatement is granted, new issue and expiration dates are set by the ADRA and the individual's file is annotated to show the lapsed period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:655 (March 2005).

Chapter 9. Disciplinary Procedures

§901. Causes for Administrative Action

A. The ADRA after due notice and hearing as set forth herein and the Administrative Procedure Act, R.S. 49:950 et seq., may deny, revoke or suspend any credential or certification issued or applied for, or otherwise discipline a certificate holder, counselor or prevention specialist in training, or applicant on a finding that the person has violated the Addictive Disorders Practice Act, any of the rules and regulations promulgated by the ADRA, the Code of Ethics, any supervision guidelines, any policy published by the ADRA or prior final decisions and/or consent orders involving the certificate holder, counselor or prevention specialist in training, or applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:656 (March 2005).

§903. Disciplinary Process and Procedures

A. The purpose of the following rules and regulations is to supplement and effectuate the applicable provisions of the Administrative Procedure Act, R.S. 29:950 et seq. regarding the disciplinary process and procedures incident thereto. These rules and regulations are not intended to amend or repeal the provisions of the Administrative Procedure Act and to the extent any of these rules and regulations are in conflict therewith, the provisions of the Louisiana Administrative Procedure Act shall govern.

B. A disciplinary proceeding, including the formal hearing, is less formal than a judicial proceeding. It is not subject to strict rules and technicalities, but must be conducted in accordance with considerations of fair play and constitutional requirements of due process.

C. The purpose of a disciplinary proceeding is to determine contested issues of law and fact; whether the person committed certain acts or omissions and, if so, whether those acts or omissions violate the Addictive Disorders Practice Act, the rules and regulations of the ADRA, the Code of Ethics, or prior Final Decisions and/or Consent Orders involving the certificate holder, counselor or prevention specialist in training, or applicant and to determine the appropriate disciplinary action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:656 (March 2005).

§905. Initiation of Complaints

A. Complaints may be initiated by any person or by the ADRA on its own initiative.

B. All complaints shall be addressed confidential and shall be sent to the ADRA office. The Director of the ADRA, with benefit of counsel, shall decide to investigate the charges or deny the charges. If the charges are denied, a letter of denial is prepared and forwarded to the complainant and the person accused of wrongdoing. If the Director of the ADRA decides to investigate, the person shall be notified that allegations have been made that he may have committed a breach of statute, rule and regulation, the Code of Ethics, and/or prior final decisions or consent orders and that he must respond in writing to the ADRA within a specified time period. The response is to be made to the ADRA office

address. The complaint letter of alleged violations shall not be given initially to the person. However, sufficiently specific allegations shall be conveyed to the person for his response. Once the person has answered the complaint, and other pertinent information, if available, is reviewed, a determination by the Director of the ADRA, with benefit of counsel, will be made as to whether or not a disciplinary proceeding is required.

C. Pursuant to its authority to regulate the industry, the ADRA through its Director, may issue subpoenas to secure evidence of alleged violations of the Addictive Disorders Practice Act, any of the rules and regulations promulgated by the ADRA, the Code of Ethics, or prior final decisions and/or consent orders involving the certificate holder, counselor or prevention specialist in training, or applicant.

D. "Counsel" referenced in this Chapter shall mean the General Counsel of the Department of Health and Hospitals, or his or her designee, who will be assisting in the investigation and prosecution of an administrative action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:656 (March 2005).

§907. Informal Disposition of Complaints

A. Complaints may be settled informally by the ADRA and the person accused of a violation without the necessity of a formal hearing.

B. The following types of informal dispositions may be utilized.

1. Disposition by Correspondence

a. For complaints deemed technical in nature and which are considered less serious (complaints for which the allegations, if taken as true, do not indicate circumstances which pose a risk or threat of harm to a client), the Director of the ADRA may write to the person explaining the nature of the complaint received. If the person's subsequent response provides a satisfactory explanation, the matter may be closed.

b. If a satisfactory explanation is not forthcoming, the matter shall be pursued through an informal conference or formal hearing.

2. Informal Conference

a. The Director of the ADRA may hold a conference with the person in lieu of, or in addition to, correspondence for those complaints deemed technical in nature and which are considered less serious. If the situation is satisfactorily explained in conference, the matter may be closed.

b. The person shall be given adequate notice of the conference, of the issues to be discussed and of the fact that information brought out at the conference may later be used in a formal hearing. The informal conference shall be conducted by the Director of the ADRA or his or her designee. In setting the time and location of the conference, the Director of the ADRA shall make reasonable efforts to accommodate the schedule of the person against whom the complaint has been made and any inconvenience that may be caused to the clinic or facility in which the person may practice.

3. A settlement agreement between the person making the complaint and the person accused of a violation does not preclude disciplinary action by the ADRA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:656 (March 2005).

§909. Formal Hearing

A. The ADRA has the authority, granted by R.S. 37:3371 et seq., to bring administrative proceedings against persons to whom it has issued a credential or certification, any counselor or prevention specialist in training status, or any applicant. The person has the right to appear and be heard, either in person or by counsel; the right of notice; a statement of what accusations have been made; the right to present evidence and to cross-examine; and the right to have witnesses subpoenaed.

B. If the person does not appear, either in person or through counsel, after proper notice has been given, the person may be considered to have waived these rights and the ADRA may proceed with the hearing without the presence of the person.

C. Once the ADRA has received a complaint alleging that a person has acted in violation of the Addictive Disorders Practice Act, the rules and regulations of the ADRA, or the Code of Ethics, communications from the complaining party shall not be revealed to any person, other than counsel for the ADRA, until and unless a formal complaint is filed. This rule shall not apply to any document properly subject to, and the object of, a lawful subpoena by a court.

D. The process of administrative action shall include certain steps and may include other steps, as follows.

1. Investigation

a. The complaint is investigated by the Director of the ADRA and counsel for the ADRA to determine if there is sufficient evidence to warrant disciplinary proceedings.

b. A decision to initiate a formal complaint or charge is made if one or more of the following conditions exist:

- i. the complaint is sufficiently serious;
- ii. the person fails to respond to the ADRA's correspondence concerning the complaint;
- iii. the person's response to the ADRA's letter or investigation demand fails to provide a satisfactory explanation and/or fails to convince the Director that no action is necessary; or
- iv. an informal conference is convened, but fails to resolve all of the issues.

2. A sworn complaint is filed by the Director of the ADRA, charging the violation of one or more of the provisions of the Addictive Disorders Practice Act, the rules and regulations promulgated thereto, the Code of Ethics, or prior final decisions and/or consent orders involving the person.

3. A time and place for a hearing is fixed by the Director of the ADRA.

4. Notification of Hearing

a. At least 30 days prior to the date set for the hearing, a copy of the charges and a notice of the time and place of the hearing are sent to the last known address of the person accused. It is the person's obligation to keep the ADRA informed of his whereabouts. A copy of the notice sent to the person, attached to a sworn affidavit signed by the

Director attesting to the date of the mailing, shall constitute proof of notice.

b. The content of the charges limits the scope of the hearing and the evidence which may be introduced. The charges may be amended at any time, except that they may not be amended within 10 days prior to the date set for the hearing. Any amendment to the charges made within 10 days of the date set for the hearing shall require the ADRA to continue the matter and set a new date for the hearing. The person against whom the charges have been made, may waive the requirement that the hearing be continued. Such a waiver must be in writing and must be signed by the person, as well as by counsel, if the person is represented by an attorney.

c. If the ADRA is unable to describe the matters involved in detail at the time the sworn complaint is filed, this complaint may be limited to a general statement of the issues involved. Thereafter, the ADRA shall supply a more definite and detailed statement to the person. This detailed statement shall be supplied at least 10 days prior to the date of the hearing.

5. Except for good cause shown, motions requesting a continuance of a hearing shall be in writing and shall be filed at least five days prior to the date set for the hearing. The motion shall state the reason for the request. The Director, or his or her designee, shall grant or deny the request, in writing, within 24 hours. If the request is denied, written reasons for the denial shall be included.

6. Subpoenas

a. The director, or an authorized agent of the ADRA, issues subpoenas for the ADRA for disciplinary proceedings, and when requested to do so, may issue subpoenas for the other party. All legal actions will be filed from the Louisiana Nineteenth Judicial District Court. Subpoenas include:

- i. a subpoena requiring a person to appear and give testimony; and
- ii. a subpoena duces tecum, which requires that a person produce books, records, correspondence, or other materials over which he has custody.

b. A motion to limit or quash a subpoena may be filed with the ADRA, but not less than 72 hours prior to the hearing.

7. Appeal

a. The hearing is held, at which time the ADRA's primary role is to hear evidence and argument, and to reach a decision.

b. The ADRA is represented by its counsel who presents evidence that disciplinary action should be taken against the person. The person may present evidence personally or through an attorney, and witnesses may testify on behalf of the person.

c. Evidence includes the following:

- i. oral testimony given by witnesses at the hearing, except that, for good cause, testimony may be taken by deposition (cost of the deposition is borne by the requesting party);
- ii. documentary evidence, i.e., written or printed materials including public, business, institutional records, books and reports;
- iii. visual, physical and illustrative evidence;

iv. admissions, which are written or oral statements of a party made either before or during the hearing;

v. facts officially noted into the record, usually readily determined facts making proof of such unnecessary; and/or

vi. other items or things allowed into evidence by the Louisiana Evidence Code or applicable statutory law or jurisprudence.

d. All testimony is given under oath. If the witness objects to swearing, the word "affirm" may be substituted.

8. The Director of the ADRA, or his or her designee, presides and the customary order of proceedings at the hearing is as follows.

a. The ADRA's representative makes an opening statement of what he intends to prove, and what action, he wants the ADRA to take.

b. The person, or his attorney, makes an opening statement, explaining why he believes that the charges against him are not legally founded.

c. The ADRA's representative presents the case against the person.

d. The person, or his attorney, cross-examines.

e. The person presents evidence.

f. The ADRA's representative cross-examines.

g. The ADRA's representative rebuts the person's evidence.

h. Both parties make closing statements.

9. The ADRA's representative makes the initial closing statement and the final statement. Motions may be made before, during, or after a hearing. All motions shall be made at an appropriate time according to the nature of the request. Motions made before or after the hearing shall be in writing. Those made during the course of the hearing may be made orally since they become part of the record of the proceeding.

10. Recording

a. The record of the hearing shall be considered the property of the ADRA and shall include:

i. all documents and/or other materials accepted as evidence at the hearing; required by the statutes or rules;

ii. all papers filed and served in the proceeding;

iii. statements of matters officially noticed;

iv. notices of the hearing;

v. affidavits of service or receipts for mailing or processor other evidence of service;

vi. stipulations, settlement agreements or consent orders, if any;

vii. records of matters agreed upon at a prehearing conference;

viii. reports filed by the hearing officer, if one is used;

ix. orders of the ADRA and its final decision;

x. actions taken subsequent to the decision, including requests for reconsideration and rehearing;

xi. a transcript of the proceedings, if one has been made, or an audio or stenographic record.

b. The record of the proceeding shall be retained until the time for any appeal has expired, or until the appeal has been concluded. The record is not transcribed unless a party to the proceeding so requests. The requesting party pays for the cost of the transcript.

11. Hearing

a. The decision of the ADRA shall be reached according to the following process:

i. determine the facts at issue on the basis of the evidence submitted at the hearing;

ii. determine whether the facts in the case support the charges brought against the person; and

iii. determine whether charges brought are in violation of the Addictive Disorders Practice Act or regulations of the ADRA, and/or the Code of Ethics;

iv. in addition to any sanction imposed by the ADRA against the person, the ADRA may assess all costs incurred in connection with the proceeding including, but not limited to, investigation, court reporting, costs associated with ADRA representation by an attorney and court costs.

b. Sanctions and/or costs imposed upon the person who is a party to the proceeding are based upon findings of fact and conclusions of law determined as a result of the hearing, and will be issued by the ADRA in accordance with applicable statutory authority. The party is notified by mail of the final decision of the ADRA.

12. Every order of the ADRA shall take effect immediately on its being rendered unless the ADRA in such order fixes a stay of execution of a sanction for a period of time against an applicant or holder of a certificate. Such order, without a stay of execution, shall continue in effect until expiration of any specified time period or termination by a court of competent jurisdiction. The ADRA shall notify all persons of any action taken against him and may make public its orders and judgment in such manner and form as allowed by law.

13. Rehearing

a. The ADRA may reconsider a matter which it has decided. This may involve rehearing the case, or it may involve reconsidering the case on the basis of the record. Such reconsideration may occur when a party who is dissatisfied with a decision of the ADRA files a motion requesting that the decision be reconsidered by the ADRA.

b. The ADRA shall reconsider a matter when ordered to do so by a higher administrative authority or when the case is remanded for reconsideration or rehearing by a court to which the ADRA's decision has been appealed.

c. A motion by a party for reconsideration or rehearing must be in proper form and filed within 10 days after notification of the ADRA's decision. The motion shall set forth the grounds for the rehearing, which include one or more of the following:

i. the ADRA's decision is clearly contrary to the law and evidence;

ii. there is newly discovered evidence by the party since the hearing which is important to the issues and which the party could not have discovered with due diligence before or during the hearing;

iii. there is a showing that issues not previously considered ought to be examined in order to dispose of the case properly; or

iv. it would be in the public interest to further consider the issues and the evidence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:657 (March 2005).

§911. Consent Order

A. An agreement may be entered into between the ADRA and the person against whom the complaint has been filed. Once reduced to writing, the agreement is referred to as a "Consent Order" and becomes a part of the record in the matter. The consent order is not effective until reduced to writing and signed by the person, the Director of the ADRA or his or her designee and all counsel of record. A proposed consent order may be rejected by the ADRA in which event a formal hearing will occur. The consent order, if accepted by the ADRA, is issued by the ADRA to carry out the parties' agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:659 (March 2005).

§913. Withdrawal of a Complaint

A. A complainant may withdraw a complaint at any time. The ADRA, however, may continue the investigation if it is determined that the issues are of such importance as to warrant further review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:659 (March 2005).

§915. Refusal to Respond or Cooperate with the ADRA

A. The acceptance of a credential or certification issued by the ADRA obligates the holder thereof to respond to any request for information, or otherwise cooperate with any investigation conducted by the ADRA.

B. Any person refusing to reply to an ADRA inquiry or otherwise cooperate with the ADRA, is subject to disciplinary action. The ADRA shall record the circumstances of the person's failure to cooperate and shall inform the person that the lack of cooperation may result in ADRA action could included the denial, revocation or suspension of his credential, certification, or status or in the denial of any application pending with or before the ADRA or any other appropriate disciplinary sanction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:659 (March 2005).

§917. Judicial Review of Adjudication

A. Any person whose credential, certification, status, or application, has been denied, revoked or suspended or who has been otherwise disciplined by the ADRA shall have the right to have the proceedings of the ADRA reviewed by the state district court with the Nineteenth Judicial District Court, provided that such petition for judicial review is made within 30 days after the notice of the decision of the ADRA. If judicial review is granted, the ADRA's decision is enforceable in the interim unless the court orders a stay.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:659 (March 2005).

§919. Appeal

A. A person aggrieved by any final judgment rendered by the state district court may obtain a review of said final judgment by appeal to the appropriate circuit court of appeal. Pursuant to the applicable section of the Administrative Procedure Act, R.S. 49:950 et seq., this appeal shall be taken as in any other civil case.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:659 (March 2005).

§921. Emergency Action

A. If the Director of the ADRA finds that public health, safety and welfare requires emergency action and incorporates a finding to that effect in an order, a summary suspension of a certificate or registration, or counselor or prevention specialist in training status, may be ordered pending proceedings for disciplinary action. Such proceedings shall be promptly instituted and a formal hearing held, after due notice, within 10 calendar days of the issuance of the order or summary suspension. The formal hearing referenced herein shall be conducted pursuant to the procedure established in §909 regarding formal hearings, less and except any procedures or time limits inconsistent with the emergency action. Thereafter, the person aggrieved by a decision of the ADRA may seek judicial review and appeal pursuant to §§917 and 919.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:659 (March 2005).

Chapter 11. Declaratory Statements

§1101. Procedure

A. The ADRA may issue a declaratory statement in response to a request for clarification of the effect of the provisions contained in the Addictive Disorders Practice Act, R.S. 37:3371 et seq., the rules and regulations promulgated by the ADRA and/or the Code of Ethics.

B. A request for declaratory statement is made in the form of a petition to the ADRA. The petition should include at least:

1. the name and address of the petitioner;
2. specific reference to the statute, rule and regulation, or the Code of Ethics;
3. a concise statement of the manner in which the petitioner is aggrieved by the statute, rules and regulations, or provision of the Code of Ethics, or by its potential application to him and about which he is uncertain of its effect.

C. The petition shall be considered by the ADRA within a reasonable period of time taking into consideration the nature of the matter and the circumstances involved. The Director may refer the question to counsel for the ADRA.

D. The declaratory statement of the ADRA in response to the petition shall be in writing and mailed to the petitioner at the last address furnished to the ADRA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:659 (March 2005).

Chapter 13. Impaired Professionals Program §1301. Program

A. The ADRA shall develop policies and procedures for the operation of an impaired professional program which shall include provision for the identification and rehabilitation of practice credential and certificate holders, counselors in training and prevention specialists in training, or any individual over whom the ADRA has authority pursuant to the provisions of the Louisiana Addictive Disorders Act whose quality of service is impaired or thought to be impaired due to mental or physical conditions. The policies and procedures shall be posted on the website maintained by the ADRA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:660 (March 2005).

Chapter 15. Code of Ethics

§1501. Professional Representation

A. A person holding a practice credential, specialty certification or status shall not:

1. misrepresent any professional qualifications or associations;
2. misrepresent any agency or organization by presenting it as having attributes which it does not possess;
3. make claims about the efficacy of any service that go beyond those which the counselor or specialist would be willing to subject to professional scrutiny through publishing the results and claims in a professional journal;
4. encourage or, within the counselor's or specialist's power, allow a client to hold exaggerated ideas about the efficacy of services provided by the counselor or specialist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:660 (March 2005).

§1503. Relationships with Clients

A. A person holding a practice credential, specialty certification or status:

1. shall make known to a prospective client the important aspects of the professional relationship including fees and arrangements for payment which might affect the client's decision to enter into the relationship;
2. shall inform the client of the purposes, goals, techniques, rules of procedure, and limitations that may affect the relationship at or before the time that the professional services are rendered;
3. shall provide counseling services only in the context of a professional relationship and not by means of newspaper or magazine articles, radio or television programs, mail or means of a similar nature;
4. shall neither accept nor pay a commission or rebate or any other form of remuneration for the referral of clients for professional services;
5. shall not use relationships with clients to promote, for personal gain or the profit of an agency, commercial enterprises of any kind;

6. shall not, under normal circumstances, be involved in the counseling of family members, intimate friends, close associates, or others whose welfare might be jeopardized by such a dual relationship;

7. shall not, under normal circumstances, offer professional services to a person concurrently receiving counseling or prevention assistance from another professional except with knowledge of the other professional;

8. shall take reasonable personal action to inform responsible authorities and appropriate individuals in cases where a client's condition indicates a clear and imminent danger to the client or others;

9. shall take reasonable precautions to protect individuals from physical and/or emotional trauma resulting from interaction within the group;

10. shall not engage in activities that seek to meet the counselor's or specialists personal needs at the expense of a client;

11. shall not engage in sexual intimacies with any client;

12. shall terminate a professional relationship when it is reasonably clear that the client is not benefiting from it.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:660 (March 2005).

§1505. Relationships with the ADRA

A. A person holding a practice credential, specialty certification or status issued by the ADRA shall have the responsibility of reporting alleged misrepresentations or violations of ADRA rules to the ADRA.

B. Any applicant for, or person holding, a practice credential, specialty certification or status under the authority of the Addictive Disorders Practice Act shall keep his/her ADRA file updated by notifying the ADRA of changes of address, telephone number and employment.

C. The ADRA may require any applicant or candidate for practice credential, specialty certification or status, or renewal of same, whose file contains negative references to come before the ADRA for an interview before the practice credential, specialty certification or status process may proceed.

D. The ADRA shall consider the failure of a person to respond to a request for information or other correspondence as unprofessional conduct and grounds for instituting disciplinary proceedings.

E. A person holding a practice credential, specialty certification or status must participate in continuing professional education programs as required and set forth in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:660 (March 2005).

§1507. Advertising and Announcements

A. Information used by a person holding a practice credential, specialty certification or status in any advertisement or announcement of services shall not contain information which is false, inaccurate, misleading, partial, out of context, or deceptive.

B. The ADRA imposes no restrictions on advertising by a person holding a practice credential, specialty certification or status with regard to the use of any medium, the person's appearance or the use of his personal voice, the size or duration of an advertisement, or the use of a trade name.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:660 (March 2005).

§1511. Confidentiality

A. No person holding practice credential, specialty certification or status may disclose any information he may have acquired from persons consulting him in his professional capacity that was necessary to enable him to render services to those persons except:

1. with the written consent of the client, or in the case of death or disability, with the written consent of his personal representative, other person authorized to sue, or the beneficiary of any insurance policy on his life, health, or physical condition; or

2. when the person is a minor under the age of 18 and the information acquired by the addictive disorder counselor, compulsive gambling counselor, prevention specialist, counselor in training or prevention specialist in training indicates that the child was the victim or subject of a crime, then the addictive disorder counselor, compulsive gambling counselor, prevention specialist, counselor in training or prevention specialist in training may be required to testify fully in relation thereto upon any examination, trial, or other proceeding in which the commission of such crime is a subject of inquiry; or

3. when a communication reveals the contemplation of a crime or harmful act; or

4. when the person waives the privilege by bringing charges before the ADRA against the addictive disorder counselor, compulsive gambling counselor, prevention specialist, counselor in training or prevention specialist in training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:661 (March 2005).

Chapter 17. Registrations and ADRA Approved Programs

§1701. Counselor in Training (CIT) or Prevention Specialist in Training (PSIT)

A. A person who is in the process of obtaining the education, training, and experience required to meet the requirement for obtaining practice credential may register with the ADRA as a counselor in training or prevention specialist in training, also known as CIT and PSIT respectively. The person must be 18 years of age and possess a high school diploma or equivalent to be eligible to apply for registration. Upon issuance of the registration as a CIT or PSIT, the person shall actively pursue certification as a counselor or prevention specialist respectively at all times.

B. The designation of CIT and PSIT shall be granted for a period beginning with approval of the request for CIT or PSIT status and extending to the nearest renewal date one year after approval, provided that both the CIT/PSIT and the supervisor sign a statement agreeing to follow the guidelines

and protocols for CIT/PSIT conduct and supervision posted on the website maintained by the ADRA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:661 (March 2005).

§1703. Certified Clinical Supervisor or Qualified Professional Supervisor

A. The ADRA shall establish and recognize minimum guidelines for a CCS program and shall post these policies and procedures on the website maintained by the ADRA.

B. A person who meets the requirements of a CCS, as defined by the Addictive Disorders Practice Act, may register with the ADRA as a Certified Clinical Supervisor. No one may hold himself out as a Clinical Supervisor or provide Clinical Supervision unless recognized as a CCS by the ADRA.

C. Any person holding the certification for Clinical Supervision shall agree to adhere to the guidelines for Clinical Supervision developed by the ADRA and posted on the website maintained by the ADRA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:661 (March 2005).

§1705. Approved Training Institution

A. In order to qualify for and maintain the ADRA approval, training institutions must adhere to the supervision guidelines established by the ADRA. The ADRA may inspect and review such institutions at anytime during normal hours of operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:661 (March 2005).

§1707. Approved Educational Provider

A. The ADRA shall develop policies and procedures for the operation of an approved educational provider program.

B. Organizations who desire to provide continuing professional education in the continuum of care in the areas of addiction treatment and/or intervention and/or prevention, or any area deemed appropriate by the ADRA may register with the ADRA as an approved educational provider, also known as AEP. Each educational offering is a form of learning experience and shall be known as a course for the purposes of this rule whether it was offered for academic credit, as a workshop, seminar, conference, or in any other acceptable format. In-service training conducted by and for an individual's own agency is not an acceptable educational offering format. An individual, partnership, corporation, association, organized health care system, educational institution, governmental agency, or any other autonomous entity shall qualify as an organization for the purposes of this rule.

C. The designation of approved educational provider is granted to the nearest renewal date one year after the request for AEP status is approved, provided:

1. a satisfactory application form is received;
2. one person, who is qualified by virtue of education, training, and experience, as determined by the ADRA, is

identified as the supervisor of all educational programs to be offered;

3. the organization provides a statement, signed by an authorized officer of the organization, to document the organization's desire to provide continuing professional education in the continuum of care in the areas of addiction treatment and/or intervention and/or prevention and acknowledgment of responsibility for such activities. This statement must contain acknowledgment that the organization is independent of the ADRA, that it will hold the ADRA harmless, and that it will comply with the requirements of the ADRA;

4. the organization agrees to provide a certificate of completion for each person satisfactorily completing each course which shall contain:

- a. the name and trainee or certification number of the person completing the course;
- b. the name and AEP number of the provider;
- c. the title of the course, course number, name of the instructor(s), and date(s) of the course;
- d. the number of clock hours of credit earned;
- e. the signature of the organization's educational program supervisor or the instructor, or both;

5. the organization agrees to file a course report with the ADRA within 30 days of completion for each course which shall contain:

- a. the AEP number and course number of the provider;
- b. the trainee or certification number and the clock hours earned for each person completing the course, or, the name and hours for persons not registered with or certified by this ADRA;
- c. a sample of the certificate of completion;
- d. a copy of the flier or brochure used to advertise the course to the public;

6. the organization agrees to provide ADRA approved credit only for courses which meet the educational standards of the ADRA and which are taught by instructors who are qualified by virtue of education, training, and experience; the organization agrees to document this by maintaining a file for each course in its office which contains:

- a. the course description containing the educational objectives; course outline; instructional modalities; and relevance of the material, including relationship to the 12 core functions or KSA and/or performance domains, theoretical content related to scientific knowledge of practicing in the field of addictive disorder counseling, compulsive gambling counseling, or prevention; application of scientific knowledge in the field of addictive disorder counseling, compulsive gambling counseling or prevention direct and/or indirect patient/client care, and which renewal education area or areas are addressed;
- b. the qualifications of instructors containing description of the education, training, and experience which prepared them to teach the course;

7. the organization provides a summary statement of its continuous quality improvement program and agrees to maintain full records of that program. This program shall include but not be limited to student evaluations of each course;

8. the organization agrees to notify the ADRA and each person who completed a course in a timely fashion if it

is determined that a course did not comply with the standards of the ADRA for addictive disorder counselor, compulsive gambling counselor or prevention education. The organization shall also present its written policy on refunds and cancellation;

9. the organization agrees to an annual audit review of its education program, course files, and continuous quality improvement program by a professional approved by the ADRA, and an audit or review of its records at any time by the ADRA.

D. Registration as an approved education provider shall be renewed annually, provided:

1. a satisfactory renewal form is received prior to the expiration date of the current registration;

2. the annual audit report of the organization's education program, course files, and continuous quality improvement program signed by an ADRA approved professional is filed;

3. there have been no unresolved complaints against the organization.

E. An approved education provider shall be authorized to:

1. announce to the public and advertise that its educational offerings meet the standards of the ADRA;

2. issue certificates of completion which acknowledge ADRA approval of the course.

F. An organization may be granted approval as a single course provider provided:

1. a satisfactory application form is received prior to offering the course;

2. the organization documents the course description including the educational objectives, course outline, instructional modalities, relationship of the material to the 12 core functions or KSA performance domains, and which renewal education area or areas are addressed;

3. the organization documents the qualifications of the instructors including description of the education, training, and experience which prepared them to teach the course;

4. the organization agrees to provide a certificate of completion containing the same information required of an AEP;

5. the organization agrees to file a course report in the same fashion as an AEP and to include student evaluations of that course.

G. An organization desiring single course provider status may:

1. announce to the public and advertise that the course meets the standards of the ADRA only if approval has been granted. Prior to approval, the organization may state that ADRA approval is pending only if application has been made. Otherwise, the organization is prohibited from making any statement regarding ADRA approval of its course;

2. offer to provide a certificate of completion only after ADRA approval has been granted and all required information is included on the certificate.

H. A person who wishes educational credit from a source which has not been approved by the ADRA shall document that the provider of such education meets standards which are equivalent to those of this ADRA. Equivalence may be demonstrated by:

1. the provider holding approval as a substance abuse, compulsive gambling or prevention education provider from

the certifying authority in the state where the course was offered;

2. the provider holding approval as a substance abuse, compulsive gambling or prevention education provider from a certifying authority with which the ADRA as a current agreement of reciprocity;

3. providing documentation of:

a. the course description including the educational objectives, course outline, instructional modalities, relationship of the material to the 12 core functions or KSA performance domains, and which renewal education area or areas are addressed;

b. the qualifications of instructors including description of the education, training, and experience which prepared them to teach the course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:661 (March 2005).

§1709. Approved Institution of Higher Education

A. The ADRA shall develop policies and procedures for the operation of an approved institution of higher education program.

B. Institutions which grant formal college credit for courses in addictive disorder counseling, compulsive gambling counseling or prevention, or in any other area deemed pertinent by the ADRA, have sufficient qualified faculty, and can offer a supervised clinical practicum or internship may register with the ADRA as an approved institution of higher education, also known as AIHE.

C. The designation of approved institution of higher education is granted to the nearest renewal date one year after the request for AIHE status is approved, provided:

1. a satisfactory application form is submitted;

2. the institution is an organized college or university accredited by a recognized regional accrediting body;

3. the institution provides a statement, signed by an authorized officer of the institution, to document the institution's desire to provide education in the continuum of care in the areas of addiction treatment and/or intervention and/or prevention or other pertinent areas and the document acknowledges the responsibility for such activities. This statement must contain acknowledgment that the institution is independent of the ADRA, that it will hold the ADRA harmless, and that it will comply with the requirements of the ADRA;

4. the institution provides a statement documenting the appropriateness of its curriculum, the qualifications of the faculty to teach such courses, and the policy on practicum and internship courses. This statement must document that education, training, experience, and supervision when appropriate in all 12 core functions or KSA performance domains will be provided;

5. the institution provides a summary statement of its continuous quality improvement program and agrees to maintain full records of that program;

6. the institution agrees to provide for ongoing consultation from a CCS or other qualified professional approved by the ADRA who will provide ongoing consultation relative to the quality and content of its addictive disorder counseling, compulsive gambling counseling or prevention curriculum;

7. the institution agrees to an annual audit review of its education program in the continuum of care in the areas of addiction treatment and/or intervention and/or prevention curriculum and continuous quality improvement program by a professional approved by the ADRA and an audit or review of its records at any time by the ADRA.

D. Registration as an approved institution of higher education shall be renewed annually, provided:

1. a satisfactory renewal form is received prior to the expiration date of the current registration;

2. the annual audit report of the institution's continuum of care in the areas of addiction treatment and/or intervention and/or prevention and continuous quality improvement program, signed by an individual approved by the ADRA for this purpose, is filed with the ADRA;

3. there have been no unresolved complaints against the institution.

E. An approved institution of higher education shall be authorized to:

1. announce to the public and advertise the availability of its addictive disorder counseling, compulsive gambling counseling or prevention curriculum;

2. offer practicum or internship courses in addictive disorder counseling, compulsive gambling counseling or prevention for credit;

3. reasonably assure its students that their education will meet ADRA standards.

F. Persons submitting application for certification which list education from institutions which are not registered as an AIHE shall document that the educational institution where the education was obtained meets standards equivalent to those of this ADRA. Equivalence may be demonstrated by:

1. the institution holding approval as a higher education provider of addictive disorder counseling, compulsive gambling counseling or prevention education from the certifying authority in the state where the institution is located;

2. the institution holding approval as a higher education provider of addictive disorder counseling, compulsive gambling counseling, or prevention education from a certifying authority with which the ADRA has a current agreement of reciprocity;

3. providing documentation of:

a. the institution being an organized college or university accredited by a recognized regional accrediting body;

b. the appropriateness of the curriculum;

c. the qualifications of the faculty to teach such courses;

d. the policy on practicum and internship courses;

e. that education, training, experience, and supervision when appropriate in all 12 core functions or KSA performance domains were provided.

G. Persons submitting application for certification which claim more than 18 semester hour equivalents must provide documentation demonstrating that a minimum of 12 semester hours of credit were not reasonably available from an AIHE. The ADRA in its discretion may grant additional semester hour equivalents for cases of documented hardship at the rate of 15 clock hours of AEP education per one semester hour of AIHE credit provided a written request for waiver is submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:663 (March 2005).

Chapter 19. Miscellaneous

§1901. Injunction

A. The ADRA may cause an injunction to be issued in any court of competent jurisdiction enjoining any person from violating the provision of these rules and regulations.

B. If the court finds that the person is violating, or is threatening to violate this Chapter, it shall enter an injunction restraining him from such unlawful acts.

C. The successful maintenance of an action based on any one of the remedies set forth in this Rule shall in no way prejudice the prosecution of an action based on any other of the remedies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:664 (March 2005).

§1903. Persons and Practices not Affected

A. Nothing in these rules and regulations shall be construed as preventing or restricting the practice, services, or activities of any person licensed or certified in this state by any other law from engaging in the profession or occupation for which he is licensed or certified.

B. Nothing in these rules and regulations shall be construed as prohibiting other licensed professionals, including members of the clergy and Christian Science practitioners, from the delivery of medical, psychotherapeutic, counseling, social work, psychological, or educational services to substance abusers, compulsive gamblers and their families.

C. Nothing in these rules and regulations shall be construed as prohibiting the activities of any person who is registered as a counselor in training or prevention specialist in training by the ADRA, and who is employed or supervised by a qualified professional supervisor, while carrying out specific tasks under professional supervision. The supervisee shall not represent himself to the public as a addictive disorder counselor, compulsive gambling counselor, or prevention specialist.

D. Nothing in these rules and regulations shall be construed as prohibiting the activities of any student in an accredited educational institution while carrying out activities that are part of the prescribed course of study, provided such activities are supervised by a qualified professional supervisor. Such student shall hold himself out to the public only by clearly indicating his student status and the profession in which he is being trained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:664 (March 2005).

§1905. Prohibited Activities

A. No person shall hold himself out as holding, or knowingly allow others to conclude or believe that he holds, a credential, certification or status issued or recognized by the ADRA, unless he has qualified for such under the provisions of the Addictive Disorders Practice Act and been

granted the credential, certification or status pursuant to the ADRA's rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:664 (March 2005).

Frederick P. Cerise, M.D., M.P.H.
Secretary

0503#029

RULE

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

Early and Periodic Screening, Diagnosis
and Treatment Program Health Services
(LAC 50:XV.Chapter 71)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing hereby amends LAC 50:XV.Chapter 71 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 Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the service descriptions and the staffing requirements for Early and Periodic Screening, Diagnosis and Treatment (EPSDT) health services and amends the reimbursement methodology for services rendered by local education agencies.

Title 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 5. Early and Periodic Screening, Diagnosis, and Treatment

Chapter 71. Health Services

§7101. Recipient Criteria

A. Health services for children are covered if they are included on the Individualized Family Service Plan (IFSP) for ages 0 to 3 years of age, and on the Individualized Education Plan (IEP) for ages 3 to 21 years of age.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:176 (February 2003), amended LR 30:1034 (May 2004), amended LR 31:664 (March 2005).

§7103. Covered Services

A. Audiology services are for the identification of children with auditory impairment, using at risk criteria and appropriate audiologic screening techniques. Audiology services include:

1. determination of range, nature and degree of hearing loss and communications, by use of audiological procedures;
2. referral for medical and other services necessary for the rehabilitation of children with auditory impairment; and

3. provision of auditory training, aural rehabilitation, speech reading and listening device orientation and training, and other services.

B. Speech pathology services are for the identification of children with communicative or oropharyngeal disorders and delays in development of communication skills including diagnosis and treatment. These services include:

1. referral for medical or other professional services necessary for the rehabilitation of children with communicative or oropharyngeal disorders and delays in development of communication skills; and

2. provision of services for the rehabilitation or prevention of communicative or oropharyngeal disorders and delays in development of communication skills.

C. Occupational therapy services address the functional needs of a child related to the performance of self-help skills, adaptive behavior, play and sensory, motor and postural development. Occupational therapy treatment services require a written referral or prescription by a physician licensed in Louisiana on at least an annual basis. An initial evaluation may be done without a referral or prescription. Occupational therapy services include:

1. identification, assessment, and intervention;

2. adaptation of the environment;

3. selection, design, and fabrication of assistive and orthotic devices to facilitate development and promote the acquisition of functional skills; and

4. prevention or reduction of the impact of initial or future impairment, delays in development, or loss of functional ability.

D. Physical therapy services are designed to improve the child's movement dysfunction. Physical therapy treatment requires a written referral or prescription by a physician licensed in Louisiana on at least an annual basis. An initial evaluation does not require such referral or prescription. Physical therapy services include:

1. screening of infants and toddlers to identify movement dysfunction;

2. obtaining, interpreting and integrating information appropriate to program planning; and

3. services to prevent or alleviate movement dysfunction and related functional problems.

E. Psychological services are designed to obtain, integrate, and interpret information about child behavior, and child and family conditions related to learning, mental health, and development. Psychological services include:

1. administering psychological and developmental tests and other assessment procedures;

2. interpreting assessment results;

3. planning and managing a program of psychological counseling for children and parents, family counseling, consultation on child development, parent training, and education programs.

F. Services Provided by Local Education Agencies. Services provided by local education agencies include the health services as defined in Subsections A-E.1-3 above and specified related services as described in Paragraphs 1 and 2 below that are provided to children ages 3 to 21 determined to be medically necessary and are listed on the child's Individualized Education Plan (IEP).

1. Transportation to and from school is covered for Medicaid children only when a child's medical needs require the use of specialized transportation services and when the child receives another covered EPSDT Health Service at the school on the day the transportation is provided. The EPSDT health service and the child's specialized transportation needs must be identified in the child's IEP.

2. Counseling services are services provided to assist the child and/or parents in treating and understanding the child's disability, the special needs of the child, and the child's development. Providers of counseling services must meet all licensing requirements for their respective licensing boards.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1034 (May 2004), amended LR 31:664 (March 2005).

§7105. Professional Staffing Requirements

A. Audiological Services. Audiological services must be provided by an audiologist or physician licensed in Louisiana to provide these services. A referral must be made by the child's physician, preferably the primary care physician, at least annually in accordance with federal Medicaid regulations. The audiologist must meet one of the following criteria:

1. a certificate of clinical competence from the American Speech and Hearing Association;

2. completion of the equivalent educational requirements and work experience necessary for certification; or

3. completion of the academic program and is acquiring supervised work experience to qualify for a certificate.

B. Speech Pathology Services. Speech pathology services must be provided by or under direction of a speech pathologist or audiologist in accordance with licensing standards of the State Examiners Board for Speech Pathologists or Audiologists. The speech pathologist or audiologist must be licensed in the State of Louisiana to provide these services and meet one of the following criteria:

1. a certificate of clinical competence from the American Speech and Hearing Association;

2. completion of the equivalent educational requirements and work experience necessary for certification; or

3. completion of the academic program and is acquiring supervised work experience to qualify for a certificate.

C. Occupational Therapy Services

1. Occupational therapy services must be provided by or under the direction of a qualified occupational therapist licensed in Louisiana to provide these services in accordance with the licensing standards of the State Examiners Board of Occupational Therapists. The occupational therapist must also be:

a. a registered occupational therapist (OTR) by the American Occupational Therapy Association, Inc. (AOTA); or

b. a graduate of a program approved by the Council on Medical Education of the American Medical Association and engaged in the supplemental clinical experience before registration by the AOTA.

2. Services provided by an occupational therapist assistant, who is licensed to assist in the practice of occupational therapy and certified by the AOTA, must be provided under the supervision of an occupational therapist licensed in Louisiana.

D. Physical Therapy Services. Physical therapy services must be provided by or under the directions of a qualified physical therapist in accordance with state licensing standards of the State Examiners Board for Physical Therapists. The physical therapist must be a graduate of a program of physical therapy approved by both the Council in Medical Education of the American Medical Association and the American Physical Therapy Association or its equivalent.

E. Psychological services must be provided by either a:

1. Louisiana licensed physician;
2. Louisiana licensed psychiatrist;
3. Louisiana licensed psychologist; or
4. certified school psychologist.

F. Counseling services must be provided by a:

1. licensed professional counselor;
2. licensed clinical social worker; or
3. graduate social worker with supervision in

accordance with the state licensing standards of the State Board of Social Work Examiners.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 30:1034 (May 2004), amended LR 31:665 (March 2005).

§7107. Reimbursement

A. Early Intervention Centers. Reimbursement for rehabilitation services rendered to Medicaid recipients who are age 0 up to 3 provided by EPSDT early intervention center providers is as follows.

Procedure	Rate
Electrical stimulation	\$ 17
Physical therapy-one area—therapeutic-30 minutes	\$ 17
Physical therapy-neuromuscular reed-30 minutes	\$ 17
Physical therapy-gait training-30 minutes	\$ 34
Orthotic training	\$ 14
Kinetic act one area-30 minutes	\$ 14
Physical performance test	\$ 14
Physical therapy evaluation/re-evaluation	\$ 92
Occupational therapy evaluation/re-evaluation	\$ 70
Speech/language evaluation/re-evaluation	\$ 70
Speech/language therapy—30 minutes	\$ 26
Speech/language therapy-add 15 minutes	\$ 13
Group speech/language/hearing therapy—30 minutes	\$ 26
Speech group therapy—20 minutes	\$ 13
Speech group therapy—add 15 minutes	\$ 13
Group Speech/language/hearing therapy—1 hour	\$ 52
Speech/language/hearing therapy—20 minutes	\$ 17
Speech/language/hearing therapy—1 hour	\$ 52
Procedures and modalities—30 minutes	\$ 34
Procedures and modalities—45 minutes	\$ 52

B. Local Educational Agencies.

1. All local education agencies that participate in Medicaid as EPSDT health services providers must submit a signed school system certification of understanding (PE-50 EPSDT provider supplement agreement "C") in order to receive the new reimbursement rates for these services. The new reimbursement rates will not be activated until a completed PE-50 EPSDT provider supplement agreement "C" form has been received from all of the local education agencies enrolled as EPSDT health services providers.

2. Rates for services provided by local education agencies will be established by dividing total costs related to providing the service, less any federal funds, by the total units of service provided. This will be determined as follows:

a. total costs will consist of salaries, benefits and an allocation of indirect costs;

b. annual salaries and benefits will be obtained each rebasing year for all direct service personnel;

c. indirect costs will be allocated using the unrestricted indirect cost rate calculated by the Department of Education;

d. a time study will be conducted each rebasing year using the random moment sampling methodology. The time study will determine the percentage of time direct service personnel spend on billable services;

e. total costs will be multiplied by the percentage of direct service time to determine the amount of allocable costs;

f. allocable costs will then be multiplied by the Medicaid Discount Factor for this program;

g. discounted costs will be divided by total units of service billed for the year to determine cost per unit of service;

h. current rates will be inflated and paid as an interim rate. At the end of the first year, costs and time study results will be obtained and rates will be calculated for a representative sample of the school districts. The median of this sample will then be used to set a statewide rate. The state will then calculate the difference between the calculated statewide rate time the units billed and compare this to the amount paid to the district during the base year. A retroactive adjustment will then be paid to each district;

i. the statewide rate will be inflated using wage inflation factors, and become the per unit rate for the year "Base Year Plus 1"; and

j. rebasing will be done at least every three years.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:666 (March 2005).

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

Frederick P. Cerise, M.D., M.P.H.
Secretary

0503#039

RULE

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

Early and Periodic Screening, Diagnosis and Treatment Program **C**Dental Services Reimbursement Increase (LAC 50:XV.6903)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC 50:XV.6903 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 Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing hereby adds coverage for retreatment of previous root canal therapy, anterior and increases reimbursement for certain procedures.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 5. Early and Periodic Screening, Diagnosis, and Treatment

Chapter 69. Dental Services

§6903. Reimbursement

A. The reimbursement fees are as follows for certain designated procedure codes. The procedure codes comply with the Health Insurance Portability and Accountability Act.

Code	Description	Fee
* * *		
[see prior text for Procedure Codes D0120 – D0230]		
D0272	Radiograph - Bitewings, Two Films	\$ 13
* * *		
[see prior text for Procedure Code D1110]		
D1120	Prophylaxis – Child	\$ 15
D1351	Sealant, Per Tooth	\$ 19
* * *		
[see prior text for Procedure Codes D1510 – D1515]		
D2140	Amalgam, One Surface, Primary or Permanent	\$ 40/\$47^
D2150	Amalgam, Two Surfaces, Primary or Permanent	\$ 55/\$58^
D2160	Amalgam, Three Surfaces, Primary or Permanent	\$ 70/\$74^
D2161	Amalgam, Four or More Surfaces, Permanent	\$ 108
D2330	Resin-based Composite, One Surface, Anterior	\$ 65
D2331	Resin-based Composite, Two Surfaces, Anterior	\$ 75
D2332	Resin-based Composite, Three Surfaces, Anterior	\$ 85
D2335	Resin-based Composite, Four or More Surfaces, Anterior	\$ 108
D2390	Resin-based Composite Crown, Anterior	\$ 104
D2930	Prefabricated Stainless Steel Crown, Primary Tooth	\$ 108
D2931	Prefabricated Stainless Steel Crown, Permanent Tooth	\$ 108
D2932	Prefabricated Resin Crown	\$ 104
* * *		
[see prior text for Procedure Codes D2950 – D3330]		

D3346	Retreatment of Previous Root Canal Therapy—Anterior	\$ 212
D4341	Periodontal Scaling and Root Planning, per Quadrant	\$ 81
D4355	Full Mouth Debridement	\$ 61
* * *		
[see prior text for Procedure Codes D5110 – D5821]		
D7140	Extraction, Erupted Tooth or Exposed Root	\$ 46
* * *		
[see prior text for Procedure Codes D7210 - D8060]		
D8070	Comprehensive Orthodontic Treatment, Transitional Dentition	Maximum Fee \$ 4,050**
D8080	Comprehensive Orthodontic Treatment, Adolescent Dentition	Maximum Fee \$ 4,050**
D8090	Comprehensive Orthodontic Treatment, Adult Dentition	Maximum Fee \$ 4,050**
* * *		
[see prior text for Procedure Codes D9110 – D9241]		
^ Fee for the permanent tooth.		
* Rate for each subsequent tooth in the same arch.		
** Manually-priced maximum fee.		

Refer to the Dental Services Manual for a complete maximum fee schedule of authorized services.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 29:176 (February 2003), amended LR 30:252 (February 2004), LR 31:667 (March 2005).

Frederick P. Cerise, M.D., M.P.H.
Secretary

0503#038

RULE

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

Hospital Program **C**ransplant Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule 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.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing repeals and replaces the provisions in the June 20, 1994 and October 20, 1994 Rules governing the coverage of transplant services provided by hospitals.

Transplant Services

A. Transplants must be prior authorized by the department. Transplants (other than bone marrow and stem cell) must be performed in a hospital that is a Medicare approved transplant center for the procedure. Hospitals seeking Medicaid coverage for transplant procedures must submit documentation verifying that they are a Medicare

approved center for each type of transplant other than bone marrow and stem cell transplants. A completed attestation form must be submitted to Provider Enrollment. The Medicaid director may grant an exception to a transplant center for a specific procedure if the transplant surgeon can demonstrate experience with that specific procedure and a history of positive outcomes in another hospital that is a Medicare approved transplant center for that specific procedure.

B. In addition to the above criteria, transplant centers located in-state shall meet the following criteria for Medicaid coverage of transplant services:

1. be a member of the Organ Procurement and Transplant Network (OPTN) or the National Marrow Donor Program (NMDP) if the hospital only performs bone marrow/stem cell transplants;

2. have an organ receiving and tissue typing facility (Centers for Medicare and Medicaid Services (CMS) approved for histocompatibility) or an agreement for such services;

3. maintain a written records tracking mechanism for all grafts and patients including:

a. patient and/or graft loss with the reason specified for failure;

b. date of the procedure;

c. source of the graft;

d. a written policy for contacting patients and appropriate governmental officials if an infectious agent is involved;

4. have written criteria for acceptable donors for each type of organ for which transplants are performed;

5. have adequate ancillary departments and qualified staff necessary for pre-, intra- and post-operative care including, but not limited to:

a. assessment team;

b. surgical suite;

c. intensive care;

d. radiology;

e. laboratory pathology;

f. infectious disease;

g. dialysis; and

h. therapy (rehabilitation);

6. have minimum designated transplant staff which includes:

a. transplant surgeon—adopt standards as delineated and updated by the OPTN;

b. transplant physician—same as Subparagraph a above;

c. clinical transplant coordinator:

i. registered nurse licensed in Louisiana; and

ii. certified by NATCO or in training and certified

within 18 months of hire date;

d. transplant social worker;

e. transplant dietician;

f. transplant data coordinator;

g. transplant financial coordinator;

NOTE: For Subparagraphs 6.a-g above, continuing education is required for continued licensure and certification as applicable.

7. written patient selection criteria and an implementation plan for application of criteria;

8. facility plan, commitment and resources for a program capable of performing the following number of transplants per year/per organ a minimum of:

a. heart—12;

b. liver—12;

c. kidney—15;

d. pancreas—6;

e. bone marrow—10;

f. other organs as established per Medicare and/or OPTN;

NOTE: If the level falls below the required volume, the hospital shall be evaluated by the department for continued recognition as a transplant center.

9. facility must demonstrate survival rates per organ type per year which meet or exceed the mean survival rates per organ type per year as published annually by the OPTN. If rates fall below this level, the hospital shall supply adequate written documentation for evaluation and justification to the department.

Frederick P. Cerise, M.D., M.P.H.
Secretary

0503#042

RULE

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

Mental Health Rehabilitation Program
Provider Enrollment Moratorium
(LAC 50:XV.701)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 50:XV.701 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.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 50:XV.701 to implement a provider enrollment moratorium for mental health rehabilitation services.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 1. Mental Health Rehabilitation

Chapter 7. Provider Participation Requirements

Subchapter A. Certification and Enrollment

§701. Provider Enrollment Moratorium

A. A moratorium is implemented on the enrollment of mental health rehabilitation (MHR) providers to participate in the Medicaid Program. The department shall not approve enrollment for any new MHR provider or satellite office regardless of the status of the application.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:668 (March 2005).

Frederick P. Cerise, M.D., M.P.H.
Secretary

0503#040

RULE

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

Pharmacy Benefits Management Program
Erectile Dysfunction Drugs

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule 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.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing limits the number of units of prescription drugs for the treatment of erectile dysfunction that are reimbursable by the Medicaid Program to one unit per month per patient. A unit includes tablets, injectables, intraurethral pellets and any other dosage form which may become available.

Frederick P. Cerise, M.D., M.P.H.
Secretary

0503#041

RULE

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

Substance Abuse/Addiction Treatment Facilities **C** Licensing
(LAC 48:I.Chapter 74)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC 48:I.Chapter 74 as authorized by R.S. 40:1058.1-9. This Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the licensing standards for substance abuse/addiction treatment facilities.

Title 48

PUBLIC HEALTH **C GENERAL**

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 74. Minimum Standards/Requirements for Abuse/Addiction Treatment Facilities/Programs

Subchapter A. General Provisions

§7401. Definitions and Acronyms

A. The following words and terms when used in this Chapter 74 shall have the following meanings, unless the context clearly states otherwise.

* * *

Accredited **C** the process of review and acceptance by an accreditation body or any additional SAMSHA approved accrediting body such as the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), the Commission on Accreditation of Rehabilitation Facilities (CARF) or Council on Accreditation (COA).

* * *

Opioid Treatment Program **C** a program engaged in opioid treatment of individuals with an opioid agonist treatment medication.

* * *

State Opioid Authority (SOA) **C** the agency designated by the governor or other appropriate official designated by the governor to exercise the responsibility and authority within the state for governing the treatment of opiate addiction with an opioid drug.

* * *

Take Home Dose(s) **C** an opioid agonist treatment medication dose dispensed to patients for unsupervised use for the day(s) the clinic is closed for business, including Sundays and state and federal holidays.

Therapeutic Privilege Dose(s) **C** an opioid agonist treatment medication dose dispensed for unsupervised use, by order of the medical director, to patients compliant with, and stable in, the treatment program for a period of not less than 30 days, under the conditions provided for in §7443.F.1.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1-9.

HISTORICAL NOTE: Promulgated by the Health and Human Resources Administration, LR 2:154 (May 1976), amended by the Department of Health and Human Resources, Office of Hospitals, Bureau of Substance Abuse, LR 3:16 (January 1977), amended by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 12:26 (January 1986), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 26:1451 (July 2000), LR 31:669 (March 2005).

§7403. Licensing

A. - C.2.f. ...

3. The Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) promulgated a rule requiring that all Opioid

Treatment Programs (OTP) shall be accredited by an accreditation body approved by SAMHSA effective May 19, 2004 (*Federal Register*, Volume 66, Number 11, January 17, 2001). If an Opioid Treatment Program is accredited by the Joint Commission on Accreditation of Healthcare Organizations, the Commission on Accreditation of Rehabilitation Facilities or the Council on Accreditation, or any additional SAMSHA approved accrediting body and the OTP requests deemed status from the department, the department may accept such accreditation in lieu of its annual on-site resurvey if the facility forwards their findings to the state agency (i.e., Health Standards Section of the Department) within 30 days of its accreditation. This accreditation will be accepted as evidence of satisfactory compliance with all provisions except those expressed in §§7403.J, K, and L, 7405.A and B, 7407.A, 7409.D, 7411.A, 7413 et seq., and 7417.E.

4. The following set of circumstances can cause the state agency to perform a licensing survey on an accredited OTP:

- a. any valid complaints in the preceding 12-month period;
- b. addition of services;
- c. a change of ownership in the preceding 12-month period;
- d. issuance of a provisional license in the preceding 12-month period;
- e. serious violations of licensing standards or professional standards of practice that were identified in the preceding 12-month period; or
- f. reports of inappropriate treatment or service resulting in death or serious injury.

D. - E.4. ...

F. Off-sites. Related facilities may share a name with the primary facility if a geographic indicator is added to the end of the facility name. All facilities must have a separate license from that issued to the parent facility.

F.1 - F.4. ...

5. Repealed.

G. License Designation. A facility shall have written notification of restrictions, limitations, and services available to the public, community, clients, and visitors.

G.1 - G.2.c. ...

3. Additional Designations (conjointly approved by OAD/HSS in writing)

4. Repealed.

H. - J. ...

K. Notification of Change Requirements. Any change listed below that is not reported in writing to HSS within 10 days is delinquent and subject to sanction. Written approval of changes by DHH is required to remain in compliance with licensure standards.

K.1 - K.2. ...

3. Address Change. Change of address requires issuance of a replacement license. Prior approval is required, and is based on submitting requested information to HSS. The following information and documentation must be submitted to HSS for consideration of an address change:

- a. a complete license application reflecting the new address;
- b. a licensing fee of \$600 for outpatient programs and \$600 plus \$5 per bedroom for inpatient programs;

c. documentation to show that architectural plans and specifications on the new site have been reviewed and approved by the Division of Engineering and Architectural Services;

d. copies of on-site inspection reports performed by the Office of State Fire Marshal and Office of Public Health on the new site;

e. a letter-sized sketch of the new site's floor plan;

f. anticipated effective date of the move; and

g. advise HSS on whether the new site is part of another existing health care entity.

K.4. - K.5. ...

6. Closure. HSS and SOA must be informed of any closure except Sundays and state and federal holidays.

L. - L.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1-9.

HISTORICAL NOTE: Promulgated by the Health and Human Resources Administration, LR 2:154 (May 1976), amended by the Department of Health and Human Resources, Office of Hospitals, Bureau of Substance Abuse, LR 3:16 (January 1977), amended by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 12:26 (January 1986), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 26:1453 (July 2000), LR 31:669 (March 2005).

§7413. Adverse Action

A. - C.2. ...

3. violation of any provision of this Part or of the minimum standards, rules, or orders promulgated hereunder including, but not limited to:

C.3.a. - E.3. ...

4. Correction of a deficiency is not a basis for an administrative reconsideration or administrative appeal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1-9.

HISTORICAL NOTE: Promulgated by the Health and Human Resources Administration, LR 2:154 (May 1976), amended by the Department of Health and Human Resources, Office of Hospitals, Bureau of Substance Abuse, LR 3:16 (January 1977), amended by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 12:26 (January 1986), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 26:1456 (July 2000), LR 31:670 (March 2005).

Subchapter C. Children/Adolescent Programs

§7427. Children/Adolescent Programs

A. General. Provisions in this §7427 apply to facilities that are inpatient, outpatient, or community based when service recipients are under 18 years of age. The following provisions are in addition to listed requirements for programs, and take precedence over conflicting requirements when services are provided to adolescents or children. Specific programs may have additional requirements in addition to those listed in this §7427.

A.1. - D.12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1-9.

HISTORICAL NOTE: Promulgated by the Health and Human Resources Administration, LR 2:154 (May 1976), amended by the Department of Health and Human Resources, Office of Hospitals, Bureau of Substance Abuse, LR 3:16 (January 1977), amended by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 12:26 (January 1986), amended by the Department of Health and

Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 26:1464 (July 2000), LR 31:670 (March 2005).

§7429. Primary Prevention Programs

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1-9.

HISTORICAL NOTE: Promulgated by the Health and Human Resources Administration, LR 2:154 (May 1976), amended by the Department of Health and Human Resources, Office of Hospitals, Bureau of Substance Abuse, LR 3:16 (January 1977), amended by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 12:26 (January 1986), amended by the Department of Health and Human Resources, Office of the Secretary, Bureau of Health Services Financing, LR 26:1465 (July 2000), repealed LR 31:671 (March 2005).

Subchapter E. Outpatient Programs

§7443. Opioid Addiction Treatment Programs

A. - A.1. ...

2. The goal of all opiate addiction treatment is complete abstinence by the client from all addictive substances, other than those prescribed through the treatment plan.

3. Treatment protocols require that the facility provide medically-approved and medically-supervised assistance to withdraw from the synthetic narcotic when:

- a. the client requests withdrawal;
- b. quality indicators predict successful withdrawal;
- and
- c. client or payor source suspends payment of fees.

4. Each facility is required to independently meet the requirements of the protocols established by OAD/State Opioid Authority.

5. Any program that fails to maintain any required licensure shall be also terminated immediately, pursuant to the provisions of §7413 entitled Adverse Actions.

6. Each program shall also comply with requirements of 42 CFR Part 8 unless the comparable state requirement is more stringent.

7. Each client shall have a documented physical evaluation and examination by a physician or advanced practice registered nurse as follows:

- a. upon admission;
- b. every other week until the client becomes physically stable;
- c. as warranted by patient response to medication during the initial stabilization period or any other subsequent stabilization period;
- d. annually thereafter; and
- e. any time that the client is medically unstable.

B. - B.1.a. ...

- b. individual counseling;
- c. initial treatment plan including initial dose of medication and plan for treatment of critical health or social issues; and
- d. client orientation.

2. Early Stabilization. This phase is the first consecutive 90 days of treatment. Beginning on the third to seventh day of treatment (following initial treatment) through 90 days duration, the following shall be provided:

- a. frequent monitoring by a nurse of the client's response to medication in the first 90 days of treatment. This monitoring must be done at least weekly;
- b. ...

- c. development of a treatment plan within 30 days with input by all disciplines, client and significant others; and

- d. ...

3. Maintenance Treatment. This phase follows the end of early stabilization and lasts for an indefinite period of time. Services to be provided are:

- a. random monthly drug screens until the client has negative drugs-of-abuse screens for 90 days, consecutively. Thereafter, at least eight random drug abuse tests per year shall be performed, as well as random testing for alcohol when indicated. Clients who are allowed six days of therapeutic privilege doses shall be tested every month;

- b. ...

- c. documented reviews of the treatment plan every 90 days in the first two years of treatment by the treatment team; and

- d. ...

4. Withdrawal. Medically supervised withdrawal from the synthetic narcotic with continuing care. This service is provided if and when appropriate. Services to be provided are:

- a. decreasing the dose of the synthetic narcotic to accomplish gradual, but complete withdrawal, as medically tolerated by the client;

- b. ...

- c. discharge planning with continuity of care to assist the client to function without support of the medication and treatment activities.

C. - C.2. ...

3. Written criteria are used to determine when a client will receive additional counseling.

C.4. - D.1.b. ...

- c. approve all transport devices for take home medications in accordance with the program's diversion control policy.

2. Nursing. All medications shall be administered by a practitioner licensed under state law and registered under the appropriate state and federal laws to administer opioid drugs, or by an agency of such a practitioner, supervised by and under the order of the licensed practitioner.

3. ...

4. QPC. There must be a sufficient number of QPCs to meet the needs of the clients, but in no instance shall the ratio exceed 75 clients to one full-time QPC.

D.5. - E.1.a. ...

- b. meets the federal requirements, including exceptions, regarding determination that the client is currently addicted to opiates and has been addicted to opiates for at least one year prior to admission.

2. Physician Verification. The physician shall diagnose the client based upon:

- a. referring medical history and diagnosis of chronic opiate addiction, as currently defined in the Diagnostic and Statistical Manual for Mental Disorders (DSM);

- b. physical examination; and

- c. documented history of opiate addiction.

F. Take Home and Therapeutic Privilege Dose(s). Determinations for therapeutic privilege dose(s) shall be made by the treatment team, documented in the client record, and ordered by the medical director.

1. Client Responsibilities/Considerations Factors. The following must be documented in the client record before a therapeutic privilege dose is authorized by the treatment team.

- a. negative drug/alcohol screens for at least 30 days;
- b. - c. ...
- d. absence of known drug related criminal activity during treatment;
- e. - g. ...

2. Standard Schedule (if indicated)

a. After the first 30 days of treatment, and during the remainder of the first 90 days of treatment, one therapeutic privilege dose per week may be allowed if the treatment team and medical director determine, after consideration of the factors in §7443.F.1 above, that the therapeutic privilege dose is appropriate. Documentation of the determination and of the consideration of each of the factors listed in §7443.F.1 above must be contained in the client record.

b. In the second 90 days of treatment, two therapeutic doses per week may be allowed if the treatment team and medical director determine, after consideration of the factors in §7443.F.1 above, that the therapeutic privilege doses are appropriate. Documentation of the determination and of the consideration of each of the factors listed in §7443.F.1 above must be contained in the client record.

c. In the third 90 days of treatment, three therapeutic doses per week may be allowed if the treatment team and medical director determine, after consideration of the factors in §7443.F.1 above, that the therapeutic privilege doses are appropriate. Documentation of the determination and of the consideration of each of the factors listed in §7443.F.1 above must be contained in the client record.

d. In the final 90 days of treatment of the first year, four therapeutic doses per week may be allowed if the treatment team and medical director determine, after consideration of the factors in §7443.F.1 above, that the therapeutic privilege doses are appropriate. Documentation of the determination and of the consideration of each of the factors listed in §7443.F.1 above must be contained in the client record.

e. After one year in treatment, a six-day dose supply, consisting of take home doses and therapeutic doses, may be allowed once a week if the treatment team and medical director determine, after consideration of the factors in §7443.F.1 above, that the therapeutic privilege doses are appropriate. Documentation of the determination and of the consideration of each of the factors listed in §7443.F.1 above must be contained in the client record.

f. After two years in treatment, a 13-day dose supply, consisting of take home doses and therapeutic doses, may be allowed once every two weeks if the treatment team and medical director determine, after consideration of each of the factors in §7443.F.1 above, that the therapeutic privilege doses are appropriate. Documentation of the determination and of the consideration of each of the factors listed in §7443.F.1 above must be contained in the client record.

3. Loss of Privilege. Positive drug screens at any time for any drug other than those prescribed will require a new determination to be made by the treatment team regarding take-home doses and therapeutic privilege doses.

4. An exception to the standard schedule can only be granted for emergencies and severe travel hardships. The facility must request the exception and obtain approval for the exception from the appropriate federal agency. The facility must retain documentation in the client's clinical record which includes:

- a. documentation by the physician as to the justification for the requested exception; and
- b. documentation of the federal approval or the federal exception.

G. Client Record. Specific additional requirements for documentation include:

- 1. standards of clinical practice regarding medication administration/dispensing;
- 2. results of the five most recent drug screens with action taken for positive results;
- 3. physical status and use of additional prescription medication;
- 4. monthly or more frequently, as indicated by needs of the client, contact notes/progress notes which include employment/vocational needs, legal and social status, overall client stability; and
- 5. any other pertinent information.

H. Training. In addition to orientation as described in §7419, "Staffing Qualification/Requirements," all direct care employees shall receive training and demonstrate knowledge that includes:

- 1. symptoms of opiate withdrawal;
- 2. drug screens and collections, policies and procedures;
- 3. current standards of practice regarding opiate addiction treatment;
- 4. poly-drug addiction; and
- 5. information necessary to assure care is provided within accepted standards of practice.

I. Temporary Transfers or Guest Dosing. The facilities involved shall do the following.

- 1. The receiving facility shall verify dosage prior to administering medication.
- 2. The sending facility shall verify dosage and obtain approval/acceptance from receiving facility prior to client's transfer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1058.1-9.

HISTORICAL NOTE: Promulgated by the Health and Human Resources Administration, LR 2:154 (May 1976), amended by the Department of Health and Human Resources, Office of Hospitals, Bureau of Substance Abuse, LR 3:16 (January 1977), amended by the Department of Health and Human Resources, Office of the Secretary, Division of Licensing and Certification, LR 12:26 (January 1986), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 26:1471 (July 2000), LR 31:671 (March 2005).

Frederick P. Cerise, M.D., M.P.H.
Secretary

0503#043

RULE

Department of Insurance Office of the Commissioner

Military Personnel Automobile Liability Insurance Premium Discount and Insurer Rebate Program (LAC 37:XIII.Chapter 95)

In accordance with the provisions of 49:950 et seq. of the Administrative Procedure Act the Commissioner of Insurance hereby adopts Regulation 81 to implement a military personnel premium discount and insurer rebate program. Adoption of the proposed regulation is authorized by Acts 2004, No. 770.

Title 37 INSURANCE

Part XIII. Regulations

Chapter 95. Regulation 81 Military Personnel Automobile Liability Insurance Premium Discount and Insurer Rebate Program

§9501. Authority

A. This regulation is adopted pursuant to R.S. 22:3 and 22:1425.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1425.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:673 (March 2005).

§9503. Purpose

A. The purpose of this regulation is to implement the provision of Acts 2004, No. 770 of the Louisiana Legislature, Regular Session, which created an insurance premium discount program for active military personnel stationed in Louisiana. The new law requires the commissioner to adopt a regulation to implement the discount program and to develop procedures for insurers to follow to obtain a rebate of the discount provided to qualified military personnel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1425.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:673 (March 2005).

§9505. Scope and Applicability

A. This regulation applies to all motor vehicle insurers authorized to engage in the business of writing automobile liability insurance in this state. It is also applicable to any automobile liability insurance policy purchased in this state from an authorized insurer by active military personnel based in Louisiana to cover motor vehicles owned by such military personnel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1425.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:673 (March 2005).

§9507. Severability

A. If any Section or provision of this regulation is held invalid, such invalidity shall not affect other Sections of provisions which can be given effect without the invalid Section or provision. For this purpose the Sections and provisions of this regulation are severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1425.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:673 (March 2005).

§9509. Definitions

A. For the purposes of this regulation the following terms shall have the meaning ascribed herein unless the context clearly indicates otherwise.

Active Military Personnel

a. an individual who is based in this state and who is serving full-time:

i. in the Army, Navy, Marine Corps or Air Force;

or

ii. as a member of the Reserve or National Guard;

or

iii. as a member of the Coast Guard.

b. *Active military personnel* who are deployed out-of-state or overseas whose spouse and dependents remain in this state shall be considered as based in this state for purposes of receiving the discount provided by R.S. 22:1425 and §9515 of this regulation.

AMP active military personnel.

Authorized Insurer shall have the meaning found in R.S. 22:5(3).

Automobile Liability Insurance Policy a policy acquired in this state, insuring not more than four motor vehicles of the types described in R.S. 22:636.1A(1)(a)-(b), with the exception that for the purposes of this regulation it shall also include coverage for motorcycles, which provides coverage for bodily injury and property damage liability, medical payments and uninsured motorists coverage as provided in R.S. 22:636.1A(2). It includes a renewal policy if at the time of renewal the named insured retains the status of *active military personnel* as defined above. Golf carts, go-carts, off-road vehicles, all-terrain vehicles and other similar motorized vehicles are not motor vehicles for the purposes of R.S. 22:636.1A(1)(a)-(b).

Commissioner the Commissioner of Insurance for the state of Louisiana.

Direct Written Premium the premium charged by the insurer as consideration for automobile liability insurance coverage.

Insured the individual who qualifies as *active military personnel* and includes the spouse and any dependents who are under the age of 18 or unmarried full-time students under the age of 24, of such individual.

Insurer shall have the meaning found in R.S. 22:5(10).

LDOI the Louisiana Department of Insurance.

Named Insured the person identified as such on the policy.

State the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1425.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:673 (March 2005).

§9511. Premium Discount; Proof of Eligibility

A. On or after July 1, 2005, all authorized insurers shall grant a discount equal to 12.5 percent of the premium charged for an automobile liability insurance policy insuring a vehicle owned by an insured. The discount applies to new and renewal business effective July 1, 2005. The discount applied to new and renewal business effective July 1, 2006, shall be equal to 25 percent of the premium. For interim policy changes the discount mandated by this Subsection shall be applied on a pro-rata basis in the same manner as similar discount programs, such as good-student discounts, are applied by the insurer.

B. Prior to applying the premium discount mandated by R.S. 22:1425(A) an insurer shall obtain from the applicant proof of the following.

1. Proof of the applicant's status as active military personnel shall be in the form of a copy of the applicant's military identification card or a copy of his military orders.

2. Proof that the applicant is stationed at or assigned to a base located in Louisiana shall be in the form of a copy of the applicant's military orders.

3. If the applicant is a spouse or dependant of an AMP proof shall be in the form of a copy of the applicant's military identification card, a copy of the AMP's military orders, and if over the age of 18 proof of enrollment as a full-time student at an accredited college or university, or at a vocational, technical, vocational-technical or trade school or institute, or secondary school.

4. Proof that the vehicle for which insurance is being purchased is owned by an insured shall be in the form of a copy of the vehicle's title or registration papers.

5. Nothing in this Subsection shall preclude an insurer from requesting additional documentation or proof from an applicant to determine eligibility for the discount.

C. For renewals, proof may be in the form of an affidavit in lieu of the documentation listed in Subsection B. A sample affidavit is shown below.

Affidavit

The State of Louisiana
Parish of _____

BEFORE ME, the undersigned authority, on this day personally appeared _____, who, after being duly sworn, deposed and stated under oath the following:

I, the undersigned affiant, have previously established eligibility for the insurance premium discount program for active military personnel stationed in Louisiana. This eligibility was based on:

1. Proof of status as full-time active duty (copy of military ID or orders);
2. Proof of stationing in Louisiana, even if deployed elsewhere;
3. Proof of dependency, if a spouse or dependent; and
4. Proof of vehicle ownership (copy of title or registration).

By signing below, I attest that I continue to meet the aforementioned eligibility requirements.

Signed this ____ day of _____, 20__.

Affiant

SUBSCRIBED and SWORN TO before me, the undersigned authority, on this the ____ day of _____, 20__.

Notary

Print Name

Address

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1425.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:673 (March 2005).

§9513. Requests for Rebates; Documentation; Dispute Resolution

A. The rebate authorized by R.S. 22:1425 will be remitted to eligible insurers on an annual calendar year basis. Rebates will be calculated based upon direct written premium. An insurer is eligible to receive a rebate if it is an authorized insurer and it makes a timely request for a rebate.

B. Insurers seeking a rebate shall submit a request for rebate to the LDOI in accordance with the reporting schedule set forth in the reporting form(s) designed by the commissioner. Included with the request, insurers shall submit the information required to be maintained by §9515.B. A request that does not include the proof required by this regulation will be considered untimely.

C. If the request is approved, the commissioner will issue a warrant to the treasurer within 30 days of receipt.

D. The commissioner may disapprove a request for rebate, in whole or in part, if:

1. it is submitted late, unless the insurer can show good cause for the delay;
2. the report is incomplete or required documents are missing;
3. the request is excessive because a discount was given to a person who was not eligible to receive it.

E. If the commissioner disapproves a request for a rebate he shall give written notice to the insurer, stating the grounds for disapproval. The notice shall be sent to the address shown on the records of the LDOI. An insurer shall have 30 days from the date of the notice to dispute the disapproval. Any documents submitted in rebuttal to a disapproval notice shall be verified as true and accurate by an officer of the insurer.

F. Within 30 days of submission of the verified rebuttal the commissioner shall enter an order either approving or disapproving the request for a rebate.

1. If the request is approved, the commissioner shall promptly issue a warrant to the treasurer. The treasurer shall remit the rebate within 30 days of receipt of the warrant.

2. If the request is disapproved, notice shall be given in writing, by certified mail, return receipt requested. The insurer shall have 30 days from the date of receipt of the notice of disapproval to request an adjudicatory hearing as provided for by Part XXIX of Title 22 of the Louisiana Revised Statutes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1425.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:674 (March 2005).

§9515. Recordkeeping; Annual Report

A. Any insurer issuing an automobile liability insurance policy to an individual who qualifies for the military discount program shall maintain the following records:

1. the items obtained in compliance with §9511.B;
2. a copy of the Declarations Page for each policy for which a rebate is sought.

B. The annual report shall be made on a form(s) designed by the commissioner. The report shall include the following information for automobile liability insurance coverage issued to an insured:

1. a detailed listing of all policies for which a rebate is sought. The listing shall include, at a minimum:

- a. the policy number of each policy;
- b. the effective date of the policy;
- c. the term of the policy;
- d. the named insured on the policy;
- e. the gross direct written premium prior to application of the discount;
- f. the net direct written premium following application of the discount; and
- g. the dollar value of the discount applied to the policy;

2. the total number of policies written on active military personnel;

3. the total gross direct written premium prior to application of the discount;

4. the total net direct written premium following application of the discount;

5. the total end-of-year rebate sought.

C. The record required by this Section may be kept in electronic or written form. It shall be maintained by the insurer for a period of five years from the date of issuance of the insurance policy to which the discount has been applied. Upon request, the insurer shall produce such record for examination by the commissioner or any person acting on behalf of the commissioner.

D. The initial annual report shall cover the calendar year ending December 31, 2005 and shall be filed on or before March 1, 2006.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1425.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:674 (March 2005).

§9517. Overpayments; Collection Proceedings; Fines and Hearings

A. If an insurer is examined or audited by the commissioner and it is determined that the insurer received a rebate in excess of the amount actually due and owing, then the commissioner shall have authority to order the insurer to refund the overpayment to the treasurer. The commissioner shall promptly notify the treasurer of his determination and provide him with a copy of his order.

B. The treasurer shall have standing to institute legal proceedings to collect the overpayment and any such proceedings shall be brought in the Nineteenth Judicial District Court. The commissioner's order shall be prima facie proof of the amount due and owing. If legal proceedings are instituted, the treasurer shall be entitled to an additional 20 percent of the amount found to be due for the cost of collection.

C. An insurer's failure or refusal to refund an overpayment shall constitute grounds for the commissioner to suspend the insurer's certificate of authority, or to impose a fine not to exceed 10 percent of the overpayment or \$2,500, whichever is more, or both. The insurer shall have 30 days from the date of receipt of the notice of the commissioner's proposed action to request an adjudicatory hearing as provided for by Part XXIX of Title 22 of the Louisiana Revised Statutes.

D. No insurer shall be allowed to withdraw from the state or have its certificate of authority canceled if it has outstanding overpayments.

E. Nothing in this regulation shall be construed as a limitation on any powers or duties otherwise vested in the commissioner by operation of law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1425.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:675 (March 2005).

§9519. Effective Date; Implementation

A. This regulation shall take effect on March 20, 2005. Insurers shall take steps to timely implement the discount program so that it is available for all new and renewal business effective July 1, 2005.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 22:1425.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 31:675 (March 2005).

J. Robert Wooley
Commissioner

0503#031

RULE

**Department of Natural Resources
Office of Conservation**

**Hazardous Liquids Pipeline Safety
(LAC 33:V.Chapters 301-304)**

The Louisiana Office of Conservation amends LAC 33:V.301et seq. in accordance with the provisions of the Administrative Procedure Act, R. S. 49:950 et seq. and pursuant to power delegated under the laws of the state of Louisiana and particularly Title 30 of the Louisiana Revised Statutes of 1950, Section 30:501 et seq. These Rules amend the minimum pipeline safety requirements for hazardous liquids pipelines.

There will be negligible cost to directly affected persons or hazardous liquids pipeline operators. Benefits will be realized by persons living and working near hazardous liquids pipelines through safer construction and operation standards imposed by the Rule amendments. Moreover, Louisiana presently receives federal funds and pipeline inspection fees to administer the Hazardous Liquids Pipeline Safety Program. Failure to amend the Louisiana Rules to make them consistent with federal regulations would cause the state to lose federal funding.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 3. Natural Resources

Chapter 301. Transportation of Hazardous Liquids by Pipeline [49 CFR Part 195]

Subchapter A. General [Subpart A]

§30105. Definitions [49 CFR 195.2]

A. ...

Exposed Pipeline ~~C~~repealed.

Exposed Underwater Pipeline ~~C~~an underwater pipeline where the top of the pipe protrudes above the underwater natural bottom (as determined by recognized and generally accepted practices) in waters less than 15 feet (4.6 meters) deep, as measured from mean low water.

Hazard to Navigation For the purposes of this Part, a pipeline where the top of the pipe is less than 12 inches (305 millimeters) below the underwater natural bottom (as determined by recognized and generally accepted practices) in waters less than 15 feet (4.6 meters) deep, as measured from the mean low water.

Maximum Operating Pressure (MOP) The maximum pressure at which a pipeline or segment of a pipeline may be normally operated under this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 18:861 (August 1992), LR 21:815 (August 1995), LR 27:1523 (September 2001), LR 28:83 (January 2002), LR 29:2805 (December 2003), LR 31:675 (March 2005).

§30107. Matter Incorporated by Reference
[49 CFR 195.3]

A. ...

B. All incorporated materials are available for inspection in the Research and Special Programs Administration, 400 Seventh Street, SW, Washington, DC, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. These materials have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. In addition, materials incorporated by reference are available as follows. [49 CFR 195.3(b)]

1. American Gas Association (AGA), 400 North Capitol Street, NW, Washington, DC 20001 [49 CFR 195.3(b)(1)]

2. American Petroleum Institute (API), 1220 L Street, NW, Washington, DC 20005 [49 CFR 195.3(b)(2)]

3. ASME International (ASME), Three Park Avenue, New York, NY 10016-5990 [49 CFR 195.3(b)(3)]

4. Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS), 127 Park Street, NE, Vienna, VA 22180 [49 CFR 195.3(b)(4)]

5. American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428 [49 CFR 195.3(b)(5)]

6. National Fire Protection Association (NFPA), 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101 [49 CFR 195.3(b)(6)]

7. NACE International, 1440 South Creek Drive, Houston, TX 77084 [49 CFR 195.3(b)(7)]

C. The full titles of publications incorporated by reference wholly or partially in this Part are as follows. Numbers in parentheses indicate applicable editions: [49 CFR 195.3(c)]

Source and Name of Referenced Material	Title 33 Reference
A. American Gas Association (AGA): (1) AGA Pipeline Research Committee, Project PR-3-805, "A Modified Criterion for Evaluating the Remaining Strength of Corroded Pipe" (December 22, 1989). The RSTRENG program may be used for calculating remaining strength. (2) [Reserved].	§30452(H)(4)(a)(ii).
B. American Petroleum Institute (API): (1) API Specification 5L "Specification for Line Pipe" (42nd edition, 2000). (2) API Specification 6D "Specification for Pipeline Valves (Gate, Plug, Ball, and Check Valves)" (21st edition, 1994). (3) API Specification 12F "Specification for Shop Welded Tanks for Storage of Production Liquids" (11th edition, November 1994). (4) API 510 "Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair, and Alteration" (8th edition, June 1997, and Addenda 1 through 4). (5) API Standard 620 "Design and Construction of Large, Welded, Low-Pressure Storage Tanks" (9th edition). (6) API 650 "Welded Steel Tanks for Oil Storage" (1998). (7) API Recommended Practice 651 "Cathodic Protection of Aboveground Petroleum Storage Tanks" (2nd edition, December 1997). (8) API Recommended Practice 652 "Lining of Aboveground Petroleum Storage Tank Bottoms" (2nd edition, December 1997). (9) API Standard 653 "Tank Inspection, Repair, Alteration, and Reconstruction" (3rd edition, 2001, and Addendum 1, 2003). (10) API 1104 "Welding of Pipelines and Related Facilities" (19th edition, 1999 plus its October 31, 2001 errata). (11) API Standard 2000 "Venting Atmospheric and Low-Pressure Storage Tanks" (4th edition, September 1992). (12) API 1130 "Computational Pipeline Monitoring" (1st edition, 1995). (13) API Recommended Practice 2003 "Protection Against Ignitions Arising out of Static, Lightning, and Stray Currents" (6th edition, 1998). (14) API Publication 2026 "Safe Access/Egress Involving Floating Roofs of Storage Tanks in Petroleum Service" (2nd edition, 1998). (15) API Recommended Practice 2350 "Overfill Protection for Storage Tanks In Petroleum Facilities" (2nd edition, 1996). (16) API Standard 2510 "Design and Construction of LPG Installations" (7th edition, 1995).	§§30161(B)(1); 30161(E). §30173(A)(4). §§30189(B)(1); 30205(B)(2); 30264(B)(1); 30264(E)(1); 30307(A); 30565; 30579(D). §§30205(B)(3); 30432(C). §§30189(B)(2); 30205(B)(2); 30264(B)(1); 30264(E)(3); 30307(B). §§30189(B)(3); 30205(B)(1); 30264(B)(1); 30264(E)(2); 30307(C); 30307(D); 30565; 30579(D). §§30565; 30579(D). §30579(D). §§30205(B)(1); 30432(B). §§30222; 30228(B). §§30264(E)(2); 30264(E)(3). §§30191; 30444. §30405(A). §30405(B). §30428(C). §§30189(B)(3); 30205(B)(3); 30264(B)(2); 30264(E)(4); 30307(E); 30428(C); 30432(C).

C. ASME International (ASME): (1) ASME/ANSI B16.9 "Factory-Made Wrought Steel Butt welding Fittings" (1993).	§30175(A).
(2) ASME/ANSI B31.4 "Pipeline Transportation Systems for Liquid Hydrocarbons and Other Liquids" (1998).	§30452(H)(4)(a).
(3) ASME/ANSI B31G "Manual for Determining the Remaining Strength of Corroded Pipelines" (1991).	§§30452(H)(4)(a)(ii); 30452(H)(4)(c)(iv).
(4) ASME/ANSI B31.8 "Gas Transmission and Distribution Piping Systems" (1995).	§§30111(A)(1)(a); 30406(A)(1)(a).
(5) ASME Boiler and Pressure Vessel Code, Section VIII, Division 1 "Rules for Construction of Pressure Vessels," (1998 edition with 2000 addenda).	§§30181; 30307(E).
(6) ASME Boiler and Pressure Vessel Code, Section VIII, Division 2 "Alternate Rules for Construction for Pressure Vessels" (2001 Edition).	§30307(E).
(7) ASME Boiler and Pressure vessel Code, Section IX "Welding and Brazing Qualifications," (2001 Edition).	§30222.
D. Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS): (1) MSS SP-75 "Specification for High Test Wrought Butt Welding Fittings" (1993). (2) [Reserved].	§30175(A).
E. American Society for Testing and Materials (ASTM): (1) ASTM Designation: A53/A53M "Standard . Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated Welded and Seamless" (A53/A53M-99b). (2) ASTM Designation: A106 "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service" (A106-99). (3) ASTM Designation: A 333/A 333M "Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service" (A 333/A 333M-99). (4) ASTM Designation: A 381 "Standard Specification for Metal-Arc-Welded Steel Pipe for Use With High-Pressure Transmission Systems" (A 381-96). (5) ASTM Designation: A 671 "Standard Specification for Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures" (A 671-96). (6) ASTM Designation: A 672 "Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures" (A 672-96). (7) ASTM Designation: A 691 "Standard Specification for Carbon and Alloy Steel Pipe Electric-Fusion-Welded for High-Pressure Service at High Temperatures" (A 691-98).	§30161(E).
F. National Fire Protection Association (NFPA): (1) ANSI/NFPA 30 "Flammable and Combustible Liquids Code" (1996). (2) [Reserved].	§30264(B)(1).
G. NACE International (NACE): (1) NACE Standard RP-169-96: "Control of External Corrosion on Underground or Submerged Metallic Piping Systems" (1996). (2) Reserved.	§30571.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 15:629 (August 1989), amended LR 20:439 (1994), LR 21:815 (August 1995), LR 24:1313 (July 1998), LR 27:1523 (September 2001), LR 29:2806 (December 2003), LR 31:676 (March 2005).

Chapter 302. Transportation of Hazardous Liquids by Pipeline Construction [49 CFR Part 195 Subpart D]

§30214. Welding: General [49 CFR 195.214]

A. Welding must be performed by a qualified welder in accordance with welding procedures qualified under Section 5 of API 1104 or Section IX of the ASME Boiler and Pressure Vessel Code (ibr, see §30107). The quality of the test welds used to qualify the welding procedure shall be determined by destructive testing. [49 CFR 195.214(a)]

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2818 (December 2003), amended LR 31:677 (March 2005).

§30222. Welding: Qualification of Welders

[49 CFR 195.222]

A. Each welder must be qualified in accordance with Section 6 of API 1104 (ibr, see §30107) or Section IX of the ASME Boiler and Pressure Vessel Code, (ibr, see §30107) except that a welder qualified under an earlier edition than listed in §30107 may weld but may not requalify under that earlier edition. [49 CFR 195.222(a)]

B. No welder may weld with a particular welding process unless, within the preceding six calendar months, the welder has: [49 CFR 195.222(b)]

1. engaged in welding with that process; and [49 CFR 195.222(b)(1)]

2. had one weld tested and found acceptable under Section 9 of API 1104. [49 CFR 195.222(b)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2818 (December 2003), amended LR 31:677 (March 2005).

§30228. Welds and Welding Inspection: Standards of Acceptability [49 CFR 195.228]

A. ...

B. The acceptability of a weld is determined according to the standards in Section 9 of API 1104. However, if a girth weld is unacceptable under those standards for a reason other than a crack, and if Appendix A to API 1104 (ibr, see §30107) applies to the weld, the acceptability of the weld may be determined under that Appendix. [49 CFR 195.228(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2819 (December 2003), amended LR 31:677 (March 2005).

§30246. Installation of Pipe in a Ditch [49 CFR 195.246]

A. ...

B. Except for pipe in the Gulf of Mexico and its inlets in waters less than 15 feet deep, all offshore pipe in water at least 12 feet deep (3.7 meters) but not more than 200 feet deep (61 meter) deep as measured from the mean low water must be installed so that the top of the pipe is below the underwater natural bottom (as determined by recognized and generally accepted practices) unless the pipe is supported by stanchions held in place by anchors or heavy concrete

coating or protected by an equivalent means. [49 CFR 195.246(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2819 (December 2003), amended LR 31:677 (March 2005).

§30248. Cover over Buried Pipeline [49 CFR 195.248]

A. Unless specifically exempted in this Subpart, all pipe must be buried so that it is below the level of cultivation. Except as provided in §30248.B of this Section, the pipe must be installed so that the cover between the top of the pipe and the ground level, road bed, river bottom, or underwater natural bottom (as determined by recognized and generally accepted practices), as applicable, complies with the following table. [49 CFR 195.248(a)]

Location	Cover (Inches)(Millimeters)	
	For Normal Excavation	For Rock Excavation ¹
Industrial, commercial and residential area	36 (914)	30 (762)
Crossings of inland bodies of water with a width of at least 100 feet (30 meters) from high water mark to high water mark	48 (1219)	18 (457)
Drainage ditches at public roads and railroads	36 (914)	36 (914)
Deepwater port safety zone	48 (1219)	24 (610)
Gulf of Mexico and its inlets in waters less than 15 feet (4.6 meters) deep as measured from mean low water	36 (914)	18 (457)
Other offshore areas under water less than 12 feet (3.7 meters) deep as measured from mean low water	36 (914)	18 (457)
Any other area	30 (762)	18 (457)

¹Rock excavation is any excavation that requires blasting or removal by equivalent means.

B. Except for the Gulf of Mexico and its inlets in waters less than 15 feet (4.6 meters) deep, less cover than the minimum required by Paragraph A of this Section and §30210 may be used if: [49 CFR 195.248(b)]

B.1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2820 (December 2003), amended LR 31:678 (March 2005).

§30252. Backfilling [49 CFR 195.252]

A. When a ditch for a pipeline is backfilled, it must be backfilled in a manner that: [49 CFR 195.252(a)]

1. provides firm support under the pipe; and [49 CFR 195.252(a)(1)]

2. prevents damage to the pipe and pipe coating from equipment or from the backfill material. [49 CFR 195.252(a)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2820 (December 2003), amended LR 31:678 (March 2005).

Chapter 303. Transportation of Hazardous Liquids by Pipeline Pressure Testing [49 CFR Part 195 Subpart E]

§30310. Records [49 CFR 195.310]

A. - B.7. ...

8. an explanation of any pressure discontinuities, including test failures, that appear on the pressure recording charts; [49 CFR 195.310(b)(8)]

9. where elevation differences in the section under test exceed 100 feet (30 meters), a profile of the pipeline that shows the elevation and test sites over the entire length of the test section; and [49 CFR 195.310(b)(9)]

10. temperature of the test medium or pipe during the test period. [49 CFR 195.310(b)(10)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2823 (December 2003), amended LR 31:678 (March 2005).

Chapter 304. Transportation of Hazardous Liquids by Pipeline Operation and Maintenance [49 CFR Part 195 Subpart F]

§30403. Emergency Response Training [49 CFR 195.403]

A. - A.4. ...

5. learn the potential causes, types, sizes, and consequences of fire and the appropriate use of portable fire extinguishers and other on-site fire control equipment, involving, where feasible, a simulated pipeline emergency condition. [49 CFR 195.403(a)(5)]

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2825 (December 2003), amended LR 31:678 (March 2005).

§30413. Underwater Inspection and Reburial of Pipelines in the Gulf of Mexico and Its Inlets [49 CFR 195.413]

A. Except for gathering lines of 4 1/2 inches (114 mm) nominal outside diameter or smaller, each operator shall prepare and follow a procedure to identify its pipelines in the Gulf of Mexico and its inlets in waters less than 15 feet (4.6 meters) deep as measured from mean low water that are at risk of being an exposed underwater pipeline or a hazard to navigation. The procedures must be in effect August 10, 2005. [49 CFR 195.413(a)]

B. Each operator shall conduct appropriate periodic underwater inspections of its pipelines in the Gulf of Mexico and its inlets in waters less than 15 feet (4.6 meters) deep as measured from mean low water based on the identified risk. [49 CFR 195.413(b)]

C. If an operator discovers that its pipeline is an exposed underwater pipeline or poses a hazard to navigation, the operator shall: [49 CFR 195.413(c)]

1. promptly, but not later than 24 hours after discovery, notify the National Response Center, telephone: 1-800-424-8802, as well as Louisiana Pipeline Safety (225) 342-5505, (day or night), of the location and, if available,

the geographic coordinates of that pipeline; [49 CFR 195.413(c)(1)]

2. promptly, but not later than seven days after discovery, mark the location of the pipeline in accordance with 33 CFR Part 64 at the ends of the pipeline segment and at intervals of not over 500 yards (457 meters) long, except that a pipeline segment less than 200 yards (183 meters) long need only be marked at the center; and [49 CFR 195.413(c)(2)]

3. within six months after discovery, or not later than November 1 of the following year if the six month period is later than November 1 of the year of discovery, bury the pipeline so that the top of the pipe is 36 inches (914 millimeters) below the underwater natural bottom (as determined by recognized and generally accepted practices) for normal excavation or 18 inches (457 millimeters) for rock excavation; [49 CFR 195.413(c)(3)]

a. an operator may employ engineered alternatives to burial that meet or exceed the level of protection provided by burial; [49 CFR 195.413(c)(3)(i)]

b. if an operator cannot obtain required state or Federal permits in time to comply with this Section, it must notify OPS; specify whether the required permit is state or Federal; and, justify the delay. [49 CFR 195.413(c)(3)(ii)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2827 (December 2003), amended LR 31:678 (March 2005).

§30434. Signs [49 CFR 195.434]

A. Each operator must maintain signs visible to the public around each pumping station and breakout tank area. Each sign must contain the name of the operator and a telephone number (including area code) where the operator can be reached at all times. [49 CFR 195.434(a)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:753.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 29:2829 (December 2003), amended LR 31:679 (March 2005).

James H. Welsh
Commissioner

0503#061

RULE

**Department of Natural Resources
Office of Conservation**

Natural Gas Pipeline Safety
(LAC 43:XIII.307, 503, 507, 509, 913, 921, 923, 1104, 1105, 1110, 1305, 1307, 1309, 1321, 1513, 1721, 1727, 2305, 2711, 2712, 2923, 2939, 2943, 3105, 3303, 3309, 3311, 3313, 3317, 3321, 3325, 3327, 3329, 3333, 3335, 3337, 3339, 3341, 3343, 3345, 5101, 5103, 5105, and 5109)

The Louisiana Office of Conservation amends LAC 43:XIII in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. and pursuant to power delegated under the laws of the state of Louisiana and particularly Title 30 of the Louisiana Revised Statutes of 1950, Section 30:501 et seq. These Rules amend

the minimum pipeline safety requirements for natural gas pipelines.

There will be negligible cost to directly affected persons or natural gas pipeline operators. Benefits will be realized by persons living and working near natural gas pipelines through safer construction and operation standards imposed by the rule amendments. Moreover, Louisiana presently receives federal funds and pipeline inspection fees to administer the Natural Gas Pipeline Safety Program. Failure to amend the Louisiana Rules to make them consistent with federal regulations would cause the state to lose federal funding.

Title 43

NATURAL RESOURCES

Part XIII. Office of Conservation Pipeline Safety

Subpart 2. Transportation of Natural and Other Gas by Pipeline [49 CFR Part 191]

Chapter 3. Annual Reports, Incident Reports and Safety Related Condition Reports [49 CFR Part 191]

§307. Addressee for Written Reports [49 CFR 191.7]

A. One copy of each written report, required by Part XIII, for intrastate facilities subject to the jurisdiction of the Office of Conservation pursuant to certification under Section 5(a) of the Natural Gas Pipeline Safety Act must be submitted to the Commissioner of Conservation, P.O. Box 94275, Baton Rouge, LA 70804-9275. One copy of each written report required by Part XIII must be submitted to the Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, Room 2103, 400 Seventh Street SW, Washington, DC 20590. Safety-related condition reports required by §323 for intrastate pipeline transportation must be submitted concurrently to that state agency, and if that agency acts as an agent of the secretary with respect to interstate transmission facilities, safety-related condition reports for these facilities must be submitted concurrently to that agency. [49 CFR 191.7]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:219 (April 1983), amended LR 10:510 (July 1984), LR 11:255 (March 1985), LR 20:442 (April 1994), LR 27:1536 (September 2001), LR 30:1221 (June 2004), LR 31:679 (March 2005).

Subpart 3. Transportation of Natural or Other Gas by Pipeline: Minimum Safety Standards [49 CFR Part 192]

Chapter 5. General [Subpart A]

§503. Definitions [49 CFR 192.3]

A. ...

Exposed Pipeline ~~C~~repealed.

Exposed Underwater Pipeline ~~C~~an underwater pipeline where the top of the pipe protrudes above the underwater natural bottom (as determined by recognized and generally accepted practices) in waters less than 15 feet (4.6 meters) deep, as measured from mean low water.

Hazard to Navigation ~~C~~For the purposes of this Part, a pipeline where the top of the pipe is less than 12 inches (305 millimeters) below the underwater natural bottom (as determined by recognized and generally accepted practices)

in waters less than 15 feet (4.6 meters) deep, as measured from the mean low water.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1224 (June 2004), amended LR 31:679 (March 2005).

§507. Incorporation by Reference [49 CFR 192.7]

A. ...

B. All incorporated materials are available for inspection in the Research and Special Programs Administration, 400 Seventh Street, SW., Washington, DC, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to: http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. These materials have been approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. In addition, the incorporated materials are available from the respective organizations listed in Paragraph C.1 of this Section. [49 CFR 192.7(b)].

C. The full titles of documents incorporated by reference, in whole or in part, are provided herein. The numbers in parentheses indicate applicable editions. For each incorporated document, citations of all affected Sections are provided. Earlier editions of currently listed documents or editions of documents listed in previous editions of 49 CFR Part 192 may be used for materials and components designed, manufactured, or installed in accordance with these earlier documents at the time they were listed. The user must refer to the appropriate previous edition of 49 CFR Part 192 for a listing of the earlier listed editions or documents. [49 CFR 192.7(c)].

1. Incorporated by Reference (ibr). List of Organizations and Addresses.

- a. American Gas Association (AGA), 400 North Capitol Street, NW, Washington, DC 20001
- b. American Petroleum Institute (API), 1220 L Street, NW, Washington, DC 20005
- c. American Society for Testing and Materials (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428
- d. ASME International (ASME), Three Park Avenue, New York, NY 10016-5990
- e. Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS), 127 Park Street, NE, Vienna, VA 22180
- f. National Fire Protection Association (NFPA), 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101
- g. Plastics Pipe Institute, Inc. (PPI), 1825 Connecticut Avenue, NW, Suite 680, Washington, DC 20009
- h. NACE International (NACE), 1440 South Creek Drive, Houston, TX 77084
- i. Gas Technology Institute (GTI), 1700 South Mount Prospect Road, Des Plaines, IL 60018

2. Documents Incorporated by Reference (Numbers in Parentheses Indicate Applicable Editions)

Source and Name of Referenced Material	Title 43 Reference
A. American Gas Association (AGA): (1) AGA Pipeline Research Committee, Project PR-3-805, "A Modified Criterion for Evaluating the Remaining Strength of Corroded Pipe" (AGA PR-3-805-1989)	§§3333(A); 2137(C)
B. American Petroleum Institute (API): (1) API Specification 5L "Specification for Line Pipe" (API 5L, 42nd edition, 2000)	§§705(E); 913; §5103 Item I
(2) API Recommended Practice 5L1 "Recommended Practice for Railroad Transportation of Line Pipe" (4th edition, 1990)	§715(A)
(3) API Specification 6D "Specification for Pipeline Valves (Gate, Plug, Ball, and Check Valves)" (21st edition, 1994)	§1105(A)
(4) API 1104 "Welding of Pipelines and Related Facilities" (19th edition, 1999, including its October 31, 2001 errata)	§§1307(A); 1309(C)(1); 1321(C); 5103 Item II
C. American Society for Testing and Materials (ASTM): (1) ASTM Designation: A 53/A53M-99b "Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc Coated, Welded and Seamless" (ASTM A53/A53M-99b)	§§913; 5103 Item I
(2) ASTM Designation: A106 "Standard Specification for Seamless Carbon Steel Pipe for High-Temperature Service" (A106-99)	§§913; 5103 Item I
(3) ASTM Designation: A333/A333M "Standard Specification for Seamless and Welded Steel Pipe for Low-Temperature Service" (ASTM A333/A333M-99).	§§913; 5103 Item I
(4) ASTM Designation: A372/A372M "Standard Specification for Carbon and Alloy Steel Forgings for Thin-Walled Pressure Vessels" (ASTM A372/A372M-1999)	§1137(B)(1)
(5) ASTM Designation: A381 "Standard Specification for Metal-Arc-Welded Steel Pipe for Use With High-Pressure Transmission Systems" (ASTM A381-1996)	§§913; 5103 Item I
(6) ASTM Designation: A671 "Standard Specification for Electric-Fusion-Welded Steel Pipe for Atmospheric and Lower Temperatures" (ASTM A671-1996)	§§913; 5103 Item I
(7) ASTM Designation: A672 "Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures" (A672-1996)	§§913; 5103 Item I
(8) ASTM Designation: A691 "Standard Specification for Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High-Pressure Service at High Temperatures" (ASTM A691-1998)	§§913; 5103 Item I
(9) ASTM Designation: D638 "Standard Test Method for Tensile Properties of Plastics" (ASTM D638-1999)	§§1513(A)(3); 1513(B)(1)
(10) ASTM Designation: D2513-87 "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings" (ASTM D2513-1987)	§713(A)(1)
(11) ASTM Designation: D2513 "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings. (D2513-1999)	§§1151(B); 1511(B)(2); 1513(A)(1)(a); 5103 Item I
(12) ASTM Designation: D 2517 "Standard Specification for Reinforced Epoxy Resin Gas Pressure Pipe and Fittings" (D2517-2000)	§§1151(A); 1511(D)(1); 1513(A)(1)(b); 5103 Item I.
(13) ASTM Designation: F1055 "Standard Specification for Electrofusion Type Polyethylene Fittings for Outside Diameter Controlled Polyethylene Pipe and Tubing" (F1055-1998)	§1513(A)(1)(c)
D. ASME International (ASME): (1) ASME/ANSI B 16.1 "Cast Iron Pipe Flanges and Flanged Fittings" (ASME B16.1-1998)	§1107(C)

(2) ASME/ANSI B16.5 "Pipe Flanges and Flanged Fittings" (ASME B16.5-1996, including ASME B16.5a-1998 Addenda)	§§1107(A); 1509
(3) ASME/ANSI B31G "Manual for Determining the Remaining Strength of Corroded Pipelines" (ASME/ANSI B31G-1991)	§§2137(C); 3333(A)
(4) ASME/ANSI B31.8 "Gas Transmission and Distribution Piping Systems" (ASME/ANSI B31.8-1995)	§2719(A)(1)(a)
(5) ASME/ANSI B31.8S "Supplement to B31.8 on Managing System Integrity of Gas Pipelines" (ASME/ANSI B31.8S-2002)	§§3303(C); 3307(B); 3311(A); 3311(A)(9); 3311(A)(11); 3311(A)(12); 3311(A)(13); 3313(A); 3313(B)(1); 3317(A); 3317(B); 3317(C); 3317(E)(1); 3317(E)(4); 3321(A)(1); 3323(B)(2); 3323(B)(3); 3325(B); 3325(B)(1); 3325(B)(2); 3325(B)(3); 3325(B)(4); 3327(B); 3327(C)(1)(a); 3329(B)(1); 3329(B)(2); 3333(A); 3333(D)(1); 3333(D)(1)(a); 3335(A); 3335(B)(1)(d); 3337(c)(1); 3339(A)(1)(a); 3339(A)(1)(b); 3339(A)(3); 3345(A)
(6) ASME Boiler and Pressure Vessel Code, Section I, Rules for Construction of Power Boilers (ASME Section I-1998)	§1113(A)
(7) ASME Boiler and Pressure Vessel Code, Section VIII, Division 1, "Rules for Construction of Pressure Vessels" (ASME Section VIII Division 1-2001)	§§1113(A); 1113(B); 1113(D); 1125(B)(3)
(8) ASME Boiler and Pressure Vessel Code, Section VIII, Division 2, "Rules for Construction of Pressure Vessels: Alternative Rules" (ASME Section VIII Division 2-2001)	§§1113(B); 1125(B)(3)
(9) ASME Boiler and Pressure Vessel Code, Section IX, "Welding and Brazing Qualifications" (ASME Section IX-2001)	§§1307(A); 5103 Item II
E. Manufacturers Standardization Society of the Valve and Fittings Industry, Inc. (MSS): (1) MSS SP44-96 "Steel Pipe Line Flanges" (MSS SP-44-1996 including 1996 errata) (2) [Reserved]	§1107(A)
F. National Fire Protection Association (NFPA): (1) NFPA 30 "Flammable and Combustible Liquids Code" (NFPA 30-1996)	§2935(B)
(2) ANSI/NFPA 58 "Liquefied Petroleum Gas Code (LP-Gas Code)" (NFPA 58-1998)	§§311(A); 311(B); 311(C)
(3) ANSI/NFPA 59 "Standard for the storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants" (NFPA 59-1998)	§§311(A); 311(B); 311(C)
(4) ANSI/NFPA 70 "National Electrical Code" (NFPA 70-1996)	§§1123(E); 1149(C)
G. Plastics Pipe Institute, Inc. (PPI): (1) PPI TR-3/2000 "Policies and Procedures for	§921

Developing Hydrostatic Design Bases (HDB), Pressure Design Bases (PDB), and Minimum Required Strength (MRS) Ratings for Thermoplastic Piping Materials " (PPI TR-3-2000-Part E only, "Policy for Determining Long Term Strength (LTHS) by Temperature Interpolation)"	
H. NACE International (NACE): (1) NACE Standard RP-0502-2002 "Pipeline External Corrosion Direct Assessment Methodology" (NACE RP-0502-2002)	§§3323(B)(1); 3325(B); 3325(B)(1); 3325(B)(1)(b); 3325(B)(2); 3325(B)(3); 3325(B)(3)(b); 3325(B)(3)(d); 3325(B)(4); 3325(B)(4)(b); 3331(D); 3335(B)(1)(d); 3339(A)(2)
I. Gas Technology Institute (GTI). (Formerly Gas Research Institute): (1) GRI 02/0057 "Internal Corrosion Direct Assessment of Gas Transmission Pipelines—Methodology" (GRI 02/0057-2002)	§§3327(C)(2); 307

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 30:1226 (June 2004), amended LR 31:680 (March 2005).

§509. Gathering Lines [49 CFR 192.9]

A. Except as provided in §§501 and 1110, and in Chapter 33, each operator of a gathering line must comply with the requirements of this Part applicable to transmission lines. [49 CFR 192.9]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:220 (April 1983), amended LR 10:511 (July 1984), LR 20:443 (April 1994), LR 21:821 (August 1995), LR 24:1307 (July 1998), LR 30:1227 (June 2004), LR 31:681 (March 2005).

Chapter 9. Pipe Design [Subpart C]

§913. Longitudinal Joint Factor (E) for Steel Pipe [49 CFR 192.113]

A. The longitudinal joint factor to be used in the design formula in §905 is determined in accordance with the following table.

Specification	Pipe Class	Longitudinal Joint Factor (E)
ASTM A 53/A53M	Seamless	1.00
	Electric resistance welded	1.00
ASTM A 106	Furnace butt welded	.60
	Seamless	1.00
ASTM A 333/A 333M	Seamless	1.00
	Electric resistance welded	1.00
ASTM A 381	Double submerged arc welded	1.00
ASTM A 671	Electric fusion welded	1.00
ASTM A 672	Electric fusion welded	1.00
ASTM A 691	Electric fusion welded	1.00
API 5L	Seamless	1.00
	Electric resistance welded	1.00
Other	Electric flash welded	1.00
	Submerged arc welded	1.00
Other	Furnace butt welded	.60
	Pipe over 4 inches (102 millimeters)	.80
Other	Pipe 4 inches (102 millimeters) or less	.60

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:222 (April 1983), amended LR 10:514 (July 1984), LR 18:855 (August 1992), LR 20:444 (April 1994), LR 27:1538 (September 2001), LR 30:1231 (June 2004), LR 31:681 (March 2005).

§921. Design of Plastic Pipe [49 CFR 192.121]

A. Subject to the limitations of §923, the design pressure for plastic pipe is determined in accordance with either of the following formulas. [49 CFR 192.121(a)]

$$P = 2S \frac{t}{(D-t)} 0.32$$

$$P = \frac{2S}{(SDR-1)} 0.32$$

where:

- P = Design pressure, gauge, psig (kPa)
- S = For thermoplastic pipe, the HDB determined in accordance with the listed specification at a temperature equal to 73 °F (23°C), 100°F (38°C), 120°F (49°C), or 140°F (60°C). In the absence an HDB established at the specified temperature, the HDB of a higher temperature may be used in determining a design pressure rating at the specified temperature by arithmetic interpolation using the procedure in Part E of PPI TR-3/2000 entitled, Policy for Determining Long-Term Strength (LTHS) by Temperature Interpolation, as published in the technical Report TR-3/2000 "HDB/PDB/MRS Policies", (ibr, see §192.7). For reinforced thermosetting plastic pipe, 11,000 psig (75,842 kPa).
- t = Specified wall thickness, in. (mm)
- D = Specified outside diameter, in (mm)
- SDR = Standard dimension ratio, the ratio of the average specified outside diameter to the minimum specified wall thickness, corresponding to a value from a common numbering system that was derived from the American National Standards Institute preferred number series 10. [49 CFR 192.121]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:222 (April 1983), amended LR 10:515 (July 1984), LR 18:855 (August 1992), LR 24:1308 (July 1998), LR 27:1538 (September 2001), LR 30:1231 (June 2004), LR 31:682 (March 2005).

§923. Design Limitations for Plastic Pipe [49 CFR 192.123]

A. Except as provided in Subsection E of this Section, the design pressure may not exceed a gauge pressure of 125 psig (862 kPa) for plastic pipe used in: [49 CFR 192.123(a)]

A.1. - B.2. ...

a. for thermoplastic pipe, the temperature at which the HDB used in the design formula under §921 is determined. [49 CFR 192.123(b)(2)(i)]

B.2.b. - D. ...

E. The design pressure for thermoplastic pipe produced after [insert effective date of final rule] may exceed a gauge pressure of 100 psig (689 kPa) provided that: [49 CFR 192.123(e)]

1. the design pressure does not exceed 125 psig (862 kPa); [49 CFR 192.123(e)(1)]

2. the material is a PE2406 or a PE3408 as specified within ASTM D2513 (ibr, see §507); [49 CFR 192.123(e)(2)]

3. the pipe size is nominal pipe size (IPS) 12 or less; and 49 CFR 192.123(e)(3)]

4. the design pressure is determined in accordance with the design equation defined in §921. [49 CFR 192.123(e)(4)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:222 (April 1983), amended LR 10:515 (July 1984), LR 24:1308 (July 1998), LR 27:1538 (September 2001), LR 30:1231 (June 2004), LR 31:682 (March 2005).

Chapter 11. Design of Pipeline Components [Subpart D]

§1104. Qualifying Metallic Components [49 CFR 192.144]

A. Notwithstanding any requirement of this Subpart which incorporates by reference an edition of a document listed in §507 or §5103 of this Subpart, a metallic component manufactured in accordance with any other edition of that document is qualified for use under this Chapter if: [49 CFR 192.144]

1. ...

2. the edition of the document under which the component was manufactured has equal or more stringent requirements for the following as an edition of that document currently or previously listed in §507 or §5103 of this Chapter: [49 CFR 192.144(b)]

A.2.a. - c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 10:515 (July 1984), amended LR 30:1232 (June 2004), LR 31:682 (March 2005).

§1105. Valves [49 CFR 192.145]

A. Except for cast iron and plastic valves, each valve must meet the minimum requirements of API 6D (ibr, see §507), or to a national or international standard that provides an equivalent performance level. A valve may not be used under operating conditions that exceed the applicable pressure-temperature ratings contained in those requirements. [49 CFR 192.145(a)]

B. - E. ...

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:223 (April 1983), amended LR 10:515 (July 1984), LR 18:855 (August 1992), LR 27:1539 (September 2001), LR 30:1232 (June 2004), LR 31:682 (March 2005).

§1110. Passage of Internal Inspection Devices [49 CFR 192.150]

A. Except as provided in Subsections B and C of this Section, each new transmission line and each replacement of line pipe, valve, fitting, or other line component in a transmission line must be designed and constructed to accommodate the passage of instrumented internal inspection devices. [49 CFR 192.150(a)]

B. - B.6. ...

7. offshore transmission lines, except transmission lines 10 3/4 inches (273 millimeters) or more in outside diameter on which construction begins after December 28, 2005, that run from platform to platform or platform to shore unless:

a. platform space or configuration is incompatible with launching or retrieving instrumented internal inspection devices; or [49 CFR 192.150(b)(7)(i)]

b. if the design includes taps for lateral connections, the operator can demonstrate, based on investigation or experience, that there is no reasonably practical alternative under the design circumstances to the use of a tap that will obstruct the passage of instrumented internal inspection devices; and [49 CFR 192.150(b)(7)(ii)]

B.8. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 21:821 (August 1995), amended LR 27:1539 (September 2001), LR 30:1233 (June 2004), LR 31:682 (March 2005).

Chapter 13. Welding of Steel in Pipelines [Subpart E]

§1305. Welding: General [49 CFR 192.225]

A. Welding must be performed by a qualified welder in accordance with welding procedures qualified under Section 5 of API 1104 (ibr, see §507) or Section IX of the ASME Boiler and Pressure Vessel Code "Welding and Brazing Qualifications" (ibr, see §507) to produce welds meeting the requirements of this Chapter. The quality of the test welds used to qualify welding procedures shall be determined by destructive testing in accordance with the applicable welding standard(s). [49 CFR 192.225(a)]

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:228 (April 1983), amended LR 10:521 (July 1984), LR 30:1241 (June 2004), LR 31:683 (March 2005).

§1307. Qualification of Welders [49 CFR 192.227]

A. Except as provided in Subsection B of this Section, each welder must be qualified in accordance with Section 6 of API 1104 (ibr, see §507) or Section IX of the ASME Boiler and Pressure Vessel Code (ibr, see §507). However, a welder qualified under an earlier edition than listed in Appendix A of this Part may weld but may not requalify under that earlier edition. [49 CFR 192.227(a)]

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:229 (April 1983), amended LR 10:521 (July 1984), LR 24:1309 (July 1998), LR 30:1241 (June 2004), LR 31:683 (March 2005).

§1309. Limitations on Welders [49 CFR 192.229]

A. - C. ...

1. may not weld on pipe to be operated at a pressure that produces a hoop stress of 20 percent or more of SMYS unless within the preceding six calendar months the welder has had one weld tested and found acceptable under the Sections 6 or 9 of API Standard 1104 (ibr, see §507). Alternatively, welders may maintain an ongoing qualification status by performing welds tested and found acceptable under the above acceptance criteria at least twice each calendar year, but at intervals not exceeding 7 1/2 months. A welder qualified under an earlier edition of a standard listed in §507 of this Part may weld but may not requalify under that earlier edition; and [49 CFR 192.229(c)(1)]

C.2. - D.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:229 (April 1983), amended LR 10:521 (July 1984), LR 24:1309 (July 1998), LR 27:1541 (September 2001), LR 30:1241 (June 2004), LR 31:683 (March 2005).

§1321. Inspection and Test of Welds [49 CFR 192.241]

A. Visual inspection of welding must be conducted by an individual qualified by appropriate training and experience to ensure that: [49 CFR 192.241(a)]

A.1. - B.2. ...

C. The acceptability of a weld that is nondestructively tested or visually inspected is determined according to the standards in Section 9 of API Standard 1104 (ibr, see §507). However, if a girth weld is unacceptable under those standards for a reason other than a crack, and if Appendix A to API 1104 applies to the weld, the acceptability of the weld may be further determined under that appendix. [49 CFR 192.243(c)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:230 (April 1983), amended LR 10:522 (July 1984), LR 24:1309 (July 1998), LR 30:1242 (June 2004), LR 31:683 (March 2005).

Chapter 15. Joining of Materials Other Than by Welding [Subpart F]

§1513. Plastic Pipe; Qualifying Joining Procedures [49 CFR 192.283]

A. - A.1. ...

a. in the case of thermoplastic pipe, Paragraph 6.6 (sustained pressure test) or Paragraph 6.7 (Minimum Hydrostatic Burst Test) or Paragraph 8.9 (Sustained Static pressure Test) of ASTM D2513 (ibr, see §507); [49 CFR 192.283(a)(1)(i)]

b. in the case of thermosetting plastic pipe, Paragraph 8.5 (Minimum Hydrostatic Burst Pressure) or Paragraph 8.9 (Sustained Static Pressure Test) of ASTM D2517; (ibr, see §507); or [49 CFR 192.283(a)(1)(ii)]

c. in the case of electrofusion fittings for polyethylene pipe and tubing, Paragraph 9.1 (Minimum Hydraulic Burst Pressure Test), Paragraph 9.2 (Sustained Pressure Test), Paragraph 9.3 (Tensile Strength Test), or Paragraph 9.4 (Joint Integrity Tests) of ASTM Designation F1055, (ibr, see §507). [49 CFR 192.283(a)(1)(iii)]

A.2. ...

3. for procedures intended for non-lateral pipe connections, follow the tensile test requirements of ASTM D638 (ibr, see §507), except that the test may be conducted at ambient temperature and humidity. If the specimen elongates no less than 25 percent or failure initiates outside the joint area, the procedure qualifies for use. [49 CFR 192.283(a)(3)]

B. ...

1. use an apparatus for the test as specified in ASTM D 638 (except for conditioning), (ibr, see §507). [49 CFR 192.283(b)(1)]

B.2. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:231 (April 1983),

amended LR 10:523 (July 1984), LR 20:445 (April 1994), LR 24:1310 (July 1998), LR 27:1541 (September 2001), LR 30:1244 (June 2004), LR 31:683 (March 2005).

Chapter 17. General Construction Requirements for Transmission Lines and Mains [Subpart G]

§1721. Installation of Plastic Pipe [49 CFR 192.321]

A. Plastic pipe must be installed below ground level except as provided by Subsections G and H of this Section. [49 CFR 192.321(a)]

B. - G.3. ...

H. Plastic pipe may be installed on bridges provided that it is: [49 CFR 192.321(h)]

1. installed with protection from mechanical damage, such as installation in a metallic casing; [49 CFR 192.321(h)(1)]

2. protected from ultraviolet radiation; and [49 CFR 192.321(h)(2)]

3. not allowed to exceed the pipe temperature limits specified in §923. [49 CFR 192.321(h)(3)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:233 (April 1983), amended LR 10:525 (July 1984), LR 24:1310 (July 1998), LR 27:1542 (September 2001), LR 30:1247 (June 2004), LR 31:684 (March 2005).

§1727. Cover [49 CFR 192.327]

A. - D.3. ...

E. Except as provided in Subsection C of this Section, all pipe installed in a navigable river, stream, or harbor must be installed with a minimum cover of 48 inches (1,219 millimeters) in soil or 24 inches (610 millimeters) in consolidated rock between the top of the pipe and the underwater natural bottom (as determined by recognized and generally accepted practices). [49 CFR 192.327(e)]

F. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:233 (April 1983), amended LR 10:525 (July 1984), LR 20:446 (April 1994), LR 24:1310 (July 1998), LR 27:1542 (September 2001), LR 30:1247 (June 2004), LR 31:684 (March 2005).

Chapter 23. Test Requirements [Subpart J]

§2305. Strength Test Requirements for Steel Pipeline to Operate at a Hoop Stress of 30 Percent or More of SMYS [49 CFR 192.505]

A. - D. ...

1. the component was tested to at least the pressure required for the pipeline to which it is being added; [49 CFR 192.505(d)(1)]

2. the component was manufactured under a quality control system that ensures that each item manufactured is at least equal in strength to a prototype and that the prototype was tested to at least the pressure required for the pipeline to which it is being added; or [49 CFR 192.505(d)(2)]

3. the component carries a pressure rating established through applicable ASME/ANSI, MSS specifications, or by unit strength calculations as described in §1103. [49 CFR 192.505(d)(3)]

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:238 (April 1983), amended LR 10:530 (July 1984), LR 27:1545 (September 2001), LR 30:1256 (June 2004), LR 31:684 (March 2005).

Chapter 27. Operations [Subpart L]

§2711. Change in Class Location: Confirmation or Revision of Maximum Allowable Operating Pressure [49 CFR 192.611]

A. - C. ...

D. Confirmation or revision of the maximum allowable operating pressure that is required as a result of a study under §2709 must be completed within 24 months of the change in class location. Pressure reduction under Subsections A.1 or A.2 of this Section within the 24-month period does not preclude establishing a maximum allowable operating pressure under Subsection A.3 of this Section at a later date. [49 CFR 192.611(d)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:241 (April 1983), amended LR 10:533 (July 1984), LR 18:858 (August 1992), LR 30:1261 (June 2004), LR 31:684 (March 2005).

§2712. Underwater Inspection and Reburial of Pipelines in the Gulf of Mexico and Its Inlets [49 CFR 192.612]

A. Each operator shall prepare and follow a procedure to identify its pipelines in the Gulf of Mexico and its inlets in waters less than 15 feet (4.6 meters) deep as measured from mean low water that are at risk of being an exposed underwater pipeline or a hazard to navigation. The procedures must be in effect August 10, 2005. [49 CFR 192.612(a)]

B. Each operator shall conduct appropriate periodic underwater inspections of its pipelines in the Gulf of Mexico and its inlets in waters less than 15 feet (4.6 meters) deep as measured from mean low water based on the identified risk. [49 CFR 192.612(b)]

C. If an operator discovers that its pipeline is an exposed underwater pipeline or poses a hazard to navigation, the operator shall: [49 CFR 192.612(c)]

1. promptly, but not later than 24 hours after discovery, notify the National Response Center, telephone: 1-800-424-8802, as well as Louisiana Pipeline Safety (225) 342-5505 (day or night), of the location and, if available, the geographic coordinates of that pipeline. [49 CFR 192.612(c)(1)]

2. promptly, but not later than seven days after discovery, mark the location of the pipeline in accordance with 33 CFR Part 64 at the ends of the pipeline segment and at intervals of not over 500 yards (457 meters) long, except that a pipeline segment less than 200 yards (183 meters) long need only be marked at the center; and [49 CFR 192.612(c)(2)]

3. within six months after discovery, or not later than November 1 of the following year if the six month period is later than November 1 of the year of discovery, bury the pipeline so that the top of the pipe is 36 inches (914 millimeters) below the underwater natural bottom (as determined by recognized and generally accepted practices) for normal excavation or 18 inches (457 millimeters) for rock excavation: [49 CFR 192.612(c)(3)]

a. an operator may employ engineered alternatives to burial that meet or exceed the level of protection provided by burial; [49 CFR 192.612(c)(3)(i)]

b. if an operator cannot obtain required state or federal permits in time to comply with this Section, it must notify OPS; specify whether the required permit is state or federal; and, justify the delay. [49 CFR 192.612(c)(3)(ii)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 18:858 (August 1992), LR 27:1546 (September 2001), LR 30:1262 (June 2004), LR 31:684 (March 2005).

Chapter 29. Maintenance [Subpart M]

§2923. Distribution Systems: Leakage Surveys [49 CFR 192.723]

A. - B.1. ...

2. A leakage survey with leak detector equipment must be conducted outside business districts as frequently as necessary, but at least once every five calendar years at intervals not exceeding 63 months. However, for cathodically unprotected distribution lines subject to §2117(E) on which electrical surveys for corrosion are impractical, a leakage survey must be conducted at least once every three calendar years at intervals not exceeding 39 months. [49 CFR 192.723(b)(2)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:245 (April 1983), amended LR 10:537 (July 1984), LR 21:823 (August 1995), LR 24:1313 (July 1998), LR 30:1269 (June 2004), LR 31:685 (March 2005).

§2939. Pressure Limiting and Regulating Stations: Inspection and Testing [49 CFR 192.739]

A. - A.2. ...

3. except as provided in Subsection B of this Section, set to control or relieve at the correct pressure consistent with the pressure limits of §192.201(a); and [49 CFR 192.739(a)(3)]

A.4. ...

B. For steel pipelines whose MAOP is determined under §2719(C), if the MAOP is 60 psi (414 kPa) gage or more, the control or relief pressure limit is as follows: [49 CFR 192.739(b)]

If the MAOP produces a hoop stress that is:	then the pressure limit is:
Greater than 72 percent of SMYS	MAOP plus 4 percent.
Unknown as a percentage of SMYS	A pressure that will prevent unsafe operation of the pipeline considering its operating and maintenance history and MAOP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:246 (April 1983), amended LR 10:538 (July 1984), LR 30:1270 (June 2004), LR 31:685 (March 2005).

§2943. Pressure Limiting and Regulating Stations: Testing of Relief Devices [49 CFR 192.743]

A. Pressure relief devices at pressure limiting stations and pressure regulating stations must have sufficient capacity to protect the facilities to which they are connected.

Except as provided in §2939.C, the capacity must be consistent with the pressure limits of §1161.A. This capacity must be determined at intervals not exceeding 15 months, but at least once each calendar year, by testing the devices in place or by review and calculations. [49 CFR 192.743(a)]

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 9:246 (April 1983), amended LR 10:538 (July 1984), LR 30:1271 (June 2004), LR 31:685 (March 2005).

Chapter 31. Operator Qualification [Subpart N] §3105. Qualification Program [49 CFR 192.805]

A. - A.3. ...

4. evaluate an individual if the operator has reason to believe that the individual's performance of a covered task contributed to an incident as defined in Chapter 3 of this Part; [49 CFR 192.805(d)]

A.5. - A.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 27:1550 (September 2001), amended LR 30:1272 (June 2004), LR 31: 685 (March 2005).

Chapter 33. Pipeline Integrity Management [Subpart O]

§3303. What Definitions Apply to This Chapter? [49 CFR 192.903]

A. ...

Assessment The use of testing techniques as allowed in this Chapter to ascertain the condition of a covered pipeline segment.

Confirmatory Direct Assessment An integrity assessment method using more focused application of the principles and techniques of direct assessment to identify internal and external corrosion in a covered transmission pipeline segment.

High Consequence Area An area established by one of the methods described in Subparagraphs a or b as follows:

a. an area defined as:

- i. a Class 3 location under §505; or
- ii. a Class 4 location under §505; or
- iii. any area in a Class 1 or Class 2 location where the potential impact radius is greater than 660 feet (200 meters), and the area within a potential impact circle contains 20 or more buildings intended for human occupancy; or
- iv. any area in a Class 1 or Class 2 location where the potential impact circle contains an identified site;

b. The area within a potential impact circle containing:

- i. 20 or more buildings intended for human occupancy; or
- ii. an identified site.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1273 (June 2004), amended LR 31: 685 (March 2005).

§3309. How Can an Operator Change Its Integrity Management Program? [49 CFR 192.909]

A. ...

B. Notification. An operator must notify OPS, in accordance with §3349, of any change to the program that may substantially affect the program's implementation or may significantly modify the program or schedule for carrying out the program elements. An operator must also notify a state or local pipeline safety authority when either a covered segment is located in a state where OPS has an interstate agent agreement, or an intrastate covered segment is regulated by that state. An operator must provide the notification within 30 days after adopting this type of change into its program. [49 CFR 192.909(b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1274 (June 2004), amended LR 31:686 (March 2005).

§3311. What are the Elements of an Integrity Management Program? [49 CFR 192.911]

A. - A.8. ...

9. a performance plan as outlined in ASME/ANSI B31.8S, Section 9 that includes performance measures meeting the requirements of §3345; [49 CFR 192.911(i)]

A.10. - A.16. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1275 (June 2004), amended LR 31:686 (March 2005).

§3313. When May an Operator Deviate Its Program from Certain Requirements of This Chapter? [49 CFR 192.913]

A. - B.2. ...

a. have completed at least two integrity assessments on each covered pipeline segment the operator is including under the performance-based approach, and be able to demonstrate that each assessment effectively addressed the identified threats on the covered segment; [49 CFR 192.913(b)(2)(i)]

B.2.b. - C.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1275 (June 2004), amended LR 31:686 (March 2005).

§3317. How Does an Operator Identify Potential Threats to Pipeline Integrity and Use the Threat Identification in Its Integrity Program? [49 CFR 192.917]

A. Threat Identification. An operator must identify and evaluate all potential threats to each covered pipeline segment. Potential threats that an operator must consider include, but are not limited to, the threats listed in ASME/ANSI B31.8S (ibr, see §507), Section 2, which are grouped under the following four categories: [49 CFR 192.917(a)]

A.1. - E. ...

1. Third Party Damage. An operator must utilize the data integration required in Subsection B of this Section and ASME/ANSI B31.8S, Appendix A7 to determine the susceptibility of each covered segment to the threat of third

party damage. If an operator identifies the threat of third party damage, the operator must implement comprehensive additional preventive measures in accordance with §3335 and monitor the effectiveness of the preventive measures. If, in conducting a baseline assessment under §3321, or a reassessment under §3337, an operator uses an internal inspection tool or external corrosion direct assessment, the operator must integrate data from these assessments with data related to any encroachment or foreign line crossing on the covered segment, to define where potential indications of third party damage may exist in the covered segment. An operator must also have procedures in its integrity management program addressing actions it will take to respond to findings from this data integration. [49 CFR 192.917(e)(1)]

E.2. ...

3. Manufacturing and Construction Defects. If an operator identifies the threat of manufacturing and construction defects (including seam defects) in the covered segment, an operator must analyze the covered segment to determine the risk of failure from these defects. The analysis must consider the results of prior assessments on the covered segment. An operator may consider manufacturing and construction related defects to be stable defects if the operating pressure on the covered segment has not increased over the maximum operating pressure experienced during the five years preceding identification of the high consequence area. If any of the following changes occur in the covered segment, an operator must prioritize the covered segment as a high risk segment for the baseline assessment or a subsequent reassessment: [49 CFR 192.917(e)(3)]

a. operating pressure increases above the maximum operating pressure experienced during the preceding five years; [49 CFR 192.917(e)(3)(i)]

E.3.b. - c. ...

4. ERW Pipe. If a covered pipeline segment contains low frequency electric resistance welded pipe (ERW), lap welded pipe or other pipe that satisfies the conditions specified in ASME/ANSI B31.8S, Appendices A4.3 and A4.4, and any covered or noncovered segment in the pipeline system with such pipe has experienced seam failure, or operating pressure on the covered segment has increased over the maximum operating pressure experienced during the preceding five years, an operator must select an assessment technology or technologies with a proven application capable of assessing seam integrity and seam corrosion anomalies. The operator must prioritize the covered segment as a high risk segment for the baseline assessment or a subsequent reassessment. [49 CFR 192.917(e)(4)]

E.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1276 (June 2004), amended LR 31:686 (March 2005).

§3321. How Is the Baseline Assessment to be Conducted? [49 CFR 192.921]

A. - A.1. ...

2. pressure test conducted in accordance with Chapter 23 of this Part. An operator must use the test pressures specified in Table 3 of Section 5 of ASME/ANSI B31.8S, to

justify an extended reassessment interval in accordance with §3339. [49 CFR 192.921(a)(2)]

A.3. ...

4. other technology that an operator demonstrates can provide an equivalent understanding of the condition of the line pipe. An operator choosing this option must notify the Office of Pipeline Safety (OPS) 180 days before conducting the assessment, in accordance with §3349. An operator must also notify a state or local pipeline safety authority when either a covered segment is located in a state where OPS has an interstate agent agreement, or an intrastate covered segment is regulated by that state. [49 CFR 192.921(a)(4)]

B. ...

C. Assessment for Particular Threats. In choosing an assessment method for the baseline assessment of each covered segment, an operator must take the actions required in §3317.E to address particular threats that it has identified. [49 CFR 192.921(c)]

D. - F. ...

G. Newly Installed Pipe. An operator must complete the baseline assessment of a newly-installed segment of pipe covered by this subpart within 10 years from the date the pipe is installed. An operator may conduct a pressure test in accordance with Subsection A.2 of this Section, to satisfy the requirement for a baseline assessment. [49 CFR 192.921(g)]

H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1277 (June 2004), amended LR 31:686 (March 2005).

§3325. What Are the Requirements for Using External Corrosion Direct Assessment (ECDA)?
[49 CFR 192.925]

A. ...

B. General Requirements. An operator that uses direct assessment to assess the threat of external corrosion must follow the requirements in this Section, in ASME/ANSI B31.8S (ibr, see § 507), Section 6.4, and in NACE RP 0502-2002 (ibr, see § 507). An operator must develop and implement a direct assessment plan that has procedures addressing preassessment, indirect examination, direct examination, and post-assessment. If the ECDA detects pipeline coating damage, the operator must also integrate the data from the ECDA with other information from the data integration (§3317.B) to evaluate the covered segment for the threat of third party damage, and to address the threat as required by §3317.E.1. [49 CFR 192.925(b)]

1. - 3.a. ...

b. criteria for deciding what action should be taken if either: [49 CFR 192.925(b)(3)(ii)]

i. corrosion defects are discovered that exceed allowable limits (Section 5.5.2.2 of NACE RP0502-2002); or [49 CFR 192.925(b)(3)(ii)(A)]

ii. root cause analysis reveals conditions for which ECDA is not suitable (Section 5.6.2 of NACE RP0502-2002); [49 CFR 192.925(b)(3)(ii)(B)]

3c. - 4.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1278 (June 2004), amended LR 31:687 (March 2005).

§3327. What Are the Requirements for Using Internal Corrosion Direct Assessment (ICDA)?
[49 CFR 192.927]

A. ...

B. General Requirements. An operator using direct assessment as an assessment method to address internal corrosion in a covered pipeline segment must follow the requirements in this Section and in ASME/ANSI B31.8S (ibr, see §507), Section 6.4 and Appendix B2. The ICDA process described in this Section applies only for a segment of pipe transporting nominally dry natural gas, and not for a segment with electrolyte nominally present in the gas stream. If an operator uses ICDA to assess a covered segment operating with electrolyte present in the gas stream, the operator must develop a plan that demonstrates how it will conduct ICDA in the segment to effectively address internal corrosion, and must provide notification in accordance with §3321A4 or §3337.C.4. [49 CFR 192.927(b)]

C. - C.2. ...

3. Identification of Locations for Excavation and Direct Examination. An operator's plan must identify the locations where internal corrosion is most likely in each ICDA region. In the location identification process, an operator must identify a minimum of two locations for excavation within each ICDA Region within a covered segment and must perform a direct examination for internal corrosion at each location, using ultrasonic thickness measurements, radiography, or other generally accepted measurement technique. One location must be the low point (e.g., sags, drips, valves, manifolds, dead-legs, traps) within the covered segment nearest to the beginning of the ICDA Region. The second location must be further downstream, within a covered segment, near the end of the ICDA Region. If corrosion exists at either location, the operator must: [49 CFR 192.927(c)(3)]

3a. - 4. ...

a. evaluating the effectiveness of ICDA as an assessment method for addressing internal corrosion and determining whether a covered segment should be reassessed at more frequent intervals than those specified in §3339. An operator must carry out this evaluation within a year of conducting an ICDA; and [49 CFR 192.927(c)(4)(i)]

4.b. - 5.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1279 (June 2004), amended LR 31:687 (March 2005).

§3329. What Are the Requirements for Using Direct Assessment for Stress Corrosion Cracking (SCCDA)? [49 CFR 192.929]

A. Definition. Stress Corrosion Cracking Direct Assessment (SCCDA) is a process to assess a covered pipe segment for the presence of SCC primarily by systematically gathering and analyzing excavation data for pipe having similar operational characteristics and residing in a similar physical environment. [49 CFR 192.929(a)]

B. - B.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1280 (June 2004), amended LR 31:687 (March 2005).

§3333. What Actions Must Be Taken to Address Integrity Issues? [49 CFR 192.933]

A. ...

B. Discovery of Condition. Discovery of a condition occurs when an operator has adequate information about a condition to determine that the condition presents a potential threat to the integrity of the pipeline. A condition that presents a potential threat includes, but is not limited to, those conditions that require remediation or monitoring listed under Subsections D.1-3 of this Section. An operator must promptly, but no later than 180 days after conducting an integrity assessment, obtain sufficient information about a condition to make that determination, unless the operator demonstrates that the 180-day period is impracticable. [49 CFR 192.933(b)]

C. Schedule for Evaluation and Remediation. An operator must complete remediation of a condition according to a schedule that prioritizes the conditions for evaluation and remediation. Unless a special requirement for remediating certain conditions applies, as provided in Subsection D of this Section, an operator must follow the schedule in ASME/ANSI B31.8S (ibr, see §5077), Section 7, Figure 4. If an operator cannot meet the schedule for any condition, the operator must justify the reasons why it cannot meet the schedule and that the changed schedule will not jeopardize public safety. An operator must notify OPS in accordance with §3349 if it cannot meet the schedule and cannot provide safety through a temporary reduction in operating pressure or other action. An operator must also notify a state or local pipeline safety authority when either a covered segment is located in a state where OPS has an interstate agent agreement, or an intrastate covered segment is regulated by that state. [49 CFR 192.933(c)]

D. - D.1.b. ...

c. an indication or anomaly that in the judgment of the person designated by the operator to evaluate the assessment results requires immediate action. [49 CFR 192.933(d)(1)(iii)]

2. - 3.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1281 (June 2004), amended LR 31:688 (March 2005).

§3335 What Additional Preventive and Mitigative Measures Must an Operator Take? [49 CFR 192.935]

A. - B.1.a. ...

b. collecting in a central database information that is location specific on excavation damage that occurs in covered and non covered segments in the transmission system and the root cause analysis to support identification of targeted additional preventative and mitigative measures in the high consequence areas. This information must include recognized damage that is not required to be reported as an incident under Subparts 1 and 2. [49 CFR 192.935(b)(1)(ii)]

c. ...

d. monitoring of excavations conducted on covered pipeline segments by pipeline personnel. If an operator finds

physical evidence of encroachment involving excavation that the operator did not monitor near a covered segment, an operator must either excavate the area near the encroachment or conduct an above ground survey using methods defined in NACE RP-0502-2002 (ibr, see §507). An operator must excavate, and remediate, in accordance with ANSI/ASME B31.8S and §3333 any indication of coating holidays or discontinuity warranting direct examination. [49 CFR 192.935(b)(1)(iv)]

B.2. - C. ...

D. Pipelines Operating below 30 Percent SMYS. An operator of a transmission pipeline operating below 30 percent SMYS located in a high consequence area must follow the requirements in Subsections D.1 and D.2 of this Section. An operator of a transmission pipeline operating below 30 percent SMYS located in a Class 3 or Class 4 area but not in a high consequence area must follow the requirements in Subsections D.1, D.2 and D.3 of this Section. [49 CFR 192.935(d)]

1. - 2. ...

3. perform semi-annual leak surveys (quarterly for unprotected pipelines or cathodically protected pipe where electrical surveys are impractical). [49 CFR 192.935(d)(3)]

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1282 (June 2004), amended LR 31:688 (March 2005).

§3337. What Is a Continual Process of Evaluation and Assessment to Maintain a Pipeline's Integrity? [49 CFR 192.937]

A. - C.1. ...

2. pressure test conducted in accordance with Chapter 23 of this Subpart. An operator must use the test pressures specified in Table 3 of Section 5 of ASME/ANSI B31.8S, to justify an extended reassessment interval in accordance with §3339; [49 CFR 192.935(c)(2)]

3. ...

4. other technology that an operator demonstrates can provide an equivalent understanding of the condition of the line pipe. An operator choosing this option must notify the Office of Pipeline Safety (OPS) 180 days before conducting the assessment, in accordance with §3349. An operator must also notify a state or local pipeline safety authority when either a covered segment is located in a state where OPS has an interstate agent agreement, or an intrastate covered segment is regulated by that state. [49 CFR 192.935(c)(4)]

5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1283 (June 2004), amended LR 31:688 (March 2005).

§3339. What Are the Required Reassessment Intervals? [49 CFR 192.939]

A. ...

1. Pipelines Operating at or above 30 percent SMYS. An operator must establish a reassessment interval for each covered segment operating at or above 30 percent SMYS in accordance with the requirements of this Section. The maximum reassessment interval by an allowable reassessment method is seven years. If an operator

establishes a reassessment interval that is greater than seven years, the operator must, within the seven-year period, conduct a confirmatory direct assessment on the covered segment, and then conduct the follow-up reassessment at the interval the operator has established. A reassessment carried out using confirmatory direct assessment must be done in accordance with §3331. The table that follows this Section sets forth the maximum allowed reassessment intervals. [49 CFR 192.939(a)]

a. ...

i. basing the interval on the identified threats for the covered segment (see §3317) and on the analysis of the results from the last integrity assessment and from the data integration and risk assessment required by §3317; or [49 CFR 192.939(a)(1)(i)]

a.ii. - b. ...

c. Internal Corrosion or SCC Direct Assessment. An operator that uses ICDA or SCCDA in accordance with the requirements of this Chapter must determine the reassessment interval according to the following method. However, the reassessment interval cannot exceed those specified for direct assessment in ASME/ANSI B31.8S, Section 5, Table 3: [49 CFR 192.939(a)(3)]

1.c.i. - iii. ...

2. Pipelines Operating below 30 Percent SMYS. An operator must establish a reassessment interval for each covered segment operating below 30 percent SMYS in accordance with the requirements of this Section. The maximum reassessment interval by an allowable reassessment method is seven years. An operator must establish reassessment by at least one of the following: [49 CFR 192.939(b)]

a. - d. ...

e. reassessment by the low stress assessment method at seven-year intervals in accordance with §3341 with reassessment by one of the methods listed in Paragraphs B.1 through B.3 of this Section by year 20 of the interval. [49 CFR 192.939(b)(5)]

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1283 (June 2004), amended LR 31:688 (March 2005).

§3341. What Is a Low Stress Reassessment?

[49 CFR 192.941]

A. - B.2.a. ...

b. every 18 months, identify and remediate areas of active corrosion by evaluating leak repair and inspection records, corrosion monitoring records, exposed pipe inspection records, and the pipeline environment. [49 CFR 192.941(b)(2)(ii)]

C. - C.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1284 (June 2004), amended LR 31:689 (March 2005).

§3343. When Can an Operator Deviate from These Reassessment Intervals? [49 CFR 192.943]

A. ...

1. Lack of Internal Inspection Tools. An operator who uses internal inspection as an assessment method may be

able to justify a longer reassessment period for a covered segment if internal inspection tools are not available to assess the line pipe. To justify this, the operator must demonstrate that it cannot obtain the internal inspection tools within the required reassessment period and that the actions the operator is taking in the interim ensure the integrity of the covered segment. [49 CFR 192.943(a)(1)]

A.2. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1285 (June 2004), amended LR 31:689 (March 2005).

§3345. What Methods Must an Operator Use to Measure Program Effectiveness? [49 CFR 192.945]

A. General. An operator must include in its integrity management program methods to measure, on a semi-annual basis, whether the program is effective in assessing and evaluating the integrity of each covered pipeline segment and in protecting the high consequence areas. These measures must include the four overall performance measures specified in ASME/ANSI B31.8S (ibr, see §507), Section 9.4, and the specific measures for each identified threat specified in ASME/ANSI B31.8S, Appendix A. An operator must submit the four overall performance measures, by electronic or other means, on a semi-annual frequency to OPS in accordance with §3351. An operator must submit its first report on overall performance measures by August 31, 2004. Thereafter, the performance measures must be complete through June 30 and December 31 of each year and must be submitted within 2 months after those dates. [49 CFR 192.945(a)]

B. External Corrosion Direct Assessment. In addition to the general requirements for performance measures in Subsection A of this Section, an operator using direct assessment to assess the external corrosion threat must define and monitor measures to determine the effectiveness of the ECDA process. These measures must meet the requirements of §3325. [49 CFR 192.945 (b)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1285 (June 2004), amended LR 31:689 (March 2005).

Chapter 51. Appendices

§5101. Reserved.

Editor's Note: The text of this Section (§5101) has been moved to §507 of this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 10:539 (July 1984), amended LR 18:858 (August 1992), LR 27:1550, 1551 (September 2001), LR 30:1286 (June 2004), LR 31:689 (March 2005).

§5103. Appendix B Qualification of Pipe

I. Listed Pipe Specification

API 5L—Steel pipe, "API Specification for Line Pipe" (ibr, see §507)

ASTM A 53/A53M-99b—Steel pipe, "Standard Specification for Pipe, Steel Black and Hot-Dipped, Zinc-Coated, welded and Seamless" (ibr, see §507)

ASTM A 106—Steel pipe, "Standard Specification for Seamless Carbon Steel Pipe for High temperature Service" (ibr, see §507)

ASTM A 333/A 333M—Steel pipe, "Standard Specification for Seamless and Welded steel Pipe for Low Temperature Service" (ibr, see §507)

ASTM A 381—Steel pipe, "Standard specification for Metal-Arc-Welded Steel Pipe for Use with High-Pressure Transmission Systems" (ibr, see §507)

ASTM A 671—Steel pipe, "Standard Specification for Electric-Fusion-Welded Pipe for Atmospheric and Lower Temperatures" (ibr, see §507)

ASTM A 672—Steel pipe, "Standard Specification for Electric-Fusion-Welded Steel Pipe for High-Pressure Service at Moderate Temperatures" (ibr, see §507)

ASTM A 691—Steel pipe, "Standard Specification for Carbon and Alloy Steel Pipe, Electric-Fusion-Welded for High Pressure Service at High Temperatures" (ibr, see §507)

ASTM D 2513-1999—Thermoplastic pipe and tubing, "Standard Specification for Thermoplastic Gas Pressure Pipe, Tubing, and Fittings" (ibr, see §507)

ASTM D 2517—Thermosetting plastic pipe and tubing, "Standard Specification Reinforced Epoxy Resin Gas Pressure Pipe and Fittings" (ibr, see §507)

II. Steel Pipe of Unknown or Unlisted Specification

A. ...

B. Weldability. A girth weld must be made in the pipe by a welder who is qualified under Subpart E of this Part. The weld must be made under the most severe conditions under which welding will be allowed in the field and by means of the same procedure that will be used in the field. On pipe more than 4 inches (102 millimeters) in diameter, at least one test weld must be made for each 100 lengths of pipe. On pipe 4 inches (102 millimeters) or less in diameter, at least one test weld must be made for each 400 lengths of pipe. The weld must be tested in accordance with API Standard 1104 (ibr, see §507). If the requirements of API Standard 1104 cannot be met, weldability may be established by making chemical tests for carbon and manganese, and proceeding in accordance with Section IX of the ASME Boiler and Pressure Vessel Code (ibr, see §507). The same number of chemical tests must be made as are required for testing a girth weld.

C. ...

D. Tensile Properties. If the tensile properties of the pipe are not known, the minimum yield strength may be taken as 24,000 p.s.i. (165 MPa) or less, or the tensile properties may be established by performing tensile test as set forth in API Specification 5L (ibr, see §507).

III. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 10:541 (July 1984), amended LR 18:859 (August 1992), LR 27:1551, 1552 (September 2001), LR 30:1287 (June 2004), LR 31:689 (March 2005).

§5105. Appendix C—Qualification of Welders for Low Stress Level Pipe

I. Basic Test

The test is made on pipe 12 inches (305 millimeters) or less in diameter. The test weld must be made with the pipe in a horizontal fixed position so that the test weld includes at least one section of overhead position welding. The beveling, root opening, and other details must conform to the specifications of the procedure under which the welder is being qualified. Upon completion, the test weld is cut into four coupons and subjected to a root bend test. If, as a result of this test, two or more of the four coupons develop a crack in the weld material, or between the weld material and base metal, that is more than 1/8-inch (3.2 millimeters) long in any direction, the weld is unacceptable. Cracks that occur on the corner of the specimen during testing are not considered. A welder who successfully passes a butt-weld qualification test under this Section shall be qualified to weld on all pipe diameters less than or equal to 12 inches.

II. - III. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 10:541 (July 1984), amended LR 18:859 (August 1992), LR 27:1551, 1552 (September 2001), LR 30:1287 (June 2004), LR 31:690 (March 2005).

§5109. Appendix E—Guidance on Determining High Consequence Areas and on Carrying out

Requirements in the Integrity Management Rule

I. Guidance on Determining a High Consequence Area

To determine which segments of an operator's transmission pipeline system are covered for purposes of the integrity management program requirements, an operator must identify the high consequence areas. An operator must use Method (1) or (2) from the definition in §3303 to identify a high consequence area. An operator may apply one method to its entire pipeline system, or an operator may apply one method to individual portions of the pipeline system. (Refer to Figure E.I.A for a diagram of a high consequence area).

Determining High Consequence Area

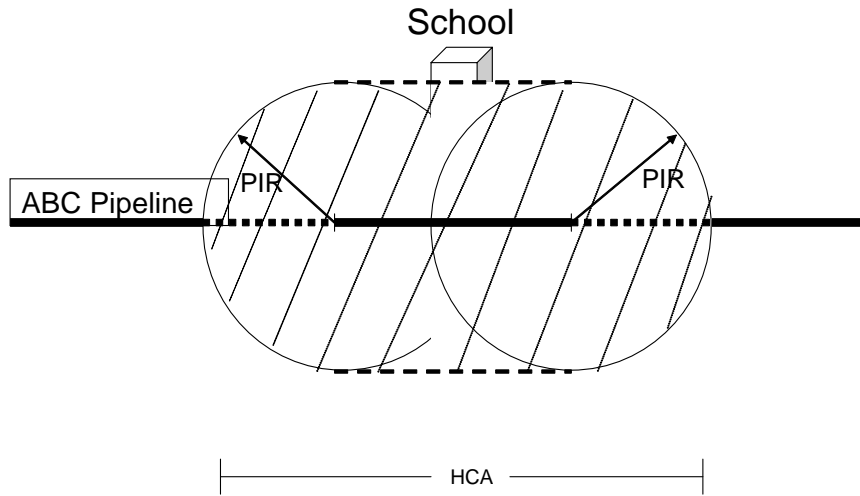


Figure E.I.A

II. Guidance on Assessment Methods and Additional Preventive and Mitigative Measures for Transmission Pipelines

1. Table E.II.1 gives guidance to help an operator implement requirements on additional preventive and mitigative measures for addressing time dependent and independent threats for a transmission pipeline operating below 30 percent SMYS not in an HCA (i.e., outside of potential impact circle) but located within a Class 3 or Class 4 Location.

2. Table E.II.2 gives guidance to help an operator implement requirements on assessment methods for addressing time dependent and independent threats for a transmission pipeline in an HCA.

3. Table E.II.3 gives guidance on preventative and mitigative measures addressing time dependent and independent threats for transmission pipelines that operate below 30 percent SMYS, in HCAs.

Table E.II.1: Preventative and Mitigative Measures for Transmission Pipelines Operating below 30 Percent SMYS Not in an HCA but in a Class 3 or Class 4 Location			
(Column 1) Threat	Existing Subpart 3 Requirements		(Column 4) Additional (to Subpart 3 requirements) Preventive and Mitigative Measures
	(Column 2) Primary	(Column 3) Secondary	
External Corrosion	2107-(Gen. Post 1971) 2109-(Gen. Pre-1971) 2111-(Examination) 2113-(Ext. coating) 2115-(CP) 2117-(Monitoring) 2119-(Elect isolation) 2121-(Test stations) 2123-(Test leads) 2125-(Interference) 2131-(Atmospheric) 2133-(Atmospheric) 2137-(Remedial) 2905-(Patrol) 2906-(Leak survey) 2911 (Repair E gen.) 2917-(Repair E perm.)	2703-(Gen Oper E) 2713-(Surveillance)	For Cathodically Protected Transmission Pipeline: <ul style="list-style-type: none"> • Perform semi-annual leak surveys. For Unprotected Transmission Pipelines or for Cathodically Protected Pipe where Electrical Surveys are Impractical: <ul style="list-style-type: none"> • Perform quarterly leak surveys
Internal Corrosion	2127-(Gen IC), 2129-(IC monitoring) 2137-(Remedial), 2905-(Patrol) 2906-(Leak survey), 2911-(Repair E gen.) 2917-(Repair E perm.)	703(A)-(Materials) 2703-(Gen Oper E) 2713-(Surveillance)	<ul style="list-style-type: none"> • Perform semi-annual leak surveys.

Table E.II.1: Preventative and Mitigative Measures for Transmission Pipelines Operating below 30 Percent SMYS Not in an HCA but in a Class 3 or Class 4 Location			
3rd Party Damage	903-(Gen. Design), 911-(Design factor) 1717-(Hazard prot), 1727-(Cover) 2714-(Dam. Prevent), 2716-(Public education) 2905-(Patrol), 2907-(Line markers) 2911-(Repair Egen.), 2917-(Repair Eperm.)	2715 EEmerg. Plan)	<ul style="list-style-type: none"> Participation in state one-call system, Use of qualified operator employees and contractors to perform marking and locating of buried structures and in direct supervision of excavation work, AND Either monitoring of excavations near operator transmission pipelines, or bi-monthly patrol of transmission pipelines in class 3 and 4 locations. Any indications of unreported construction activity would require a follow up investigation to determine if mechanical damage occurred.

Table E.II.2 Assessment Requirements for Transmission Pipelines in HCAs (Re-assessment intervals are maximum allowed.)						
Re-Assessment Requirements (see Note 3)						
	At or above 50 Percent SMYS		At or above 30 Percent SMYS up to 50 Percent SMYS		Below 30 Percent SMYS	
Baseline Assessment Method (see Note 3)	Max Re-Assessment Interval	Assessment Method	Max Re-Assessment Interval	Assessment Method	Max Re-Assessment Interval	Assessment Method
Pressure Testing	7	CDA	7	CDA	Ongoing	Preventative & Mitigative (P&M) Measures (see Table E.II.3), (see Note 2)
	10	Pressure Test or ILI or DA				
		Repeat inspection cycle every 10 years	15 (see Note 1)	Pressure Test or ILI or DA (see Note 1)		
				Repeat inspection cycle every 15 years	20	Pressure Test or ILI or DA
						Repeat inspection cycle every 20 years
In-Line Inspection	7	CDA	7	CDA	Ongoing	Preventative & Mitigative (P&M) Measures (see Table E.II.3), (see Note 2)
	10	ILI or DA or Pressure Test				
		Repeat inspection cycle every 10 years	15 (see Note 1)	ILI or DA or Pressure Test (see Note 1)		
				Repeat inspection cycle every 15 years	20	ILI or DA or Pressure Test
						Repeat inspection cycle every 20 years
Direct Assessment	7	CDA	7	CDA	Ongoing	Preventative & Mitigative (P&M) Measures (see Table E.II.3), (see Note 2)
	10	DA or ILI or Pressure Test				
		Repeat inspection cycle every 10 years	15 (see Note 1)	DA or ILI or Pressure Test (see Note 1)		
				Repeat inspection cycle every 15 years	20	DA or ILI or Pressure Test
						Repeat inspection cycle every 20 years

Note 1: Operator may choose to utilize CDA at year 14, then utilize ILI, Pressure Test, or DA at year 15 as allowed under ASME B31.8S
Note 2: Operator may choose to utilize CDA at year 7 and 14 in lieu of P&M
Note 3: Operator may utilize "other technology that an operator demonstrates can provide an equivalent understanding of the condition of line pipe"

Table E.II.3 Preventative and Mitigative Measures addressing Time Dependent and Independent Threats for Transmission Pipelines that Operate below 30 Percent SMYS, in HCAs			
Threat	Existing Subpart 3 Requirements		Additional (to Subpart 3 requirements) Preventive and Mitigative Measures
	Primary	Secondary	
External Corrosion	2107-(Gen. Post 1971) 2109-(Gen. Pre-1971) 2111-(Examination) 2113-(Ext. coating) 2115-(CP) 2117-(Monitoring) 2119-(Elect isolation) 2121-Test stations) 2123-(Test leads) 2125-(Interference) 2131-(Atmospheric) 2133-(Atmospheric) 2137-(Remedial) 2905-(Patrol) 2906-(Leak survey) 2911-(Repair Gen.) 2917-(Repair Perm.)	2703-(Gen Oper) 2713-(Surveil)	For Cathodically Protected Trmn. Pipelines <ul style="list-style-type: none"> Perform an electrical survey (i.e., indirect examination tool/method) at least every seven years. Results are to be utilized as part of an overall evaluation of the CP system and corrosion threat for the covered segment. Evaluation shall include consideration of leak repair and inspection records, corrosion monitoring records, exposed pipe inspection records, and the pipeline environment. For Unprotected Trmn. Pipelines or for Cathodically Protected Pipe where Electrical Surveys are Impracticable <ul style="list-style-type: none"> Conduct quarterly leak surveys AND Every 1 1/2 years, determine areas of active corrosion by evaluation of leak repair and inspection records, corrosion monitoring records, exposed pipe inspection records, and the pipeline environment.
Internal Corrosion	2127-(Gen IC) 2129-(IC monitoring) 2137-(Remedial) 2905-(Patrol) 2906-(Leak survey) 2911-(Repair Gen.) 2917-(Repair Perm.)	703(A)-(Materials) 2703-(Gen Oper) 2713-(Surveil)	<ul style="list-style-type: none"> Obtain and review gas analysis data each calendar year for corrosive agents from transmission pipelines in HCAs, Periodic testing of fluid removed from pipelines. Specifically, once each calendar year from each storage field that may affect transmission pipelines in HCAs, AND At least every seven years, integrate data obtained with applicable internal corrosion leak records, incident reports, safety related condition reports, repair records, patrol records, exposed pipe reports, and test records.
3rd Party Damage	903-(Gen. Design) 911-(Design factor) 1717-(Hazard prot) 1727-(Cover) 2714-(Dam. Prevent) 2716-(Public educat) 2905-(Patrol) 2909-(Line markers) 2911-(Repair Gen.) 2917-(Repair Perm.)	2715-(Emerg Plan)	<ul style="list-style-type: none"> Participation in state one-call system, Use of qualified operator employees and contractors to perform marking and locating of buried structures and in direct supervision of excavation work, AND Either monitoring of excavations near operator transmission pipelines, or bi-monthly patrol of transmission pipelines in HCAs or Class 3 and 4 locations. Any indications of unreported construction activity would require a follow up investigation to determine if mechanical damage occurred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, Pipeline Division, LR 30:1289 (June 2004), amended LR 31:690 (March 2005).

James H. Welsh
Commissioner

0503#060

RULE

Department of Public Safety and Corrections Office of State Police

Hazardous Materials (LAC 33:V.10107 and 10121)

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 49:950 et seq., and R.S. 30:2361 et seq., hereby amends its Rules regulating chemical inventory reporting for electrical substations and chemical inventory filing fees.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Wastes and Hazardous Materials

Subpart 2. Department of Public Safety and Corrections Hazardous Materials

Chapter 101. Hazardous Material, Information Development, Preparedness, and Response Act

§10107. Alternate Means of Compliance Inventory Reporting

A. - C.5.d. ...

e. Electrical storage batteries located at electrical substations are exempt from Tier Two filing requirements if the total weight of the sulfuric acid in all batteries found on the site of the substation is less than five hundred pounds and the facility owner marks all doors, or means of access, to the storage location with a sign stating "CAUTION ELECTRICAL STORAGE BATTERIES CONTAINING SULFURIC ACID" and further provides a Material Safety Data Sheet (MSDS) in an accessible location near the storage location.

C.6.a. - f. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.30:2361 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 12:329 (May 1986), amended LR 13:186 (March 1987), LR 13:759 (December 1987), LR 14:802 (November 1988), LR 16:974 (November 1990), LR 27:859 (June 2001), LR 31:693 (March 2005).

§10121. Fees

A. ...

B.1. Until June 30, 2008, the fees for facilities not meeting the definition of "small business" in R.S. 30:2363 shall be assessed as follows.

Number of Hazardous Materials Present at Facility	Amount of Fees Charges
01 to 25	\$ 65
26 to 75	\$ 85
76 to 100	\$170
Over 100	\$255

B.2. - F.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.30:2361 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 12:329 (May 1986), amended LR 13:186 (March 1987), LR 13:762 (December 1987), LR 14:804 (November 1988), LR 27:2259 (December 2001), LR 31:694 (March 2005).

Richard L. Stalder
Secretary

0503#012

RULE

**Department of Revenue
Policy Services Division**

**Corporation Income Tax Determination of
Louisiana Apportionment Percent
(LAC 61:I.1134)**

Under the authority of R.S. 47:287.95, R.S. 47:287.785, R.S. 47:1511, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, amends LAC 61:I.1134 relative to attribution of revenue from telephone, telecommunications, and other similar services and the attribution of revenue from sales of natural resources to pipeline companies that are made in the regular course of business.

Louisiana Revised Statute 47:287.95 determines the Louisiana apportionable percent of any taxpayer whose net apportionable income is derived by several different business enterprises. By amending LAC 61:I.1134, the Department of Revenue will provide specific guidance to telephone, telecommunications, and other similar services, concerning revenue to be included in the numerator of the revenue ratio. The deregulation of the natural gas industry makes the Subparagraph relating to attribution of sales of natural resources to pipelines obsolete and no longer necessary. Examples regarding the attribution of revenue from sales transported by public carrier pipelines are confusing and are being removed.

Title 61

REVENUE AND TAXATION

**Part I. Taxes Collected and Administered by the
Secretary of Revenue**

Chapter 11. Income: Corporation Income Tax

**§1134. Determination of Louisiana Apportionment
Percent**

A. - D.1.e. ...

2. Revenue from Telephone, Telecommunications, and Other Similar Services. Gross apportionable income attributable to Louisiana from providing telephone, telecommunications, and similar services shall include, but is not limited to:

a. revenue derived from charges for providing telephone "access" from a location in this state. "Access" means that a call can be made or received from a point within this state. An example of this type of receipt is a monthly subscriber fee billed with reference to a service address located in the state and without regard to actual usage;

b. revenue derived from charges for unlimited calling privileges, if the charges are billed by reference to a service address located in this state;

c. revenue from intrastate telephone calls or other telecommunications, except for mobile telecommunication services, beginning and ending in Louisiana;

d. revenue from interstate or international telephone calls or other telecommunications, except for mobile telecommunication services, either beginning or ending in Louisiana if the service address charged for the call or telecommunication is located in Louisiana, regardless of where the charges are billed or paid;

e. revenue from mobile telecommunications service:

i. revenue from mobile telecommunications services shall be attributed to the place of primary use, which is the residential or primary business street address of the customer;

ii. if a customer receives multiple services, such as multiple telephone numbers, the place of primary use of each separate service shall determine where the revenue from that service is attributed;

iii. revenue from mobile telecommunications services shall be attributed to Louisiana if the place of primary use of the service is Louisiana;

f. definitions. For the purposes of this Subparagraph, the following terms have the following meanings unless the context clearly indicates otherwise:

i. *Call* - specific telecommunications transmission;

ii. *Customer* - any person or entity that contracts with a home service provider or the end user of the mobile telecommunications service if the end user is not the person or entity that contracts with the home service provider for mobile telecommunications service;

iii. *Home Service Provider* - the facilities-based carrier or reseller with which the customer contracts for the provision of mobile telecommunications services;

iv. *Place of Primary Use of Mobile Telecommunications Service* - the street address representative of where the customer's use of mobile telecommunications service primarily occurs. This address

must be within the licensed service area of the home service provider and must be either the residential or the primary business street address of the customer. The home service provider shall be responsible for obtaining and maintaining the customer's place of primary use as prescribed by R.S. 47:301(14)(i)(ii)(bb)(XI);

v. *Service Address* The address where the telephone equipment is located and to which the telephone number is assigned;

vi. *Telecommunications* The electronic transmission, conveyance or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, by or through the use of any medium such as wires, cables, satellite, microwave, electromagnetic waves, light waves or any combination of those or similar media now in existence or that might be devised, but telecommunications does not include the information content of any such transmission;

vii. *Telecommunications Service* Providing telecommunications, including service provided by telecommunication service resellers, for a charge and includes telephone service, telegraph service, paging service, personal communication services and mobile or cellular telephone service, but does not include electronic information service or Internet access service.

3. Sales Made in the Regular Course of Business

a. The sales attributable to Louisiana under R.S. 47:287.95 are those sales made in the regular course of business where the goods, merchandise or property are received in Louisiana by the purchaser. Similarly, where the goods, merchandise or property are received in some other state, the sale is attributable to that state. Sales made in the regular course of business include all sales of goods, merchandise or product of the business or businesses of the taxpayer. They do not include the sale of property acquired for use in the production of income. Where a taxpayer under a contract performs essentially a management or supervision function and receives a reimbursement of his costs plus a stipulated amount, the amounts received as reimbursed costs are not sales although the contract so designates them. The stipulated amount constitutes other gross apportionable income and shall be attributed to the state where the contract was performed. Where goods are delivered into Louisiana by a public carrier, or by other means of transportation, including transportation by the purchaser, the place at which the goods are ultimately received after all transportation has been completed shall be considered as the place at which the goods are received by the purchaser. The transportation in question is the initial transportation relating to the sale by the taxpayer, and not the transportation relating to a sale or subsequent use by the purchaser.

b. Where the goods are delivered by the taxpayer-vendor in his own equipment, it is presumed that such transportation relates to the sale. Where the goods are delivered by a common or contract carrier, whether shipped F.O.B. shipping point, and whether the carrier be a pipeline, trucking line, railroad, airline or some other type of carrier, the place where the goods are ultimately received by the purchaser after the transportation by the carrier has ended is deemed to be the place where the goods are received by the purchaser. Actual delivery rather than technical or constructive delivery controls.

c. Where the transportation involved is transportation by the purchaser, in determining whether or not the transportation relates to the sale by taxpayer, consideration must be given to the following principles.

i. To be related to the initial sale, the transportation should be commenced immediately. However, before a lapse of time is conclusive, consideration must be given to the nature and character of the goods purchased, the availability of transportation, and other pertinent circumstances.

ii. The intent of the parties to the sale must also be considered. The intent and purpose of the purchaser may be determined directly, or by an evaluation of the nature and scope of his operation, customs of the trade, customary activities of the purchaser, and all pertinent actions and words of the purchaser at the time of the sale.

iii. In order for the transportation by the purchaser to be related to the initial sale by the taxpayer to the purchaser, such transportation must be generally the same in nature and scope as that performed by the vendor or by the carrier. There is no difference between a case where a taxpayer in Houston ships F.O.B., Houston, to a purchaser in Baton Rouge, by common carrier, and a case where all facts are the same except that the purchaser goes to Houston in his own vehicle and returns with the goods to Baton Rouge.

d. Generally, transportation by public carrier pipelines is accorded the same treatment as transportation by any other type of public carrier. Actual delivery to the purchaser controls, rather than technical or constructive delivery. However, because of the nature and character of the property, the type of carrier, and customs of the trade, the natural resources in the pipeline carrier may become intermixed with other natural resources in the pipeline and lose their particular identity. Where delivery is made to a purchaser in more than one state, or to different purchasers in different states, peculiar problems of attribution arise. In solving such problems consideration must be given to the following principles.

i. Where it can be shown that a taxpayer in one state sold a quantity of crude oil to a purchaser in another state, and the oil was transported to the purchaser by pipeline carrier, the sale will be attributed to the state where the crude oil is received by the purchaser, even though the crude oil delivered might not be the identical oil sold because of commingling in the pipeline. Custom of the trade indicates the purchaser buys a quantity of oil of certain quality rather than any specific oil.

ii. In situations involving several deliveries in several different states to one or more purchasers, the general rules should be applied with logic and common sense.

e. In determining the place of receipt by the purchaser after the initial transportation has ended, peculiar problems may be created by the storage of the property purchased immediately upon purchase at a place other than the place of intended use. The primary problem created by such storage is in determining whether or not the transportation after storage relates to the sale by the taxpayer. Generally, the rules and principles set forth above will control where the storage is of temporary nature, such as that necessitated by lack of transportation, by change from one means of transportation to another, or by natural

conditions. In cases where the storage is permanent or semi-permanent, delivery to the place of storage concludes the initial transportation, and the sale is attributed to the place of storage.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:287.95, R.S. 47:287.785, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income Tax Section, LR 14:105 (February 1988), repromulgated by the Department of Revenue, Policy Services Division, LR 30:482 (March 2004), amended LR 31:694 (March 2005).

Cynthia Bridges
Secretary

0503#019

RULE

**Department of Revenue
Policy Services Division**

**Corporation Franchise Tax Allocation of Taxable Capital
(LAC 61:I.306)**

Under the authority of R.S. 47:606(A)(1)(e), R.S. 47:1511, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, amends LAC 61:I.306 relative to attribution of revenue from telephone, telecommunications, and other similar services.

Louisiana Revised Statute 47:606(A)(1)(e) states that "Revenues from services...shall be attributed within and without Louisiana on the basis of the location at which the services are rendered." By amending LAC 61:I.306, the Department of Revenue will provide specific guidance to telephone, telecommunications, and other similar services, concerning revenue to be included in the numerator of the revenue ratio.

Title 61

REVENUE AND TAXATION

**Part I. Taxes Collected and Administered by the
Secretary of Revenue**

Chapter 3. Corporation Franchise Tax

§306. Allocation of Taxable Capital

A. - A.1.d.vi. ...

e. Revenue from Services Other Than from Transportation

i. For purposes of this Subsection, in addition to any other revenue attributed to Louisiana, the following revenue from providing telephone, telecommunications, and similar services shall be attributed to Louisiana:

(a). revenue derived from charges for providing telephone "access" from a location in this state. *Access* means that a call can be made or received from a point within this state. An example of this type of receipt is a monthly subscriber fee billed with reference to a service address located in the state and without regard to actual usage;

(b). revenue derived from charges for unlimited calling privileges, if the charges are billed by reference to a service address located in this state;

(c). revenue from intrastate telephone calls or other telecommunications, except for mobile telecommunication services, beginning and ending in Louisiana;

(d). revenue from interstate or international telephone calls or other telecommunications, except for mobile telecommunication services, either beginning or ending in Louisiana if the service address charged for the call or telecommunication is located in Louisiana, regardless of where the charges are billed or paid;

(e). revenue from mobile telecommunications service:

(i). revenue from mobile telecommunications services shall be attributed to the place of primary use, which is the residential or primary business street address of the customer;

(ii). if a customer receives multiple services, such as multiple telephone numbers, the place of primary use of each separate service shall determine where the revenue from that service is attributed;

(iii). revenue from mobile telecommunications services shall be attributed to Louisiana if the place of primary use of the service is Louisiana;

(f). definitions. For the purpose of this Subparagraph, the following terms have the following meanings unless the context clearly indicates otherwise:

(i). *Call* a specific telecommunications transmission;

(ii). *Customer* any person or entity that contracts with a home service provider or the end user of the mobile telecommunications service if the end user is not the person or entity that contracts with the home service provider for mobile telecommunications service;

(iii). *Home Service Provider* the facilities-based carrier or reseller with which the customer contracts for the provision of mobile telecommunications services;

(iv). *Place of Primary Use of Mobile Telecommunications Service* the street address representative of where the customer's use of mobile telecommunications service primarily occurs. This address must be within the licensed service area of the home service provider and must be either the residential or the primary business street address of the customer. The home service provider shall be responsible for obtaining and maintaining the customer's place of primary use as prescribed by R.S. 47:301(14)(i)(ii)(bb)(XI);

(v). *Service Address* the address where the telephone equipment is located and to which the telephone number is assigned;

(vi). *Telecommunications* the electronic transmission, conveyance or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, by or through the use of any medium such as wires, cables, satellite, microwave, electromagnetic waves, light waves or any combination of those or similar media now in existence or that might be devised, by telecommunications does not include the information content of any such transmission;

(vii). *Telecommunication Service* providing telecommunications including service provided by telecommunication service resellers, for a charge and includes telephone service, telegraph service, paging service,

personal communication services and mobile or cellular telephone service, but does not include electronic information service or Internet access service;

ii. revenue derived from services, other than from transportation, or telephone, telecommunications, and similar services, shall be attributed to the state in which the services are rendered. In the case of services in which property is not a material revenue-producing factor, the services shall be presumed to have been performed in the state in which the personnel engaged in rendering the services are located. In the case of services in which the use of personnel is not a material revenue-producing factor, the services shall be presumed to have been performed in the state in which the property (whether owned by the taxpayer or not) used in rendering the services is located. In the case of services in which personnel and property are material revenue-producing factors, such revenue shall be attributed within and without this state on the basis of the arithmetical average of the following two ratios:

(a). the ratio that salaries and wages paid to personnel performing such services within Louisiana bear to total salaries and wages for personnel performing such services both within and without Louisiana; and

(b). the ratio that the value of property used in Louisiana in performing the services (whether owned by the taxpayer or not) bears to the total value of all property used in performing the services both within and without Louisiana;

iii. in any case in which it can be shown that charges for services constitute a pure recovery of the cost of performing the services and do not include a reasonable rate of profit, amounts received in reimbursement of such costs shall not be construed to be revenues received and shall be omitted from both the numerator and denominator of the attribution ratio.

A.1.f. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:606(A)(1)(e) and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Income and Corporation Franchise Taxes Section, Office of Group III, LR 6:25 (January 1980), amended LR 11:108 (February 1985), repromulgated by the Department of Revenue, Policy Services Division, LR 30:453 (March 2004), amended LR 31:696 (March 2005).

Cynthia Bridges
Secretary

0503#018

RULE

**Department of Revenue
Policy Services Division**

**Sales and Use Tax Exclusion for Manufacturing
Machinery and Equipment
(LAC 61:I.4301)**

Under the authority of R.S. 47:301 and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has amended LAC 61:I.4301 relative to the definitions of *cost price*, *lease or rental*, and *sales price* for sales tax purposes.

Act 1 of the 2004 First Extraordinary Session provides exclusions from state sales and use tax for the purchase, lease or rental, and use of machinery and equipment used predominately and directly to manufacture *tangible personal property* or produce, process, and store food, fiber, or timber for sale. These amendments provide guidance regarding the definition of *cost price* under R.S. 47:301(3)(i), *lease or rental* under R.S. 47:301(28)(a), and *sales price* under R.S. 47:301(13)(k) as those terms relate to the purchase of machinery and equipment used predominantly and directly in the manufacturing of *tangible personal property* for sale or the production, processing, and storing of food, fiber, or timber for sale.

Title 61

REVENUE AND TAXATION

**Part I. Taxes Collected and Administered by the
Secretary of Revenue**

Chapter 43. Sales and Use Tax

§4301. Definitions

A. - C. ...

* * *

Cost Price

a. - g. ...

h. Under R.S. 47:301(3)(i), machinery and equipment is excluded from *cost price* if the property is used to manufacture *tangible personal property* for sale to another or is used directly in the production, processing, and storing of food, fiber, or timber for sale; is used predominantly and directly in the manufacturing process or in the actual manufacturing for agricultural purposes; and is eligible for depreciation for federal income tax purposes. The exclusion is subject to a phase-in between July 1, 2004, and June 30, 2010. The exclusion applies only to manufacturing businesses that have been assigned, by the Louisiana Department of Labor, North American Industrial Classification System (NAICS) codes within the agricultural, forestry, fishing, and hunting Sector 11 or the manufacturing Sectors 31 through 33 as they existed in 2002. Businesses that are not registered with the Louisiana Department of Labor or that have not been assigned these NAICS codes are not eligible to claim this exclusion. The exclusion applies to *state sales or use tax and local sales or use tax* if the political subdivision has adopted this exclusion by ordinance.

i.(a). *Manufacturing* Putting raw materials through a series of steps that brings about a change in their composition or physical nature in order to make a new and different item of *tangible personal property* that will be sold to another. The manufacturing process begins when a raw material is introduced into the first machine or item of equipment that begins the change of the composition or physical nature of the raw materials into another product. The manufacturing process ends when the final product for sale has been placed into the packaging that will normally be delivered to the final consumer.

(b). *Manufacturing for Agricultural Purposes* The activities involved in the production, processing, and storing of food, fiber and timber for sale. Manufacturing for agricultural purposes begins when the soil or field is prepared for planting and ends when the harvested product is removed from the farm.

ii.(a). For machinery or equipment used to manufacture tangible personal property for sale, *used predominantly* means that more than 50 percent of the property's use is in the process of causing a change in the composition or physical nature of the raw materials that are to become a final product for sale.

(b). For machinery or equipment used to produce, process, and store food, fiber, or timber for sale, *used predominantly* means the property is used more than 50 percent of the time in the production, processing, and storing of food, fiber, or timber for sale. Equipment that remains idle between growing seasons is considered used for the production, processing, and storing of food, fiber, or timber during that time.

iii.(a). For a manufacturer of tangible personal property for sale, *used directly* describes the manner in which the machinery or equipment used in a plant facility alters the physical characteristics of the product during the manufacturing process. *Used directly* means that the machinery and equipment must have an immediate effect upon those products manufactured for ultimate sale to another person. Machinery and equipment used to manufacture intermediate products for internal use, such as manufacturing tools, internally consumed energy, and processing chemicals do not qualify for the exclusion.

(b). For a manufacturer of food, fiber, or timber for sale, *used directly* describes the manner in which the machinery or equipment is involved in the manufacturing for agricultural purposes. *Used directly* means that the machinery and equipment must have an immediate effect upon the production, processing, or storing of food, fiber, or timber. Examples of machinery and equipment *used directly* in manufacturing for agricultural purposes include machinery and equipment for planting, cultivating, fertilizing, spraying, harvesting, producing, processing, and storing of food, fiber, or timber for sale. This exclusion includes materials used in the construction of facilities used to store the food, fiber, or timber for sale. Machinery and equipment *used directly* in manufacturing for agricultural purposes does not include facilities used to store equipment.

iv. *Eligible for Depreciation*—The machinery or equipment is a principal component of the manufacturing process and has a substantially useful life beyond the taxable year, although it does not have to be capitalized and depreciated to qualify for exclusion. Examples of property considered eligible for depreciation are robotic welding machines in a vehicle manufacturing plant; pumps, valves, and compressors in a petrochemical plant; and tractors, trailers, and harvesting equipment on a commercial farm. Examples of items that do not qualify include nuts, bolts, gaskets, lubricants, filters, and fuel.

v. The following also qualify for exclusion as manufacturing machinery and equipment:

(a). computers and software that control, communicate with or control other computer systems that control, or control heating or cooling systems for machinery or equipment that manufactures *tangible personal property* for sale. Computers and software used for inventory and

accounting systems or that control non-qualifying machinery and equipment do not qualify for the exclusion;

(b). machinery and equipment necessary to control pollution at a plant facility where pollution is produced by the manufacturing operation. For purposes of this exclusion, machinery and equipment necessary to control pollution includes equipment that reduces the volume, toxicity, or potential hazards of the waste products generated by the manufacturing operation or transforms the waste product for reuse in the manufacturing operation; and

(c). machinery and equipment used to test or measure raw materials, the property undergoing manufacturing, or the finished product, when such test or measurement is a necessary part of the manufacturing process. This includes machinery and equipment used to test the quality or quantity of the product for sale before, during, or after the manufacturing process.

vi. Persons acting as mandataries (agents) of manufacturers can claim the exclusion on purchases of qualifying machinery and equipment that will ultimately be used by a business assigned an eligible NAICS code by the Department of Labor. The mandatory must obtain the manufacturer's exclusion Form R-1071 and provide it, with a copy of the contract of mandate or the Department's Form R-1072 (Manufacturer's Designation of Mandate), to the seller at the time of purchase.

vii. Repairs to manufacturing machinery and equipment to keep the property in an ordinarily efficient working order generally do not qualify for exclusion under R.S. 47:301(3)(i) because neither the labor nor the materials used in these repairs are eligible for depreciation for federal income tax purposes. However, the purchase of *tangible personal property* used in the repair would qualify for the exclusion provided the property is a major component of the manufacturing process and has a substantially useful life beyond the current period.

viii. Charges for labor and materials that are classified as capital improvements under Internal Revenue Service Regulations may be excluded as follows.

(a). Charges for labor are excluded from tax when performed on qualifying manufacturing machinery and equipment that is movable property at the time of the capital improvement. The vendor that provides the labor is allowed to treat the materials used as purchased for resale. All materials that are incorporated into qualifying machinery and equipment during the capital improvement qualify for exclusion from tax.

(b). Materials incorporated into qualifying manufacturing machinery and equipment that is immovable property at the time of the capital improvement are eligible for exclusion as follows:

(i). In instances when a manufacturer purchases materials that will become a component part of qualifying machinery or equipment, the materials are excluded from tax.

(ii). A repair vendor's purchases of materials that will become component parts of qualifying machinery or equipment are excluded from tax if the vendor

has been designated as a mandatary of a manufacturer. The vendor must obtain the manufacturer's exclusion Form R-1071 and provide it, with a copy of the contract of mandate or the department's Form R-1072, to the seller at the time of purchase. Manufacturers that supply this form to their mandataries must maintain a schedule of the *tangible personal property* used in these capital improvements.

(c). Purchases of spare machinery and equipment, such as compressors, pumps, and valves, qualify for the exclusion provided these items satisfy the definition of machinery and equipment provided in R.S. 47:301(3)(i). Spare machinery and equipment, such as bolts, nuts, gaskets, oil, etc., which cannot be depreciated for federal income tax purposes, do not qualify for the exclusion.

* * *

Lease or Rental

a. - b.vii. ...

viii. the *lease or rental* of machinery and equipment used predominantly and directly in the process of manufacturing *tangible personal property* for sale or used directly in the production, processing, and storing of food, fiber, or timber for sale. The meanings of *manufacturing*, *used predominantly*, and *used directly* provided in LAC 61:I.4301.C.*Cost Price*.h apply. This exclusion applies to *state sales or use tax and local sales or use taxes* if the political subdivision has adopted this exclusion by ordinance.

c. - d. ...

* * *

Sales Price

a.i. - ix.(b).

x. R.S. 47:301(13)(k) excludes machinery and equipment used predominantly and directly in the process of manufacturing *tangible personal property* for sale or used directly in the production, processing, and storing of food, fiber, or timber for sale from the *sales price*. For purposes of *sales price*, the interpretations provided under LAC 61:I.4301.C.*Cost Price*.h will apply. This exclusion applies to state sales tax and local sales taxes if the political subdivision has adopted this exclusion by ordinance. To determine *sales price* subject to tax, this exclusion is deducted from the total amount charged to the customer after allowances for trade-ins and before any exemptions provided elsewhere in the law.

b.i. - ii. ...

* * *

AUTHORITY NOTE: Promulgated in Accordance with R.S. 47:301 and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Sales Tax Section, LR 13:107 (February 1987), amended by the Department of Revenue and Taxation, Sales Tax Division, LR 21:957 (September 1995), LR 22:855 (September 1996), amended by the Department of Revenue, Policy Services Division, LR 27:1703 (October 2001), LR 28:348 (February 2002), LR 28:1488 (June 2002), LR 28:2554 (December 2002), LR 28:2556 (December 2002), LR 29:186 (February 2003), LR 30:1306 (June 2004), LR 31:697 (March 2005).

Raymond E. Tangney
Senior Policy Consultant

0503#020

RULE

**Department of Revenue
Policy Services Division**

Signature Alternative for Preparers (LAC 61:I.4906)

Under the authority of R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has adopted LAC 61:I.4906, which will allow the preparers of tax returns to sign original returns and amended returns by means of a rubber stamp, mechanical device, or computer software program.

Title 61

REVENUE AND TAXATION

**Part I. Taxes Collected and Administered
by the Secretary of Revenue**

Chapter 49. Tax Collection

§4906. Signature Alternatives for Preparers

A. Income tax return preparers may sign original returns and amended returns by means of a rubber stamp, mechanical device, or computer software program. These alternative methods of signing must include either a facsimile of the individual preparer's signature or the individual preparer's printed name. Income tax return preparers utilizing one of these alternative means are personally responsible for affixing their signatures to returns. Income tax preparers who use alternative methods of signing must provide all of the other preparer information that is required on returns. This regulation does not alter the signature requirements for any other type of document currently required to be manually signed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:101(A)(2), R.S. 47:1511 and R.S. 47:295.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 31:699 (March 2005).

Cynthia Bridges
Secretary

0503#010

RULE

**Department of Revenue
Tax Commission**

Ad Valorem Taxation
(LAC 61:V.101, 201-213, 304, 703, 705,
901, 907, 1103, 1307, 1503, 1701, 2501, 2503,
2705, 2707, 3103, 3105, 3501, and 3511-3525)

In accordance with provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), and in compliance with statutory law administered by this agency as set forth in R.S. 47:1837, the Tax Commission has adopted, amended and/or repealed Sections of the Louisiana Tax Commission Real/Personal Property rules and regulations for use in the 2005 (2006 Orleans Parish) tax year.

This Rule is necessary in order for ad valorem tax assessment tables to be disseminated to property owners and local tax assessors no later than the statutory valuation date

of record of January 1, 2005. Cost indexes required to finalize these assessment tables are not available to this office until late October 2004. The effective date of this Emergency Rule is January 1, 2005.

Title 61

REVENUE AND TAXATION

Part V. Ad Valorem Taxation

Chapter 1. Constitutional and Statutory Guides to Property Taxation

§101. Constitutional Principles for Property Taxation

A. - E. ...

F. Special Assessment Level

1. Applies to the assessment of residential property, receiving the homestead exemption, which is owned and occupied by any person(s) 65 years of age or older, who meets all eligibility requirements. (See La. Constitution of 1974, Article VII, §18.G).

2. To qualify for the special assessment level the person applying must have an adjusted gross income not to exceed \$56,744 for the tax year 2005 (2006 Orleans Parish).

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, §18.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 15:1097 (December 1989), amended by the Department of Revenue, Tax Commission, LR 24:477 (March 1998), LR 26:506 (March 2000), LR 31:700 (March 2005).

Chapter 2. Policies and Procedures for Assessment and Change Order Practices

§201. Introduction

A. The Louisiana Tax Commission (LTC) is Constitutionally and statutorily required to aid, assist, and supervise assessors in the administration of ad valorem taxation. The LTC shall also administer and enforce all laws related to the state supervision of local property tax assessments and the assessments of public service, bank stock, and insurance company properties.

B. In order to promote effective performance and compliance with the requirements of the Constitution and laws of the state, the LTC shall issue and, from time to time, may amend or revise rules and regulations containing minimum standards of assessment and appraisal performance standards and devise necessary forms to enforce a uniform statewide system for the preparation of assessment lists, tax rolls, and assessment changes to the tax rolls.

C. The Policies and Procedures for Assessment and Change Order Practices are intended as a support manual to the existing laws of Louisiana and the existing LTC Real/Personal Property rules and regulations, and as each may be amended in the future relative to legislative action and constitutional amendment.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, Section 18(E) and R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:700 (March 2005).

§203. Change Orders

A. General Provision

1. Assessors' offices shall submit to the LTC, change orders, in a form approved by the LTC, to correct errors and omissions in the tax rolls of the appropriate parish.

2. A change shall be submitted in writing (TC 21 Form), by electronic (Alpha 4) media, or by LTC website (www.latax.state.la.us) E-mail media format (see §203.B.3.d. below).

3. All change requests shall comply with Louisiana law and the Real/Personal Property rules and regulations of the LTC.

4. All change orders shall require that the actual physical address of the property be identified. In the event that there is no actual physical street address, the assessor's office shall furnish the street/highway location and a brief location description.

5. Change order batches may not exceed a total of 50 change order requests.

6. Change orders will be subject to audit by the LTC and/or legislative auditor to verify statewide assessment procedures are in compliance with state law.

7. All change order requests requiring additional explanation of reason shall be furnished to the LTC staff by the assessors' offices, no later than Friday noon, immediately proceeding the second and fourth Tuesdays of each month.

8. All change order requests shall be reviewed for approval or denial by the chairman and commission members in an open meeting of the LTC; which meetings are regularly scheduled to be held on the second and fourth Tuesdays of each month.

9. All change order requests by Louisiana Tax Commission (LTC) website filing shall be subject to the provisions of Title 47, Sections 1835, 1966, 1990, and/or 1991C for payment of assessment fees to the LTC; listing and assessing of omitted or in any way erroneously assessed properties; changes or corrections of assessments by the LTC; and cancellation of erroneous or double assessments. Assessments of omitted or improperly assessed property shall appear upon a supplemental roll and be filed in the same manner as regular tax rolls. A notice by mail shall be given that the assessment roll is completed, and that it is exposed for examination in the office of the assessor whether the tax is on movable or immovable property, and that ten days are allowed the parties to make to the assessors any protest they may wish to urge against the assessment; in the case of unknown owners, notice shall be published twice during a period of 10 days in the official journal of the parish. In case there is no protest the assessment without any further requisite or formality of any kind shall be final and conclusive on the parties assessed. In the event of any such protest, the decision of the assessors thereon shall be promptly made and be final; the assessment without further formality and requisite of any kind shall be binding and conclusive on the parties assessed; however the parties assessed can appeal to the courts within five days from the decision of the assessor on the protest, which decision shall be deemed notice, and the delay of five days shall begin from the day of entry by the assessors of the words "appeal rejected" on the supplemental roll.

B. Form of the Change Orders

1. Written change orders shall be prepared by using LTC Form TC 21. TC 21 change order requests will no longer be acceptable, effective with the ad valorem tax year 2003 (2004 Orleans Parish).

2. Electronic (Alpha 4) change order requests. Alpha 4 change order requests will no longer be acceptable, effective with the ad valorem tax year 2003 (2004 Orleans Parish).

3. LTC website (E-mail) change order system requests shall comply with the Louisiana State Tax Commission Electronic Change Order Export Specifications. This specifications file may be found in the download section at the following website addresses:

www.latax.state.la.us

www.geomange.com/downloads.htm

a. Each parish assessors' office shall be identified by their Federal Information Processing Standards (FIPS) Parish identification code.

b. All export data submitted to the LTC shall require utilization of the standard format currently posted on the LTC's website. Any parish that plans to import an individual parish change order data batch into the LTC's website must adhere to the LTC's format specifications.

c. Each parish will contact the LTC's change order supervisor to set up their individual parish login name and password. The chosen parish password should be confidentially guarded to protect the integrity of each parish's change order system.

d. Assessors' offices shall be required to submit all change orders to the LTC's website effective immediately following filing of parish tax rolls to the LTC for ad valorem tax year 2003 (2004 Orleans Parish).

C. Required Content of all Change Orders

1. All change orders shall include the following:

a. enumerated reason for the change order as provided in all regulations of the LTC;

b. specifications identified and described in the LTC Electronic Change Order Export Specifications download file (see §203.3.b. above);

c. physical address of the property, including full numerical street address with applicable zip code. If vacant land, street/highway and brief location description must be provided.

D. Reasons for Change Orders (refer to website for list of reasons)

1. All change orders submitted shall delineate one of the following reasons:

a. Adjudicated to Parish Date adjudicated:

b. Adjudicated to City of: (municipality) Date adjudicated:

c. Exempt Non-profit organization Application filed/exclusive use verified. Category Acquisition Date:

d. Homestead Exemption Assessor's Office error Acquisition Date: Occupancy Date:

e. Homestead Exemption Taxpayer application Acquisition Date: Occupancy Date:

f. Homestead Exemption Senior Citizen (over 65) Freeze Land: Improvement:

g. Improvement Cancel. Dual to Assessment No. (provide no.)

h. Improvement Cancel/Not taxable Reason:

i. Improvement Decrease value, error in square feet and/or classification calculation.

j. Improvement Increase value, error in square feet and/or classification calculation.

k. Improvement Taxpayer appraisal: assessor concurs.

l. Industrial Exemption Exempt Roll. Contract No. Improvement: Personal Property:

m. Industrial Exemption Expired. Contract No. Expiration Date:

n. Land Cancel. Dual to Assessment No. (provide no.)

o. Land Decrease value Reason:

p. Land Increase value Reason:

q. Personal Property Cancel. Business closed prior to January 1 (August 1 Orleans Parish)

r. Personal Property Taxpayer provided additional information Reason:

s. Personal Property Assessor's Office error Reason:

t. Public Property Property donated or sold to a bona fide exempt public entity Acquisition Date:

u. Public Property Leased or rented to non-public party Date of Lease: Term of Lease:

v. Redemption Removed from adjudication roll Date actually adjudicated:

w. Redemption Taxpayer redeemed from tax sale Date actually sold:

x. Use Value Allow under category No. of acres:

y. Use Value Change classification category to No. of acres:

z. Use Value Remove, no longer qualifies or sold for four times use value determination.

aa. Other Reason:

2. The LTC change order reasons list is subject to periodic revision, as may be deemed necessary.

E. Homestead Exemptions. All requests for homestead exemption shall comply with the Louisiana Constitution, statutes, and LTC real/personal property rules and regulations.

1. All change orders submitted for delayed homestead exemptions shall be subject to:

a. the January 1 assessment date, except for Orleans Parish which shall be subject to an August 1st assessment date;

b. taxpayer's actual acquisition date and occupancy date.

2. Homestead exemptions shall not exceed \$7,500 in assessed value.

3. Taxpayers are entitled to only one bona fide homestead exemption within the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, Section 20. (A)(1), R.S. 47:1703, R.S. 47:1703A, R.S. 47:1703.1.B, R.S. 47:1835, R.S. 47:1837, R.S. 47:1952, R.S. 47:1966, R.S. 47:1990, and R.S. 47:1991.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:700 (March 2005).

§205. Property Not Entitled to Homestead Exemption

A. Properties purchased by bond for deed contracts.

B. Living Trusts

1. When the taxpayer is an income beneficiary of a trust; or

2. When the taxpayer is the beneficiary of a revocable living trust.

C. Usufructuary in possession, unless a surviving spouse or minor children continue to occupy the property as their primary residence.

D. Vacant lot subdivided from homestead, that is not the primary residence.

E. Immovable property with a residence under construction, and not completed as of January 1 (August 1 Orleans Parish). The property should be assessed as land only without benefit of the homestead exemption.

F. Commercial companies/corporations owning a residence.

G. Undivided property ownership interests, including, but not limited to property owned in indivision by two or more persons.

H. Any portion within a residence used as a business, including, but not limited to a beauty salon, bookkeeping service, and repair shop must be distinguished and separately assessed and without benefit of the homestead exemption.

I. Timberland and agricultural use value properties.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, Sections 20 and 21, Constitution, Article VII, Section 20(A)(1) and Section 20(A)(2), LTC Title 61, Chapter 35, Rule A.2.C. and Rule 3503.D.8., R.S. 47:1837, R.S. 47:2301, R.S. 47:2302, R.S. 47:2303, R.S. 47:2307 and R.S. 47:2307.C(2).

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:701 (March 2005).

§207. Use Value Properties

A. Assessors shall confirm eligibility of use value properties and list the properties indicating its use value classification, number of acres (by each classification), and a physical address (or clear directions to property) to enable the LTC staff appraisers to locate, if deemed necessary.

B. To be eligible for use value assessment classification, the property must be bona fide agricultural, horticultural, marsh or timberland and assessed at its use value under the provisions of Article VII, Section 18(C) of the Louisiana Constitution of 1974. Use value properties must meet the definition of bona fide agricultural, horticultural, marsh or timberland as described in R.S. 47:2301 ("Use value of bona fide agricultural, horticultural and timberland means the highest value of such land when used by a prudent agricultural, horticultural or timber operator for the sole purpose of continuing the operation, as a commercial agricultural, horticultural or timber use"). R.S. 47:2302 ("land devoted to the production for sale, in reasonable commercial quantities" or in the case of timberland "timberland under a contract with a state or federal agency restricting its use for timber production"), and further requirements are:

1. at least three acres in size (no rounding up to achieve this acreage requirement), or have produced an average gross annual income of at least \$2,000 in one or more of the designated classifications for the four preceding years, per R.S. 47:2303.A; and

2. the landowner has signed an agreement that the land will be devoted to one or more of the designated uses as defined in R.S. 47:2304;

3. taxpayer shall sign a use value application, which shall be considered permanent (except the parishes of Orleans and Jefferson, which require that the taxpayer shall sign a use value application at least every four years), per R.S. 47:2304(B)(1); except that in the event of a sale of the property, the purchaser must sign a new application within 60 days from date of the sale;

4. Loss of Eligibility. If land having a use value assessment is sold for a price four times greater than its use value, the land shall be presumed to be no longer eligible to be classified as bona fide agricultural, horticultural, marsh or timberland. Some legislative provisions are further identified in R.S. 47:2305;

5. if the land ceases to meet the use value eligibility requirements, the taxpayer is statutorily responsible for notifying the assessor where the property is located within 60 days following the effective date of loss of eligibility;

6. in the event that the landowner obtains a use value assessment by means of false certifications on his application, or fails to timely notify the assessor of loss of eligibility for use value assessment, he shall be liable for a penalty equal to five times the difference between the tax under a market value assessment and the tax under a use value assessment for the tax years in which the use value assessment was attributable to the false certifications or failure to timely notify the assessor of loss of eligibility (R.S. 47:2306).

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, Section 18(C), R.S. 47:1837 and R.S. 47:2301 through R.S. 47:2308.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:702 (March 2005)

§209. Non-Profit Organizations

A. All assessors' offices shall furnish an application for exemption-real estate taxes to any organization wishing to apply for ad valorem exemptions provided for in Constitution, Article VII, Section 21.B and obtain all necessary supporting documents from the applicant in order to determine the exemption eligibility.

B. The assessors' offices shall review and determine whether the organization complies with the exclusive use requirement mandated by Constitution, Article VII, Section 21.B.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, Section 21.B and R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:702 (March 2005).

§211. Industrial Exemption Properties

A. All manufacturing establishments granted Industrial Exemptions granted by the governor through the Department of Economic Development (DED) shall be listed on the parish exempt rolls, until such time as the exempted contract has expired or is terminated.

B. Assessors' offices shall review all Industrial Exemption applications and DED contracts issued to determine proper exempt status for ad valorem taxation purposes.

1. If an assessor determines that any portion of an industrial exemption is not eligible for ad valorem tax exemption, pursuant to R.S. 47:4304, notice shall immediately be submitted to DED, with written ineligibility reasons given.

2. All contract status reports submitted to the assessor's offices by DED and the taxpayer's annual LAT 5-A reports shall be reviewed for accuracy. Any inaccuracies noted shall be reported, in writing, to DED immediately upon discovery.

3. Assessor's offices shall review and confirm contract expiration dates and immediately notify DED, in writing, of any disparity identified.

4. If any exempted manufacturing business is determined to have ceased its operations (business closed) during a contracted exemption period, the assessor's office should provide notice to DED for cancellation of the appropriate exemption contract.

5. Assessors are urged to obtain DED's manufacturing establishments exemption rules and regulations, identified in R.S. 47:4306.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, Section 21(F), R.S. 47:1837; R.S. 47:4301, et seq.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:702 (March 2005).

§213. Assessment Policies and Procedures

A. All property within the state of Louisiana shall be assessed at fair market valuations and either placed on the regular tax rolls, exempt rolls, or adjudicated tax rolls.

B. Assessors shall value property at 100 percent fair market value and then assessed valuations shall be determined per the percentage classification requirements of the Constitution, Article VII, Section 18(B).

C. All property shall be reappraised and valued in accordance with the Constitution at intervals of not more than four years. This quadrennial cycle reappraisal date is determined by the LTC.

D. The assessor's office may reappraise property based on property transfers more often than every four years, if transfers indicate that property in all or a part of the assessing district, or within a certain classification, was appraised inaccurately or was not uniformly appraised during the prior reappraisal. However, the reappraisal shall not be applied on a parcel-by-parcel basis, but rather, across the board in a given geographical area. Values determined from recent transfers would then be indexed to the date of the last reappraisal date.

E. The assessors shall submit applicable reporting forms to all taxpayers located within their parish, whether taxable or exempt, to ensure equity and uniformity in the assessment and valuation of all properties utilizing proper reporting data. If a taxpayer fails to report or files a false report, the assessors should apply those penalties provided for in state law.

F. Allowable methodology sources for assessors to obtain property information includes, but is not limited to:

1. aerial photography;
2. building permits;
3. CAMA and/or mapping records;
4. conveyance records;
5. city directories;
6. deed fax records;
7. demolition permits;
8. inspection of books and accounts of taxpayers;
9. insurance liability policy levels;
10. legal news publications;
11. newspaper publications;
12. 911 Emergency Response System records;
13. occupational licenses;
14. occupancy permits;
15. physical inspections;
16. real estate firms' multiple listings reports;
17. taxpayer reports, using proper forms;
18. utility records;
19. voter registrations.

AUTHORITY NOTE: Promulgated in accordance with Louisiana Constitution of 1974, Article VII, Section 18, R.S. 47:1703, R.S. 47:1703.1, R.S. 47:1703.C., R.S. 47:1837, R.S. 47:1951, R.S. 47:1952, R.S. 47:1953, R.S. 47:1955, R.S. 47:1956, R.S. 47:1957, R.S. 47:1959, R.S. 47:1961, R.S. 47:1971, R.S. 47:1972, R.S. 47:2306, R.S. 47:2323, R.S. 47:2324, R.S. 47:2325, R.S. 47:2329, R.S. 47:2330 and R.S. 47:2331.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:703 (March 2005).

Chapter 3. Real and Personal Property

§304. Electronic Change Order Specifications, Property Classifications Standards and Electronic Tax Roll Export Specifications

A. Electronic Change Order Specifications

Notes: Programmer must allow for all fields listed below, whether they have values or not. The tilde (~) will be used as the delimiter for character data and the comma (,) will be used as the field delimiter. (*See examples*) It is not necessary to use spaces between commas that contain no data. Each record is a line in the ASCII text file and must have a carriage return and line feed at the end of each line.

Please Note: Please contact the Louisiana Tax Commission (225) 925-7830 Extension 212 or the Tax Commission's web site www.latax.state.la.us/download.asp for the latest specifications before creating the files listed below.

Change Order Information

Field Name	Field Type	Field Length	Required	Comments
Tax_year	Numeric	4	Yes	Tax year submitting (ex. 2000,2001,2002,2003,2004, 2005)
Fips_code	Numeric	5	Yes	Parish identification number. FIPS table furnished (See FIPS table.)
Assessment_no	Character	20	Yes	Assessment number.
Ward	Character	3	Yes	Ward identification number.
Assessor_ref_no	Character	15	No	Assessor's Change Order reference item number assigned by the Assessor's staff.
Place_fips	Numeric	5	Yes	FIPS Place Code of Ward or Municipality. (See FIPS table.)
Parcel_address	Character	50	No	Parcel, Physical or E911 Address of property location.
Assessment_type	Character	2	Yes	"RE" = Real Estate, "PP" = Personal Property, "PS" = Public Service
Assessment_status	Character	2	Yes	"AC" = Active, "AJ" = Adjudicated, "EX" = Exempt/Tax Free
Homestead_exempt	Numeric	1	Yes	0 = None (Default), 1 = Homestead Exemption, 2 = Over 65 Freeze
Homestead_percent	Numeric	3	Yes	Homestead Exemption percentage to be applied to assessment. (Format: 100 = 100% - Default)
Restoration_tax_expmt	Character	1	Yes	Restoration Tax Abatements of historical property. "N" = No (Default), "Y" = Yes
Taxpayer_name	Character	50	Yes	Taxpayer's name. (Format: Last, First or Company Name)
contact_name	Character	50	No	Contact's name for corporate taxpayers or C/O accounts.
taxpayer_addr1	Character	40	Yes	Taxpayer's address line 1.
taxpayer_addr2	Character	40	Yes	Taxpayer's address line 2.
taxpayer_addr3	Character	40	No	Taxpayer's address line 3.
tc_fee_pd	Character	1	No	Tax Commission fee paid. "N" = No (Default), "Y" = Yes
reason	Character	100	Yes	Reason for requesting change order. (See LTC Reasons List.)
check_no	Character	10	No	Check number if Tax Commission fee is due.
check_amount	Numeric	6	No	Check amount if Tax Commission fee is due.
ltc_sub_class_old1	Character	4	Yes	Old LTC Property Sub-Class Code of item 1. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
ltc_sub_class_new1	Character	4	Yes	New LTC Property Sub-Class Code of item 1. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
quantity_old1	Numeric	6	Yes	Old quantity of item 1 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
quantity_new1	Numeric	6	Yes	New quantity of item 1 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
units_old1	Character	1	Yes	Old unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
units_new1	Character	1	Yes	New unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
other_exempt_old1	Numeric	1	Yes	Old status of any special exemptions to be applied to item 1. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
other_exempt_new1	Numeric	1	Yes	New status of any special exemptions to be applied to item 1. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
value_old_total1	Numeric	10	Yes	Old total assessed value of property class item 1.
value_new_total1	Numeric	10	Yes	New total assessed value of property class item 1.
value_old_hs1	Numeric	4	Yes	Old homestead credit of property class item 1.
value_new_hs1	Numeric	4	Yes	New homestead credit of property class item 1.
value_old_tp1	Numeric	9	Yes	Old taxpayer's share of assessed value of property class item 1.
value_new_tp1	Numeric	9	Yes	New taxpayer's share of assessed value of property class item 1.
ltc_sub_class_old2	Character	4	No	Old LTC Property Sub-Class Code of item 2. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
ltc_sub_class_new2	Character	4	No	New LTC Property Sub-Class Code of item 2. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
quantity_old2	Numeric	6	No	Old quantity of item 2 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
quantity_new2	Numeric	6	No	New quantity of item 2 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
units_old2	Character	1	No	Old unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
units_new2	Character	1	No	New unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)

Field Name	Field Type	Field Length	Required	Comments
other_exempt_old2	Numeric	1	No	Old status of any special exemptions to be applied to item 2. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
other_exempt_new2	Numeric	1	No	New status of any special exemptions to be applied to item 2. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
value_old_total2	Numeric	10	Yes	Old total assessed value of property class item 2.
value_new_total2	Numeric	10	Yes	New total assessed value of property class item 2.
value_old_hs2	Numeric	4	No	Old homestead credit of property class item 2.
value_new_hs2	Numeric	4	No	New homestead credit of property class item 2.
value_old_tp2	Numeric	9	No	Old taxpayer's share of assessed value of property class item 2.
value_new_tp2	Numeric	9	No	New taxpayer's share of assessed value of property class item 2.
ltc_sub_class_old3	Character	4	No	Old LTC Property Sub-Class Code of item 3. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
ltc_sub_class_new3	Character	4	No	New LTC Property Sub-Class Code of item 3. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
quantity_old3	Numeric	6	No	Old quantity of item 3 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
quantity_new3	Numeric	6	No	New quantity of item 3 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
units_old3	Character	1	No	Old unit of measure for item 3. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property or "Y" = Years for Personal Property assessments.)
units_new3	Character	1	No	New unit of measure for item 3. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property or "Y" = Years for Personal Property assessments.)
other_exempt_old3	Numeric	1	No	Old status of any special exemptions to be applied to item 3. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
other_exempt_new3	Numeric	1	No	New status of any special exemptions to be applied to item 3. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
value_old_total3	Numeric	10	Yes	Old total assessed value of property class item 3.
value_new_total3	Numeric	10	Yes	New total assessed value of property class item 3.
value_old_hs3	Numeric	4	No	Old homestead credit of property class item 3.
value_new_hs3	Numeric	4	No	New homestead credit of property class item 3.
value_old_tp3	Numeric	9	No	Old taxpayer's share of assessed value of property class item 3.
value_new_tp3	Numeric	9	No	New taxpayer's share of assessed value of property class item 3.
ltc_sub_class_old4	Character	4	No	Old LTC Property Sub-Class Code of item 4. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
ltc_sub_class_new4	Character	4	No	New LTC Property Sub-Class Code of item 4. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
quantity_old4	Numeric	6	No	Old quantity of item 4 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
quantity_new4	Numeric	6	No	New quantity of item 4 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
units_old4	Character	1	No	Old unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
units_new4	Character	1	No	Old unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
other_exempt_old4	Numeric	1	No	New status of any special exemptions to be applied to item 4. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
other_exempt_new4	Numeric	1	No	New status of any special exemptions to be applied to item 4. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
value_old_total4	Numeric	10	Yes	Old total assessed value of property class item 4.
value_new_total4	Numeric	10	Yes	New total assessed value of property class item 4.
value_old_hs4	Numeric	4	No	Old homestead credit of property class item 4.
value_new_hs4	Numeric	4	No	New homestead credit of property class item 4.
value_old_tp4	Numeric	9	No	Old taxpayer's share of assessed value of property class item 4.
value_new_tp4	Numeric	9	No	New taxpayer's share of assessed value of property class item 4.
ltc_sub_class_old5	Character	4	No	Old LTC Property Sub-Class Code of item 5. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)

Field Name	Field Type	Field Length	Required	Comments
ltc_sub_class_new5	Character	4	No	New LTC Property Sub-Class Code of item 5. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
quantity_old5	Numeric	6	No	Old quantity of item 5 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
quantity_new5	Numeric	6	No	New quantity of item 5 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
units_old5	Character	1	No	Old unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
units_new5	Character	1	No	New unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
other_exempt_old5	Numeric	1	No	Old status of any special exemptions to be applied to item 5. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
other_exempt_new5	Numeric	1	No	New status of any special exemptions to be applied to item 5. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
value_old_total5	Numeric	10	Yes	Old total assessed value of property class item 5.
value_new_total5	Numeric	10	Yes	New total assessed value of property class item 5.
value_old_hs5	Numeric	4	No	Old homestead credit of property class item 5.
value_new_hs5	Numeric	4	No	New homestead credit of property class item 5.
value_old_tp5	Numeric	9	No	Old taxpayer's share of assessed value of property class item 5.
value_new_tp5	Numeric	9	No	New taxpayer's share of assessed value of property class item 5.
ltc_sub_class_old6	Character	4	No	Old LTC Property Sub-Class Code of item 6. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
ltc_sub_class_new6	Character	4	No	New LTC Property Sub-Class Code of item 6. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
quantity_old6	Numeric	6	No	Old quantity of item 6 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
quantity_new6	Numeric	6	No	New quantity of item 6 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
units_old6	Character	1	No	Old unit of measure for item 1. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
units_new6	Character	1	No	New unit of measure for item 6. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
other_exempt_old6	Numeric	1	No	Old status of any special exemptions to be applied to item 6. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
other_exempt_new6	Numeric	1	No	New status of any special exemptions to be applied to item 6. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
value_old_total6	Numeric	10	Yes	Old total assessed value of property class item 6.
value_new_total6	Numeric	10	Yes	New total assessed value of property class item 6.
value_old_hs6	Numeric	4	No	Old homestead credit of property class item 6.
value_new_hs6	Numeric	4	No	New homestead credit of property class item 6.
value_old_tp6	Numeric	9	No	Old taxpayer's share of assessed value of property class item 6.
value_new_tp6	Numeric	9	No	New taxpayer's share of assessed value of property class item 6.
ltc_sub_class_old7	Character	4	No	Old LTC Property Sub-Class Code of item 7. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
ltc_sub_class_new7	Character	4	No	New LTC Property Sub-Class Code of item 7. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
quantity_old7	Numeric	6	No	Old quantity of item 7 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
quantity_new7	Numeric	6	No	New quantity of item 7 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
units_old7	Character	1	No	Old unit of measure for item 7. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
units_new7	Character	1	No	New unit of measure for item 7. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
other_exempt_old7	Numeric	1	No	Old status of any special exemptions to be applied to item 7. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
other_exempt_new7	Numeric	1	No	New status of any special exemptions to be applied to item 7. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional

Field Name	Field Type	Field Length	Required	Comments
value_old_total7	Numeric	10	Yes	Old total assessed value of property class item 7.
value_new_total7	Numeric	10	Yes	New total assessed value of property class item 7.
value_old_hs7	Numeric	4	No	Old homestead credit of property class item 7.
value_new_hs7	Numeric	4	No	New homestead credit of property class item 7.
value_old_tp7	Numeric	9	No	Old taxpayer's share of assessed value of property class item 7.
value_new_tp7	Numeric	9	No	New taxpayer's share of assessed value of property class item 7.
ltc_sub_class_old8	Character	4	No	Old LTC Property Sub-Class Code of item 8. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
ltc_sub_class_new8	Character	4	No	New LTC Property Sub-Class Code of item 8. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
quantity_old8	Numeric	6	No	Old quantity of item 8 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
quantity_new8	Numeric	6	No	New quantity of item 8 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
units_old8	Character	1	No	Old unit of measure for item 8. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
units_new8	Character	1	No	New unit of measure for item 8. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
other_exempt_old8	Numeric	1	No	Old status of any special exemptions to be applied to item 8. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
other_exempt_new8	Numeric	1	No	New status of any special exemptions to be applied to item 8. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
value_old_total8	Numeric	10	Yes	Old total assessed value of property class item 8.
value_new_total8	Numeric	10	Yes	New total assessed value of property class item 8.
value_old_hs8	Numeric	4	No	Old homestead credit of property class item 8.
value_new_hs8	Numeric	4	No	New homestead credit of property class item 8.
value_old_tp8	Numeric	9	No	Old taxpayer's share of assessed value of property class item 8.
value_new_tp8	Numeric	9	No	New taxpayer's share of assessed value of property class item 8.
ltc_sub_class_old9	Character	4	No	Old LTC Property Sub-Class Code of item 9. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
ltc_sub_class_new9	Character	4	No	New LTC Property Sub-Class Code of item 9. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
quantity_old9	Numeric	6	No	Old quantity of item 9 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
quantity_new9	Numeric	6	No	New quantity of item 9 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
units_old9	Character	1	No	Old unit of measure for item 9. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
units_new9	Character	12	No	New unit of measure for item 9. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
other_exempt_old9	Numeric	1	No	Old status of any special exemptions to be applied to item 9. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
other_exempt_new9	Numeric	1	No	New status of any special exemptions to be applied to item 9. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
value_old_total9	Numeric	10	Yes	Old total assessed value of property class item 9.
value_new_total9	Numeric	10	Yes	New total assessed value of property class item 9.
value_old_hs9	Numeric	4	No	Old homestead credit of property class item 9.
value_new_hs9	Numeric	4	No	New homestead credit of property class item 9.
value_old_tp9	Numeric	9	No	Old taxpayer's share of assessed value of property class item 9.
value_new_tp9	Numeric	9	No	New taxpayer's share of assessed value of property class item 9.
ltc_sub_class_old10	Character	4	No	Old LTC Property Sub-Class Code of item 10. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
ltc_sub_class_new10	Character	4	No	New LTC Property Sub-Class Code of item 10. (See LTC Property Class Code Listings. Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
quantity_old10	Numeric	6	No	Old quantity of item 10 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).

Field Name	Field Type	Field Length	Required	Comments
quantity_new10	Numeric	6	No	New quantity of item 10 in Front Feet, Square Feet, Lot(s), Acre(s) or Improvement(s).
units_old10	Character	1	No	Old unit of measure for item 10. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
units_new10	Character	1	No	New unit of measure for item 10. (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements for Real Property)
other_exempt_old10	Numeric	1	No	Old status of any special exemptions to be applied to item 10. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
other_exempt_new10	Numeric	1	No	New status of any special exemptions to be applied to item 10. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional
value_old_total10	Numeric	10	Yes	Old total assessed value of property class item 10.
value_new_total10	Numeric	10	Yes	New total assessed value of property class item 10.
value_old_hs10	Numeric	4	No	Old homestead credit of property class item 10.
Value_new_hs10	Numeric	4	No	New homestead credit of property class item 10.
Value_old_tp10	Numeric	9	No	Old taxpayer's share of assessed value of property class item 10.
Value_new_tp10	Numeric	9	No	New taxpayer's share of assessed value of property class item 10.
Property_desc	Character	Unlimited	Yes	Personal, Public Service or Real Estate Property Description (Legal Description).

Fields listed in these specifications highlighted in yellow indicate newly added fields for the current tax year. Fields listed in these specifications highlighted in turquoise indicate an existing field revised showing old-field name or value in red below new field name. Always check the Louisiana Tax Commission's (LTC) web site at www.latax.state.la.us for the latest Electronic Change Orders Specifications for uploading batches to the LTC's "On-line Change Order System" web site. All files created by an Assessor's office and/or their

software vendor is subject to review and testing by the Louisiana Tax Commission for compliance and accuracy of data submitted. A sample of data in the format designated herein is due to the Louisiana Tax Commission by October 15th each year for testing and certification of the format by the Tax Commission.

B. Property Classifications Standards

Item	Class Code	Class Description (Tc-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
Real Estate					
1	10	Agricultural Lands Class I	1000	Agricultural Lands Class I (Use Value)	Agricultural Land - Class I Containing 3 Acres Or More In Area Using The First Four Classifications Of The U.S. Soil Conservation Service.
2	11	Agricultural Lands Class Ii	1100	Agricultural Lands Class II (Use Value)	Agricultural Land - Class Ii Containing 3 Acres Or More In Area Using The First Four Classifications Of The U.S. Soil Conservation Service.
3	12	Agricultural Lands Class Iii	1200	Agricultural Lands Class III (Use Value)	Agricultural Land - Class Iii Containing 3 Acres Or More In Area Using The First Four Classifications Of The U.S. Soil Conservation Service.
4	13	Agricultural Lands Class Iv	1300	Agricultural Lands Class IV (Use Value)	Agricultural Land - Class Iv Containing 3 Acres Or More In Area Using The First Four Classifications Of The U.S. Soil Conservation Service.
5	15	Timberlands Class I	1500	Timberlands Class I (Use Value)	Timberland - Class I Containing 3 Acres Or More In Area Capable Of Producing More Than 120 Cubic Feet Of Timber Per Acre Per Annum.
6	16	Timberlands Class Ii	1600	Timberlands Class II (Use Value)	Timberland - Class Ii Containing 3 Acres Or More In Area Capable Of Producing More Than 85 But Less Than 120 Cubic Feet Of Timber Per Acre Per Annum.
7	17	Timberlands Class Iii	1700	Timberlands Class III (Use Value)	Timberland - Class Iii Containing 3 Acres Or More In Area Capable Of Producing Less Than 85 Cubic Feet Of Timber Per Acre Per Annum.
8	18	Timberlands Class Iv	1800	Timberlands Class IV (Use Value)	Timberland - Class Iv Containing 3 Acres Or More In Area Capable Of Producing Less Than 85 Cubic Feet Of Timber Per Acre Per Annum And Which Is Subject To Periodic Overflow From Natural Or Artificial Water Courses, And Which Is Otherwise Consider To Be Swamp Land.
9	20	Fresh Water Marsh	2000	Fresh Water Marsh (Use Value)	Fresh Water Marsh Containing 3 Acres Or More In Area Being Wetland Not Devoted To Agricultural, Horticultural Or Timber Purposes.
10	22	Brackish Water Marsh	2200	Brackish Water Marsh (Use Value)	Brackish Water Marsh Containing 3 Acres Or More In Area Being Wetland Not Devoted To Agricultural, Horticultural Or Timber Purposes.

Item	Class Code	Class Description (Tc-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
11	24	Salt Water Marsh	2400	Salt Water Marsh (Use Value)	Salt Water Marsh Containing 3 Acres Or More In Area Being Wetland Not Devoted To Agricultural, Horticultural Or Timber Purposes.
12	30	Other Acreage (Greater Than 3 Acres)	3000	Agricultural Acreage (Market Value)	Agricultural Land 3 Acres Or More In Area Valued At Market Level Since A Use Value Classification Has Not Been Filed With The Assessor's Office.
13			3010	Timber Acreage (Market Value)	Timber Land 3 Acres Or More In Area Valued At Market Level Since A Use Value Classification Has Not Been Filed With The Assessor's Office.
14			3020	Marsh Acreage (Market Value)	Marsh Land 3 Acres Or More In Area Valued At Market Level Since A Use Value Classification Has Not Been Filed With The Assessor's Office.
15			3030	Commercial Acreage (Market Value)	Commercial Land 3 Acres Or More In Area Designated For Office And Retail Use.
16			3040	Industrial Acreage (Market Value)	Industrial Land 3 Acres Or More In Area Designated For Industrial Use.
17			3050	Institutional Acreage (Market Value)	Institutional Land 3 Acres Or More In Area Designated For Public Buildings, Schools, Churches And Properties That Have Unique Uses.
18			3060	Residential Acreage (Market Value)	Residential Land 3 Acres Or More In Area Used For Residential Permanent Improvements Such As Single-Family Residences, Townhouses And Apartments.
19			3070	Trailer Parks (Market Value)	Residential Land 3 Acres Or More In Size Used For Trailer Parks.
20	32	Other Acreage (Greater Than 1 Acre But Less Than 3 Acres)	3200	Agricultural Acreage (Market Value)	Agricultural Land More Than 1 Acre But Less Than 3 Acres In Area Valued As Market Value Since Use Value Form Has Not Been Filed With The Assessor's Office.
21			3210	Timber Acreage (Market Value)	Timber Land More Than 1 Acre But Less Than 3 Acres In Area Valued As Market Value Since Use Value Form Has Not Been Filed With The Assessor's Office.
22			3220	Marsh Acreage (Market Value)	Marsh Lands More Than 1 Acre But Less Than 3 Acres In Area Valued As Market Value Since Use Value Form Has Not Been Filed With The Assessor's Office.
23			3230	Commercial Acreage (Market Value)	Commercial Land More Than 1 Acre But Less Than 3 Acres In Area Designated For Office And Retail Use.
24			3240	Industrial Acreage (Market Value)	Industrial Land More Than 1 Acre But Less Than 3 Acres In Area Designated For Industrial Use.
25			3250	Institutional Acreage (Market Value)	Institutional Land More Than 1 Acre But Less Than 3 Acres In Area Designated For Public Buildings, Schools, Churches And Properties That Have Unique Uses.
26			3260	Residential Acreage (Market Value)	Residential Land More Than 1 Acre But Less Than 3 Acres In Area Used For Residential Permanent Improvements Such As Single-Family Residences, Townhouses And Apartments.
27			3270	Trailer Parks (Market Value)	Residential Land More Than 1 Acre But Less Than 3 Acres In Area Used For Residential Trailer Parks.
Total Acreage And Values (As Acres)					
28	34	Subdivision Lots	3400	Residential Subdivision Lot	Residential Subdivision Lots That Have Recorded Plats.
29		(As Per Recorded Subdivision Plats)	3410	Trailer Park	Trailer Park Lots That Have Recorded Plats.
30			3420	Commercial Subdivision Lot	Commercial Subdivision Lots That Have Recorded Plats.
31			3430	Industrial Subdivision Lot	Industrial Subdivision Or Business Park Lots That Have Recorded Plats.
32			3440	Institutional Subdivision Lot	Institutional Subdivision Or Campus Lots That Have Recorded Plats.
33	36	Other Lots	3600	Residential Non-Subdivision Lot	Residential Non-Subdivision Lot Or Parcel Not Having Recorded Plats.
34		(Consisting Of 1 Acre Or Less)	3610	Trailer Park	Trailer Park Non-Subdivision Lot Or Parcel Not Having Recorded Plats.
35			3620	Commercial Non-Subdivision Lot	Commercial Acreage Less Than 3 Acres In Size (Market Value).
36			3630	Industrial Non-Subdivision Lot	Industrial Acreage Less Than 3 Acres In Size (Market Value).

Item	Class Code	Class Description (Tc-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
37			3640	Institutional Non-Subdivision Lot	Institutional Acreage Less Than 3 Acres In Size Used By Government, Schools Or Churches (Market Value).
38	40	Improvements: Residential	4000	Single Family Residence	Single Family Residence (Free Standing Structure Or Improvement) Including Decks, Patios, Pavement, Swimming Pools, Hot Tubs (Jacuzzi), Gazebos, Etc.
39			4010	Manufactured Housing	Manufactured Housing (Mobile Homes/Trailers).
40			4020	Townhouse/Duplexes	Includes Townhouse Or Duplexes. (Includes Stand Alone Triplexes and Fourplexes.)
41			4030	Urban Row Houses	Includes Urban Row Houses.
42			4040	Apartments	Includes Dormitories; High-Rise Apartments; Homes For The Elderly; Group Care Homes; Fraternity/Sorority Houses; Rooming And Boarding Houses; Bed & Breakfast Inns; And High-Rise Row Houses. (Includes Fourplexes Or Larger Units Consisting Of Multiple Buildings.)
43			4050	Clubhouses	Includes Clubhouses Used By Homeowner Associations Or Apartment Complexes.
44			4060	Resort Cottages And Cabins	Includes Resorts Cottages And Cabins Being Used As A Residential Rental Unit.
45			4070	Log And Dome Houses	Includes Log And Dome Houses.
46			4080	Tropical Housing (Camps)	Includes Tropical Housing; Camps; And Boathouses.
47			4090	Old Residences (Historical)	Includes Older Residences That Have Classified As Antique Or Historical In Nature.
48			4095	Storage Facilities And Workshops	Includes Residential Storage Facilities, Workshops, Barns, Stables, Detached Garages, Greenhouses And Apartment Complex Laundromats.
49			4099	Unidentified Residential Improvements	Includes Those Residential Improvements Yet To Be Classified By Assessor's Staff.
50	45	Improvements: Commercial Or Industrial	4500	Clubs and Hotels	Includes Hotels; City Clubs; Mortuaries; Clubhouse; Senior Centers; Country Clubs; Recreational Enclosures; And Health Clubs.
51			4510	Motels	Includes Motels (Extended-Stay Motels); Lodges; Bath Houses; And Guest Cottages.
52			4520	Stores and Commercial Buildings	Includes Restaurants Table Service, Dining Atriums And Cafeterias (Truck Stops, Fast Food And Playrooms); Markets; Drugstores; Discount Stores; Retail Stores; Department Stores; Barber Shop And Beauty Salons; Laundromats; Laundry And Dry Cleaning Stores; Shopping Centers; Bars/Taverns And Cocktail Lounges; Convenience Markets And Mini-Marts; Dairy Sales Building; Department And Mall Anchor Stores; Florist Shops; Roadside And Farmers' Markets; Neighborhood (Community, Regional, Discount, Mixed Retail With Apartments & Offices); Shopping Center Shells; Snack Bars; Warehouse Stores; Discount, Food And Showroom.
53			4530	Garages, Industrials, Lofts and Warehouses	Includes Industrial Buildings; Laboratories; Lofts; Computer Centers; Passenger Terminals; Broadcasting Facilities (Radio/TV Stations); Armories; Post Offices; Warehouses; Cold Storage Facilities; Creameries; Transit Warehouses; Mini-Warehouses; Shipping Docks; Loading Docks; Hangers; Maintenance, Storage And T-Hangers; Complete Auto Dealerships; Showrooms; Garages: Service And Repair, Storage (Municipal And Service Sheds) Industrials, Engineering/R&D (Laboratories, Manufacturing, Light/Heavy); Flex-Mall Buildings; Mini-Lube Garages; Parking Structures; Underground Parking Garages; Misc. Buildings: Bakery, Bottle & Cannery Plants; Control Towers, Laundry, Boiler, Recycling, Sound Stage And Telephone.
54			4540	Offices, Medical and Public Buildings	Includes Office Buildings; Atriums/ Vestibules; Mechanical Penthouses; Parking Level Floors; Banks: Branch, Central Office And Mini-Banks; Medical Office Buildings And Dental Clinics; Dispensaries; General Hospitals, Outpatient And Surgical Centers; Convalescent Hospitals; Veterinary Hospitals; Kennels; Government Buildings, Community Service, Mixed-Use Facilities; Fire Stations: Staffed And Volunteer; Jails, Correctional Facilities And Police Stations; Offices And Office Building Shells; And Public Libraries.

Item	Class Code	Class Description (Tc-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
55			4550	Churches, Theaters and Auditoriums	Includes Churches, Sanctuaries, Churches With Sunday Schools; Church Fellowship Halls, Classrooms And Foyers/Narthexes; Fraternal Buildings; Theaters: Cinemas And Live Stage; Auditoriums; Casinos; Museums; Convention Centers; Arcade Buildings; Visitor Centers; Skating Rinks; Bowling Centers; Fitness Centers; Community Recreation Centers; Indoor Tennis Clubs; Handball/Racquetball And Pavilions.
56	45	Improvements: Commercial Or Industrial	4560	Sheds & Farm Buildings	Includes Utility Buildings; Equipment Buildings; Golf Cart Buildings; Boat Storage Buildings And Sheds; Shed Office Structures; Materials Storage Buildings; Bulk Oil Storage Building; Tool Sheds; Prefabricated Sheds; Lumber Storage, Vertical Buildings; And Horizontal Sheds; Potato Storage Buildings; Fruit Packing Barns; Bulk Fertilizer Storage; Bag Fertilizer Storage; Seed Warehouses; Cotton Gin Buildings; Dehydrator Buildings; Dairies; Milk Houses; Barns; Free Stall Barns; Barn Loft; Hog Barns And Sheds; Sheep Barns And Sheds; Tobacco Barns; Stables; Arenas; Poultry Houses; Greenhouses; Labor Dormitories, Transient Labor Cabins; Corn Cribs, Farm Silos; Grain Handling Systems; Grain Elevators; Livestock, Hay And Sun Shelters; Enclosed And Screened Cage; Poultry Floor Operation, Breeder, Broiler And Turkey Barns; Sheds, Cattle, Loafing And Feeding; Environmental Storage; Controlled Atmosphere Buildings; Shop Buildings And Sheds;
57			4599	Unidentified Commercial Improvements	Commercial Improvements Yet To Be Classified By Assessor's Staff.
Total Lots and Improvements (As Units)					
Total Real Estate Values					
Personal Property - Section A					
58	50	Inventories & Merchandise	5000	Inventories & Merchandise	Inventories Of Items That Are Tangible Personal Property Which Are Held For Sale, Process Of Production, Consumed In The Production Of The Goods Or Services To Be Available For Sale Or Are Utilized In Marketing Or Distribution Activities.
59	51	Machinery & Equipment	5100	Machinery & Equipment	Machinery And Equipment
60	52	Business Furniture & Fixtures	5200	Business Furniture & Fixtures	Office Furniture And Equipment.
61	53	Miscellaneous Personal Property	5300	Miscellaneous Personal Property	Miscellaneous Personal Property.
62	54	Credits (Insurance & Finance Companies)	5400	Credits	Loan And Finance Companies Personal Property.
63	55	Leased Equipment	5500	Leased Equipment	Lease Equipment Such As Copiers, Postage Machines, Computers, Phone Systems, Heavy Equipment, Etc.
64	56	Pipelines (Other Than Public Service)	5600	Lease Lines	Pipelines - Leased
65			5610	Gathering Lines	Pipelines - Gathering Lines
66			5620	Pipelines Other Than Public Service	Pipelines Other Than Public Service Pipelines.
67	57	Oil & Gas Surface Equipment (Units Not To Exceed Total Number Of Wells)	5700	Oil & Gas Surface Equipment	Oil And Gas Surface Equipment.
Total Personal Property - Section A (As Units)					
Personal Property - Section B					
68	60	Watercraft	6000	Watercraft	Watercraft, Other Than Those Employed In Interstate Commerce, Is Subject To Valuation And Assessment By Parish Assessor.
69	62	Aircraft	6200	Private Aircraft	Privately Held Aircraft.
70			6210	Commercial Aircraft	Commercial Aircraft Other Than Public Service Airlines Aircraft.
71	64	Financial Institutions	6400	Financial Institutions	Financial Institutions Shares Of Stock Of All Banks, Banking Companies, Firms, Associations Or Corporations In The Banking Business.
72	66	Drilling Rigs	6600	Drilling Rigs	Drilling Rigs And Related Equipment.
73	68	Oil & Gas Wells	6800	Oil Wells	Oil Wells.
74			6810	Gas Wells	Gas Wells.
75			6820	Injection Wells	Injection Wells.
Total Personal Property - Section B (As Units)					

Item	Class Code	Class Description (Tc-33)	Sub-Class Code	Sub-Class Description (Grand Recap)	Class Definition
Public Service					
76	80	Public Service	8000	Airlines	Commercial Airline Companies Assessed By Louisiana Tax Commission.
77		(Number Of Tax Notices Generated)	8010	Barge Lines	Barge Line Companies Assessed By Louisiana Tax Commission.
78			8020	Co-Op (Electric, Gas & Water)	Electric, Gas And Water Public Utility Companies Assessed By Louisiana Tax Commission.
79			8030	Pipelines	Pipeline Companies Assessed By Louisiana Tax Commission.
80			8040	Private Car Lines	Rolling Stock Assessed By Louisiana Tax Commission.
81			8050	Railroad	Railroad Companies Assessed By Louisiana Tax Commission.
82			8060	Telephone	Telephone Companies Assessed By Louisiana Tax Commission.
Total Public Service					
Grand Total					

C. Electronic Tax Roll Export Specifications

Notes: Programmer must allow for optional fields not used. The tilde (~) will be used as the delimiter for character data and the comma (,) will be used as the field delimiter. (See examples) It is not necessary to use spaces between commas that contain no data. Programmer must allow for optional fields not used. Each record is a line in the ASCII text file and must have a carriage return and line feed at the end of each

line. ASCII text file names must adhere to naming convention listed behind file information title.

Please Note: Please contact the Louisiana Tax Commission for the latest specifications before creating the files listed below. (If you have any questions as to the format listed below contact the Louisiana Tax Commission at (225) 925-7830 Extension 212.)

Parish Information (Parish.txt) (Required)

Field Name	Field Type	Field Length	Required	Comments
fips_code	Numeric	5	Yes	Parish identification number. (See FIPS table.)
gov_name	Character	30	Yes	Parish name (Example: St. Tammany Parish)
gov_agency	Character	40	Yes	Agency name (Example: Assessor's Office)
address1	Character	30	Yes	Agency address line 1.
address2	Character	30	Yes	Agency address line 2.
tax_year	Numeric	4	Yes	Tax year submitting (Format: 1999, 2000,2001,2002,2003,2004, etc.)
City	Character	20	Yes	City name (Example: Covington)
State	Character	2	Yes	State name (Example: LA)
Zip	Numeric	5	Yes	Zip code (Example 70433).
zip4	Character	4	Yes	Extended zip code (9999).

Assessment Information (Assmt.txt) (Required)

Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (format: 1999, 2000,2001,2002,2003,2004, etc.)
fips_code	Numeric	5	Yes	Parish identification number. (See FIPS table.)
assessment_no	Character	20	Yes	Assessment number.
parcel_no	Character	20	Yes	Parcel Identification Number (PIN). (If your system currently does not support PINs use the assessment number as the PIN.)
assessment_type	Character	2	Yes	"RE" = Real Estate, "PP" = Personal Property, "PS" = Public Service
assessment_status	Character	2	Yes	"AC" = Active, "AJ" = Adjudicated, "EX" = Exempt/Tax Free
homestead_exempt	Numeric	1	Yes	0 = None (Default), 1 = Homestead Exemption, 2 = Over 65 Freeze
homestead_percent	Numeric	6.2	Yes	Homestead Exemption percentage to be applied to assessment. (Format: 100.00 (Default) = 100%)
restoration_tax_expmt	Character	1	Yes	Restoration Tax Abatements on historical property. "N" = No (Default), "Y" = Yes
tax_acct	Numeric	6	No	Tax account or tax bill number for grouping assessments together.
place_fips	Numeric	5	Yes	FIPS Place Code of Ward or Municipality. (See FIPS Table)
taxpayer_id	Numeric	10	No	Taxpayer's identification number. (Social Security or Federal ID numbers.)
taxpayer_name	Character	50	Yes	Taxpayer's name.
contact_name	Character	50	No	Contact's name for company taxpayers or for in care of (C/O) contacts.
taxpayer_addr1	Character	40	Yes	Taxpayer's address line 1.
taxpayer_addr2	Character	40	Yes	Taxpayer's address line 2.
taxpayer_addr3	Character	40	No	Taxpayer's address line 3.
transfer_date	Character	10	No	Date of purchase. (Sample: ~01/01/1999~)

Assessment Value Information (Avalue.txt) (Required)

Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax Year Submitting (Format: 1999, 2000,2001,2002,2003,2004, Etc.)
fips_code	Numeric	5	Yes	Parish identification number (PIN). (See FIPS table.)
Assessment_no	Character	20	Yes	Assessment number.
market_value	Numeric	12	Yes	Fair Market Value of the real estate property class or the original cost of the personal property class.
total_value	Numeric	10	Yes	Total assessed value of the property. (Total of the Taxpayer's (Taxable) share and Homestead credit added together.)
Homestead_credit	Numeric	4	Yes	Assessed value to be credited by Homestead exemption. (Not to exceed 7,500 of Assessed Value)
taxpayer_value	Numeric	10	Yes	Assessed value to be paid by Taxpayer (Taxable amount).
quantity	Numeric	6	Yes	Quantity units in the number of Front Feet, Square Feet, Lot(s), Acre(s), Improvement(s) or Year(s) for Personal Property.
units	Character	1	Yes	Unit of Measure (Format: "F" = Front Feet, "S" = Square Feet, "L" = Lots, "A" = Acres, "I" = Improvements and "Y" = Year.)
ltc_sub-class_code	Character	4	Yes	LTC Property Sub-Class Code. (See LTC Property Class Code Listings.) Assessor's property classification codes can be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
other_exempt	Numeric	1	Yes	Old status of any special exemptions to be applied to item 1. 0 = None (Default), 1 = Commerce/Industry (Ten Year Exemption), 2 = Agricultural, 3 = Institutional

Property Class Code Information (PC_Codes.txt) (Required If Not Using LTC Standard Codes)

Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (format: 1999, 2000,2001,2002,2003,2004, etc.)
fips_code	Numeric	5	Yes	Parish identification number. (See FIPS table.)
assessor_class_code	Character	4	Yes	Assessor's property classification code to be used in lieu of the Tax Commission's Property Classification Codes until Tax Year 2006 [Orleans 2007].)
class_code_description	Character	30	Yes	Assessor's property class code description.

Note: If your software currently does not support the Louisiana Tax Commission's Property Classifications Standards, you must submit your current classification codes and descriptions until for Tax Year 2006.

Assessment Millage Information (Amillage.txt) (Required)

Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (format: 1999, 2000,2001,2002,2003,2004, etc.)
fips_code	Numeric	5	Yes	Parish identification number. (see fips table.)
assessment_no	Character	20	Yes	Assessment number.
group_description	Character	35	Yes	Millage description if not part of a group or group name of millage group.
millage	Numeric	6.2	Yes	Millage (Format: 999.99)
mill_type	Character	1	Yes	M = millage, f = flat/ltc/variable fees, a = acreage, o = overlay/partial
place_fips	Numeric	5	Yes	Federal place code of taxing authority levying millage. (see fips table)
parish_city	Character	1	Yes	Millage type indicator. "p" = parish tax, "c" = city tax (this field indicates which tax collector is collecting the millage.)
percent	Numeric	6.2	Yes	Percent of assessed value applicable to the millage. (Applies to split district millages, use 100.00 as default value if percent is not applied.)
total_tax	Numeric	11.2	Yes	Total taxes assessed to the property. (format: 99999999.99)
homestead_credit	Numeric	11.2	Yes	Homestead exemption share of taxes credited. (Format: 99999999.99)
taxpayer_tax	Numeric	11.2	Yes	Taxpayer's share of taxes owed. (format: 99999999.99)

Millage Group Information (Tgroup.txt) (Required)

Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (format: 1999, 2000,2001,2002,2003,2004, etc.)
fips_code	Numeric	5	Yes	Parish identification number. (see fips table.)
group_description	Character	35	Yes	Group description or name of millage.
millage_description	Character	35	Yes	Description or name of millage.
millage	Numeric	6.2	Yes	Millage (Format: 999.99)
flat_mill	Numeric	1	Yes	Indicates flat fee (0=no flat fee, 1=flat fee used)
flat_fee	Numeric	6.2	Yes	Flat fee amount (format 999.99)

Parcel Information (Parcel.txt) (Required)

Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (Format: 1999, 2000,2001,2002,2003,2004, etc.)
fips_code	Numeric	5	Yes	Parish identification number. (See FIPS table.)
assessment_no	Character	20	Yes	Assessment number.
parcel_no	Character	20	Yes	Parcel Identification Number (PIN). (If your system currently does not support PINs use the assessment number as the PIN.)
town_range	Character	7	No	Township/Range. (Format: T7S-R8E)
section_no	Numeric	3	No	Section number parcel is located.
ward_no	Character	3	Yes	Ward identification number.
subd_name	Character	30	No	Subdivision name if available of parcel location.
block_no	Character	4	No	Subdivision or city block/square number.
lot_no	Character	4	No	First subdivision or city lot number owned by a particular owner.
place_fips	Numeric	5	Yes	Federal Place Code of Taxing Authority. (See FIPS table)
tax_dist	Numeric	3	No	Tax district number if available.
par_address	Character	50	No	Parcel address. (E911 address)
occupancy	Character	50	No	What the structure is being used for. (Residence, Office, Retail, etc.)
vacant_lot	Character	1	No	"Y" = Yes, "N" = No (Default)
transfer_date	Character	10	No	Date of purchase. (Format: ~01/01/1999~)
purchase_price	Numeric	12.2	Yes	Purchase price of the real property only. (Format: 999999999.99) (Sales price required on all recent sales of real estate only.)
verified	Character	1	Yes	Sale has been confirmed by the Assessor's office as being arms length. "Y" = Yes, "N" = No (Default)
conv_book	Character	4	Yes	Conveyance book number. (Conveyance book/page or instrument number required on all recent real estate sales.)
conv_folio	Character	4	Yes	Conveyance page (folio) number. (Conveyance book/page or instrument number required on all recent real estate sales.)
instr_no	Numeric	8	Yes	Conveyance instrument number. (Conveyance book/page or instrument number required on all recent real estate sales.)
instr_type	Character	20	Yes	Type of instrument. (Cash, Mortgage, Bond for Deed, etc.)
lender_id	Character	8	No	Lender of Mortgage Company's identification number supplied by Tax Commission.

Legal Description Information (Legal.txt) (Required)

Field Name	Field Type	Field Length	Required	Comments
tax_year	numeric	4	yes	tax year submitting (format: 1999, 2000,2001,2002,2003,2004, etc.)
fips_code	numeric	5	yes	parish identification number. (see fips table.)
assessment_no	character	20	yes	assessment number.
legal_description	character	unlimited	yes	full legal description

Additional Owner Information (Owners.txt) (Optional)

Field Name	Field Type	Field Length	Required	Comments
tax_year	numeric	4	yes	tax year submitting (format: 1999, 2000,2001,2002,2003,2004, etc.)
fips_code	numeric	5	yes	parish identification number. (see fips table.)
assessment_no	character	20	yes	assessment number.
taxpayer_id	numeric	10	no	taxpayer's identification number.
own_percent	numeric	6.2	no	percent of ownership. (format: 999.99)
taxpayer_name	character	50	yes	taxpayer's name.
contact_name	character	50	no	contact's name.
taxpayer_addr1	character	40	no	taxpayer's address line 1.
taxpayer_addr2	character	40	no	taxpayer's address line 2.
taxpayer_addr3	character	40	no	taxpayer's address line 3.

Note: If your software supports multiple owners on one parcel or assessment record, use this file to list these additional owners indicating percent of ownership for each owner if available. The primary taxpayer should be listed here as well as in the Assessment file under taxpayer_name.

Document Information (Document.txt) (Optional)

Field Name	Field Type	Field Length	Required	Comments
tax_year	numeric	4	yes	tax year submitting (format: 1999, 2000,2001,2002,2003,2004, etc.)
fips_code	numeric	5	yes	parish identification number. (see fips table.)
assessment_no	character	20	yes	assessment number.
path	character	variable length	yes	full path of document and file name (includes file extension). (jpg format)
description	character	variable length	yes	description of the document.

Improvement Information (Improve.txt) (optional)

Field Name	Field Type	Field Length	Required	Comments
tax_year	Numeric	4	Yes	Tax year submitting (format: 1999, 2000,2001,2002,2003,2004, etc.)
fips_code	Numeric	5	Yes	Parish identification number. (See FIPS table.)
Assessment_no	Character	20	Yes	Assessment number.
Building_use	Character	1	Yes	"C" = commercial, "r" = residential
Structure_no	Character	12	No	Structure number of improvement.
imp_asqft	Numeric	9.2	No	Square footage of detached auxiliary building. (Format: 999999.99)
imp_gsqft	Numeric	9.2	Yes	Square footage of carports or garages. (Format: 999999.99)
imp_lsqft	Numeric	9.2	Yes	Square footage of living, heated or useable area. (Format: 999999.99)
imp_nsqft	Numeric	9.2	Yes	Square footage of porches, non-living areas, etc. (Format: 999999.99)
imp_tsqft	Numeric	9.2	Yes	Total square footage of all structures assessed. (Format: 999999.99)
no_baths	Numeric	3.1	Yes	Number of bathrooms.
no_bedrooms	Numeric	2	Yes	Number of bedrooms.
year_built	Numeric	4	Yes	Year built. (Format: 9999)
year_renov	Numeric	4	No	Year renovated. (Format: 9999)
life_expectancy	Numeric	2	Yes	Life expectancy of structure or improvement.
fact_cond	Numeric	4	No	Condition of improvement.
fact_qual	Numeric	4	No	Quality of construction.
fact_wall	Numeric	4	No	Wall construction.
fact_roof	Numeric	4	No	Roof construction.

Important Notice: If the above specifications do not fit your data structure, please contact the Louisiana Tax Commission to discuss solutions. The data submitted must re-create your tax roll and be able to product both the Abstract Summary (TC-33) and grand recap summary reports to match those created within your office. Fields listed in these specifications highlighted in yellow indicate newly added fields or modifications to existing fields for the 2004 (Orleans 2005) tax year. Fields listed in these specifications highlighted in turquoise indicate an existing field revised showing old-field name or value in (RED) behind or below new field name. Always check the Louisiana Tax Commission's (LTC) web site at www.latax.state.la.us for the latest "Electronic Tax Roll Export Format Specifications" for submitting your office tax rolls to the Louisiana Tax Commission. All files created by an Assessor's office and/or their software vendor is subject to review and testing by the Louisiana Tax Commission for compliance and accuracy of data submitted. A sample of data in the format designated herein is due to the Louisiana Tax Commission by October 15 each year for testing and certification of the format by the Tax Commission.

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

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:703 (March 2005).

Chapter 7. Watercraft

§703. Tables Watercraft

A. Floating Equipment Motor Vessels

Cost Index (Average)		Average Economic Life 12 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2004	0.979	1	94	.92
2003	1.013	2	87	.88
2002	1.030	3	80	.82
2001	1.036	4	73	.76

Cost Index (Average)		Average Economic Life 12 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2000	1.045	5	66	.69
1999	1.064	6	58	.62
1998	1.067	7	50	.53
1997	1.076	8	43	.46
1996	1.094	9	36	.39
1995	1.111	10	29	.32
1994	1.150	11	24	.28
1993	1.183	12	22	.26
1992	1.206	13	20	.24

B. Floating Equipment Barges (Non-Motorized)

Cost Index (Average)		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2004	0.979	1	97	.95
2003	1.013	2	93	.94
2002	1.030	3	90	.93
2001	1.036	4	86	.89
2000	1.045	5	82	.86
1999	1.064	6	78	.83
1998	1.067	7	74	.79
1997	1.076	8	70	.75
1996	1.094	9	65	.71
1995	1.111	10	60	.67
1994	1.150	11	55	.63
1993	1.183	12	50	.59
1992	1.206	13	45	.54
1991	1.220	14	40	.49
1990	1.245	15	35	.44
1989	1.278	16	31	.40

Cost Index (Average)		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
1988	1.347	17	27	.36
1987	1.404	18	24	.34
1986	1.425	19	22	.31
1985	1.438	20	21	.30
1984	1.460	21	20	.29

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).

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

§705. Watercraft
A. Watercraft Table

104' - 159'								
Type	2004 Day Rate	Base Cost	Multiplier	2003 - 1999	1998 - 1994	1993 - 1989	1988 - 1984	1983 - Earlier
Supply Boats (OSV)	\$2,600	\$1,400,000	.87	1,048	877	706	536	365
Off Shore Towing	\$2,600	\$1,400,000	.87	1,048	877	706	536	365
160' - 179'								
Supply Boats (OSV)	\$3,500	\$2,400,000	1.00	2,064	1,728	1,392	1,056	720
Off Shore Towing	\$4,100	\$2,400,000	1.09	2,250	1,884	1,518	1,151	785
180' - 199'								
Supply Boats (OSV)	\$4,000	\$3,200,000	1.07	2,945	2,465	1,986	1,507	1,027
Off Shore Towing	\$5,100	\$3,200,000	1.23	3,384	2,833	2,283	1,732	1,181
Anchor Handling Tug	\$5,000	\$3,750,000	1.21	3,903	3,267	2,632	1,996	1,361
200' - 219'								
Anchor Handling Tug/Supp	\$6,500	\$5,400,000	1.43	6,641	5,560	4,479	3,398	2,317
Off Shore Towing	\$7,000	\$5,400,000	1.50	6,966	5,832	4,698	3,564	2,430
220' - 230'								
Anchor Handling Tug/Supp	\$11,250	\$6,400,000	2.11	11,613	9,723	7,832	5,942	4,051
Off Shore Towing	\$8,000	\$6,400,000	1.64	9,027	7,557	6,088	4,618	3,149
231' and Longer								
Anchor Handling Tug/Supp	\$15,000	\$8,140,000	2.62	18,340	15,360	12,370	9,384	6,398
60' - 70'								
Crew Boats	\$500	\$312,000	1.00	268	225	181	137	94
85' - 99'								
Crew Boats	\$800	\$416,000	1.00	358	300	241	183	125
100' - 119'								
Crew Boats	\$1,800	\$884,000	1.10	836	701	564	428	292
Utility Vessels	\$1,500	\$884,000	1.00	760	637	513	389	265

120' – 140'								
Crew Boats	\$2,200	\$1,248,000	1.05	1,126	944	760	577	393
Utility Vessels	\$2,000	\$1,248,000	1.00	1,073	899	724	549	374
141' – 165'								
Crew Boats	\$3,000	\$2,392,000	1.00	2,057	1,722	1,388	1,053	718
Utility Vessels	\$2,600	\$2,392,000	.93	1,913	1,602	1,291	979	668

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 31:716 (March 2005).

Chapter 9. Oil and Gas Properties

§901. Guidelines for Ascertaining the Fair Market

Value of Oil and Gas Properties

A. - B.3. ...

C. Explanations

* * *

Production Depth is the depth from the surface to the active lower perforation in each producing zone in which the well is completed. As an example: a well completed in three separate zones is a triple completion and will have three different production depths as determined by the depth of the active lower perforation for each completion.

* * *

D. Well Fair Market Value Classifications. Each individual well must be listed separately by ward, field name and Louisiana Office of Conservation field code number, location (Sec.–Twp.–Range), lease name, well serial number, lease well number, well type and production depth (active lower perforation of each zone), in accordance with guidelines established by the Tax Commission.

E. - G. ...

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

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 2:359 (November 1976), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 9:69 (February 1983), LR 17:1213 (December 1991), LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 31:717 (March 2005).

§907. Tables Oil and Gas

A. ...

For wells recompleted, use new perforation depth to determine fair market value.

1. Oil, Gas and Associated Wells; Region 1 North Louisiana

Producing Depths	Cost – New by depth, per foot		15% of Cost – New by depth, per foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0 – 1,249 ft.	14.02	42.38	2.10	6.36
1,250 – 2,499 ft.	13.08	24.84	1.96	3.73
2,500 – 3,749 ft.	16.61	22.38	2.49	3.36
3,750 – 4,999 ft.	25.80	26.55	3.87	3.98
5,000 – 7,499 ft.	25.30	26.92	3.80	4.04
7,500 – 9,999 ft.	55.35	39.40	8.30	5.91
10,000 – 12,499 ft.	48.34	48.77	7.25	7.32
12,500 – 14,999 ft.	N/A	98.79	N/A	14.82
15,000 – Deeper ft.	N/A	125.99	N/A	18.90

2. Oil, Gas and Associated Wells; Region 2 South Louisiana

Producing Depths	Cost – New by depth, per foot		15% of Cost – New by depth, per foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0 – 1,249 ft.	169.98	110.50	25.50	16.58
1,250 – 2,499 ft.	88.82	205.54	13.32	30.83
2,500 – 3,749 ft.	87.70	140.14	13.16	21.02
3,750 – 4,999 ft.	64.34	109.96	9.65	16.49
5,000 – 7,499 ft.	78.66	92.49	11.80	13.87
7,500 – 9,999 ft.	93.46	90.32	14.02	13.55
10,000 – 12,499 ft.	109.08	95.72	16.36	14.36
12,500 – 14,999 ft.	119.64	120.72	17.95	18.11
15,000 – 17,499 ft.	196.19	157.78	29.43	23.67
17,500 – 19,999 ft.	196.05	206.04	29.41	30.91
20,000 – Deeper ft.	167.35	323.03	25.10	48.45

3. Oil, Gas and Associated Wells; Region 3 Offshore State Waters*

Producing Depths	Cost – New by depth, per foot		15% of Cost – New by depth, per foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0 – 1,249 ft.	N/A	N/A	N/A	N/A
1,250 – 2,499 ft.	469.52	494.92	70.43	74.24
2,500 – 3,749 ft.	272.56	373.37	40.88	56.01
3,750 – 4,999 ft.	272.52	384.44	40.88	57.67
5,000 – 7,499 ft.	258.02	302.68	38.70	45.40
7,500 – 9,999 ft.	252.47	271.70	37.87	40.76
10,000 – 12,499 ft.	334.90	274.75	50.24	41.21
12,500 – 14,999 ft.	356.80	254.56	53.52	38.18
15,000 – 17,499 ft.	202.23	312.70	30.33	46.91
17,500 – Deeper ft.	N/A	289.88	N/A	43.48

*As classified by Louisiana Office of Conservation.

B. - B.1. ...

2. Serial Number to Percent Good Conversion Chart

Year	Beginning Serial Number	Ending Serial Number	33 Year Life Percent Good
2004	229010	Higher	96
2003	227742	229009	92
2002	226717	227741	88
2001	225352	226716	84
2000	223899	225351	80
1999	222882	223898	76
1998	221596	222881	72
1997	220034	221595	68
1996	218653	220033	64
1995	217588	218652	60

Year	Beginning Serial Number	Ending Serial Number	33 Year Life Percent Good
1994	216475	217587	56
1993	215326	216474	52
1992	214190	215325	48
1991	212881	214189	44
1990	211174	212880	40
1989	209484	211173	36
1988	207633	209483	32
1987	205211	207632	30
1986	202933	205210	28
1985	197563	202932	24
1984	Lower	197562	20*
VAR.	900000	Higher	50

*Reflects residual or floor rate.

* * *

B.3. - C.6. ...

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).

Chapter 11. Drilling Rigs and Related Equipment

§1103. Drilling Rigs and Related Equipment Tables

A. Land Rigs

Depth "0" TO 7,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
3,000	352,000	52,800
4,000	414,100	62,100
5,000	474,500	71,200
6,000	534,900	80,200
7,000	748,000	112,200
Depth "0" TO 7,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
8,000	1,012,000	151,800
9,000	1,310,500	196,600
10,000	2,112,500	316,900
Depth "0" TO 7,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
11,000	2,194,500	329,200
12,000	2,276,500	341,500
13,000	2,358,500	353,800
14,000	2,498,000	374,700
15,000	2,810,000	412,500
Depth "0" TO 7,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
16,000	3,122,000	468,300
17,000	3,716,000	557,400
18,000	4,404,000	660,600
19,000	4,986,100	747,900
20,000	5,250,700	787,600
Depth "0" TO 7,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
21,000	5,515,200	827,300
25,000 +	6,573,300	986,000

B - C. ...

D. Well Service Rigs Land Only (Good Condition)

Class	Mast	Engine	Fair Market Value	Assessment
I	72' X 125M# 75' X 150M#	6V71	170,625	25,600
II	96' X 150M# 96' X 180M# 96' X 185M# 96' X 205M# 96' X 210M# 96' X 212M# 96' X 215M#	8V71	220,500	33,100
III	96' X 240M# 96' X 250M# 96' X 260M# 102' X 215M#	8V92	240,625	36,100
IV	102' X 224M# 102' X 250M# 103' X 225M# 103' X 250M# 104' X 250M# 105' X 225M# 105' X 250M#	12V71	275,625	41,350
V	105' X 280M# 106' X 250M# 108' X 250M# 108' X 260M# 108' X 268M# 108' X 270M# 108' X 300M#	12V71 12V92	285,250	42,800
VI	110' X 250M# 110' X 275M# 112' X 300M# 112' X 350M#	12V71 (2) 8V92	336,000	50,400
VII	117' X 215M#	(2) 8V92 (2) 12V71	428,750	64,300

E. - 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).

Chapter 13. Pipelines

§1307. Pipeline Transportation Tables

A. - B. ...

C. Pipeline Transportation Allowance for Physical Deterioration (Depreciation)

Pipeline Transportation Allowance for Physical Deterioration (Depreciation)	
Actual Age	Percent Good
* * *	
18	30
19	28
20	24
21 and older	20*

* * *

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).

Chapter 15. Aircraft

§1503. Aircraft (Including Helicopters) Table

A. Aircraft (Including Helicopters)

Cost Index (Average)		Average Economic Life (10 Years)		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2004	0.979	1	92	.90
2003	1.013	2	84	.85
2002	1.030	3	76	.78
2001	1.036	4	67	.69
2000	1.045	5	58	.61
1999	1.064	6	49	.52
1998	1.067	7	39	.42
1997	1.076	8	30	.32
1996	1.094	9	24	.26
1995	1.111	10	21	.23
1994	1.150	11	20	.23

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).

Chapter 17. Inventories

§1701. Guidelines for Ascertaining the Fair Market Value of Inventories

A. - B.3. ...

4. does not include oil stored in tanks held by a producer prior to the first sale of the oil. Oil stored in tanks held by a producer prior to the first sale of the oil, shall not be subject to ad valorem tax.

C. - H.note. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837, R.S. 47:2322, and Louisiana Constitution, Article VII §4(B).

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 13:188 (March 1987), LR 23:207 (February 1997), amended by the Department of Revenue, Tax Commission, LR 31:719 (March 2005).

Chapter 25. General Business Assets

§2501. Guidelines for Ascertaining the Fair Market Value of Office Furniture and Equipment, Machinery and Equipment and Other Assets Used in General Business Activity

A. - G.2. ...

H. Alternative Procedure 3

1. This procedure should be used only if economic and/or functional obsolescence has affected the fair market value of the business and industrial personal property. Economic and/or functional obsolescence is a change in value of personal property above and beyond physical deterioration. Negative economic obsolescence may occur resulting in a positive adjustment known as munificence.

2. - 2.b. ...

c. adjust the number derived in Step 2 for the economic and/or functional obsolescence/munificence.

d. ...

e. the result is the fair market value of personal property that has been affected by economic and/or functional obsolescence/munificence.

3. The procedure should be used only if the assessor has evidence that the personal property has incurred significant economic and/or functional obsolescence/munificence.

4. If economic and/or functional obsolescence /munificence is not given when warranted, a value greater or lower than fair market value may result.

5. ...

AUTHORITY NOTE: Promulgated in accordance with 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 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 31:719 (March 2005).

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

A. ...

1. Suggested Guidelines For Ascertaining Economic Lives of Business and Industrial Personal Property

Business Activity/Type of Equipment	Average Economic Life in Years
* * *	
Coolers (walk-in)	3
* * *	
Plastic Extrusion Equipment	12
* * *	
Poultry Plants M & E	12
* * *	
Towers	

Business Activity/Type of Equipment	Average Economic Life in Years
Cellular	20
Microwave	20
* * *	
*If acquisition cost and age of service station equipment are not available, see Table 907.B-2 for alternative assessment procedure.	

B. Cost Indices

Year	Age	National Average 1926 = 100	January 1, 2004 = 100*
2004	1	1157.3	0.979
2003	2	1118.6	1.013
2002	3	1100.0	1.030
2001	4	1093.4	1.036
2000	5	1084.3	1.045
1999	6	1065.0	1.064
1998	7	1061.8	1.067
1997	8	1052.7	1.076
1996	9	1036.0	1.094
1995	10	1020.4	1.111
1994	11	985.0	1.150
1993	12	958.0	1.183
1992	13	939.8	1.206
1991	14	928.5	1.220
1990	15	910.2	1.245
1989	16	886.5	1.278
1988	17	841.4	1.347
1987	18	806.9	1.404
1986	19	795.4	1.425
1985	20	787.9	1.438
1984	21	776.4	1.460
1983	22	755.8	1.499
1982	23	742.4	1.526
1981	24	709.2	1.598
1980	25	642.8	1.763
1979	26	584.4	1.939

*Reappraisal Date: January 1, 2004 – 1133.2 (Base Year)

C. Percent Good

Percent Good									
Age	3 Yr	5 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr	
* * *									
4	.16	.34	.54	.67	.73	.79	.86	.90	
* * *									
6		.18	.33	.49	.58	.68	.78	.84	
* * *									
21							.20	.28	
22								.26	
23								.24	
* * *									

D. Composite Multipliers 2005 (2006 Orleans Parish)

Composite Multipliers 2005 (2006 Orleans Parish)									
Age	3 Yr	5 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr	
1	.69	.83	.88	.90	.92	.93	.95	.96	
2	.50	.70	.80	.85	.88	.91	.94	.96	
3	.35	.54	.69	.78	.82	.88	.93	.96	
4	.17	.35	.56	.69	.76	.82	.89	.93	
5		.24	.45	.61	.69	.76	.86	.91	
6		.19	.35	.52	.62	.72	.83	.89	
7			.28	.42	.53	.66	.79	.86	
8			.24	.32	.46	.59	.75	.84	

Composite Multipliers 2005 (2006 Orleans Parish)									
Age	3 Yr	5 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr	
9			.22	.26	.39	.54	.71	.82	
10				.23	.32	.48	.67	.79	
11				.23	.28	.43	.63	.78	
12					.26	.37	.59	.76	
13					.24	.31	.54	.72	
14						.28	.49	.68	
15						.26	.44	.65	
16						.26	.40	.61	
17							.36	.59	
18							.34	.55	
19							.31	.48	
20							.30	.43	
21							.29	.41	
22								.39	
23								.37	
24								.32	
25								.35	
26								.39	

* * *

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).

Chapter 27. Guidelines for Application, Classification and Assessment of Land Eligible to be Assessed at Use Value

§2705. Classification

A. ...

B. The General Soil Maps, published by the U. S. Department of Agriculture, Natural Resources Conservation Service, listed in Map Index, together with the conversion legends prepared and distributed by the Natural Resources Conservation Service, shall be used for determining use value classifications in all parishes until the time that the Modern Soil Surveys for such parishes are completed. On January 1 of the year after which the Modern Soil Survey for any parish is completed, such Modern Soil Survey shall then be used for determining use value classifications for said parish and the use of the General Soil Map in said parish shall thereafter be discontinued.

C. ...

AUTHORITY NOTE: Promulgated in accordance with LSA – Constitution of 1974, Article VII, §18, R.S. 47:2302, R.S. 47:2303 and R.S. 47:2304.

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 3:289 (June 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 15:1097 (December 1989), LR 19:212 (February 1993), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 25:318 (February 1999), LR 26:510 (March 2000), LR 27:428 (March 2001), LR 28:521 (March 2002), LR

§2707. Map Index Table

A. ...

Table 2707			
Parish	Date (General)	Map Number (General)	Date Published or Status (Modern)
* * *			
Vernon	June 1971	4-R-16053-A	June, 2004
* * *			

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

HISTORICAL NOTE: Promulgated by the Louisiana Tax Commission, LR 3:290 (June 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 10:946 (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 23:208 (February 1997), amended by the Department of Revenue, Tax Commission, LR 25:319 (February 1999), LR 26:511 (March 2000), LR 27:428 (March 2001), LR 28:521 (March 2002), LR 29:372 (March 2003), LR 30:491 (March 2004), LR 31:721 (March 2005).

Chapter 31. Public Exposure of Assessments; Appeals §3103. Bonded Jobbers

A. - C.4. ...

- 5. a list of exhibits presented to the board of review;
- 6. a list of witnesses who may be called, with a brief description of the anticipated testimony of the witness; and
- 7. anticipated time needed to present the case

D. Upon written notice by the commission, the parties and/or their attorneys or other representatives may be directed to meet and confer together by telephone or otherwise prior to the hearing, for the purpose of formulating issues and considering:

- 1. simplification of issues;
- 2. a limitation, where possible of the number of witnesses;
- 3. the time required for presentations;
- 4. stipulations as to admissibility of exhibits;
- 5. submission of proposed findings of fact;
- 6. such other matters as may aid in the simplification

of the proceedings and the disposition of the matters in controversy.

E. Actions requested and agreed upon at the conference shall be recorded in an appropriate statement by the party, which has initiated the appeal to the commission. The statement shall be filed with the commission seven days prior to the scheduled hearing before the commission. In the event of a disagreement over any item discussed at the conference, the statement filed with the commission shall state the specific item as to which there is disagreement together with a brief summary of the nature of the disagreement.

F. Upon written notice by the commission, the parties or their attorneys or other representative may be directed to file legal memorandums with the commission 15 days prior to the hearing. The legal memorandum shall address in a concise manner the legal issues presented in the appeal to

the commission together with a statement of any legal authority supporting the party's position.

G. Any party with leave of the commission or hearing officer may present prepared sworn deposition testimony of a witness either narrative or in question and answer form, which shall be incorporated into the record as if read by the witness. The opposing party will be allowed to cross-examine the witness and/or submit any sworn testimony given by the witness in the deposition. Seven copies of the prepared deposition testimony shall be filed with the commission.

H. 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, or through an attorney or other representative; 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, Appointment of Taxpayer Agent in Louisiana Tax Commission Ad Valorem Tax Appeal" Form 3103.B).

I. Every taxpayer or assessor, witness, attorney or other representative shall conduct himself in all proceedings with proper dignity, courtesy and respect. Disorderly conduct will not be tolerated. Attorneys shall observe and practice the standards of ethical behavior prescribed for attorneys at law by the Louisiana Bar Association. Any taxpayer or assessor, witness, attorney or other representative may be excluded by the commission from any hearing for such period and upon such conditions as are just for violation of this rule.

J. All official hearings conducted in any proceeding shall be open to the public. All hearings shall be held in Baton Rouge, LA, unless the commission shall designate another place of hearing.

K. The chairman shall order cases called in the order in which they have been scheduled for hearing, unless all parties present agree that a case may be taken out of order.

L. A continuance shall not be granted due to an unexcused absence of a taxpayer, assessor or any representative, attorney or witness, at the time and place set for a scheduled hearing before the commission, without consent of the taxpayer and/or assessor. If such consent is refused, the hearing shall proceed and the case shall be heard upon such evidence that has been previously submitted on behalf of the absent taxpayer or assessor.

M. The hearing shall be conducted informally. A transcript of the proceeding shall not be made unless requested by the taxpayer or assessor in writing at least seven days prior to the scheduled hearing.

1. In the event of a request for a written transcript of the proceeding, the commission shall provide an official reporter to make and transcribe a stenographic record of the hearing and shall provide for such copies of the transcript as may be requested by any party or as may be required for the purposes of the commission upon payment of the cost of transcribing the hearing.

N. All parties testifying shall be placed under oath by the commission at the onset of each hearing.

O. Any evidence which would be admissible under the Rules of Evidence governing proceedings in the state of Louisiana, shall be deemed admissible by the commission.

The Louisiana rules of evidence shall be applied liberally in any proceeding before the commission. Either party may object to evidence not previously disclosed by the opposing party. The commission may exclude evidence, which is deemed by the commission to be incompetent, immaterial or unduly repetitious.

P. The commission shall take official notice without further identification of the contents of the original records and documents in possession of the commission when duly certified copies thereof are offered into evidence and made a part of the record. Evidence offered at the board of review is not forwarded to the Tax Commission and must be submitted by the assessor/taxpayer in accordance with filing procedures for written appeals. The commission may receive other documentary evidence in the form of copies or excerpts or that which is incorporated by reference.

Q. Documents and papers offered into evidence for a hearing before the commission shall be marked as exhibits. Exhibits offered by a taxpayer shall be marked "Exhibit Taxpayer ____" and shall be consecutively numbered. The taxpayer shall, at the time an exhibit is offered, state whether the exhibit contains information not furnished to the assessor before the end of the period for public exposure of the assessment lists. Exhibits offered by the assessor shall be marked "Exhibit Assessor ____" and shall be consecutively numbered. Four copies of all exhibits shall be provided to the commission, with a copy to the opposing party, 10 days prior to the scheduled appeal. Exhibits offered by the commission or its staff representative shall be marked "Exhibit Tax Commission ____" and shall be consecutively numbered. Legal memorandum submitted by the parties will be made part of the record of proceedings before the commission, but shall not be filed as exhibits to be offered into evidence for the hearing before the commission.

R. Hearings may be conducted by a hearing officer selected and appointed by the commission. The hearing officer shall have the authority to administer oaths, may examine witnesses, and rule upon the admissibility of evidence and amendments to the pleadings. The hearing officer shall have the authority to recess any hearing from day to day.

S. The hearing officer shall have the responsibility and duty of assimilating testimony and evidence, compiling a written summary of the testimony and evidence, and presenting a proposed order to the commission.

T. At the close of evidence, each side will be allowed a reasonable amount of time to argue its case. This time will be allotted by the chairman or hearing officer.

* * *

**Exhibit A
Appeal to Louisiana Tax Commission
by Taxpayer or Assessor
for Real and Personal Property**

Name: _____ Parish/District: _____
Taxpayer
Address: _____ City, State, Zip: _____

Board of Review
Ward: ____ Asses./Tax Bill Number: _____ Appeal Number: _____

(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 appeal the decision of the board of review on the assessment of the above described property pursuant to L.R.S. 47:1992. I timely filed my appeal as required by law.

The original fair market value by the assessor was:

Land \$ _____ *Improvement \$ _____ Total \$ _____

The proposed fair market value by the taxpayer was:

Land \$ _____ *Improvement \$ _____ Total \$ _____

The revised fair market value by the board of review was:

Land \$ _____ *Improvement \$ _____ Total \$ _____

The original assessment by the assessor was:

Land \$ _____ *Improvement \$ _____ Total \$ _____

The proposed assessment by the taxpayer was:

Land \$ _____ *Improvement \$ _____ Total \$ _____

The revised assessment by the board of review was:

Land \$ _____ *Improvement \$ _____ Total \$ _____

*NOTE: Report personal property on Improvement line above.

I understand that property is assessed at a percentage of fair market value, which means the price for the property which would be agreed upon between a willing and informed buyer and a willing and informed seller, under usual and ordinary circumstances, the highest price the property would bring on the open market, if exposed for sale for a reasonable time. I feel that the fair market value of this real property, as of January 1, 2003, the official reappraisal valuation date on which assessments are based, was:

Land \$ _____ *Improvement \$ _____ Total \$ _____

I will call the following witness(es): _____

Presentation of my case will take approximately ____ minutes.
Please notify me of the date, place and time of my appeal at the address shown below.

Appellant(Taxpayer/Taxpayer's Rep./Assessor)

Address: _____

Telephone Number: _____

Date of Appeal

Land \$ _____ *Improvement \$ _____ Total \$ _____

The following is a list of witnesses who may be called at the hearing before the commission together with a brief description of the anticipated testimony of the witnesses;

A list of exhibits presented to the board of review:

* * *

U. The taxpayer/taxpayer agent and the assessor shall be notified in writing, either by facsimile transmission, certified mail or certificate of mailing, of the final decision by the Tax Commission. The dated facsimile transaction report or postmarked certificate of mailing shall serve as the date whereby the taxpayer/assessor shall have the right to institute suit within the 30-day prescription period.

V. The commission may, at its discretion, grant the request of a taxpayer or assessor for a rehearing; provided the rehearing request is made in accordance with the Administrative Procedure Act.

W. Subpoenas for the attendance of witnesses or for the production of books, papers, accounts or documents for a hearing may be issued by the commission upon its own motion, or upon the written motion of the taxpayer or assessor showing that there is good cause for the issuance of same. No subpoena shall be issued until the party who

wishes to subpoena the witness first deposits with the agency a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Any subpoena duces tecum shall allow no less than five days to assimilate and to deliver said documents subpoenaed by the subpoena recipient.

X. The word "commission," as used herein, refers to the chairman and the members or its delegate appointed to conduct the hearing.

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).

§3105. Practice and Procedure for Public Service Properties Hearings

A. - B. ...

C. Ten days prior to said hearings, the protesting taxpayer shall file a signed, written statement (Form 3105.A), specifying each respect in which the initial determination is contested, setting forth the specific basis upon which the protest is filed, together with a statement of the relief sought and four copies of all hearing exhibits to be presented; which shall be marked "Exhibit Taxpayer ____" and shall be consecutively numbered. Legal memorandum submitted by the parties will be made part of the record of proceedings before the commission, but shall not be filed as exhibits to be offered into evidence for the hearing before the commission.

D. ...

E. Upon written notice by the commission, the parties and/or their attorneys or other representatives may be directed to meet and confer together by telephone or otherwise, prior to the hearings and/or prior to the setting of a date for a hearing, for the purpose of formulating issues and considering:

- 1. - 4. ...
- 5. stipulations as to admissibility's of exhibits;
- 6. submission of proposed findings of fact;
- 7. such other matters as may aid in the simplification

of the proceedings and the disposition of the matters in controversy.

F. Actions requested and agreed upon at the conference shall be recorded in an appropriate statement by the taxpayer and filed with the commission seven days prior to the hearing. In the event of a disagreement over any item discussed at the conference, the statement filed with the commission shall state the specific item as to which there is a disagreement together with a brief summary of the nature of the disagreement.

G. - K. ...

L. The commission shall provide an official reporter to make and transcribe a stenographic record of the hearing and shall provide for such copies of the transcript as may be requested by any party or as may be required for the purposes of the commission upon payment of the cost of transcribing the hearing.

M. Upon written notice by the commission the parties or their attorneys or other representative may be directed to file legal memorandums with the commission seven days prior to the hearing. The legal memorandum shall address in a concise manner the legal issues presented in the appeal to the commission together with a statement of any legal authority supporting the party's position.

N. Any evidence, which would be admissible under the rules of evidence governing proceedings in the state of Louisiana, shall be deemed admissible by the commission. The Louisiana rules of evidence shall be applied liberally in any proceeding before the commission. Either party may object to evidence not previously disclosed by the opposing party. The commission may exclude evidence, which is deemed by the commission to be incompetent, immaterial or unduly repetitious.

O. Any party, with leave of the commission or hearing officer, may present prepared sworn deposition testimony of a witness, either narrative or in question and answer form, which shall be incorporated into the record as if read by the witness. The opposing party will be allowed to cross-examine the witness and/or submit any sworn testimony given by the witness in the deposition. Seven copies of the prepared deposition testimony shall be filed with the commission.

P. - S. ...

Appeal to Louisiana Tax Commission by Taxpayer or Assessor for Public Service Property

Name: _____ Parish/District: _____

Taxpayer

Address: _____ City, State, Zip: _____

Address or Legal Description of Property Being Appealed _____

I hereby appeal the decision of the board of review on the assessment of the above-described property.

The fair market value of the Louisiana Tax Commission is:

Land \$ _____ Improvement \$ _____ Total \$ _____

I am requesting that the fair market value be fixed at:

Land \$ _____ Improvement \$ _____ Total \$ _____

The assessment of the Louisiana Tax Commission is:

Land \$ _____ Improvement \$ _____ Total \$ _____

I am requesting that the assessment be fixed at:

Land \$ _____ Improvement \$ _____ Total \$ _____

I understand that property is assessed at a percentage of fair market value which means the price for the property which would be agreed upon between a willing and informed buyer and a willing and informed seller under usual and ordinary circumstances, the highest price the property would bring on the open market if exposed for sale for a reasonable time.

I feel that the fair market value of this real property, as of January 1, 2003, the official reappraisal valuation date on which assessments are currently based, was:

Land \$ _____ *Improvement \$ _____ Total \$ _____

I will call the following witness(es): _____

Presentation of my case will take approximately ____ minutes. Please notify me of the date, place and time of my appeal at the address shown below.

Appellant(Taxpayer/Taxpayer's Rep./Assessor)

Address: _____

Telephone Number: _____

Date of Appeal _____

Land \$ _____ *Improvement \$ _____ Total \$ _____

The following is a list of witnesses who may be called at the hearing before the commission together with a brief description of the anticipated testimony of the witnesses;

A list of exhibits presented to the board of review:

* * *

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).

Chapter 35. Miscellaneous

§3501. Service Fees Tax Commission

A. The Tax Commission is authorized by R.S. 47:1838 to levy and collect fees on an interim basis for the period beginning on July 1, 2004 and ending on June 30, 2006, in connection with services performed by the Tax Commission as follows:

A.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1835 and R.S. 47:1838.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 19:212 (February 1993), amended LR 20:198 (February 1994), amended by the Department of Revenue, Tax Commission, LR 24:494 (March 1998), LR 25:320 (February 1999), LR 26:513 (March 2000), LR 28:521 (March 2002), LR 30:493 (March 2004), LR 31:724 (March 2005).

§3511. Tulane University Purpose

A. This regulation establishes general applicability, definitions, and requirements as it pertains to application of a statewide exemption in favor of Tulane University.

B. Tulane University is exempt from property taxes on the following types or uses of properties:

1. properties used for its educational purposes;
2. vacant, non-income producing properties; and
3. income-producing properties up to a maximum statewide total limit of \$5,000,000 in fair market value.

C. Louisiana Constitution, Article VII, Section 21 provides that all non-profit companies are exempt from property taxes.

D. The Supreme Court of Louisiana held in Board of Administrators of the Tulane Educational Fund vs. Louisiana Tax Commission consolidated with Thomas L. Arnold, Assessor, vs. Board of Administrators of the Tulane Educational Fund, dated January 30, 1998, denying an appeal of the decision of the Court of Appeal, 4th Circuit, dated October 1, 1997, that non-income producing or vacant properties owned by a non-profit company are exempt from property taxes under the Louisiana Constitution. The Louisiana Attorney General agreed in Opinion Number 01-323, dated September 13, 2001.

E. Louisiana Constitution, Article VIII, Section 14, reconfirming Act No. 43 of July 5, 1884, provides that, in addition to Tulane's full exemption on properties used for education purposes and properties that are non-income producing or vacant, Tulane is exempt from property taxes on its first \$5,000,000 in value of all income producing properties in Louisiana. This exemption was confirmed in the decision of the Civil District Court for the Parish of Orleans, Division "J", Case No. 89-14534, Board of Administrators of the Tulane Educational Fund vs. The Louisiana Tax Commission, dated April 19, 1990, which was never appealed and is therefore final. The Louisiana Tax Commission also confirmed this \$5,000,000 exemption in LTC Regulation No. 3509.

F. To administer this exemption, which extends throughout the state and requires coordination among all assessors, the Louisiana Tax Commission established LTC Regulation No. 3509 procedures to be followed by all assessors when assessing property owned by Tulane. The commission instructs each assessor to list each property owned by Tulane as exempt and, at the time the rolls are filed with the commission, all assessors shall deliver a list of all Tulane properties in their parish or municipal district that are not otherwise exempt from taxation pursuant to Louisiana law (i.e. not used for educational purposes or non-income producing). See Memo of Louisiana Tax Commission to all Assessors, dated December 18, 1991.

G. This 2003 restatement of Regulation 3509 is to allocate equitably the \$5,000,000 exemption among all Tulane University income producing property across the state.

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

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:724 (March 2005).

§3513. Tulane University Definitions

A. For the purpose of this Section, the following definitions apply.

Allocation Formula defined in LTC Regulation 3509.5.

Assessed Value (AV) determined according to Louisiana law.

Commission the Louisiana Tax Commission (sometimes referred to as "LTC").

Fair Market Value (FMV) defined by Louisiana law.

FMV Each Improvement the fair market value of all buildings and improvements in each tax assessment bill included in non-exempt property. (Tax assessors should issue one tax assessment amount for all buildings and improvements.)

FMV Each Land Parcel the fair market value of all land in each tax assessment bill included in non-exempt property. (Tax Assessors should issue one tax assessment number for all contiguous land parcels.)

FMV Improvements Statewide the total fair market value of all buildings and improvements included in non-exempt property.

FMV Land Statewide the total fair market value of all land included in non-exempt property.

Improvement Assessment Ratio fifteen percent of the fair market value of the buildings and other improvements only.

Land Assessment Ratio ten percent of the fair market value of the land only.

Louisiana Tax Commission Form TC-TU01 (Tulane Non-Exempt Property Report) The form adopted by the commission for Tulane University to provide its list of non-exempt property.

Louisiana Tax Commission Form TC-TU02 (Tulane University Exemption Allocation Summary) The form adopted by the commission in the form of a spreadsheet with formulas to be used for allocation of the Tulane exemption.

Net Fair Market Value of a Property The fair market value of that property minus its pro-rata share.

Non-Exempt Property Any property owned by Tulane University in the state of Louisiana that is not exempt by Louisiana law for ad valorem tax purposes prior to application of the Tulane exemption.

Pro-Rata Share That portion of the Tulane exemption allocated to each non-exempt property according to the allocation formula.

Tax Assessor Refers to all tax assessors with the state of Louisiana, individually and/or jointly, whose jurisdiction includes property owned by Tulane University.

Tulane Exemption The \$5,000,000 statewide ad valorem tax exemption as provided in Act 1884, No. 43.

Tulane Hearing Date The first Wednesday and/or Thursday of each December and shall be the commission hearing date for resolution of any property valuation issues, and/or allocation of the Tulane exemption, and/or ordering issuance of supplements and change orders to the tax rolls.

Tulane University The administrators of the Tulane Educational Fund, a Louisiana non-profit corporation.

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

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:724 (March 2005).

§3515. Tulane University General Rule

A. Each property of Tulane University statewide for each tax year shall be and remain marked as exempt on all tax rolls until the commission has allocated the Tulane exemption across all non-exempt property according to the allocation formula and delivers its supplements or change orders to each reporting parish indicating the net fair market value and resulting assessed value for the land and improvements of each non-exempt property.

B. Should the fair market value of Tulane University's non-exempt property exceed the Tulane exemption then the commission shall determine the net fair market value and resulting assessed value of each non-exempt property according to the allocation formula.

C. The property status as of January 1st (August 1st preceding the tax year for Orleans Parish) each tax year shall determine whether a property is non-exempt property.

D. Since Orleans Parish imposes a prospective taxable year for ad valorem taxes and all other parishes in the state impose a retrospective taxable year, for the purpose of allocation of the Tulane exemption only, and no other matter, the prospective taxable year of Orleans Parish and the retrospective taxable year applicable in all other parishes shall be considered the same taxable year.

E. All tax assessors and related governmental entities shall use current, accurate legal property descriptions found in the public records for all tax assessments, correspondence, and notices when complying with §3509.

F. All Tulane property tax bills shall be sent to:
Administrators of the Tulane Education Fund
Office of the General Counsel
6823 St. Charles Avenue
New Orleans, LA 70118

G. All correspondence to the commission related to Regulation 3509 shall be sent to:

Louisiana Tax Commission
Attention: Tulane Exemption
Post Office Box 66788
Baton Rouge, LA 70896-6788

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

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:725 (March 2005).

§3517. Tulane University Reporting and Valuation Procedure

A. With respect to all Tulane University properties, all tax assessors, boards of review, and related governmental entities shall operate according to the following administrative procedures and time line:

1. On or before March 31 of each year, Tulane University shall deliver to the commission and the tax assessor for each municipal district/parish in which Tulane owns non-exempt property a report on each non-exempt property on Louisiana Tax Commission Form TC-TU01.

2. On or before June 30, each tax assessor shall deliver to Tulane University and the commission a list of all properties in such tax assessor's jurisdiction that the tax assessor intends to assess as non-exempt property, together with the proposed fair market value and assessed value of the land and of improvements for each such property. The tax assessor shall determine one assessed value for the land and one assessed value for the improvements.

3. All tax assessors may make reasonable inquiry of Tulane University in an effort to determine all property owned by Tulane University within the tax assessor's jurisdiction.

4. All tax assessors shall list all non-exempt property as exempt and indicate the tax assessor's proposed fair market value of each property in the tax rolls.

5. In each board of review certification to the commission, the board of review shall list all non-exempt property as exempt and indicate the board of review's recommended fair market value of each property on the tax rolls.

6. All board of review decisions on appeals of the proposed assessments by the tax assessor shall be delivered to the commission according to standard procedures and deadlines as the board of review's recommended assessment.

7.a. On the Tulane hearing date of each year, the commission shall:

i. hold all appeal hearings involving non-exempt property;

ii. decide each appeal and issue written reasons for decisions on all such appeals; and

iii. allocate the Tulane exemption across all non-exempt property according to the allocation formula and order issuance of all supplements and change orders of the tax rolls to each reporting municipal district/parish, establishing the land parcel assessed value after exemption and the improvement assessed value after exemption for each non-exempt property.

b. Upon receipt of said change orders, the tax assessor shall adjust the tax rolls to reflect the commission's change orders.

8. Nothing in these regulations shall alter or diminish in any way Tulane University's right to appeal a proposed or actual assessment by any tax assessor or any decision or ruling of any board of review or the commission under the administrative and judicial remedies available to all taxpayers. The proposed assessment by the tax assessor, the board of review's recommended assessment, and the commission's determination shall be treated in the same manner as if the property were not marked exempt on the tax rolls and the proposed assessment was the tax assessor's final assessment on the tax rolls, the board of review's recommended assessment and/or the commission's determination was its final assessment decision.

9. Nothing in these regulations shall alter or diminish in any way Tulane University's right to appeal by all available administrative and judicial remedies the commission's allocation of the Tulane exemption.

10. After allocation of the Tulane exemption and issuance of the requisite supplements and change orders by the commission, the total amount of the Tulane exemption allocated to each property (as shown in the Column "G" entitled "FMV Reduction by Exemption" of the Louisiana Tax Commission Form TC-TU02) shall remain unchanged thereafter and not be later readjusted, regardless of the outcome of subsequent appeals of valuation of assessments for that tax year.

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

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:725 (March 2005).

§3519. Tulane University Allocation Formula

A. The taxable assessed value of each property to be determined by the commission in compliance with §3509 and delivered by the commission to each reporting municipal district/parish in the form of a supplement or change order to the regular tax roll shall be calculated as follows.

1. Exemption Percentages and Amounts. Purpose: calculate both the percentage and the dollar amount of the Tulane exemption applicable to land and both the percentage and the dollar amount of the Tulane exemption applicable to improvements.

a. $(\text{FMV Land Statewide}) \times (\text{Land Assessment Ratio}) = (\text{Land Assessed Value Statewide})$;

b. $(\text{FMV Improvements Statewide}) \times (\text{Improvement Assessment Ratio}) = (\text{Improvement Assessed Value Statewide})$;

c. $(\text{Land Assessed Value Statewide}) + (\text{Improvement Assessed Value Statewide}) = (\text{Total Assessed Value Statewide})$;

d. $(\text{Land Assessed Value Statewide}) \div (\text{Total Assessed Value Statewide}) = (\text{Land Exemption Percentage Statewide})$;

e. $(\text{Improvement Assessed Value Statewide}) \div (\text{Total Assessed Value Statewide}) = (\text{Improvement Exemption Percentage Statewide})$;

f. $(\text{Land Exemption Percentage Statewide}) \times (\text{Tulane Exemption}) = (\text{Land Exemption Amount Statewide})$;

g. $(\text{Improvement Exemption Percentage Statewide}) \times (\text{Tulane Exemption}) = (\text{Improvement Exemption Amount Statewide})$.

2. Land. Purpose: calculate the assessed value of each land parcel after allocation of the Tulane exemption.

a. $(\text{FMV each Land Parcel}) \div (\text{FMV Land Statewide}) = (\text{Land Parcel FMV percent})$;

b. $(\text{Land Parcel FMV percent}) \times (\text{Land Exemption Amount Statewide}) = (\text{Land Parcel FMV Reduction by Exemption})$;

c. $(\text{FMV each Land Parcel}) - (\text{Land Parcel FMV Reduction by Exemption}) = (\text{Land Parcel FMV after Exemption Reduction})$;

d. $(\text{Land Parcel FMV after Exemption Reduction}) \times (\text{Land Assessment Ratio}) = (\text{Land Parcel Assessed Value after Exemption})$.

3. Improvements

a. $(\text{FMV each Improvement}) \div (\text{FMV Improvements Statewide}) = (\text{Improvement FMV percent})$;

b. $(\text{Improvement FMV percent}) \times (\text{Improvement Exemption Amount Statewide}) = (\text{Improvement FMV Reduction by Exemption})$;

c. $(\text{FMV each Improvement}) - (\text{Improvement FMV Reduction by Exemption}) = (\text{Improvement FMV after Exemption Reduction})$;

d. $(\text{Improvement FMV after Exemption Reduction}) \times (\text{Improvement Assessment Ratio}) = (\text{Improvement Assessed Value after Exemption})$.

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

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:726 (March 2005).

§3521. Tulane University Allocation Report

A. The commission shall adopt an allocation report entitled "Tulane University Exemption Allocation Summary" and shall thereafter calculate the said allocation formula.

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

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:726 (March 2005).

§3523. Tulane University Forms

A. The following forms shall be used in the Tulane University exemption and non-exemption reporting process.

1. TC Form TU01, Tulane Non-Exempt Property Report, shall be annually completed and furnished to the commission and the tax assessors by Tulane University on or before March 31 of each year.

2. TC Form TU02, Tulane University Exemption Allocation Summary, shall be annually completed in the form of a spreadsheet with formulas to be used for allocation of the Tulane exemption by the commission and distributed to the tax assessors and Tulane University on or before the third Wednesday of December of each year.

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

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:726 (March 2005).

§3525. Reporting of Certain Property Assessments by Assessors and Louisiana Tax Commission Members

A. In accordance with R.S. 47:1979(A), if a tax assessor or a member of his immediate family owns property within

his jurisdiction, such assessor shall assess the property in accordance with all applicable provisions of law. As used in this section, "own" shall include a direct ownership, ownership in part, or through any legal entity.

B. The tax assessor shall submit all such assessments to the Louisiana Tax Commission within 30 days after the filing of the assessor's assessment rolls with the Louisiana Tax Commission, and the commission shall then review those assessments for compliance with all applicable laws and Louisiana Tax Commission rules and regulations.

C. Upon appraisal review, if the Louisiana Tax Commission determines that any assessment is questionable, the Louisiana Tax Commission shall give written notice to the assessor of its findings and subsequently clarify and/or remedy the assessment matter with the assessor.

D. In accordance with R.S. 47:1979(B), the members of the Louisiana Tax Commission shall file the same report as required in R.S. 47:1979(A) and shall list the ownership of all property within the state owned by him or a member of his immediate family along with the assessment of such property as shown on the appropriate assessment roll.

E. The Louisiana Tax Commission shall submit the members' property assessment reports with the President of the Senate, the Speaker of the House of Representatives and the Legislative Audit Advisory Council no later than December 15 of each calendar year.

F. For the purpose of defining "immediate family" R.S. 42:1102(13) identifies the family members to include:

1. sons and their spouses;
2. daughters and their spouses;
3. brothers and their spouses;
4. sisters and their spouses;
5. parents;
6. spouse; and
7. parents of spouse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1979; Act 670 of the 2003 Regular Legislative Session; Act 71 of the 2004 Regular Legislative Session; and R.S. 47:1837.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Tax Commission, LR 31:726 (March 2005).

Elizabeth L. Guglielmo
Chairman

0503#073

RULE

Department of Transportation and Development Office of Highways/Engineering

Outdoor Advertising
(LAC 70:III.103-109)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Department of Transportation and Development hereby amends Subchapter A of Chapter 1 of Part III of Title 70 entitled "Outdoor Advertising." This Rule deals specifically with "Specific Services (LOGO) Signing." It is promulgated in accordance with the provisions of R.S. 48:461.

Title 70

TRANSPORTATION

Part III. Outdoor Advertising

Chapter I. Outdoor Advertising

Subchapter A. Outdoor Advertising Signs

§103. Definitions

A. Except as defined in this Paragraph, the terms used in this Rule shall be defined in accordance with the definitions and usage of the Louisiana Manual on Uniform Traffic Control Devices (MUTCD).

Specific Information Sign a ground mounted rectangular sign panel with:

- a. the words "GAS," "FOOD," "LODGING," "CAMPING," or "ATTRACTIONS;"
- b. directional information;
- c. one or more business signs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:782 (August 1985), amended LR 18:784 (July 1992), LR 19:352 (March 1993), by the Department of Transportation and Development, Office of Highways/Engineering, LR 22:224 (March 1996), LR 31:727 (March 2005).

§105. Location

A. - D. ...

E. Relative Location. In the direction of travel, successive specific information signs shall be those for "ATTRACTIONS," "CAMPING," "LODGING," "FOOD," and "GAS" in that order.

F. ...

G. Number of Signs Permitted. There shall be no more than one specific information sign for each type of service along an approach to an interchange or intersection. There shall be no more than six business signs displayed on a specific information sign.

H. - I.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:782 (August 1985), amended LR 18:785 (July 1992), LR 19:352 (March 1993), amended by the Department of Transportation and Development, Office of Highways/Engineering, LR 22:224 (March 1996), LR 25:1277 (July 1999), LR 31:727 (March 2005).

§107. Criteria for Specific Information Permitted

A. - A.1. ...

2. In rural areas, businesses shall be located no more than 10 miles in either direction for "GAS," "FOOD" and "LODGING" or 25 miles in either direction for "CAMPING" and "ATTRACTIONS" from the terminal of the nearest off ramp. In urban areas, businesses shall be located no more than two miles in either direction for "GAS," "FOOD" AND "LODGING" or five miles in either direction for "CAMPING" and "ATTRACTIONS" from the terminal of the nearest off ramp. Measurements shall be made from the beginning of the curves connecting the ramp to the crossroad or the nosepoint of a loop along the normal edge of the pavement of the crossroad as a vehicle must travel to reach a point opposite the main entrance to the business.

- A.3. - B. ...
- C. Specific Criteria for "GAS"
- C.1. - E.4.e ...
- F. Specific Criteria for "CAMPING"
- F.1. - F.3. ...

4. At least 10 campsites with water and electrical outlets for all types of travel-trailers and camping vehicles. A tent camping area must also be provided with a minimum of two tent sites.

- G. - G.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:782 (August 1985), amended LR 18:785 (July 1992), LR 19:353 (March 1993), amended by the Department of Transportation and Development, Office of Highways/Engineering, LR 22:225 (March 1996), LR 25:1277 (July 1999), LR 31:727 (March 2005).

§109. Sign Composition

- A. - F. ...

G. Priority. If space is limited, when an interchange is brought into the Specific Services Program, priority for signs will be given to "GAS," "FOOD," "LODGING," "CAMPING" and "ATTRACTIONS" in that order. Combined specific information signs shall be used to provide signing for all services with qualifying businesses, even if there are more than three qualifying businesses in a particular service.

- H. - H.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 11:782 (August 1985), amended LR 18:785 (July 1992), LR 19:353 (March 1993), amended by the Department of Transportation and Development, Office of Highways/Engineering, LR 22:226 (March 1996), LR 31:728 (March 2005).

J. Michael Bridges, P.E.
Undersecretary

0503#055

RULE

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Exotic Fish (LAC 76:VII.199)

The Wildlife and Fisheries Commission has adopted a Rule for harvesting exotic fish with specific gears.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§199. Designation and Taking of Exotic Fish

A. For the purposes of this Section, the following species of nonindigenous fish are designated as exotic fish:

1. grass carp (*ctenopharyngodon idella*);
2. silver carp (*hypophthalmichthys molitrix*);
3. bighead carp (*hypophthalmichthys nobilis*);
4. black carp (*mylopharyngodon piceus*).

B. In order to promote the removal of the exotic species identified in this rule, it shall be lawful to retain as bycatch all such designated exotic species of fish which may be caught in all legal commercial fishing gear, which gear is being legally fished. While alive, such exotic fish shall not be maintained, sold, bartered, traded, or exchanged.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:319.2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 31:728 (March 2005).

Dwight Landreneau
Secretary

0503#024

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Seed Commission

Louisiana Seed Law
(LAC 7:XIII.123, 141 and 143)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 3:1433, the Department of Agriculture and Forestry, Office of the Louisiana Seed Commission, proposes to amend regulations governing definitions and the fee structure for certified seed making it consistent throughout the industry.

The Louisiana Seed Commission is proposing to amend regulations regarding the fee structure for certified seed making it more consistent throughout the industry. Classes of certified seed are recognized throughout the industry by the color of the tag that is attached to the package. The proposed standards relate the color of the tag with the definition of the particular class of certified seed.

Certification fees are currently assessed on a per tag basis, being one tag per container regardless of the size of the container. (Container sizes can range from 50-2000 pounds.) The proposed standards require that seed certification fees be assessed on a per weight unit basis, with the amount of the weight units being established by the seed commission, and based on a common industry accepted packaging weight and specified within the certification standards.

Traditionally, rice and small grains have been packaged in 50 or 100 pound containers, but due to the introduction of bulk bags and bulk Q-bit containers (holding up to 2000 pounds of seed and widely used in the seed industry), the industry trend is toward these larger containers and away from the smaller packaging. The bulk certification of the certified class of rice and small grain is currently being allowed. This proposal would extend bulk certification to the registered class of rice and small grain. This trend potentially results in reduced labor costs and packaging costs which is passed on the grower.

These Rules are enabled by R.S. 3:1431 and 3:1433.

Title 7

AGRICULTURE AND ANIMALS

Part XIII. Seeds

Chapter 1. Louisiana Seed Law

Subchapter B. General Seed Certification Requirements

§123. Classes of Seed

Breeder Seed (White Tag) ☉ Seed directly controlled by the originating or sponsoring plant breeding institution, firm or individual which is the source for the production of seed of the certified classes.

Foundation Seed (White Tag) ☉ Progeny of breeder or foundation seed, handled so as to maintain specific genetic purity and identity, production of which must be acceptable to the Department of Agriculture and Forestry.

Registered Seed (Purple Tag) ☉ Progeny of breeder or foundation seed, handled under procedures acceptable to the Department of Agriculture and Forestry to maintain satisfactory genetic purity and identity.

Certified Seed (Blue Tag) ☉ Progeny of breeder, foundation or registered seed, handled under procedures acceptable to the Department of Agriculture and Forestry to maintain satisfactory genetic purity and identity.

Tree Seed ☉

1. *Certified Tree Seed (Blue Tag)* ☉ Seed from trees of proven genetic superiority, produced so as to assure genetic identity. Seeds from interspecific hybrids of forest trees may be included.

2. *Selected Tree Seed (Green Tag)* ☉ Progeny of rigidly selected trees or stands of untested parentage that have promise but not proof of genetic superiority and for which geographic source and elevation is stated on the label.

3. *Source-Identified Tree Seed (Yellow Tag)* ☉ Seed from:

a. natural stands with known geographic source and elevation, or plantations of known geographic origin and which is acceptable to the Department of Agriculture and Forestry.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:564 (November 1982), amended by the Department of Agriculture and Forestry, Seed Commission, LR 12:825 (December 1986), LR 31:

§141. Processing of Certified Seed

A. Bagging

1. All seed approved for certification must be packaged in new 100 pound containers or less, except as provided by §141.A.1-2.

2. Registered Class of rice and small grains (wheat and oats):

a. new super-bags or Q-Bit bulk containers (or its equivalent as determined by the Louisiana Department of Agriculture and Forestry);

b. each super-bag or Q-Bit container of registered seed must be sealed in an LDAF approved manner that prevents removal and re-attachment without tampering being obvious. Seals shall be attached after filling and/or sampling is completed.

3. Certified class of rice and small grains (wheat and oats):

a. new or reusable super-bags or Q-Bit bulk containers (or its equivalent as determined by the Louisiana Department of Agriculture and Forestry).

NOTE: Reusable containers must be cleaned in a manner approved by the Louisiana Department of Agriculture and Forestry.

B. Tagging

1. Each container of all classes of certified seed offered for sale must have an official Department of Agriculture and Forestry tag attached.

2. The lot number of the tag attached to each container must be the same as the lot number marked on the container.

3. The tag shall contain the following information:
 - a. kind and variety;
 - b. where grown;
 - c. percentage of pure seed, crop seed, weed seed and inert matter;
 - d. name and number of noxious weed seeds per pound;
 - e. grower's name and address or code number;
 - f. germination percentage;
 - g. hard seed;
 - h. total germination and hard seed percentage;
 - i. net weight;
 - j. lot number; and
 - k. date of test.

4. Tags will be issued only for seed proven by laboratory analysis to meet required germination and purity standards.

5. The number of tags issued will be determined by the inspector's estimate of the quantity of seed at the time of sampling. All unused tags must be returned to the Department of Agriculture and Forestry.

6. Pretagging

a. In order to permit seedsmen to bag and label seed in advance of final laboratory reports, certification tags may be issued in advance. Such labels can be pre-issued upon receipt of completed field inspection reports showing that field production standards have been met. The state may grant a waiver on the movement of seed if an acceptable preliminary test is made on the seed lot. If pretagged lots fail laboratory analysis standards, all tags shall be destroyed or returned to the Louisiana Department of Agriculture and Forestry. Failure to comply with this regulation will result in suspension of future pre-tag privileges.

7. The official certification label may be printed directly on the container with prior approval of the Department of Agriculture and Forestry.

8. Labels other than those printed on the containers shall be attached to containers in a manner that prevents removal and reattachment without tampering being obvious.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433 and R.S. 3:1434.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:566 (November 1982), amended LR 9:196 (April 1983), amended by the Department of Agriculture and Forestry, Seed Commission, LR 12:825 (December 1986), LR 20:643 (June 1994), LR 31:35 (January 2005), LR 31:

§143. Fees

A. The application fee for certification shall be \$23 for each crop, one variety per application, plus \$0.90 per acre inspection fee for all crops except sweet potatoes and sugar cane which shall be \$1.80 per acre and turf and pasture grass which shall be \$25 per acre. The application fee shall be due and payable upon filing of the application for certification.

B. The fee for certification on any application submitted after the deadline shown in §131 shall be \$100.

C. A fee of \$50 shall be charged for each re-inspection of a field.

D. Fees for certified seed shall be \$0.16 per weight unit and be calculated on the total weight units in the certifiable lot. The number of weight units for a particular lot of seed shall be reported when the certified sample is taken. Fees are

due upon request for certified tags; except for those certified processors that have pre-approval to print certified tags which fees are due with the quarterly tag report.

1. The weight unit for rice is 100 pounds; all other commodity weight units are 50 pounds.

2. Any person who sells, distributes, or offers for sale certified seed in Louisiana and who has paid certification fees for a particular lot of seed may request a refund on the unsold portion of the certified lot from the Louisiana Department of Agriculture and Forestry. Any person requesting a refund must submit:

- a. a written request to the department within nine months of the certified test date, stating:
 - i. lot number for the seed that the request is being made;
 - ii. number of weight units sold from the certified lot; and
 - iii. the number of weight units partitioned for refund from the certified lot;
 - iv. all unused tags from the certified lot.

E. Fees for Sweet Potatoes

1. The fee for greenhouse inspections of virus-tested sweet potato plants and mini-roots shall be \$50 per crop year.

2. A fee of \$0.05 cents per 1,000 plants will be collected for each 1,000 sweet potato plants inspected for certification purposes.

F. Fees for Bulk Seed Certification

1. The fee for the issuance of a bulk certified seed sales certificate shall be \$0.16 per weight unit.

G. Fees for Phytosanitary Inspection

1. A fee of \$0.50 per acre shall be charged for phytosanitary inspections.

2. The application fee for phytosanitary inspection shall be due and payable upon filing of the application for certification.

H. Fees for Re-sampling Certified Seed

1. A fee of \$30 will be charged for each re-sample, which fee shall be due and payable when the request for re-sample is initially made.

I. Fees for Bulk Sampling

1. A fee of \$30 shall be charged for each bulk sample by vacuum probe, which shall be due and payable when request for bulk sample is initially made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Seed Commission, LR 8:566 (November 1982), amended LR 10:495 (July, 1984); amended by the Department of Agriculture and Forestry, Seed Commission, LR 12:825 (December 1986), LR 14:604 (September 1988), LR 16:847 (October 1990), LR 25:1617 (September 1999), LR 26:235 (February 2000), LR 29:2632 (December 2003), LR 31:420 (February 2005), LR 31:

Family Impact Statement

The proposed amendments to Title 7, Part XIII, §125 and §143 regarding an add definition and the fee structure for certified seed making it consistent throughout the industry should not have any known or foreseeable impact on any family as defined by R.S. 49:972(D) or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

All interested persons may submit written comments on the proposed Rules through April 25, 2005, to Eric Gates, Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806. All interested persons will be afforded an opportunity to submit data, views or arguments in writing at the address above. No preamble concerning the proposed Rules is available.

Bob Odom
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Louisiana Seed Law

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There is estimated to be no implementation costs or savings to state or local governmental units. The Louisiana Seed Commission is proposing to amend regulations making the fee structure for certified seed more consistent throughout the industry. Classes of certified seed are recognized throughout the industry by the color of the tag that is attached to the package. The proposed standards relate the color of the tag with the definition of the particular class of certified seed.

Certification fees are currently assessed on a per tag basis, being one tag per container regardless of the size of the container. (Container sizes can range from 50-2000 pounds.) The proposed standards require that seed certification fees be assessed on a per weight unit basis, with the amount of the weight units being established by the Seed Commission, and based on a common industry accepted packaging weight and specified within the certification standards.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be a total estimated increase in revenue collections of \$47,812 to the Seed Commission Fund. This increase was calculated using revenues generated from the total number of tags printed for the previous year verses revenues estimated on the same amount of tags under the new regulations.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be an increase in costs to persons desiring to certify seed in bulk containers. Certification fees were previously based on a per tag basis, based on one tag per container regardless of the size of the container. Current proposed standards require seed certification fees on a per unit basis. Persons packaging seed in 50 pound containers will potentially see a decrease in certification costs. Persons normally packaging seed in 100-pound containers will realize no impact. Persons packaging certified seed in bulk containers will realize an increase in certification costs based on the

number of units packaged within the bulk containers. At present, amendments to rules and regulations regarding bulk certification standards to accommodate the current industries trend towards bulk packaging are in the process of promulgation.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These proposed amendments will have no effect on competition and employment.

Skip Rhorer
Assistant Commissioner
0503#044

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of Environmental Assessment**

**Control of Emission of Organic Compounds Exemptions
(LAC 33:III.2117)(AQ250*)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.2117 (Log #AQ250*).

This proposed Rule is identical to federal regulations found in 69 FR 69290-69298, No. 228 (November 29, 2004), which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4314, Baton Rouge, LA 70821-4314. No fiscal or economic impact will result from the proposed Rule; therefore, the Rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4).

This proposed Rule reorganizes the list of organic compounds that are exempt from control requirements of LAC 33:III.Chapter 21 to make it more practical. The rule also adds four compounds to the exemptions list. The four new compounds are: 1,1,1,2,2,3,3-heptafluoro-3-methoxypropane (n-C₃F₇OCH₃, HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl)hexane (HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); and methyl formate (HCOOCH₃). These newly added compounds are considered to make a negligible contribution to tropospheric ozone formation and should not be counted as volatile organic compounds (VOC). This rulemaking is necessary to keep the state list of exempted compounds identical to the federal list of compounds that make a negligible contribution to tropospheric ozone formation. The basis and rationale for this Rule are to mirror the federal regulations.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Title 33
ENVIRONMENTAL QUALITY**

Part III. Air

Chapter 21. Control of Emission of Organic Compounds

Subchapter A. General

§2117. Exemptions

A. The compounds listed in the following table are exempt from the control requirements of this Chapter.

Exempt Compounds
acetone
1-chloro-1,1-difluoroethane (HCFC-142b)
chlorodifluoromethane (HCFC-22)
1-chloro-1-fluoroethane (HCFC-151a)
chlorofluoromethane (HCFC-31)
chloropentafluoroethane (CFC-115)
2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
cyclic, branched, or linear completely fluorinated alkanes
cyclic, branched, or linear completely fluorinated ethers with no unsaturations
cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations
cyclic, branched, or linear completely methylated siloxanes
1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC-43-10mee)
dichlorodifluoromethane (CFC-12)
1,1-dichloro-1-fluoroethane (HCFC-141b)
1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb)
3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca)
1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114)
1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)
1,1-difluoroethane (HFC-152a)
difluoromethane (HFC-32)
ethane
3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500)
1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C ₄ F ₉ OC ₂ H ₅)
ethylfluoride (HFC-161)
1,1,1,2,2,3,3-heptafluoro-3-methoxypropane (n-C ₃ F ₇ OCH ₃ , HFE-7000)
1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea)
2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF ₂) ₂ CF ₂ OCH ₃)
2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF ₂) ₂ CF ₂ OC ₂ H ₅)
1,1,1,2,3,3-hexafluoropropane (HFC-236ea)
1,1,1,3,3,3-hexafluoropropane (HFC-236fa)
methane
methyl acetate
methylene chloride (dichloromethane)
methyl formate (HCOOCH ₃)
1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C ₄ F ₉ OCH ₃)
parachlorobenzotrifluoride (PCBTF)
1,1,1,3,3-pentafluorobutane (HFC-365mfc)
pentafluoroethane (HFC-125)
1,1,1,2,3-pentafluoropropane (HFC-245eb)
1,1,1,3,3-pentafluoropropane (HFC-245fa)
1,1,2,2,3-pentafluoropropane (HFC-245ca)
1,1,2,3,3-pentafluoropropane (HFC-245ea)
perchloroethylene (tetrachloroethylene)
sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine
1,1,1,2-tetrafluoroethane (HFC-134a)
1,1,2,2-tetrafluoroethane (HFC-134)
1,1,1-trichloroethane (methyl chloroform)
trichlorofluoromethane (CFC-11)
1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113)
1,1,1-trifluoro-2,2-dichloroethane (HCFC-123)
1,1,1-trifluoroethane (HFC-143a)
trifluoromethane (HFC-23)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 16:118 (February 1990), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:289 (March 1994), LR 21:681 (July 1995), LR 21:1330 (December 1995), repromulgated LR 22:14 (January 1996), amended LR 22:703 (August 1996), LR 23:1661 (December 1997), LR 24:22 (January 1998), LR 25:258 (February 1999), amended by the Office of Environmental Assessment, LR 31:

A public hearing will be held on April 26, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ250*. Such comments must be received no later than April 26, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. The comment period for this rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ250*. This regulation is available on the Internet at <http://www.deq.louisiana.gov/planning/regs/index.htm>.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Baratavia Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr.
Assistant Secretary

0503#062

NOTICE OF INTENT

**Department of Environmental Quality
Office of Environmental Assessment**

Security-Sensitive Information
(LAC 33:I.601, 603, 605, 607, and 609)(OS061)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the

secretary gives notice that rulemaking procedures have been initiated to adopt the Office of the Secretary regulations, LAC 33:I.601, 603, 605, 607, and 609 (Log #OS061).

This Rule adopts a new chapter in LAC 33, Part I. The new chapter defines security-sensitive information, states who is responsible for declaring the information to be security sensitive, outlines procedures for submitting security-sensitive information, and states how such information will be handled by the department. Act No. 636 of the 2004 Regular Session requires the department to restrict access to certain security-sensitive information so that it is not distributed via the Internet and to adopt rules and regulations necessary to fully describe the information to which access is restricted. The basis and rationale for this rule are to fulfill the requirements of R.S. 30:2030(D) and to protect certain security-sensitive information from dissemination via the Internet.

This proposed Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 1. Departmental Administrative Procedures

Chapter 6. Security-Sensitive Information

§601. Scope

A. Department of Environmental Quality records and information obtained under the Louisiana Environmental Quality Act, or in accordance with any rule, regulation, order, license, registration, or permit term or condition adopted or issued thereunder, or by any investigation authorized thereby, shall be available to the public unless specifically excepted or exempted by law. In accordance with law, regulation, or general practice, records and information may be made accessible to the public in a variety of ways, including but not limited to in-person on department premises, at a public library or other public facility, via request in accordance with the Louisiana Public Records Act, at a public meeting, via public notice, or via the Internet. Certain security-sensitive information shall not be publicly distributed or disseminated via the Internet by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§603. Definitions

Security-Sensitive Information as defined in R.S. 44:3.1, security procedures, criminal intelligence information pertaining to terrorist-related activity, or threat or vulnerability assessments created, collected, or obtained in the prevention of terrorist-related activity, including but not limited to physical security information, proprietary information, operational plans, and the analysis of such information, or internal security information.

Distribution or Dissemination via the Internet to make known to the public generally by posting to a web, FTP, database, or application server configured for anonymous public access under the direct control of the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§605. Responsibility of Provider of Records or Information

A. As the department does not generate security-sensitive information as defined in LAC 33:I.603, it shall be the responsibility of a provider of such information to identify it as security sensitive at the time of submitting it to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§607. Procedure for Submitting Security-Sensitive Information

A. In the event that a submittal of records, documents, or information to the department contains security-sensitive information, these steps shall be followed in order to ensure that the information is marked for protection from Internet distribution or dissemination.

1. A cover sheet conspicuously labeled with the phrase "Contains Security-Sensitive Information" shall accompany the submittal. Each page or any item (e.g., any picture, map, videotape, computer disk, etc.) that contains allegedly security-sensitive information shall be clearly labeled. To the maximum extent possible, security-sensitive information shall be segregated and placed in a clearly labeled appendix to facilitate identification and handling.

2. A statement detailing the reasons for the required protection shall also accompany the submittal. It shall include all of the following:

a. the measures taken to guard against undesired disclosure of the information to others;

b. the extent to which the information has been disclosed to others and the precautions taken in connection therewith;

c. whether disclosure of the information would be likely to result in substantial harmful effects and, if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects;

d. the period of time for which protection from Internet distribution or dissemination is desired; and

e. a certification that all statements are true and correct to the best of the provider's knowledge.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§609. Dissemination of Existing Security-Sensitive Information; Notification to Department

A. In the event that the department distributes or disseminates any information via the Internet that was in its possession prior to the adoption of this regulation, and the provider of the information considers the information to be security sensitive, it is the responsibility of the provider to notify the department via letter to the Custodian of Records, Department of Environmental Quality, Box 4303, Baton Rouge, LA 70821-4303 or by fax to (225) 219-3175.

Notification shall include all information required in LAC 33:I.607 and authentication that the person making the declaration is authorized to do so. Distribution or dissemination of the material via the Internet will be restricted within three business days of notification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2030(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

A public hearing will be held on April 26, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by OS061. Such comments must be received no later than May 3, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of OS061. This regulation is available on the Internet at <http://www.deq.louisiana.gov/planning/regs/index.htm>.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr.
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Security-Sensitive Information**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no expected implementation costs or savings to state or local governmental units by the proposed Rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated effect on revenue collections of state or local governmental units by the proposed Rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups by the proposed Rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition or employment by the proposed Rule.

Wilbert F. Jordan, Jr.
Assistant Secretary
0503#064

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of Environmental Assessment**

Waste Tire Fees
(LAC 33:VII.10505, 10509,10519,
10521, 10535, and 10537)(SW039)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Solid Waste regulations, LAC 33:VII.10505, 10509,10519, 10521, 10535, and 10537 (Log #SW039).

The proposed Rule allows the department to collect fees on the sale of all tires instead of just new tires. It adds new definitions, including motor vehicle dealer, and exempts tires weighing over 500 pounds and/or solid tires from the definition of waste tire. A fee of \$1.25 will be collected on recapped or retreaded tires. The rule develops the standards and responsibilities of motor vehicle dealers in regards to the waste tire fee collection. This rule is a result of Act 846 of the 2004 Regular Session of the Louisiana legislature. The basis and rationale for this rule are to ensure proper processing, recycling, marketing, and disposal of waste tires generated in Louisiana.

The department has submitted a report to the Legislative Fiscal Office and the Joint Legislative Committee on the Budget demonstrating that the environmental and public health benefits outweigh the social and economic costs reasonably expected to result from the proposed rule. This report is published in the Potpourri Section of the March 20, 2005, issue of the *Louisiana Register*. This proposed Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Title 33
ENVIRONMENTAL QUALITY
Part VII. Solid Waste
Subpart 2. Recycling**

Chapter 105. Waste Tires

§10505. Definitions

A. The following words, terms, and phrases, when used in conjunction with the Solid Waste Rules and Regulations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

* * *

Motor Vehicle Dealer—Any person, business, or firm registered with the state of Louisiana that engages in the commercial sale of new motor vehicles.

Recapped or Retreaded Tire—any tire that has been reconditioned from a used tire and sold for use on a motor vehicle.

Sale of a Motor Vehicle—any sale and/or lease of a motor vehicle that would require registration, under the name of the consumer, with the Louisiana Office of Motor Vehicles.

Tire Dealer—any person, business, or firm that engages in the sale of tires, including recapped or retreaded tires, for use on motor vehicles.

Waste Tire—a whole tire that is no longer suitable for its original purpose because of wear, damage, or defect. *Waste tire* does not include a tire weighing over 500 pounds and/or a solid tire.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:37 (January 1992), amended LR 20:1001 (September 1994), LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2773 (December 2000), LR 27:829 (June 2001), LR 27:2226 (December 2001), LR 28:1953 (September 2002), LR 29:2779 (December 2003), amended by the Office of Environmental Assessment, LR 31:

§10509. Prohibitions and Mandatory Provisions

A. - G. ...

H. All persons who sell tires shall retain and make available for inspection, audit, copying, and examination, a record of all tire transactions in sufficient detail to be of value in determining the correct amount of fee due from such persons. The records retained shall include all sales invoices, purchase orders, inventory records, and shipping records pertaining to any and all sales and purchases of tires. This recordkeeping provision does not require anything more than what is already required by R.S. 47:309(A).

I. Each tire wholesaler shall maintain a record of all tire sales made to dealers in this state. This recordkeeping provision does not require anything more than what is already required by R.S. 47:309(A). These records shall contain and include the name and address of each tire purchaser and the number of tires sold to that purchaser.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:38 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2774 (December 2000), amended by the Office of Environmental Assessment, LR 31:

§10519. Standards and Responsibilities of Generators of Waste Tires

A. ...

B. Tire dealers must accept from the purchaser, at the time of purchase, one waste tire for every tire sold, unless the purchaser elects to retain the waste tire.

C. Each tire dealer doing business in the state of Louisiana shall be responsible for the collection of the \$2 waste tire fee upon the sale of each passenger/light truck tire, \$5 waste tire fee upon the sale of each medium truck tire, and \$10 waste tire fee upon the sale of each off-road tire. For recapped or retreaded tires, a waste tire fee of \$1.25 shall be collected upon the sale of each recapped or retreaded tire. *Tire dealer* includes any dealer selling tires in Louisiana.

D. - E.1. ...

2. "All Louisiana tire dealers are required to collect a waste tire cleanup and recycling fee of \$2 for each passenger/light truck tire, \$5 for each medium truck tire, and \$10 for each off-road tire, upon sale of each tire. These fees shall also be collected upon replacement of all recall and adjustment tires. Tire fee categories are defined in the Waste Tire Regulations. No fee shall be collected on tires weighing more than 500 pounds or solid tires. This fee must be collected whether or not the purchaser retains the waste tires. Tire dealers must accept from the purchaser, at the time of sale, one waste tire for every tire sold, unless the purchaser elects to retain the waste tire."

F. - J. ...

K. No generator shall allow the removal of waste tires from his place of business by anyone other than an authorized transporter, unless the generator generates 50 or less waste tires per month from the sale of 50 tires. In this case, the generator may transport his waste tires to an authorized collection or permitted processing facility provided LAC 33:VII.10523.C is satisfied.

L. A generator who ceases the sale of tires at the registered location shall notify the Office of Management and Finance, Financial Services Division, within 10 days of the date of the close or relocation of the business. This notice shall include information regarding the location and accessibility of the tire sale and monthly report records.

M. Generators of waste tires shall segregate the waste tires from any usable tires offered for sale.

N. - O. ...

P. All generators of waste tires (e.g., new tire dealers, used tire dealers, salvage yards, and recappers) shall maintain a complete record of purchase invoices, inventory records, and sales invoices for a period of no less than three years. These records shall be open for inspection and/or audit by the administrative authority at all reasonable hours.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 18:40 (January 1992), amended LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2777 (December 2000), LR 27:830 (June 2001), LR 27:2227 (December 2001), LR 28:1953 (September 2002), LR 29:1818 (September 2003), LR 29:2780 (December 2003), amended by the Office of Environmental Assessment, LR 31:

§10521. Standards and Responsibilities of Motor Vehicle Dealers

A. All existing motor vehicle dealers shall notify the Office of Management and Finance, Financial Services

Division, of their existence and obtain an identification number. Notification shall be on a form provided by the Office of Management and Finance, Financial Services Division. Any new motor vehicle dealer shall notify the Office of Management and Finance, Financial Services Division, within 30 days of commencement of business operations.

B. Motor vehicle dealers doing business in the state of Louisiana, who sell new vehicles, shall be responsible for the collection from the consumer of the \$2 waste tire fee for each tire upon the sale of each vehicle that has passenger/light truck tires, the \$5 waste tire fee for each tire upon the sale of each vehicle that has medium truck tires, and the \$10 waste tire fee for each tire upon the sale of each off-road vehicle. No fee is collected on the designated spare tire.

C. Motor vehicle dealers shall remit all waste tire fees collected as required by LAC 33:VII.10535.B and C to the department on a monthly basis on or before the twentieth day following the month during which the fees were collected. The fees shall be remitted to the Office of Management and Finance, Financial Services Division. Each such dealer shall also submit a Monthly Waste Tire Fee Report (Form WT02, available from the Office of Management and Finance, Financial Services Division) to the Office of Management and Finance, Financial Services Division, on or before the twentieth day of each month for the previous month's activity, including months in which no fees were collected. Each motor vehicle dealer is required to make a report and remit the fee imposed by this Section and shall keep and preserve records as may be necessary to readily determine the amount of fee due. Each such dealer shall maintain a complete record of the quantity of vehicles sold, together with vehicle purchase and sales invoices, and inventory records, for a period of no less than three years. These records shall be made available for inspection by the administrative authority at all reasonable hours.

D. Motor vehicle dealers must provide notification to the public via a sign, made available by the Office of Management and Finance, Financial Services Division, indicating that:

"All Louisiana motor vehicle dealers selling new vehicles are required to collect a waste tire cleanup and recycling fee from the consumer of \$2 for each tire upon the sale of each vehicle that has passenger/light truck tires, \$5 for each tire upon the sale of each vehicle that has medium truck tires, and \$10 for each tire upon the sale of each off-road vehicle. These fees shall also be collected upon replacement of all recall and adjustment tires. No fee shall be collected on the designated spare tire."

E. The waste tire fee established by R.S. 30:2418 shall be listed on a separate line of the retail sales invoice or buyers order. No tax of any kind shall be applied to this fee.

F. A motor vehicle dealer who ceases the sale of motor vehicles at the registered location shall notify the Office of Management and Finance, Financial Services Division, within 10 days of the date of the close or relocation of the business. This notice shall include information regarding the location and accessibility of the motor vehicle sales and monthly report records.

G. Motor vehicle dealers, who generate waste tires, shall comply with the manifest requirements of LAC 33:VII.10533.

H. Motor vehicle dealers shall comply with LAC 33:VII.10519.H for all waste tires and waste tire material collected and/or stored.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411-2422.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, LR 31:

§10535. Fees and Fund Disbursement

A. - A.8. ...

B. Waste Tire Fee upon Promulgation of These Regulations. A waste tire fee is hereby imposed on each tire sold in Louisiana, to be collected from the purchaser by the tire dealer or motor vehicle dealer at the time of retail sale. The fee shall be \$2 for each passenger/light truck tire, \$5 for each medium truck tire, and \$10 for each off-road tire. No fee shall be collected on tires weighing more than 500 pounds or solid tires.

C. - D.10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended LR 22:1213 (December 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2781 (December 2000), LR 27:832 (June 2001), LR 27:2228 (December 2001), amended by the Office of Environmental Assessment, LR 31:

§10537. Enforcement

A. ...

B. Investigations and Audits: Purposes, Notice. Investigations shall be undertaken to determine whether a violation has occurred or is about to occur, the scope and nature of the violation, and the identity of the persons or parties involved. Upon written request, the results of an investigation shall be given to any complainant who provided the information prompting the investigation and, if advisable, to any person under investigation, if the identity of such person is known. In any case where a person selling tires has failed to report and remit the waste tire fee to the administrative authority, and the person's records are inadequate to determine the proper amount of fee due, or in any case where a grossly incorrect report or a report that is false or fraudulent has been filed, the administrative authority shall have the right to estimate and assess the amount of the fee due, along with any interest accrued and penalties. The burden to demonstrate to the contrary shall rest upon the audited entity.

C. - E.2.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2411 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 20:1001 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2782 (December 2000), LR 28:1954 (September 2002), amended by the Office of Environmental Assessment, LR 31:

A public hearing will be held on April 26, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to

participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by SW039. Such comments must be received no later than May 3, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or to fax (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of SW039. This regulation is available on the Internet at <http://www.deq.louisiana.gov/planning/regs/index.htm>.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Wilbert F. Jordan, Jr.
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Waste Tire Fees

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The cost to state or local entities will be determined by how many new motor vehicles are purchased. DEQ has no reliable information as to how many vehicles may be purchased annually by local entities. According to State Purchasing, the state of Louisiana purchased 1,335 one-ton or smaller vehicles in FY 2002, 789 of these vehicles in FY 2004, and has purchased slightly more than 1,000 of these vehicles in FY 05 to date. It is likely that as many as 1,000 to 1,200 of these vehicles would be purchased by the state annually. Therefore, a minimum annual cost to the state each year from these fees would be approximately \$8,000 to \$10,000.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The revenue collections from the amendments to the waste tire disposal fees are estimated to be \$1.6 million to \$1.8 million for tires on new motor vehicles sales, and \$420,000 for used and retreaded tires. The estimate for used and retreaded tires is considered to be a conservative estimate based on the difference of remittances of registered tire retailers from prior years as compared to remittances of these entities as subject to the fee on used and retreaded tires during the last three months of calendar year 2004. Collection of fees on used and retreaded tires is expected to increase in the future as dealers become compliant with these regulations.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The cost will be determined by the number of new motor vehicles purchased.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition or employment is anticipated.

Wilbert F. Jordan, Jr.
Assistant Secretary
0503#063

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 111 **C**The Louisiana School, District, and State Accountability System (LAC 28:LXXXIII.301, 501, 517, 519, 901, 1301, 1401, 1403, 1405, 1407, 1501, 1503, 1505, 1701, 1703, 1704, 1705, 1706, 1707, 1901, 1903, 2101, 2301, 3107, 3109, 3111, and 3905)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 111 **C**The Louisiana School, District, and State Accountability System* (LAC Part Number LXXXIII). Act 478 of the 1997 Regular Legislative Session called for the development of an Accountability System for the purpose of implementing fundamental changes in classroom teaching by helping schools and communities focus on improved student achievement. The State's Accountability System is an evolving system with different components.

These changes take advantage of new flexibility in guidance for No Child Left Behind and address situations that were not considered when the accountability policy was initially written.

The proposed changes more clearly define the school performance score goal, calculating the NRT index (formulas and inclusion of students and schools), reward eligibility, academic assistance, school improvement, school improvement requirements (schools, districts, and state), reconstitution light plans, local board of education requests, waivers, and alternate assessment results.

Title 28 EDUCATION

Part LXXXIII. Bulletin 111 **C**Louisiana School, District, and State Accountability

Chapter 3. School Performance Score Component §301. School Performance Score Goal

A. - D. ...

E. Beginning in 2004, preliminary accountability results issued each summer shall include both preliminary school performance scores and subgroup component analyses for those schools on the academic watch list, or in school improvement 2 or higher, or who have failed the subgroup component the prior year. Final accountability results shall be issued during the fall semester of each year.

1. Beginning in fall of 2004, schools shall receive two SPSs.

a. A Growth SPS, which shall consist of the CRT, NRT, and LAA data from the prior school year and the attendance and/or dropout data from the school year two years prior (example: fall 2004 Growth SPS will include spring 2004 CRT, NRT and LAA data and 2002-2003 attendance and/or dropout data).

i. The Growth SPS shall be used to determine growth labels, rewards status and academic assistance status for the SPS component

b. A Baseline SPS, which shall consist of the two prior school years' CRT, NRT, and LAA data and attendance and/or dropout data from two years' prior to the most recent assessment results (example: fall 2004 Baseline SPS will include spring 2003 and 2004 CRT, NRT, and LAA data and 2001-02 and 2002-03 attendance and/or dropout data).

i. The Baseline SPS shall be used to determine performance labels and academically unacceptable schools.

F. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2737 (December 2003), amended LR 31:

Chapter 5. Calculating the NRT Index

§501. Formulas Relating Student Standard Scores to NRT Index (K-8)

A. Formulas for calculating the NRT Index Iowa Standard Scores (SS) beginning in 2003.

Index 3rd Grade = (4.181 * SS) - 693.6
Index 5th Grade = (3.101 * SS) - 599.3
Index 6th Grade = (2.462 * SS) - 470.4
Index 7th Grade = (2.153 * SS) - 427.1
Index 9th Grade = (2.060 * SS) - 430.5

B. A student not taking the test and not exempted will be assigned a zero NRT index.

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2740 (December 2003), amended LR 31:

§517. Inclusion of Students

A. As a general rule for the school performance score calculations, the test score of every student who is eligible to take a test at a given school shall be included in that school's performance score regardless of how long that student has been enrolled in that school. A school that has at least 10 percent of its students transferring from outside the district after October 1 but before the conclusion of spring testing may request that the Louisiana Department of Education calculate what its Growth and Baseline SPS would have been if such out-of-district enrollees had not been included. If the newly calculated Growth SPS indicates a change in academic assistance or reward status, then the school may

request a waiver from any negative accountability action taken by the state: e.g., movement into school improvement, application of growth labels.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 31:

§519. Inclusion of Schools

A. Beginning in 2004, for the Baseline SPS, all schools shall have a minimum number of:

1. 80 testing units to include one or all four parts of the statewide criterion-referenced test; and

2. 20 students with complete composite scores on the statewide norm-referenced test.

B. Beginning in 2004, for the Growth SPS, all schools shall have a minimum number of:

1. 40 testing units to include one or all four parts of the statewide criterion-referenced test; and

2. 10 students with complete composite scores on the statewide norm-referenced test.

C. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 31:

Chapter 9. Growth Labels

§901. Growth Labels for 2003

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2744 (December 2003), repealed LR 31:

Chapter 13. Rewards/Recognition

§1301. Reward Eligibility

A. Beginning in 2004, a school shall receive recognition and monetary awards (as appropriated by the Legislature) when it achieves a growth label of Exemplary or Recognized Academic growth. Exemplary Academic Growth shall require, in addition to achieving the school's Growth Target, at least 2.0 points growth in every subgroup's GPS (African American, American Indian/Alaskan Native, Asian, Hispanic, White, Economically Disadvantaged, Limited English Proficient, Students with Disabilities, and All Students), and the school cannot be in any level of school improvement. Recognized Academic Growth is earned by any school that meets its growth target, regardless of subgroup growth or school improvement status.

B. School personnel shall decide how any monetary awards shall be spent; however, possible monetary rewards shall not be used for salaries or stipends.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2744 (December 2003), amended LR 30:1446 (July 2004), LR 31:

Chapter 14. Academic Assistance (formerly School Improvement 1)

§1401. Levels of Academic Assistance

A. There shall be six levels of academic assistance. A school that enters academic assistance shall receive additional support and assistance with the expectation that efforts shall be made by students, parents, teachers, principals, administrators, and the school board to improve student achievement at the school. A school in academic assistance shall begin the remedies required at the level that the school is in as a result of the fall final accountability release. The remedies required in each level of academic assistance shall be additive in nature as schools move to higher levels of academic assistance (e.g., schools in academic assistance level 3 are required to meet the remedies of levels 1, 2, and 3).

Academic Assistance Level	Remedy
1	If SPS < 80.0 the district will assist the school with a needs assessment and in analyzing the data to determine strengths, weaknesses, goals, and objectives. Revised School Improvement Plan
2	Scholastic Audit (Year 1) District Assistance Team
3	Scholastic Audit (Year 2)
4	Add from Corrective Action List
5	Develop Reconstitution "light" plan
6	Implement Reconstitution "light" - Substantial school reform aimed at increasing the academic performance of low achieving subgroups.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1403. Entry into Academic Assistance

A. Schools that fail to meet their growth targets enter academic assistance level 1 (AA1) when:

1. they receive a 1 star performance label based on the current year's score release and fail to meet their growth target; or
2. they receive a 2 star performance label and do not make at least 0.1 SPS points of growth based on the current year's score release; or

3. they receive a 3 star performance label and decline more than 2.5 SPS points based on the current year's score release.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1405. Movement in Academic Assistance

A. Schools move one level higher in academic assistance when they fail to meet their growth target and their newly calculated growth target exceeds 8.0 SPS points (a school in AA2 moves to AA3).

B. Schools remain at the same level of academic assistance when they:

- a. reach their growth target, but their new growth target exceeds 8.0 SPS points; or
- b. fail to reach their growth target, but their new growth target is less than or equal to 8.0 SPS points.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1407. Exit from Academic Assistance

A. A school shall exit academic assistance when the fall accountability results indicate it has achieved its growth target and its new growth target is less than or equal to 8.0 SPS points.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Chapter 15. School Improvement (formally called Corrective Actions)

§1501. Levels of School Improvement

A. There shall be five levels of school improvement. A school that enters school improvement shall receive additional support and assistance with the expectation that extensive efforts shall be made by students, parents, teachers, principals, administrators, and the school board to improve student achievement at the school. A school in school improvement shall begin the remedies required at the level that the school is in upon initial identification of the school for that level of school improvement, either summer preliminary or fall final accountability release. The remedies required in each level of school improvement shall be additive in nature as schools move to higher levels of school improvement (e.g., schools in SI 3 are required to meet the remedies of SI 2 and SI 3).

SI Level	Remedy	SPS Component Academically Unacceptable Schools		Subgroup Component AYP Analysis	
		Title I	Non-Title I	Title I	Non-Title I
SI 2	Revised School Improvement Plan	X	X	X	X
	School Choice	X	X	X	-
	Scholastic Audit (Year 1)	X	X	X	X
	District Assistance Team	X	X	X	X
SI 3	Supplemental Educational Services (SES)	X	-	X	-
	Schools are eligible for DE	X	X	-	-
	Scholastic Audit (Year 2)	X	X	X	X
SI 4	Add from Corrective Action List	X	X	X	X
	Develop reconstitution plan (eligible for DE Partnership)	X	X	-	-
SI 5	Implement reconstitution plan or lose school approval	X	X	-	-
	Develop Alternate Governance plan	-	-	X	-
	Develop Reconstitution "light" plan	-	-	-	X
SI 6	Alternate Governance	X	X	X	-
	Implement Reconstitution "light" - Substantial school reform aimed at increasing the academic performance of low achieving subgroups.	-	-	-	X

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2745 (December 2003), amended LR 30:2744 (December 2004), LR 31:

§1503. Entry into School Improvement

A. Schools shall enter school improvement by two methods of identification.

1. Any academically unacceptable school enters school improvement 2.

a. Beginning in 2005, schools with a Baseline SPS below 60.0 shall be considered academically unacceptable.

b. Any school that fails the subgroup component in the same subject for two consecutive years is in school improvement 2.

B. Schools that enter school improvement 2 through method 1 or 2 above shall be considered as not meeting adequate yearly progress for the purposes of NCLB.

C. In the event that test scores are voided at a school due to testing irregularities, the accountability recalculations shall be performed. If applicable, the school shall be placed in the appropriate level of school improvement at the time of recalculation, and all associated remedies shall be applied.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2745 (December 2003), amended LR 30:2257 (October 2004), LR 30:2445 (November 2004), LR 31:

§1505. Exit from School Improvement

A. A school shall exit school improvement when the fall accountability results indicate:

1. it is no longer academically unacceptable, and has met its growth target, and has not failed the subgroup component for 2 consecutive years;

2. it is in school improvement for failure to pass the subgroup component, and it passes the subgroup component for two consecutive years and is not academically unacceptable;

3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2746 (December 2003), amended LR 30:1619 (August 2004), repromulgated LR 30:1996 (September 2004), amended LR 30:2257 (October 2004), LR 31:

Chapter 17. Requirements for Schools in School Improvement (SI)

§1701. School Improvement Requirements

A. A Revised or New School Improvement Plan (SIP). All Louisiana schools were required to have school improvement plans in place by May of 1998. Within 90 days of initial identification, those schools placed in School Improvement shall be required with the assistance of District Assistance Teams to review and either revise or completely rewrite their School Improvement Plans according to the guidelines established by the Louisiana Department of Education.

B. Assurance Pages. Districts with schools in school improvement shall be required to provide assurances that each school's improvement plan has the essential components required in the Louisiana School Improvement Plan Template and is acceptable as measured by the Louisiana SIP Rubric. Signatures of the appropriate district personnel shall also be required.

C. All schools in school improvement shall be assigned a District Assistance Team to assist in the development of the SIP according to the guidelines established by the Louisiana

Department of Education, and shall submit its' SIP to the Division of School Standards, Accountability, and Assistance. Districts with school's in school improvement must also submit to the Louisiana Department of Education a *Quarterly Monitoring of the Implementation of the School Improvement Plan* for each school in school improvement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2746 (December 2003), amended LR 30:1619 (August 2004), repromulgated LR 30:1996 (September 2004), amended LR 30:2744 (December 2004), LR 31:

§1703. School Improvement 2 Requirements (SI 2)

A. A school shall remain in SI 2 if:

1. it is academically unacceptable, made its growth target; or

2. it passes the subgroup component in the same subject that caused it to enter SI 2 for the current year, but not two consecutive years.

B. - C. Repealed.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2746 (December 2003), amended LR 30:2257 (October 2004), LR 30:2745 (December 2004), LR 31:

§1704. School Improvement 3 Requirements

A. A school enters SI 3 if:

1.- 3. ...

4. Repealed.

B. A school remains in SI 3 if:

1.- 2. ...

3. Repealed.

C. - D. ...

E. All Title I schools in SI 3, who have failed the SPS component, or the subgroup component in the same subject that caused them to enter SI 2, shall offer supplemental educational services to their students as stated in Chapter 27.

E.1. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2746 (December 2003), amended LR 30:2257 (October 2004), LR 30:2745 (December 2004), LR 31:

§1705. School Improvement 4 Requirements

A. All schools in SI 4 must adhere to the requirements of schools in SI 3.

B. A school enters SI 4 if:

1.- 3. ...

4. Repealed.

C. A school remains in SI 4 if:

1. - 2. ...

3. Repealed.

D. - G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2747 (December 2003), amended LR 30:2257 (October 2004), LR 30:2446 (November 2004), LR 31:

§1706. School Improvement 5 Requirements

A. All schools in SI 5 must adhere to the requirements of schools in SI 4.

B. A school enters SI 5 if:

1. - 3. ...

4. Repealed.

C. A school remains in SI 5 if:

1. - 2. ...

3. Repealed.

D. - F. ...

G. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2747 (December 2003), amended LR 30:2257 (October 2004), LR 31:

§1707. School Improvement 6 Requirements

A. All schools in SI 6 must adhere to the requirements of schools in SI 5.

B. A school enters SI 6 if:

1. - 3. ...

4. Repealed.

C. A school remains in SI 6 if:

1. it is an AUS and it made its GT; or

2. it passes the subgroup component in the same subject that caused it to enter SI 6 for the current year, but not two consecutive years.

3. Repealed.

D. - D.5. ...

E. All non-Title I schools that enter SI 6 due to subgroup component failure must implement their approved "Reconstitution Light" Plans.

F. - Note. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2747 (December 2003), amended LR 30:2257 (October 2004), LR 31:

Chapter 19. School Improvement: District and State Level Tasks

§1901. District Level Tasks

A. For all schools in school improvement, districts shall:

1. submit to SBESE by February 1st of each year a status report regarding the implementation of all school improvement requirements and activities in each of their school improvement schools;

2. assign a District Assistance Team (DAT) to assist in the development of the School Improvement Plan according to the guidelines established by the Louisiana Department of Education that include:

a. assist the school with the state's diagnostic process or another process meeting state approval to identify needs in order to develop/revise and implement a consolidated improvement plan, including an integrated budget. The process must include:

i. opportunities for significant parent and community involvement;

ii. public hearings; and

iii. at least two-thirds teacher approval.

3. provide assurances from the local superintendent and the DAT that each school's improvement plan has the essential components required in the Louisiana School

Improvement Plan Template and is acceptable as measured by the Louisiana SIP Rubric;

4. assist with the scholastic audit, if necessary; and
5. when provided with the results of the scholastic audit, develop a plan with schools to correct problems identified by the scholastic audit, monitor implementation of the plan, and evaluate its effectiveness based on student assessment results;

6. offer school choice, if required, within proper timeframe.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2748 (December 2003), amended LR 31:

§1903. District Support at Levels 3-6

A. - B.6. Repealed.

C. District's Responsibilities for School(s) in School Improvement 3:

1. continue to adhere to the requirements of schools in school improvement as described in §1901;

2. - 4. ...

5. - 6. Repealed.

D. District's responsibilities for schools in School Improvement 4:

1. - 3. ...

E. District's responsibilities to schools in School Improvement 5:

1. - 3. ...

F. District's Responsibilities to Schools in School Improvement 6:

1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2748 (December 2003), amended LR 30:2745 (December 2004), LR 31:

Chapter 21. State-Level School Improvement Tasks

§2101. State Support at Each Level

A. State's Responsibilities to Districts with Schools in School Improvement:

1. - 4. ...

5. ensure that an external scholastic audit is completed for all SI2 schools as funding is available. If funding is limited, SI2 schools will be prioritized from lowest SPS to highest SPS, and scholastic audits will be conducted in rank order until funding is exhausted;

6. provide training for District Assistance Teams;

7. work to secure new funding and/or redirect existing resources to help implement their improvement plans;

8. approve school choice plans;

9. provide additional school improvement funds, as available.

B. Repealed.

C. State's responsibilities to districts with Schools in School Improvement 3:

1. - 3. ...

D. State's responsibilities to districts with Schools in School Improvement 4:

1. - 2. ...

E. State's responsibilities to districts with Schools in School Improvement 5:

1. - 5. ...

F. State's responsibilities to districts with Schools in School Improvement 6:

1. - 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2748 (December 2003), amended LR 30:2745 (December 2004), LR 31:

Chapter 23. Reconstitution/Alternate Governance Plans

§2301. Schools Requiring Reconstitution/Alternate Governance Plans

A. Districts shall develop and submit a reconstitution/alternate governance plans to the SBESE for approval by December 31st for the following types of schools.

1. Reconstitution Plan: AUS schools in SI 4.

2. "Reconstitution Light" Plan: non-Title I schools in SI 5 for failing the subgroup component and schools in academic assistance level 5 for failing to make their required growth.

3. Alternate Governance Plan: Title I schools in SI 5 for failing the subgroup component and/or academically unacceptable schools in SI 6.

4. The reconstitution plan indicates how the district shall remedy the school's inadequate growth in student performance. The plan shall specify how and what reorganization shall occur, and how/why these proposed changes shall lead to improved student performance.

5. The alternate governance plan indicates how the district shall make significant changes in the school's staffing and governance, to improve student academic achievement in the school to be able to make adequate yearly progress.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2749 (December 2003), amended LR 31:

Chapter 31. Data Correction and Appeals/Waivers Procedure

§3107. General Guidelines Local Board of Education-Level Requests

A. The superintendent or official representative of each local governing board of education shall complete the LDE's Appeals/Waivers Request Form and provide supporting documentation to the Division of School Standards, Accountability, and Assistance no later than 30 calendar days after the official release of the final accountability results in the fall of each year.

B. Data corrections shall be grounds for an appeal or waiver request when:

1. evidence attributes data errors to the LDE and/or those contractors used for the student assessment program; and/or

2. evidence attributes errors to the LEA. Requests concerning either the inclusion or exclusion of special education student scores in the calculations of a school's SPS and growth target, except as outlined in Bulletin 111, shall not be considered by the LDE.

C. Supporting documentation for appeal/waiver requests should clearly outline those data from the most recent spring tests administration, and attendance and dropout data from the prior academic year that are erroneous. Further, computations by the local boards of education should provide evidence that the school's SPS and/or subgroup component results are significantly affected by the data in question. The local school system shall be responsible for supplying the LDE with information necessary for recalculating the school's SPS and/or subgroup component results per LDE's instructions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2752 (December 2003), amended LR 30:2258 (October 2004), LR 31:

§3109. Criteria for Appeal

A. LEA superintendents shall notify the LDE in writing of any changes to existing school configurations, changes to option status for alternative schools or pair/share status during the LDE accountability status verification process prior to the calculation of the school performance scores and subgroup component scores. Appeal recalculations shall be made using the information provided to the LDE in the following instances:

1. the student population in a school significantly increases by greater than or equal to 10 percent as a result of students transferring into the school from outside of the district as explained in §517;

2. an alternative school changes its option status by meeting the eligibility requirements;

3. a school's (inclusive of those paired or shared) enrollment has significantly changed by 50 percent or more from the previous academic year as a result of redistricting by the local governing board of education.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2752 (December 2003), amended LR 30:1620 (August 2004), repromulgated LR 30:1997 (September 2004), amended LR 31:

§3111. Criteria for Waiver

A. The recalculated SPS baseline of a school changes by 2.5 points (+/-2.5) as a result of a significant change of 10 percent or more in the student population because of students transferring into the school from outside of the district as explained in §517.

B. - D.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2752 (December 2003), amended LR 31:

Chapter 39. Inclusion of Students with Disabilities

§3905. Inclusion of Alternate Assessment Results

A. Beginning with the 2002-2003 Baseline SPS, LAA test scores shall be included in all SPS and Subgroup AYP calculations.

B. LAA scores shall be converted according to the following scale.

LAA Score	Level	CRT/NRT Points
0.00-0.49	Unsatisfactory	0
0.50-2.49	Approaching Basic	50
2.50-3.49	Basic	100
3.50-4.49	Mastery	150
4.50-5.00	Advanced	200

1. Students taking alternate assessments shall be included in accountability calculations at the grade level in which they are enrolled in the Student Information System (SIS).

2. Students taking LAA who do not meet the alternate assessment participation criteria shall receive a score of zero in SPS component calculations and a score of non-proficient in subgroup component calculations.

3. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 31:

Interested persons may submit written comments until 4:30 p.m., May 9, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office, which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 111 The Louisiana School, District, and State Accountability System

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no estimated implementation costs (savings) to state governmental units. The proposed changes more clearly define the school performance score goal, calculating the NRT index (formulas and inclusion of students and schools), reward

eligibility, academic assistance, school improvement, school improvement requirements (schools, districts, and state), reconstitution light plans, local board of education requests, waivers, and alternate assessment results.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no estimated costs and/or economic benefits to persons or non-governmental groups directly affected.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0503#016

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 116 Louisiana Classical Languages
Content Standards
(LAC 28:CVII.Chapters 1-13)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement *Bulletin 116 Louisiana Classical Languages Content Standards*. Bulletin 116 will be printed in codified format as Part CVII of the Louisiana Administrative Code. The *Louisiana Classical Language Content Standards* will provide guidance for the teaching of classical languages and for the selection of textbooks.

During the last several years, all modern and classical language teachers have been using the *Louisiana Foreign Language Content Standards* to guide instruction. Classical language teachers, however, have maintained that their curriculum and standards should be different, in that classical languages are no longer spoken (unlike modern languages which emphasize oral proficiency). The *Louisiana Classical Language Content Standards* document was developed by a committee of teachers and university instructors and is based on national standards for the teaching of classical languages.

Title 28

EDUCATION

Part CVII. Bulletin 116 Louisiana Classical Languages Content Standards

Chapter 1. General Provisions

§101. Definitions

A. Assessment. Assessment is the process of obtaining quantitative or qualitative information about the academic status of students or schools. Assessment is a part of instruction and is used in conjunction with other information to make educational decisions, to judge instructional effectiveness, curricular adequacy, or to form policy.

B. Authentic Materials. For students and teachers of classical languages, authentic materials are the products of the ancient world. For students of Latin and Greek,

unadapted literature is the most important authentic material. All the remains of the classical world contribute to our knowledge of their practices, their perspectives, their culture: literature, non-literary records, artifacts, art, architecture, and all the things that archaeologists unearth.

C. Beginning/Developing/Expanding and Extending. Elementary students, if Latin or Greek is taught continuously from the early grades, may be expected to demonstrate beginning benchmarks by grade 6 or 8 (perhaps even by grade 4 if they begin a well coordinated program in kindergarten). Middle school students who study Latin or Greek every day in grades 7 and 8 should demonstrate beginning benchmarks by the end of grade 8. High school students should demonstrate beginning status by the end of their Level I course, intermediate status by the end of a Level III course, and advanced status by the end of a Level V or Advanced Placement Course. Such designations as Level I, II, and III place learning in a time frame that standards of excellence seek to avoid. In the scheme presented here, the progress of students in terms of standards of excellence or proficiency is the factor to be measured, not time.

D. Benchmark. A benchmark gives a quick picture of what a student who has mastered a standard knows and can do in a specific situation. Under each standard are benchmarks for beginning, intermediate, and advanced students. The benchmarks are neither prescriptive nor exhaustive. Intermediate and advanced students are expected to exhibit the benchmarks of the lower levels as well as the benchmarks of their own level.

E. Culturally Authentic. The most culturally authentic materials are those the Romans used, read, saw, and touched. Because these materials are rare or inaccessible to most students, it is necessary to create materials that approximate what was known in the ancient world, e.g., a story in Latin about a Roman child's day in school. Although comprehension of an unadapted text is the ultimate goal, that is not often attainable by a beginning seventh grader. If the emphasis in created materials is culturally authentic, students learn culture at the same time that they are learning language.

F. Curriculum. This state framework provides a curricular and programmatic context. District curricula further define course content in a coordinated sequence. A course curriculum is a teacher's outline for a specific course of study. Lesson plans translate curriculum into meaningful and creative activities for the individual classroom. The standards are meant as a guide to curriculum development, not a substitute for it. Curricula vary according to teaching style, learning style, the teacher's philosophy of teaching and learning, students' ability, textbooks used, and available resources. Curricula designed to achieve the standards should vary in many ways: in specific lesson plans, in types of drill, and in choice of authors and literary works.

G. Literature. Greek and Latin literature ranges at least from the eighth century B.C. through the classical periods of Greece and Rome, the Byzantine and Middle Ages, the Renaissance, and even into the present age. Epic, lyric, tragic and comic drama, satire, history, biography, oratory, philosophy, scientific, agricultural, and medical treatises, even the novel are among the genres read by students of Latin and Greek. This wealth of literature provides a broad

base for choosing authors or genre. In addition, nonliterary Latin and Greek provide a storehouse of authentic material to read: graffiti, inscriptions, coins, curse tablets. Caesar, Cicero, and Vergil have long been standard fare for high school students; they continue to be important models. However, the wealth of non-traditional authors and non-literary sources should not be ignored. *Louisiana Classical Language Content Standards* does not mandate the study of any particular set of authors but is intended to guide students toward a mastery of the language that will enable them, at the most advanced level, to read any author of Latin or Greek.

H. Oral Latin or Greek. The oral use of Latin or Greek includes reading or reciting Latin or Greek texts aloud (with proper attention to metrical structure, if the passage is poetry), asking and responding to questions, making statements, issuing and responding to commands. The word "speak," a more natural substitute for "use orally," has been avoided in order not to imply that "conversation" is an important part of the standard.

I. Perspectives. Perspectives are the meanings, attitudes, values, and ideas of a given culture, ancient or modern.

J. Proficiency. Proficiency is having or manifesting the knowledge and experience needed for success in language learning.

K. Reading. Reading includes all of the following: reading aloud, paraphrasing content, analyzing grammar and syntax, interpreting meaning, and translating. All of these skills cannot be demonstrated simultaneously, and good pedagogy would elicit practice and assessment of the separate skills for different and specific purposes. Reading that employs all methods needed for an accurate interpretation of the original text is, in the broadest sense, philology.

L. Scenario. A scenario is a picture in words of student performance in a classroom situation. It is a fully developed segment of curriculum, is articulated in a lesson plan, has activities, and uses specific linguistic and pedagogical strategies. The scenarios in *Louisiana Classical Language Content Standards* list the standards addressed and the reflections of the teacher on the lesson.

M. Standard. A standard describes what students should know and be able to do. Each strand in *Louisiana Classical Language Content Standards* contains two content standards.

N. Strand. The standards are organized within five strands that make up classical language education: communication, culture, connections, comparisons, and communities. These are the strands established in *Louisiana Classical Languages Content Standards*. Each strand is interrelated and must be woven into the fabric of curriculum development at the state, district, and local levels.

O. Translation. Translations are versions of a text in another language. They can range from close adherence to the original syntax to a free interpretation of content. Translations can be a teaching device to measure comprehension; they can also be high art, demanding an expert command of English and Latin.

P. Writing. *Louisiana Classical Languages Content Standards* uses writing to mean any of the following: taking dictation, translating from English into Latin or Greek, transforming Latin or Greek into different patterns of Latin or Greek while maintaining the meaning, creating free

composition in Latin or Greek. The primary aim of such written work is to enhance the ability of students to read the languages.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§103. Purpose

A. The words, ideas, and culture of the ancient world are communicated to us in the writing and the archaeological remains of the people and their institutions. The ancient Greeks and Romans, breaking barriers of time and place, have communicated their message through the ages and continue to communicate to the modern world; we, in turn, communicate more clearly to each other in word, in practice, and in product as a result of that contact.

1. *Louisiana Classical Languages Content Standards* applies strands of language learning to a context appropriate for Latin and Greek.

2. *Strands* categories within particular content areas which vary from discipline to discipline. Strands are interrelated and should be integrated rather than taught in isolation.

B. The standards for classical language learning are organized within the five strands which make up classical language education: communication, culture, connections, comparisons, and communities. Each strand is a thread in the fabric that must be woven into curriculum development at the state, district, and local levels.

1. *Focus* a statement describing the importance of a content strand.

2. *Content Standard* a description of what students should know and be able to do through subject matter, knowledge, proficiencies, etc., gained as a result of their education.

a. Each strand contains two content standards. These standards describe the knowledge and abilities students should acquire.

3. *Benchmark* a broad statement of process and/or content that is used as a reference to develop curriculum and assess student progress.

a. Under each standard are *benchmarks* for beginning, developing, and expanding/extending students. The benchmarks indicators are neither prescriptive nor exhaustive. Developing and expanding/extending students are expected to exhibit the benchmarks of the lower levels as well as the benchmarks of their own level.

C. What is a beginning, developing, or expanding/extending student? If Latin or Greek is taught continuously from the early grades, it would be reasonable to assume that a beginning student might demonstrate progress indicated by the beginning sample progress indicators by grade 6 or 8. Students who study Latin or Greek every day in grades 7 and 8 should be able to demonstrate the beginning progress indicators by the end of grade 8. Level I high school students may demonstrate beginning status by the end of their Level I course. Developing students may demonstrate their progress at the end of a Level III course. Expanding/extending students may demonstrate their progress at the end of an Advanced Placement Course. Such designations as Level I, II, and III place learning in a time-frame and organize it into courses that standards of excellence seek to avoid. Course and

curricula are products of the district and school. In the scheme presented here, the progress of students in terms of standards of excellence or proficiency is the factor to be measured, not time.

D. Benchmark Code

1. The first two letters indicate the strand (CM=Communication, CL=Cultures, CN=Connections, CP=Comparisons, CT=Communities). The following number indicates the standard. The following letter indicates the level (B=Beginning, D=Developing, E=Expanding/Extending). The last number indicates the benchmark. For example: CM-1-D1 refers to the Communication Strand, Standard One, Developing-Level Benchmark One.

2. Sample benchmarks have been developed as indicators of progress for each of the following levels: beginning, developing, and expanding/extending.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Chapter 3. Content Standards

§301. Foundation Skills

A. The Louisiana Content Standards Task Force has developed the following foundation skills which should apply to all students in all disciplines.

1. Communication. A process by which information is exchanged and a concept of "meaning" is created and shared between individuals through a common system of symbols, signs, or behavior. Students should be able to communicate clearly, fluently, strategically, technologically, critically, and creatively in society and in a variety of workplaces. This process can best be accomplished through use of the following skills: reading, writing, speaking, listening, viewing, and visually representing.

2. Problem Solving. The identification of an obstacle or challenge and the application of knowledge and thinking processes, which include reasoning, decision making, and inquiry, in order to reach a solution using multiple pathways, even when no routine path is apparent.

3. Resource Access and Utilization. The process of identifying, locating, selecting, and using resource tools to help in analyzing, synthesizing, and communicating information. The identification and employment of appropriate tools, techniques, and technologies are essential to all learning processes. These resource tools include pen, pencil, and paper; audio/video materials, computers, interactive devices, telecommunication, and other emerging technologies.

4. Linking and Generating Knowledge. The effective use of cognitive processes to generate and link knowledge across the disciplines and in a variety of contexts. In order to engage in the principles of continual improvement, students must be able to transfer and elaborate on these processes. "Transfer" refers to the ability to apply a strategy or content knowledge effectively in a setting or context other than that in which it was originally learned. "Elaboration" refers to monitoring, adjusting, and expanding strategies into other contexts.

5. Citizenship. The application of the understanding of the ideals, rights, and responsibilities of active participation in a democratic republic that includes working respectfully and productively together for the benefit of the individual

and the community; being accountable for one's choices and actions and understanding their impact on oneself and others; knowing one's civil, constitutional, and statutory rights; and mentoring others to become productive citizens and lifelong learners.

NOTE: These foundation skills are listed numerically in parentheses at the end of each benchmark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§303. Information Literacy Model for Lifelong Learning

A. Students must become competent and independent users of information to be productive citizens of the 21st century. They must be prepared to live in an information-rich and changing global society. Due to the rapid growth of technology, the amount of information available is accelerating so quickly that teachers are no longer able to impart a complete knowledge base in a subject area. In addition, students entering the workforce must know how to access information, solve problems, make decisions, and work as part of a team. Therefore, information literacy, the ability to recognize an information need and then locate, evaluate, and effectively use the needed information, is a basic skill essential to the 21st century workplace and home. Information literate students are self-directed learners who, individually or collaboratively, use information responsibly to create quality products and to be productive citizens. Information literacy skills must not be taught in isolation; they must be integrated across all content areas, utilizing fully the resources of the classroom, the school library media center, and the community. The Information Literacy Model for Lifelong Learners is a framework that teachers at all levels can apply to help students become independent lifelong learners.

1. Defining/Focusing. The first task is to recognize that a need for information exists. Students make preliminary decisions about the type of information needed based on prior knowledge.

2. Selecting Tools and Resources. After students decide what information is needed, they then develop search strategies for locating and accessing appropriate, relevant sources in the school library media center, community libraries and agencies, resource people, and others as appropriate.

3. Extracting and Recording. Students examine the resources for readability, currency, usefulness, and bias. This task involves skimming or listening for key words, "chunking" reading, finding main ideas, and taking notes.

4. Processing Information. After recording information, students must examine and evaluate the data in order to utilize the information retrieved. Students must interact with the information by categorizing, analyzing, evaluating, and comparing for bias, inadequacies, omissions, errors, and value judgments. Based on their findings, they either move on to the next step or do additional research.

5. Organizing Information. Students effectively sort, manipulate, and organize the information that was retrieved. They make decisions on how to use and communicate their findings.

6. Presenting Findings. Students apply and communicate what they have learned (e.g., research report,

project, illustration, dramatization, portfolio, book, book report, map, oral/audio/visual presentation, game, bibliography, hyperstack).

7. Evaluating Efforts. Throughout the information problem solving process, students evaluate their efforts. This assists students in determining the effectiveness of the research process. The final product may be evaluated by the teacher and also other qualified or interested resource persons.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§305. Classical Languages

A. *Communication* Communicate in a classical language.

1. Interpretation Students read, understand, and interpret Latin or Greek.

2. Language Learning Students use orally, listen to, and write Latin or Greek as part of the language learning process.

B. *Cultures* Gain knowledge and understanding of Greco-Roman culture.

1. Practices Students demonstrate an understanding of the perspectives of Greek or Roman culture as revealed in the practices of the Greeks or Romans.

2. Products Students demonstrate an understanding of the perspectives of Greek or Roman culture as revealed in the products of the Greeks or Romans.

C. *Connections* Connect with other disciplines and acquire information.

1. Reinforcement Students reinforce and further their knowledge of other disciplines through their study of classical languages.

2. Acquisition Students expand their knowledge through the reading of Latin or Greek and the study of ancient culture.

D. *Comparisons* Develop insight into the nature of language and the concept of culture.

1. Nature of Language Students demonstrate understanding of the nature of language through comparisons of the language studied and their own.

2. Concept of Culture Students demonstrate understanding of the concept of culture through comparisons of the cultures studied and their own.

E. *Communities* Participate in a world of languages and cultures.

1. Participation Students use their knowledge of Latin or Greek in a multilingual world.

2. Application Students use their knowledge of Greco-Roman culture in a world of diverse cultures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Chapter 5. Communication Strand

§501. Focus

A. Standard 1 defines "communication" as it applies to the learning of a classical language. The written messages from the ancient world, from epic poetry to Pompeian graffiti, are our major source of knowledge and our major line of communication with the Greeks and Romans.

Reading, then, is the first standard and the key to communicating with the ancient world. But the Forum and the Agora were alive with the sounds of commerce, the speeches of politicians, the noise of gossip. The recitation of poetry published the sounds of an active literature. To hear these sounds, to imitate those cadences in the classroom, to practice writing words and ideas in the ancient language enhance the ability to read. The second standard of the communication strand emphasizes the importance of oral skills, listening, and writing as tools to improve reading.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§503. Communication Standard 1

A. Interpretation Students read, understand, and interpret Latin or Greek.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CM-1-B1	Reading words, phrases, and simple sentences and associating them with pictures, and/or other words, phrases and simple sentences	(1, 2, 4)
CM-1-B2	Demonstrating reading comprehension by answering simple questions in Latin, Greek, or English about short passages of Latin or Greek	(1, 2)
CM-1-B3	Demonstrating a knowledge of vocabulary, basic inflectional systems, and syntax appropriate to their reading level	(1, 2, 3)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CM-1-D1	Reading and understanding passages of Latin or Greek composed for acquisition of content and language skills	(1, 2)
CM-1-D2	Reading and understanding, with appropriate assistance, passages of Latin or Greek adapted from the original authors	(1, 2, 3)
CM-1-D3	Reading and understanding short, unadapted passages of Latin or Greek when provided with appropriate assistance	(1, 2, 3)
CM-1-D4	Demonstrating reading comprehension by interpreting the meaning of passages they read	(1, 2, 4)
CM-1-D5	Recognizing some figures of speech and features of style in the authors they read	(1, 2, 3)
CM-1-D6	Demonstrating a knowledge of vocabulary, inflectional systems, and syntax appropriate to their reading level	(1, 2, 3)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CM-1-E1	Reading and understanding prose and poetry of selected authors with appropriate assistance	(1, 2, 3)
CM-1-E2	Interpreting the meaning of the passages they read	(1, 2, 4)
CM-1-E3	Recognizing, explaining, and interpreting content and features of style and meter of the authors they read	(1, 2, 3, 4)
CM-1-E4	Demonstrating a knowledge of vocabulary, inflectional systems, and syntax appropriate to the authors they read	(1, 2, 3)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§505. Communication Standard 2

A. Language Learning. Students use orally, listen to, and write Latin or Greek as part of the language learning process.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CM-2-B1	Recognizing and reproducing the sounds of Latin or Greek	(1)
CM-2-B2	Responding appropriately to simple questions, statements, commands, or non-verbal stimuli	(1, 2)
CM-2-B3	Writing simple phrases and sentences in Latin or Greek	(1, 2, 3)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CM-2-D1	Reading Latin or Greek aloud with accurate pronunciation, meaningful phrase grouping, and appropriate voice inflection, by imitating the models they have heard	(1, 2, 4)
CM-2-D2	Responding appropriately to questions, statements, commands, or other stimuli	(1, 2)
CM-2-D3	Writing phrases and sentences in Latin or Greek	(1, 2, 3)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CM-2-E1	Reading Latin or Greek prose and poetry aloud with attention to such features as metrical structure, meaningful phrase grouping, and appropriate voice inflection	(1, 2, 4)
CM-2-E2	Responding appropriately to more complex spoken and written Latin or Greek	(1, 2, 4)
CM-2-E3	Writing passages of connected sentences in Latin or Greek	(1, 2, 3, 4)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Chapter 7. Culture Strand

§701. Focus

A. Learning the perspectives of the Greeks or Romans through their practices and through their products is key to an understanding of their culture. The focus of Strand 2 is on the ability of students to hear, read, and see the message of the Greeks or Romans. Their daily life, education, politics, history, philosophy, and religious practices tell students about their perspectives, revealed both in their literary products and in remaining artifacts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§703. Cultures Standard 1

A. Practices. Students demonstrate an understanding of the perspectives of Greek or Roman culture as revealed in the practices of the Greeks or Romans.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CL-1-B1	Demonstrating a basic knowledge of the daily life of the ancient Greeks or Romans	(1, 4)
CL-1-B2	Demonstrating knowledge of some famous Greeks or Romans and of selected facts of history and geography of the ancient world	(1, 4)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following:

CL-1-D1	Demonstrating a knowledge of the daily life and thought of the ancient Greeks or Romans, gained in part from the reading of Latin or Greek texts, and applying that knowledge to an understanding of Greek or Roman cultures	(1, 2, 4)
CL-1-D2	Demonstrating a knowledge of the people and facts of Greek or Roman history and political life, gained in part from the reading of Latin or Greek texts, and relating that knowledge to an understanding of Greek or Roman perspectives.	(1, 2, 3, 4)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CL-1-E1	Demonstrating a broad knowledge of Greek or Roman history, customs, and private and political life, gained from the reading of Latin or Greek authors, and using that knowledge in analyzing Greek or Roman culture	(1, 4, 5)
CL-1-E2	Demonstrating knowledge of philosophy, religion, and the arts of the ancient Greeks or Romans, gained from their reading of Latin or Greek authors, and relating that knowledge to an understanding of Greek or Roman perspectives	(1, 2, 3, 4, 5)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§705. Cultures Standard 2

A. Product students demonstrate an understanding of the perspectives of Greek or Roman culture as revealed in the products of the Greeks or Romans.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CL-2-B1	Identifying the principal Greek or Roman deities and heroes by their names, deeds, and spheres of influence	(1, 4)
CL-2-B2	Recognizing basic architectural features and art forms of the Greeks or Romans	(1, 4)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CL-2-D1	Relating their reading of selected texts, literary and non-literary, adapted and unadapted, to an understanding of Greek or Roman culture	(1, 3, 4)
CL-2-D2	Demonstrating knowledge of architectural styles, art forms, and artifacts of the Greeks or Romans and using them in analyzing Greek or Roman culture	(1, 4)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CL-2-E1	Demonstrating knowledge of an author, a genre, and/or a literary period gained from authentic materials and unadapted texts in Latin or Greek and applying it to an understanding of Greek or Roman culture	(1, 2, 3, 4)
CL-2-E2	Demonstrating knowledge of archaeological evidence, art forms, and artifacts of the Greeks or Romans and using it in analyzing Greek or Roman culture	(1, 2, 3, 4)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Chapter 9. Connections Strand

§901. Focus

A. As studies have shown, students learn better when they see the content of courses as relevant to their lives (Henze and Lucas, 1995). If they are unable to make connections with other courses and with their own interests, they cannot perceive the relevance of the material they study. For this reason instructors should incorporate material from other courses, such as math, English, and the sciences, as well as material that might be relevant to aspects of students' lives outside of the classroom. Making connections with other disciplines can also help the student by reinforcing what has already been learned or by giving new insights.

B. Because of the tremendous influence of classical culture, the study of Latin or Greek is particularly well suited for making connections with other languages. Successful teachers make many connections with other disciplines in order to show students the relevance of studying the two languages.

C. The benchmarks in the Connections Strand are deliberately broad since there are so many useful paths teachers can take in making connections and since circumstances (such as local curricula or individual student taste) will influence what connections are most effective.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§903. Connections Standard 1

A. Reinforcement students reinforce and further their knowledge of other disciplines through their study of classical languages.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes.

CN-1-B1	Using their knowledge of Latin or Greek in understanding a specialized vocabulary in such fields as government and politics	(1,4, 5)
CN-1-B2	Recognizing and using Roman numerals and the vocabulary associated with counting	(1, 4)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CN-1-D1	Recognizing and making connections with Latin or Greek terminology in the sciences and technology	(1,2, 4)
CN-1-D2	Recognizing and making connections with Latin or Greek terminology in the social sciences and history	(1,2,4, 5)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CN-1-E1	Demonstrating in their written and spoken vocabulary a knowledge of philosophical, legal, artistic, and musical terms associated with Latin or Greek	(1, 2, 3, 4, 5)
CN-1-E2	Demonstrating their knowledge of Latin or Greek terminology in the social sciences and history	(1, 3, 4)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§905. Connections Standard 2

A. Acquisition. Students expand their knowledge through the reading of Latin or Greek and the study of ancient culture.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CN-2-B1	Acquiring information about the Greco-Roman world by reading passages of Latin or Greek with a culturally authentic setting	(1, 2, 3, 4)
CN-2-B2	Recognizing plots and themes of Greco-Roman myths in the literature of other cultures	(1, 4)
CN-2-B3	Demonstrating a knowledge of the geography of the ancient world and connecting it to the modern world	(1, 2, 3, 4, 5)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CN-2-D1	Acquiring information about the Greco-Roman world by reading adapted or selected Latin or Greek sources	(1, 2, 4)
CN-2-D2	Connecting their knowledge of ancient history and social and political systems to events and systems in the modern world	(1, 2, 4, 5)
CN-2-D3	Connecting their knowledge of the Latin or Greek language to their knowledge of literature and artistic achievement	(1, 2, 4)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CN-2-E1	Acquiring information about the Greco-Roman world by reading Latin or Greek literary and non-literary sources	(1, 2, 4)
CN-2-E2	Transferring their knowledge of Latin or Greek literature to their understanding of world literature	(1, 2, 3, 4)
CN-2-E3	Demonstrating their knowledge of the influence of Greco-Roman mythology, history, social and political systems, and artistic achievements on world culture	(1, 2, 3, 4, 5)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Chapter 11. Comparisons Strand

§1101. Focus

A. Students become better equipped to reflect on their native language and culture after having studied other languages and cultures. As students become aware of and sensitive to the behaviors, perspectives, and products of the cultures of ancient Greece and Rome, they acquire a perspective from which to examine and analyze their own culture, and its origins, more objectively.

B. One of the most direct methods available to understanding a world different from our own is through the learning of a second language. The second language classroom should serve as a springboard for cross-cultural comparisons and help students take on a new and broader perspective (Curtain and Pesola, 1994).

C. Students often express that through the study of another language they develop a deeper understanding of the syntactical structuring of their own language. Even simple vocabulary instruction can provide new cultural vistas for the classical language learner. It can therefore be seen that this comparative approach can begin at a very early stage in the instruction of second languages.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1103. Comparisons Standard 1

A. Nature of Language. Students demonstrate understanding of the nature of language through comparisons of the language studied and their own.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CP-1-B1	Demonstrating a basic knowledge of Latin and Greek roots, prefixes, and suffixes by recognizing them in English words of Latin or Greek origin	(1, 2, 3, 4)
CP-1-B2	Understanding some Latin or Greek phrases, mottoes, and abbreviations used in English	(1, 2, 3, 4, 5)
CP-1-B3	Demonstrating an understanding of basic language patterns of English as they relate to the structure of Latin and Greek	(1, 2, 4)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CP-1-D1	Demonstrating the relationship of Latin or Greek words to their derivatives and cognates in English	(1, 2, 3, 4)
CP-1-D2	Demonstrating an increased use of English words from or related to Latin or Greek	(1, 4)
CP-1-D3	Comparing and contrasting the language patterns and grammar of Latin or Greek with the structure and grammar of English	(1, 2, 3, 4)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CP-1-E1	Demonstrating the relationship of Latin or Greek words to their derivatives and cognates in English and applying some principles of word building and word transfer	(1, 2, 4)
CP-1-E2	Demonstrating an enhanced ability to read, write, understand, and speak English based on the vocabulary and grammar of Latin or Greek	(1, 2, 4)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1105. Comparisons Standard 2

A. Concept of Culture. Students demonstrate understanding of the concept of culture through comparisons of the cultures studied and their own.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CP-2-B1	Looking at the architectural features of the buildings around them and recognizing the Greco-Roman elements in them	(1, 2, 3, 4, 5)
CP-2-B2	Comparing and contrasting aspects of their own public and private life with those of the Greeks or Romans	(1, 2, 4, 5)
CP-2-B3	Comparing the themes and heroes of classical mythology with the themes and heroes of their own folklore and culture	(1, 4, 5)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CP-2-D1	Identifying elements in their own art and literature that have their basis in the Greco-Roman world	(1, 2, 3, 4)
CP-2-D2	Reflecting on classical influence on the political institutions, law, and history of their own culture	(1, 2, 4, 5)
CP-2-D3	Recognizing in their reading of modern stories and literature the influences of the myths and literature of the ancient world	(1, 2, 3, 4)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CP-2-E1	Recognizing the influence of Greco-Roman history, private and public life, art, and architecture on their own world and making comparisons and drawing conclusions based on that knowledge	(1, 2, 3, 4, 5)
CP-2-E2	Comparing and contrasting elements of the literature, mythology, and philosophy of their own world with those of the ancient world	(1, 2, 3, 4, 5)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Chapter 13. Communities Strand

§1301. Focus

A. The Communities Strand focuses on the application of the knowledge of Latin or Greek to wider linguistic and cultural communities. Knowledge of Latin or Greek enables students to develop a full understanding and appreciation of classical influences in today's world as they encounter other cultures. Understanding Greco-Roman culture provides students with a basis for interpreting events of the modern world. The tools of technology and telecommunication provide links to the resources of the worldwide classical community. Students also form links between classical languages and certain professional fields through their specialized terminology.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1303. Communities Standard 1

A. Participation. Students use their knowledge of Latin or Greek in a multilingual world.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CT-1-B1	Presenting and exchanging information about their language experience to others in the school and in the community	(1, 2, 3, 4, 5)
CT-1-B2	Recognizing the influence of Latin or Greek on the specialized language of various professional fields and recognizing its use in the media	(1, 2, 3, 4)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CT-1-D1	Combining the tools of technology with their classical language skills to communicate with other students in a global community	(1, 2, 3, 4, 5)
CT-1-D2	Interacting with community members who are involved in a variety of careers to understand how they have used their study of classical languages	(1, 3, 4, 5)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CT-1-E1	Using their knowledge of Latin or Greek in communicating within the student and adult community of classical language learners	(1, 2, 3, 4)
CT-1-E2	Using their knowledge of Latin or Greek in learning other languages	(1, 2, 3, 4)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1305. Communities Standard 2

A. Application. Students use their knowledge of Greco-Roman culture in a world of diverse cultures.

B. Beginning Stage Benchmarks. As students progress through the beginning stage of the continuum of classical language learning, what they should know and be able to do includes:

CT-2-B1	Recognizing from their study of Greco-Roman culture that cultural diversity has been an integral feature of society from antiquity	(1, 2, 3, 4, 5)
CT-2-B2	Sharing with others in schools and communities their understanding of cultural differences in the Greco-Roman world	(1, 2, 3, 4, 5)

C. Developing Stage Benchmarks. As students progress through the developing stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning stage, plus the following.

CT-2-D1	Comparing the issues that reveal cultural differences in the ancient world with similar issues in modern cultures	(1, 2, 4)
CT-2-D2	Combining the tools of technology with their knowledge of Greco-Roman culture to share cultural experiences	(1, 2, 3, 4)

D. Expanding/Extending Stage Benchmarks. As students progress through the expanding/extending stage of the continuum of classical language learning, what they should know and be able to do includes the benchmarks for the beginning and developing stages, plus the following.

CT-2-E1	Participating in the community of classical scholars in cultural events, contests, lectures, and scholarship	(1, 3, 4)
CT-2-E2	Showing evidence of connecting the past to the present by applying their knowledge of ancient cultures to their own thoughts and actions	(1, 2, 3, 4, 5)

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Interested persons may submit written comments until 4:30 p.m., May 9, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 116 Louisiana Classical Languages Content Standards

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The proposed rule lists the content standards established for Louisiana Classical Languages. The content standards are set apart from the Louisiana Foreign Language Content Standards as they deal with classical languages that are no longer spoken. The estimated implementation cost is \$1,224 for publication in the *Louisiana Register*.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There will be no costs or economic benefits to persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0503#022

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 118 **Statewide Assessment Standards and Practices**
(LAC 28: CXI. Chapters 1-35)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement *Bulletin 118 Statewide Assessment Standards and Practices*. Bulletin 118 will be printed in codified format as Part CXI of the Louisiana Administrative Code. Bulletin 118 has been developed to consolidate the State Board of Elementary and Secondary Education (SBESE) and the Division of Student Standards and Assessments (DSSA) test policy rules, guidelines, and procedures for easy access during statewide test administration.

Title 28

EDUCATION

Part CXI. Bulletin 118 **Statewide Assessment Standards and Practices**

Chapter 1. General Provisions

§101. Purpose

A. Bulletin 118 is intended to provide Louisiana educators and education administrators with a unified and comprehensive guide to testing programs, policies, and procedures in the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 and R.S. 17:391.1–391.11.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§103. Overview

A. The Louisiana Legislature in Regular Session during the summer of 1997 amended and reenacted R.S. 17:24.4 (F) and (G)(1), relative to the Louisiana Competency-Based Education Program, to require proficiency on certain tests as determined by the State Board of Elementary and Secondary Education (SBESE) for student promotion and to provide guidelines relative to the content of Pupil Progression Plans.

B. The amendment and reenactment of the Louisiana Competency-Based Education Program was the result of an ever-increasing demand by Louisiana taxpayers for a better accounting of educational dollars. Act 621, the Public School Accountability Law statute initiated the following guidelines, which continue in the Louisiana Competency-Based Education Program. The Public School Accountability Law called for:

1. the establishment of a program for shared educational accountability in the public educational system of Louisiana;

2. the attainment of established testing standards for education;

3. the provision of information for an analysis of the effectiveness of instructional programs through test assessment results; and

4. the annual assessment of students based on state content standards.

C. The Louisiana Competency-Based Education Program is based on the premise that the program must provide options to accommodate the many different learning styles of students. Every effort is made to tailor the test design and structure to the needs of individual students,

including students with special instructional needs who subsequently need test accommodations.

D. The Louisiana Department of Education (LDE) will provide leadership and assistance to school districts in an effort to attain a public system of education that makes the opportunity to test successfully available to all students on equal terms.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7 and R.S. 24:4.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§105. Testing and Accountability

A. Every school shall participate in a school accountability system based on student achievement as approved by the SBESE.

B. Under No Child Left Behind (NCLB), the Elementary and Secondary Education Act of 2002, a state's definition of Adequate Yearly Progress (AYP) must apply the same high standards of academic achievement to all public elementary and secondary school students in the state and result in continuous and substantial academic improvement for all students, including students with disabilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.1.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§107. Assessment Programs

A. Kindergarten Developmental Readiness Screening Program (KDRSP). Each school district is required to administer an approved screening instrument to each child entering kindergarten for the first time, with the results to be used for placement and planning instruction.

B. Louisiana Educational Assessment Program for the 21st Century (LEAP 21). Criterion-referenced tests in English Language Arts, Mathematics, Science, and Social Studies assess student performance relative to specific benchmarks established in the state's content standards and provide data for evaluating student, school, and district performance. The tests assess a student's complex thinking skills as well as knowledge and application of information. These high-stakes tests are tied to promotional policy for grades 4 and 8.

C. Graduation Exit Examination for the 21st Century (GEE 21). Criterion-referenced tests in English Language Arts, Mathematics, Science, and Social Studies assess student performance relative to specific benchmarks established in the state's content standards and provide data for evaluating student, school, and district performance. These high-stakes tests require high school students to meet established achievement levels to be eligible to receive a high school diploma.

D. The Iowa Tests. The Iowa Tests of Basic Skills (ITBS), used in grades 3, 5, 6, and 7, and the Iowa Tests of Educational Development (ITED), used in grade 9, are norm-referenced tests that provide comparative data to evaluate student, school, and district performance. The last administration of The Iowa Tests will occur in the academic year 2004–2005.

E. Integrated Louisiana Educational Assessment Program (iLEAP). The iLEAP will integrate criterion-referenced tests and norm-referenced tests into one program to provide data for evaluating students, schools, and district

performance in grades 3, 5, 6, 7, and 9 beginning with the 2005–2006 academic year.

F. LEAP Alternate Assessment (LAA). The LAA is a performance-based student assessment that evaluates each eligible special education student's knowledge and skills in targeted areas. It is an "on-demand" assessment, which means the test administrator directs the student to perform a specific task and then scores the student's performance after the task is completed.

G. English Language Development Assessment (ELDA). The ELDA is a research-based program designed to measure proficiency in reading, writing, speaking, and listening to English of LEP students; the program began in the 2004–2005 academic year.

H. Graduation Exit Examination ("old" GEE). The "old" GEE measures curricula-based proficiencies in English Language Arts, Mathematics, Written Composition, Science, and Social Studies. The administration of the "old" GEE became a district responsibility beginning with the 2003–2004 academic year.

I. LEAP Alternate Assessment-B (LAA-B). The LAA-B, which was administered from 2000 through 2003, assessed special education students who met specific criteria at their functioning levels in language/reading and/or mathematics, rather than at their enrolled grade levels.

J. National Assessment of Educational Progress (NAEP). Also known as the Nation's Report Card, NAEP is administered nationally to a random stratified sample population of students to gather data about subject-matter achievement, instructional experiences, and school environment.

K. Field Tests. Representative student populations from school districts throughout Louisiana are chosen to field test new items to be used in future statewide assessments, including LEAP 21, GEE 21, ELDA, and iLEAP. The items are tested, scored, ranked statistically, and identified as effective or ineffective.

L. Placement Tests. Students from out-of-district or in-state educational settings, such as approved home study programs or nonpublic schools, who wish to enroll in public schools at grades 5 and 9 must take a placement test if they have not taken and met the requirements for LEAP 21. Students taking the placement test must score basic or above in English Language Arts or Mathematics and approaching basic or above in the other to enroll in grade 5 and score approaching basic or above in English Language Arts and Mathematics to enroll in grade 9.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§109. Assessment Populations

A. Classified Populations

1. Definition

Classified Population is a population of students that is identified for educational and accountability purposes.

2. Regular Education Students. These are students who have not been identified as eligible for special education and related services.

3. Special Education Students. This group includes:

a. students with disabilities. These are students who have been evaluated in accordance with CFR 300.530–300.536 as having mental retardation, a hearing impairment

including deafness, a speech or language impairment, a visual impairment including blindness, serious emotional disturbance (hereafter referred to as emotional disturbance), an orthopedic impairment, autism, traumatic brain injury, and other health impairment, a specific learning disability, deaf-blindness, or multiple disabilities, and who, by reason thereof, needs special education and related services (*Federal Register*, Vol. 64, No. 48);

b. gifted and talented students. These are students who have been identified as possessing demonstrated or potential abilities that give evidence of high-performing capabilities in intellectual, creative, specific academic or leadership areas, or ability in the performing or visual arts and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities (HR 637-Gifted and Talented Students Education Act of 1999);

c. Section 504 students. These are students with one or more disabilities according to the regulations for Section 504 of the Rehabilitation Act of 1973, which defines disability as a physical or mental impairment which substantially limits one or more major life activities. (PL95-602 Title 1, Sec.122 [a] [4]-[8]);

d. limited English proficient students. These are students who are aged 3 through 21; who have been enrolled in a primarily English-speaking school for less than a year; who were not born in the United States or whose native language is a language other than English; who are Native Americans or Alaska Natives or native residents of the outlying areas and come from an environment where a language other than English has had significant impact on their level of English language proficiency; or who are migratory, whose native language is a language other than English, and who come from an environment where a language other than English is dominant; and whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny them:

i. the ability to meet the state's proficient level of achievement on state assessments;

ii. the ability to successfully achieve in classrooms where the language of instruction is English; or

iii. the opportunity to participate in society.

B. Nonclassified Populations

1. Definition

Nonclassified Population is a population of students that is identified for reasons other than educational or accountability purposes.

2. Homebound Program Students. These are students who are unable to attend school as a result of health care treatment or physical illness and who are assigned a teacher to instruct them at home or in a hospital environment.

3. Approved Home Study Program Students. These students are taught in a program with a state-approved curriculum that is implemented under the direction and control of a parent or a tutor. A *tutor* is defined as a court-appointed guardian under Louisiana law.

4. Foreign Exchange Students. These students are citizens of another nation who have come under the auspices of a specific program to study in U.S. public elementary and secondary schools.

5. Correctional Facilities. These are students attending alternative schools under the Office of Youth Development.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 3. Test Security

§301. Participation

A. All persons involved in assessment programs must abide by the security policies and procedures established by the LDE and the SBESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:81.6 et seq., R.S. 416 et seq., and R.S. 441 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§303. Definitions

Access. Access to secure test materials by school personnel means physically handling the materials, not reading, reviewing, or analyzing test items, either before or after testing.

Secure Materials. Test materials that contain test items or student responses and to which access is restricted. Secure test materials include:

1. student test booklets;
2. student answer documents; and
3. any other materials that contain test items or student responses.

Testing Irregularity. Any incident in test handling or administration that leads to a question regarding the security of the test or the accuracy of the test data.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:81.6 et seq., R.S. 416 et seq., and R.S. 441 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§305. Test Security Policy

A. The SBESE first approved a Test Security Policy on December 10, 1998. The policy has been periodically revised. The Board of Elementary and Secondary Education holds the test security policy to be of utmost importance and deems any violation of test security to be serious. The Test Security Policy follows.

1. Tests administered by or through the SBESE shall include but not be limited to:

- a. all alternate assessments;
- b. all criterion-referenced tests (CRTs) and norm-referenced tests (NRTs).

2. For purposes of this policy, school districts shall include:

- a. local education agencies (LEAs);
- b. special school districts;
- c. approved special schools, such as the Louisiana School for the Visually Impaired and Louisiana School for the Deaf;
- d. laboratory schools;
- e. Type 2 charter schools;
- f. Louisiana School for Math, Science, and the Arts; and
- g. participating nonpublic/other schools that utilize tests administered through the SBESE or the LDE.

3. It shall be a violation of test security for any person to do any of the following:

- a. administer tests in a manner that is inconsistent with the administrative instructions provided by the LDE that would give examinees an unfair advantage or disadvantage;

b. give examinees access to test questions prior to testing;

c. examine any test item at any time (except for students during the test or test administrators while providing the accommodations Tests Read Aloud or Communication Assistance, Transferred Answers, or Answers Recorded for students determined to be eligible for those accommodations);

d. at any time, copy, reproduce, discuss or use in a manner inconsistent with test regulations all or part of any secure test booklet, answer document, or supplementary secure materials (e.g., writing prompts, science tasks);

e. coach examinees in any manner during testing or alter or interfere with examinees' responses in any manner;

f. provide answers to students in any manner during the test, including provision of cues, clues, hints, and/or actual answers in any form:

- i. written;
- ii. printed;
- iii. verbal; or
- iv. nonverbal;

g. administer published parallel, previously administered, or current forms of any statewide assessment [e.g., Louisiana Educational Assessment Program for the 21st Century (LEAP 21), Integrated LEAP (iLEAP), Graduation Exit Examination for the 21st Century (GEE 21), Graduation Exit Examination ("old" GEE), LEAP Alternate Assessment (LAA), the English Language Development Assessment (ELDA), or forms K, L, and M and all new forms of the Iowa Tests as a practice test or study guide];

h. fail to follow security regulations for distribution and return of secure test booklets, answer documents, supplementary secure materials (e.g., writing prompts, science tasks), as well as overages as directed; or fail to account for and secure test materials before, during, or after testing;

i. conduct testing in environments that differ from the usual classroom environment without prior written permission from the LDE, Division of Student Standards and Assessments;

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

k. participate in, direct, aid, counsel, assist in, encourage, or fail to report any of the acts prohibited in the section.

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

- a. for the security of the test materials during testing, including test booklets, answer documents, supplementary secure materials (e.g., writing prompts,

science tasks), videotapes, and completed observation sheets;

b. for the storage of all tests materials, except district and school test coordinator manuals and test administration manuals, in a designated secure locked area before, during, and after testing; all secure materials, including any parallel forms of a test, must be kept in locked storage at both the district and school levels; secure materials must never be left in open areas or unattended;

c. a description and record of professional development on test security, test administration, and security procedures for individual student test data provided for all individuals with access to test materials or individual student test data (access to test materials by school personnel means any contact with or handling the materials but does not include reviewing tests or analyzing test items, which are prohibited);

d. a list of personnel authorized to have access to the locked secure storage area;

e. procedures for investigating any testing irregularities, including violations in test security, such as plagiarism and excessive wrong-to-right erasures identified through erasure analysis;

f. procedures for the investigation of employees accused of irregularities or improprieties in the administration of standardized tests, as required by the amended R.S. 17:81.6;

g. procedures for the investigation of any missing test booklets, answer documents, or supplementary secure material (e.g., writing prompts, science tasks);

h. procedures for ensuring the security of individual student test data in electronic and paper formats.

5. Procedures for investigating missing secure materials, any testing irregularity (including cheating), and any employees accused of improprieties must, at a minimum, include the following.

a. The district test coordinator shall initiate the investigation upon the district's determination of an irregularity or breach of security or upon notification by the LDE. The investigation shall be conducted by the district test coordinator and other central office staff as designated by the district superintendent.

b. The location of the designated secure locked area for storage of materials shall be examined, and the individuals with access to secure materials shall be identified.

c. Interviews regarding testing administration and security procedures shall be conducted with the principal, school test coordinator(s), test administrator(s), and proctor(s) at the identified schools. All individuals who had access to the test materials at any time must be interviewed.

6. Interviews shall be conducted with students in the identified classes regarding testing procedures, layout of the classroom, access to test materials before the test, and access to unauthorized materials during testing.

7. After completion of the investigation, the school district shall provide a report of the investigation and a written plan of action to the state superintendent within 30 calendar days of the initiation of the investigation. At a minimum, the report shall include the nature of the situation, the time and place of occurrence, and the names of the persons involved in or witness to the occurrence. Officials

from the LDE are authorized to conduct additional investigations.

8. Test materials, including all test booklets, answer documents, and supplementary secure materials (e.g., writing prompts, science tasks) containing secure test questions, shall be kept secure and accounted for in accordance with the procedures specified in the test administration manuals and other communications provided by the LDE. Secure test materials include test booklets, answer documents, and any supplementary secure materials (e.g., writing prompts, science tasks).

9. Procedures described in the test manuals shall include, but are not limited to, the following.

a. All test booklets, answer documents, and supplementary secure materials (e.g., writing prompts, science tasks) must be kept in a designated locked secure storage area prior to and after administration of any test.

i. Test administrators are to be given access to the tests and any supplementary secure materials only on the day the test is to be administered, and these are to be retrieved immediately after testing is completed for the day and stored in the designated locked secure storage area each day of testing.

b. All test booklets, answer documents, and supplementary secure materials (e.g., writing prompts, science tasks) must be accounted for and written documentation kept by test administrators and proctors for each point at which test materials are distributed and returned.

c. Any discrepancies noted in the serial numbers of test booklets, answer documents, and any supplementary secure materials (e.g., writing prompts, science tasks), or the quantity received from contractors must be reported to the LDE, Division of Student Standards and Assessments, by the designated institutional or school district personnel prior to the administration of the test.

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

e. Only personnel trained in test security and administration shall be allowed to have access to or administer any standardized tests.

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

g. Testing shall be conducted in class-sized groups. Bulletin 741 (913(A) states that K-3 classroom enrollment should be no more than 26 students, and in grades 4-12, no more than 33, except in certain activity types of classes in which the teaching approach and the material and equipment

are appropriate for large groups. For grades K-8, the maximum class size for Health and Physical Education classes may be no more than 40. Class size for exceptional students is generally smaller Bulletin 741, (915). Permission for testing in environments that differ from the usual classroom environment must be obtained in writing from the LDE, Division of Standards and Assessments, at least 30 days prior to testing. If testing outside the usual classroom environment is approved by the Division of Student Standards and Assessments, the school district must provide at least one proctor for every 30 students.

h. The state superintendent of education may disallow test results that may have been achieved in a manner that is in violation of test security.

10. The LDE shall establish procedures to identify:

a. improbable achievement of test score gains in consecutive years;

b. situations in which collaboration between or among individuals may occur during the testing process;

c. a verification of the number of all tests distributed and the number of tests returned;

d. excessive wrong-to-right erasures for multiple-choice tests;

e. any violation to written composition or open-ended responses that involves plagiarism;

f. any other situation that may result in invalidation of test results:

i. in cases in which test results are not accepted because of a breach of test security or action by the LDE, any programmatic, evaluative, or graduation criteria dependent upon the data shall be deemed not to have been met, but individuals will be allowed to retake the test at the next test administration.

11. Individuals shall adhere to all procedures specified in all manuals that govern mandated testing programs.

12. Any individual who knowingly engages in any activity during testing that results in invalidation of scores derived from the Louisiana Educational Assessment Program for the 21st Century (LEAP 21), Graduation Exit Examination for the 21st Century (GEE 21), or Graduation Exit Examination ("old" GEE) shall forfeit the test results but will be allowed to retake the test at the next test administration.

13. Anyone known to be involved in the presentation of forged, counterfeit, or altered identification for the purposes of obtaining admission to a test administration site for any test administered by or through the SBESE or the LDE shall have breached test security. Any individual who knowingly causes or allows the presentation of forged, counterfeited, or altered identification for the purpose of obtaining admission to any test administration site must forfeit all test scores but will be allowed to retake the test at the next test administration.

14. School districts must ensure that individual student test data are protected from unauthorized access and disclosure. District test coordinators, principals, school test coordinators, and other authorized users of the LEAP^{web} Reporting System and LEAP^{data} System must ensure the security of passwords, any disks or CDs with downloaded individual student test data, and student-level test data open on a computer screen. All users must sign a statement guaranteeing they will not share the password with

unauthorized individuals and will maintain the confidentiality of student data. A copy of the signed statement should be sent to the district test coordinator to be kept on file. Users who have access to these systems and leave their positions at a district or school site must not use or share the password. District test coordinators are responsible for providing training regarding the security and confidentiality of individual student test data (in paper and electronic format) and of aggregated data of fewer than 10 students.

15. LDE staff will conduct site visits during testing to observe test administration procedures and to ensure that appropriate test security procedures are being followed. Schools with prior violations of test security or other testing irregularities will be identified for visits. Other schools will be randomly selected.

16. Any teachers or other school personnel who breach test security or allow breaches in test security shall be disciplined in accordance with the provisions of R.S. 17:416 et seq., R.S. 17:441 et seq., R.S. 17:81.6 et seq., policy and regulations adopted by the SBESE, and any and all laws that may be enacted by the Louisiana Legislature.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§307. Change of District Test Coordinator Notification

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

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§309. Erasure Analysis

A. To investigate erasures on student answer documents for the multiple-choice portions of the state criterion-referenced and norm-referenced testing programs, the SBESE and the LDE have developed the following procedures.

1. Scoring contractors scan every answer document for wrong-to-right erasures, and the state average and standard deviation are computed for each subject at each grade level.

2. Students whose wrong-to-right erasures exceed the state average by more than four standard deviations are identified for further investigation. For each student with excessive erasures, the proportion of wrong-to-right erasures to the total number of erasures is considered.

3. Based on the criteria for excessive wrong-to-right erasures, scoring contractors produce the following reports.

a. District/School Erasure Analysis Report. This report identifies districts and schools within the districts whose answer documents have excessive wrong-to-right erasures.

b. Student Erasure Analysis Report. This report identifies individual students whose answer documents have excessive wrong-to-right erasures. The answer documents of students identified as having excessive wrong-to-right answers are available for review at the LDE upon request.

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

5. The local superintendent must investigate the case of the irregularity and provide a report of the investigation and a written plan of action to the state superintendent of education within 30 calendar days.

6. A summary report of erasure analysis irregularities will be presented to the Louisiana Educational Assessment Testing Commission and the SBESE after each LEAP test administration.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

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

A. The Test Security Policy approved by the SBESE requires that the LDE establish procedures to deal with breaches of test security. District authorities provide the LDE information about voiding student tests because of student violations observed during test administration or violations by school personnel or others that have been reported. In addition, the scoring process produces information regarding written responses that have common elements, which indicate a student brought unauthorized materials to testing and used them to assist in writing; that indicate that teacher interference might have been a significant factor, and in which troubling content was evident. Procedures for dealing with these issues follow.

1. Violation by Student as Observed by Test Administrator

a. The test administrator must notify the school test coordinator about any suspected incident of cheating and provide a written account of the incident. Answer documents in such cases should be processed like all other answer documents.

b. The school test coordinator must then convene a school-level test security committee consisting at a minimum of the principal, the school test coordinator, and the test administrator to determine whether a test should be voided.

c. If it is deemed necessary to void the test, the school test coordinator must notify the district test coordinator of the void request in a letter written on school letterhead, signed by the school principal and the school test

coordinator. The original account of the incident written by the test administrator must be enclosed.

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

2. Reported Violations by School Personnel or Other Persons. All suspected instances of cheating should be reported directly to the school's district test coordinator for further investigation, and a report of the incident must be sent to LDE, Division of Student Standards and Assessments.

3. Suspected Violations Discovered by Scoring Contractors

a. In addition to erasure analysis for multiple-choice items, possible incidents of the following violations may be discovered during the scoring process:

i. plagiarism. Responses contain exact or almost exact content, and/or words or phrases, and/or format;

ii. use of unauthorized materials. Students brought unauthorized materials into the testing environment and used them to assist in written responses;

iii. teacher interference. Teacher interference is evident in written responses.

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

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

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

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

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

a. Professional assessment personnel review the responses. If it is determined that disturbing content causes a compelling need to break confidentiality, LDE will contact

the district superintendent by telephone to summarize findings and inform him or her that materials are being mailed regarding the alert.

b. Issues regarding troubling content are for the district's information to assist the student and do not require further communication with LDE.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§313. Viewing Answer Documents

A. A parent, guardian, student, school, or district must place a request to view an answer document through the district test coordinator.

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

1. the student's name;
2. the student's state ID number or social security number;
3. the student's enrolled grade;
4. the type of assessment (i.e., LEAP 21, GEE 21, LAA, The Iowa Tests, iLEAP, ELDA) and the content area of the answer document or documents requested; and
5. the district name and code and school name and code where the student tested.

C. LDE will notify the testing contractor of the request; the testing contractor will send a copy of the requested answer document(s) to LDE.

D. Upon receipt of the requested answer document(s), LDE will contact the district test coordinator who placed the request to schedule an appointment to review the answer document(s).

E. The district test coordinator or his or her designee must accompany the school personnel, parent, guardian, and/or student to the appointment.

F. LDE will black out test items on answer documents prior to viewing. Only the student's responses may be observed.

G. LDE staff will remain in the room during the viewing of the answer document(s). Answer documents may not be copied or removed from the room. Written notes of student responses may not be made.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§315. Emergencies During Testing

A. For emergencies (e.g., fire alarms, bomb threats) that require evacuation of the classroom during administration of statewide assessments, the following procedures should be followed.

1. If the room can be locked, the test administrator should direct the students to place the answer document inside the test booklet and leave both on the desk. Before students are allowed back into the room, the test administrator should return to the room, pick up the test booklets, answer documents, and other secure materials, and then distribute them individually to the students when they have returned to their desks.

2. If the room cannot be locked and if at all possible, the test administrators should direct students to place the

answer document on top of the test booklet and hand both along with any other secure materials to the test administrator as students file out of the room. Test administrators should carry the documents with them to their designated location outside the building. If return to the building is delayed, the school test coordinator should pick up and check in the materials from the test administrators.

3. If testing has not started prior to the emergency and the students have not yet opened their test booklets and answer documents, testing should start when students return to the room.

4. If students have opened their testing materials to begin testing and test security has been maintained, testing may continue after students return to the room.

5. If the test booklets have been opened and test security has been compromised, testing should not be continued. The answer documents should be sent to the testing company with the responses that were completed prior to the emergency. High school students who did not meet the achievement-level requirements to be eligible for a standard high school diploma will be allowed to retake the test they did not complete during the emergency at the next test administration. Likewise, a student who is unable to complete a LEAP 21 test because of an emergency situation, thereby not meeting the requirements for promotion, will be allowed to retake the test during the next test administration.

6. As a precautionary measure, graduating seniors might be tested together in a single group or in several smaller groups so test security is easier to maintain if there is an emergency.

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

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 5. Test Coordinator Responsibilities

Subchapter A. District Test Coordinator

§501. District Test Coordinator Role

A.1. A district test coordinator's responsibilities fall into three categories:

- a. making arrangements for testing;
- b. handling and maintaining the security of test materials; and
- c. training school test coordinators, district special education directors/supervisors, district Section 504 coordinators, district student information system coordinators, and principals.

2. Specific tasks include:

- a. submitting enrollment data by the yearly deadline;
- b. appointing a school test coordinator for every school involved in state testing;
- c. scheduling testing and makeup dates and times of state tests based on state-approved schedules;
- d. arranging for testing students enrolled in approved home study programs and nonpublic schools;
- e. coordinating with the district Section 504 coordinator the submission of Section 504 District Data Validation forms to the LDE, Division of Special Populations, Section 504 coordinator;

f. conducting district training sessions for all principals, school test coordinators, district Section 504 coordinators, district student information system coordinators, district special education directors/supervisors, and district LEP coordinators;

g. answering questions about test security, administration, and return of materials;

h. receiving and verifying the delivery and return of testing materials;

i. designating an appropriate locked, secure area for storing testing materials;

j. maintaining the security of test materials immediately upon receipt of testing materials from testing contractors and from schools;

k. distributing testing materials to school test coordinators;

l. collecting, assembling, and packaging all testing materials and completing and submitting or filing all forms as instructed in the manuals;

m. arranging for pickup of testing materials for shipment to the scoring contractor as instructed in the manuals;

n. reporting immediately to the LDE, Division of Student Standards and Assessments, any missing test booklets or answer documents and returning them to test contractors if they are found;

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

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

q. submitting all void and test irregularities forms and documentation as instructed in the manuals;

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

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

t. maintaining the district password and all school passwords within the district that are used with LEAPweb Reporting System and the LEAPdata Query System;

u. training district and school users within a district to effectively use the systems; ensure they are familiar with the Family Education Rights and Privacy Act (FERPA) law governing confidentiality of student records, and ensure they have signed a security agreement before receiving a password for access to the LEAPdata Query System;

v. ensuring:

i. that all district/school users maintain the security of and access to all student information obtained via the LEAPweb Reporting and LEAPdata Query systems;

ii. that all school users are aware that student test data shall not be disclosed to anyone other than another school official and only for a legitimate educational purpose.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Subchapter B. School Test Coordinator

§511. School Test Coordinator Role

A. A school test coordinator's responsibilities include:

1. supervising testing procedures and materials control at the school level;

2. scheduling testing dates and times with the district test coordinator;

3. making arrangements for a location to test students with certain accommodations or in the case of untimed tests, students who need time beyond that scheduled to complete testing;

4. scheduling and monitoring makeup testing;

5. notifying the district test coordinator immediately of any missing secure materials;

6. verifying the count of all materials received and reporting any discrepancies to the district test coordinator;

7. ensuring the security of testing materials from the time they arrive at the school until the time they are returned to the district test coordinator;

8. noting any discrepancies in the count or numbering of test booklets or answer documents from that recorded on documents from the scoring contractor;

9. notifying the district test coordinator of additional test booklets, answer documents, or manuals needed;

10. reviewing all manuals in their entirety;

11. conducting a training session in test security and administration for test administrators and all other individuals who have access to secure materials before, during, and after test administration;

12. submitting the Verification of Section 504 forms to the school district Section 504 coordinator by the date established in the district;

13. compiling a list of students approved for accommodations, with the accommodations they are to receive, and providing a list of such students in a testing group to individual test administrators;

14. verifying that classrooms have been prepared for testing (test-related content material removed or covered, sufficient space for students, testing sign on door);

15. distributing materials to test administrators on the appropriate testing day and collecting, checking in and putting into the secure storage area all secure testing materials at the end of each day of testing and during any extended breaks;

16. monitoring testing sessions;

17. supervising test administrators who must transfer student answers from large-print, braille, or other accommodation formats to a scorable answer document;

18. collecting and returning any computer disks or other accommodation-format testing materials;

19. reporting any testing irregularities to the district test coordinator; and

20. packaging test materials as instructed in the manuals for return to the district test coordinator.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 7. Assessment Program Overview
§701. Overview of Assessment Programs in Louisiana
 A. Norm-Referenced and Criterion-Referenced Testing Programs Since 1986

Name of Assessment Program	Assessment Population	Administered
Kindergarten Screening		
Kindergarten Developmental Readiness Screening Program (KDRSP)	Kindergarten	fall 1987–
Norm-Referenced Tests (NRTs)		
California Achievement Test (CAT/F)	grades 4, 6, and 9	spring 1988–spring 1992 (no longer administered)
California Achievement Test (CAT/5)	grades 4 and 6 grade 8	spring 1993–spring 1997 spring 1997 only (no longer administered)
Iowa Tests of Basic Skills (ITBS) (form L) and Iowa Tests of Educational Development (ITED) (form M)	grades 4, 6, 8, 9, 10, and 11	spring 1998 (no longer administered)
ITBS ITED (form M)	grades 3, 5, 6, and 7 grade 9	spring 1999–spring 2002 (no longer administered)
ITBS ITED (Iowa 03)	grades 3, 5, 6, and 7 grade 9	spring 2003–spring 2005
Criterion-Referenced Tests (CRTs)		
National Assessment of Educational Progress (NAEP)	grades 4, 8, and 12	spring 1990–
Louisiana Educational Assessment Program (LEAP)	grades 3, 5, and 7	spring 1989–spring 1998 (no longer administered)
Graduation Exit Examination ("old" GEE)	grades 10 and 11	spring 1989– spring 2003 (state administered) fall 2003– (district administered)
Louisiana Educational Assessment Program for the 21st Century Program (LEAP 21) (ELA and Mathematics)	grades 4 and 8	spring 1999–
LEAP 21 (Science and Social Studies)	grades 4 and 8	spring 2000–
Graduation Exit Examination for the 21st Century Program (GEE 21) (ELA and Mathematics)	grade 10	spring 2001–
GEE 21 (Science and Social Studies)	grade 11	spring 2002–
Integrated NRT/CRT		
Integrated Louisiana Educational Assessment Program (iLEAP)	grades 3, 5, 6, 7, and 9	spring 2006–
Special Population Assessments		
Louisiana Alternate Assessment (LAA)	Students with Individualized Education Programs (IEPs) who meet participation criteria in grades 3–11.	spring 2000–
Louisiana Alternate Assessment-B (LAA-B) ["out-of-level" test]	Students with Individualized Education Programs (IEPs) who met eligibility criteria in grades 3–11.	spring 1999–spring 2003 (no longer administered)
English Language Development Assessment (ELDA)	Limited English Proficient (LEP) students in grades K–12	spring 2005–

B. As a result of these initiatives, the SBESE in May, 1997 approved content standards in English language arts, mathematics, science, social studies, foreign languages, and the arts. The LDE initiated new criterion-referenced tests to align with these standards. In the 1997 Regular Session of the Louisiana Legislature, the state law was changed to require that criterion-referenced tests be given in grades 4 and 8 rather than in grades 3, 5, and 7. In spring 2002, the new state criterion-referenced tests at grades 4, 8, 10, and 11 were completely phased in and previous criterion-referenced tests were phased out.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 9. Kindergarten Developmental Readiness Screening Program
§901. Statement of Purpose

A. This chapter provides for the implementation of local kindergarten developmental readiness screening programs as required by Act 146, Regular Session, 1986. Activities conducted under this chapter shall be coordinated with other forms of screening conducted by the school district.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (1) (b).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§903. Definitions

Developmental The process of identifying appropriate behavior by age level in areas such as motor skills, oral language development, cognitive development, social-emotional development, auditory discrimination, visual discrimination, and self-help skills.

Readiness Screening The process of identifying the performance levels, skills, and abilities of young children through gathering of information concerning their physical, intellectual, emotional, and social development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:391.11, R.S. 17:24.4 (F) (1) (b), and R.S. 17:151.3.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§905. Target Population

A. Every child entering public school kindergarten for the first time shall be screened with a nationally recognized developmental readiness instrument. If a student is identified as having a disability according to Bulletin 1508 and has a current multidisciplinary evaluation, he or she shall not be excluded from this screening. If appropriate developmental screening information from the current evaluation cannot be used, appropriate adaptations of the developmental screening instrument shall be made. The results of the screening shall not exclude any child who meets the age requirements from entering public school kindergarten.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:139.11, 20, R.S. 17:151.3, R.S. 17:1941, and USCS §1400 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§907. Agency Administrative Participation

A. Screening Instruments. Each school district shall elect and administer one nationally recognized readiness screening instrument from among those recommended by the LDE and approved by the SBESE. The results of this screening shall be used in placing children within a regular kindergarten classroom setting and planning their instructional programs to meet identified needs.

B. Administrative Timelines

1. Each school district shall submit to the LDE by the date established by the LDE and annually thereafter the name of the developmental readiness screening instrument selected for system-wide use by the local school board for the purpose of program implementation.

2. Beginning with the 1987–1988 academic year and annually thereafter, screening shall occur within 30 days before or after the opening date of school.

C. Parental Advisement. Beginning with the 1987–1988 academic year and annually thereafter, school districts shall inform the parent or guardian of the results of the individual student's screening.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24 et seq., and R.S. 17:139 et seq.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§909. State BESE-Approved Instruments

A. Instruments Approved for Use in 1990. School districts that elected to use these instruments at that time can continue to use them. School districts cannot, however, now elect to use these instruments.

Name of Instrument	Publisher
Chicago EARLY Assessment	Educational Teaching Aids
Miller Assessment for Preschoolers	The Psychological Corporation
Developing Skills Checklist (DSC)	CTB McMillan/McGraw-Hill
Developmental Indicators for the Assessment of Learning-Revised (DIAL-R)	American Guidance Service

B. Instruments Approved for Use in April 2001. School districts may use any of these instruments.

Name of Instrument	Publisher
Developmental Indicator for the Assessment of Learning—Third Edition (DIAL-3)	American Guidance Service
Developing Skills Checklist (DSC)	CTB McMillan/McGraw-Hill
Brigance K & 1 Screen	Curriculum and Associates
Early Screening Inventory—Revised	Rebus
Screening Test for Education Prerequisite Skills (STEPS)	Western Psychological Services

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 and R.S. 17:391.11.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 11. Louisiana Educational Assessment Program for the 21st Century

Subchapter A. General Provisions

§1101. Introduction

A. The LEAP 21 is a criterion-referenced testing program that is directly aligned with the state content standards, which by law are as rigorous as those of NAEP. The LEAP 21 measures how well students in grades four and eight have mastered the state content standards. Test results are reported in terms of achievement levels.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (1) (c).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Subchapter B. Achievement Levels and Performance Standards

§1113. Achievement Levels

- A.1. The Louisiana achievement levels are:
- a. Advanced;
 - b. Mastery (Exceeding the Standard);
 - c. Basic (Meeting the Standard);
 - d. Approaching Basic (Approaching the Standard);
- and
- e. Unsatisfactory.

2. Though the names of the achievement levels differ slightly from those detailed in the NCLB Act, the definitions are similar. The definitions of the Louisiana achievement levels are also consistent with the definitions of basic, proficient, and advanced in English language arts and mathematics for NAEP.

B. Achievement Level Definitions

1. *Advanced* A student at this level has demonstrated superior performance beyond the mastery level.
2. *Mastery (formerly Proficient)* A student at this level has demonstrated competency over challenging subject matter and is well prepared for the next level of schooling.
3. *Basic* A student at this level has demonstrated only the fundamental knowledge and skills needed for the next level of schooling.
4. *Approaching Basic* A student at this level has only partially demonstrated the fundamental knowledge and skills needed for the next level of schooling.

5. *Unsatisfactory* A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.24.4 (F) (1) and (C).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1115. Performance Standards

A. Performance standards for LEAP 21 English Language Arts, Mathematics, Science, and Social Studies tests are finalized in scaled-score form. The scaled scores range between 100 and 500 for all grades and content areas.

B. LEAP 21 Achievement Levels and Scaled Score Ranges Grade 4

Achievement Level	English Language Arts Scaled Score Range	Mathematics Scaled Score Range	Science Scaled Score Range	Social Studies Scaled Score Range
Advanced	408–500	419–500	405–500	399–500
Mastery	354–407	370–418	360–404	353–398
Basic	301–353	315–369	306–359	301–352
Approaching Basic	263–300	282–314	263–305	272–300
Unsatisfactory	100–262	100–281	100–262	100–271

C. LEAP 21 Achievement Levels and Scaled Score Ranges Grade 8

Achievement Level	English Language Arts Scaled Score Range	Mathematics Scaled Score Range	Science Scaled Score Range	Social Studies Scaled Score Range
Advanced	402–500	398–500	400–500	404–500
Mastery	356–401	376–397	345–399	350–403
Basic	315–355	321–375	305–344	297–349
Approaching Basic	269–314	296–320	267–304	263–296
Unsatisfactory	100–268	100–295	100–266	100–262

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Subchapter C. Achievement Level Descriptors

§1125. Introduction

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

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1127. Grade 4 Achievement Level Descriptors

A. Grade 4 English Language Arts Achievement Level Descriptors

1. Advanced
 - a. In the area of reading, fourth grade students performing at the advanced level:
 - i. generalize about topics in the reading selection;
 - ii. demonstrate an awareness of how authors compose;
 - iii. demonstrate an awareness of how authors use literary devices in various genres; and
 - iv. judge texts critically and give thorough answers that indicate careful thought.
 - b. Specifically, when reading literary text, advanced-level students:
 - i. make generalizations about the point of the story;
 - ii. extend its meaning by integrating personal and other reading experiences with ideas suggested by the text; and
 - iii. identify literary devices such as figurative language.
 - c. When reading informational text, advanced-level fourth graders:
 - i. explain the author's intent by using supporting material from the text;
 - ii. make critical judgments of the text (including its form and content) and explain their judgments clearly; and
 - iii. locate, select, and synthesize information by using appropriate resources including technological sources to acquire, summarize, and communicate knowledge.
 - d. In the area of writing, fourth grade students at the advanced level:
 - i. create an effective and elaborated response to the task in form, content, and language;
 - ii. express analytical, critical, and/or creative thinking;
 - iii. have unity of form and content in response to the writing task;
 - iv. demonstrate awareness of the intended audience;
 - v. use effective organization appropriate to the task;
 - vi. show proficient use of transitional elements;
 - vii. elaborate and enhance the central idea with descriptive and supportive details;

viii. use language appropriate to the task and intended audience; and

ix. enhance meaning through control of spelling, grammar, punctuation, and capitalization.

2. Mastery

a. In the area of reading, fourth grade students performing at the mastery level:

i. demonstrate an overall understanding of the text, providing inferential as well as literal information; and

ii. extend ideas in the text by making inferences, drawing conclusions, and making connections to their own experiences.

b. Specifically, when reading literary text, mastery-level fourth graders should be able to:

i. summarize the story;

ii. draw conclusions about the characters or plot; and

iii. recognize relationships such as cause and effect.

c. When reading informational text, mastery-level students should be able to:

i. summarize the information and identify the author's intent or purpose;

ii. draw reasonable conclusions from the text, recognize relationships such as cause and effect or similarities and differences;

iii. identify the meaning of the selection's key concepts; and

iv. locate, select, and summarize information from appropriate resources to acquire knowledge.

d. In the area of writing, fourth grade students at the mastery level:

i. create an effective response to the task in form, content, and language;

ii. demonstrate an awareness of the intended audience;

iii. use effective organization appropriate to the task;

3. Basic

a. In the area of reading, fourth grade students performing at the basic level:

i. demonstrate an understanding of the overall meaning of what they read; and

ii. make relatively obvious connections between the text and their own experiences and extend the ideas in the text by making simple inferences.

b. For example, when reading literary text, basic-level students should be able to:

i. tell what the story is generally about, providing details to support their understanding; and

ii. connect aspects of the stories to their own experiences.

c. When reading informational text, basic-level fourth graders should be able to:

i. tell what the selection is generally about or identify the purpose for reading it;

ii. provide details to support their understanding;

iii. connect ideas from the text to their background knowledge and experiences; and

iv. locate basic information in appropriate sources to acquire knowledge.

d. In the area of writing, fourth grade students at the basic level:

- i. demonstrate appropriate response to the task in form, content, and language;
- ii. use some supportive details;
- iii. demonstrate organization appropriate to the task; and
- iv. demonstrate sufficient command of spelling, grammar, punctuation, and capitalization to communicate to the reader.

4. Approaching Basic

a. In the area of reading, fourth grade students performing at the approaching basic level:

- i. demonstrate a partial understanding of the overall meaning of what they read; and
- ii. make limited connections between the text and their own experiences.

b. For example, when reading literary text, approaching basic students should be able to recall facts and details from the text.

c. When reading informational text, these students should be able to:

- i. tell what the selection is about and provide limited details; and
- ii. locate information in resources that are the most commonly used.

d. In the area of writing, fourth grade students at the approaching basic level:

- i. demonstrate a partial response to the task in form, content, and language;
- ii. use few supportive details;
- iii. demonstrate some evidence of organization; and
- iv. demonstrate some command of spelling, grammar, and punctuation to communicate to the reader.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

B. Grade 4 Mathematics Achievement Level Descriptors

1. Advanced. Fourth grade students performing at the advanced level consistently apply integrated procedural knowledge and conceptual understanding to problem solving in the six Louisiana mathematics content strands. They readily see multiple solutions/strategies (including nonroutine ones) to apply to problems. Fourth grade students performing at this level:

- a. solve complex and nonroutine real-world problems in all the Louisiana mathematics content;
- b. display mastery in the use of four-function calculators, rulers, and geometric shapes;
- c. draw logical conclusions and justify answers and solution processes by explaining the procedures and the rationale for using them;
- d. go beyond the obvious in their interpretations; and
- e. are able to communicate their thoughts clearly and concisely.

2. Mastery. Fourth grade students performing at the mastery level consistently apply integrated procedural knowledge and conceptual understanding to problem solving in the six Louisiana mathematics content strands. Fourth grade students performing at this level:

a. use whole numbers to estimate, compute, and determine whether results are reasonable;

b. have a conceptual understanding of fractions, decimals, and percents and their relationship;

c. are able to solve real world problems in all the Louisiana mathematics content strands;

d. accurately use four-function calculators, rulers, and geometric shapes appropriately;

e. employ problem-solving strategies such as identifying and using appropriate information; and

f. organize and present written solutions both with supporting information and explanations of how they were achieved.

3. Basic. Fourth grade students performing at the basic level show some evidence of understanding the mathematical concepts and procedures in the six Louisiana mathematics content strands. Fourth grade students performing at this level:

a. estimate and use basic facts to perform simple computations with whole numbers;

b. show some understanding of fractions, decimals, and percents and their relationships;

c. solve some simple real-world problems in all the Louisiana mathematics content strands;

d. use with some degree of accuracy four-function calculators, rulers, and geometric shapes; and

e. provide written responses that are often minimal and presented without supporting information.

4. Approaching Basic. Fourth grade students performing at the approaching basic level show minimal evidence of understanding the math concepts and procedures in the six Louisiana mathematics content strands. Fourth grade students performing at this level:

a. use basic facts to perform simple computations with whole numbers;

b. recognize fractions, decimals, and percents;

c. exhibit difficulty applying conceptual knowledge in solving real-world problems;

d. use with some degree of accuracy four function calculators, rulers, and geometric shapes; and

e. provide minimal or nonexistent written responses.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

C. Grade 4 Science Achievement Level Descriptors

1. Advanced. Fourth grade students performing at the advanced level demonstrate a broad and in-depth understanding of science concepts and process skills and have the ability to apply, synthesize, connect, and evaluate concepts in the five science content strands. Fourth grade students performing at this level can:

a. design and carry out scientific investigations, selecting and using appropriate tools, technology, and techniques/methods;

b. formulate appropriate questions that demonstrate critical thinking and a broad base of scientific knowledge;

c. interpret relationships and make inferences based on the data and apply to new situations;

d. organize data in graphic form, evaluate validity of data, and draw/justify conclusions based on data;

e. develop, elaborate, and modify predictions, models and explanation;

f. use/apply concepts about properties of objects/materials, position/motion of objects, and forms of energy to new ideas/situations;

g. use/apply concepts about characteristics, life cycles, and environments of organisms to recognize, analyze, and critique observed phenomena;

h. use/apply concepts of properties of earth materials, weather, and objects in sky to predict/justify patterns and relationships; and

i. use/apply concepts about interrelationships among the human, biological, chemical, and physical aspects of the environment.

2. **Mastery.** Fourth grade students performing at the mastery level demonstrate mastery and application of science concepts and process skills in the five science content strands. Fourth grade students performing at this level can:

a. design and carry out scientific investigations using appropriate methods, tools, technology, and techniques;

b. formulate appropriate questions demonstrating broad base of scientific knowledge;

c. identify relationships based on data and apply to new situations;

d. organize data in a graphic form, draw conclusions and justify conclusions based on data;

e. make predictions based on data (new situation, everyday life);

f. explain and connect concepts about properties of objects/materials, position/motion of objects, and formation of energy;

g. explain and connect concepts about characteristics, life cycles, and environments of organisms;

h. explain and connect concepts of properties of earth materials, weather, and objects in the sky; and

i. explain and connect concepts about the interrelationships among the human, biological, chemical, and physical aspects of the environment.

3. **Basic.** Fourth grade students performing at the basic level demonstrate a general understanding of fundamental science concepts and skills in the five science content strands. Fourth grade students performing at this level can:

a. perform simple scientific tasks when given clear, sequential directions;

b. recognize questions that are appropriate to investigation;

c. organize data in a graphic form and draw conclusions based on data;

d. demonstrate data in a graphic form and draw conclusions based on data;

e. demonstrate basic knowledge/understanding of properties of objects, motion of objects, and forms of energy as they apply to their everyday life;

f. demonstrate basic knowledge/understanding of characteristics, life cycles, and environments of organisms and relationships;

g. demonstrate knowledge/understanding of basic concepts of properties of earth materials, weather, and objects in sky by identifying patterns; and

h. demonstrate knowledge/understanding of basic components of an ecosystem and recognize how change impacts the system.

4. **Approaching Basic.** Fourth grade students performing at the approaching basic level demonstrate minimal understanding science concepts and process skills in the five science content strands. Fourth grade students performing at this level can:

a. perform portions of simple scientific tasks when given clear, sequential directions;

b. read/interpret some data in a graphic form;

c. respond to simple directed questions;

d. exhibit partial understanding of characteristics, life cycles, and environments or organisms and relationships;

e. exhibit partial understanding of basic concepts of properties of earth materials, weather, and objects in the sky by identifying patterns; and

f. exhibit partial understanding of basic components of ecosystems and recognize how change impacts the system.

5. **Unsatisfactory.** A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

D. Grade 4 Social Studies Achievement Level Descriptors

1. **Advanced.** Fourth grade students performing at the advanced level demonstrate a broad and in-depth understanding of social studies knowledge and skills, and have the ability to apply, synthesize, connect, and evaluate concepts in all four social studies content strands as indicated below.

a. **Geography** The advanced student can:

i. interpret major geographic features on maps and globes;

ii. classify geographic vocabulary;

iii. analyze the connection between people, places, man, and the environment;

iv. compare geographical data;

v. compare the world in spatial terms and processes that shape the earth.

b. **Civics** The advanced student can:

i. evaluate the structure and purpose of government;

ii. interpret rights as stated in the Constitution.

c. **Economics** The advanced student can:

i. evaluate the economic factors involved in a choice or a decision;

ii. analyze decisions made by individuals, households, businesses, and governments and their economic outcomes.

d. **History** The advanced student can:

i. express the significance of key historical people, events, and documents;

ii. use an understanding of historical perspective, time, and chronology to analyze past and current events;

iii. use both primary and secondary sources to interpret the past;

iv. evaluate the social and economic impact of major scientific and technological advancements.

2. **Mastery.** Fourth grade students performing at the mastery level demonstrate mastery and application of social

studies knowledge and skills in all four social studies content strands as indicated below.

- a. Geography **C**The mastery student can:
 - i. analyze and compare major geographic features on maps and globes;
 - ii. compare geographic vocabulary;
 - iii. compare the connection between people, places, man and the environment;
 - iv. classify geographical data;
 - v. describe the world in spatial terms and processes that shape the earth.
- b. Civics **C**The mastery student can:
 - i. explain the branches and responsibilities of government;
 - ii. explain the rights and responsibilities of citizens as outlined in the Constitution.
- c. Economics **C**The mastery student can:
 - i. apply economic concepts to given scenarios;
 - ii. explain how individuals, households, businesses, and governments are dependent on one another;
 - iii. demonstrate an understanding of the economic outcomes of decisions made by individuals, households, businesses, and governments.
- d. History **C**The mastery student can:
 - i. identify and describe key historical people, events and documents;
 - ii. apply an understanding of the concepts of historical perspective, time, and chronology;
 - iii. use primary and secondary sources to gain historical information;
 - iv. explain the importance of major scientific and technological advancements.

2. Mastery

- a. Geography **C**The mastery student can:
 - i. analyze and compare major geographic features on maps and globes;
 - ii. compare geographic vocabulary;
 - iii. compare the connection between people, places, man and the environment;
 - iv. classify geographical data;
 - v. describe the world in spatial terms and processes that shape the earth.
- b. Civics **C**The mastery student can:
 - i. explain the branches and responsibilities of government;
 - ii. explain the rights and responsibilities of citizens as outlined in the Constitution.
- c. Economics **C**The mastery student can:
 - i. apply economic concepts to given scenarios;
 - ii. explain how individuals, households, businesses, and governments are dependent on one another;
 - iii. demonstrate an understanding of the economic outcomes of decisions made by individuals, households, businesses, and governments.
- d. History **C**The mastery student can:
 - i. identify and describe key historical people, events and documents;
 - ii. apply an understanding of the concepts of historical perspective, time, and chronology;
 - iii. use primary and secondary sources to gain historical information;

iv. explain the importance of major scientific and technological advancements.

3. Basic. Fourth grade students performing at the basic level demonstrate a general understanding of fundamental social studies knowledge and skills in the four social studies content strands as indicated below.

- a. Geography **C**The basic student can:
 - i. recognize major geographic features on maps and globes;
 - ii. write words that define geographic vocabulary;
 - iii. describe the connection between people, places, man, and the environment;
 - iv. interpret geographical data;
 - v. define the world in spatial terms and processes that shape the earth.
 - b. Civics **C**The basic student can:
 - i. identify branches and major responsibilities of government;
 - ii. list the rights and responsibilities of citizens that are stated in the Bill of Rights.
 - c. Economics **C**The basic student can:
 - i. identify fundamental economic concepts and terms;
 - ii. recognize that individuals, households, businesses, and governments are dependent on one another;
 - iii. recognize that the decisions made by individuals, households, businesses, and governments result in economic outcomes.
 - d. History **C**The basic student can:
 - i. identify and describe some important people, events, and documents in American history;
 - ii. demonstrate an understanding of the concepts of historical perspective and time;
 - iii. distinguish between primary and secondary historical sources;
 - iv. describe some scientific and technological advancements.
4. Approaching Basic. Fourth grade students performing at the approaching basic level demonstrate an uneven and minimal understanding of the fundamental knowledge and skills in all four social studies content strands as indicated below.
- a. Geography **C**The approaching basic student can:
 - i. identify major geographic features on maps and globes;
 - ii. select words that define geographic vocabulary;
 - iii. explain the connection between people, places, man, and the environment;
 - iv. identify geographical data;
 - v. identify the world in spatial terms and processes that shape the earth.
 - b. Civics **C**The approaching basic student can:
 - i. recognize that the U.S. has a government that is divided into branches;
 - ii. state that citizens have rights and responsibilities.
 - c. Economics **C**The approaching basic student can:
 - i. identify some fundamental economic concepts and terms.
 - d. History **C**The approaching basic student can:

- i. recognize a few of the most important people, events, and documents in American history;
- ii. demonstrate a limited understanding of the concepts of historical perspective and time;
- iii. identify some important scientific and technological advancements.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

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

HISTORICAL NOTE: Promulgated by the Department of Education, State Board of Elementary and Secondary Education, LR 31:

§1129. Grade 8 Achievement Level Descriptors

A. Grade 8 English Language Arts Achievement Level Descriptors

1. Advanced

a. In the areas of reading and use of resources, eighth grade students performing at the advanced level:

- i. describe the more abstract themes and ideas of the overall text;
- ii. analyze both meaning and form and support their analyses explicitly with examples from the text;
- iii. extend text information by relating it to their experiences and to world events; and
- iv. select and evaluate a variety of information from various sources.

b. In the area of writing, eighth grade students at the advanced level:

- i. create an effective and elaborated response to the task in form, content, and language consistent with audience and purpose;
- ii. express analytical, critical, and/or creative thinking;
- iii. have logical, cohesive organization appropriate to the task;
- iv. show sophisticated use of transitional elements;
- v. use varied and elaborated supporting details in appropriate, extended response;
- vi. begin to develop a personal style or voice;
- vii. demonstrate precise and varied use of language, (e.g., variety of word choice and sentence structures);
- viii. use a variety of strategies such as analogies, illustrations, examples, anecdotes, and figurative language; and

ix. enhance meaning through control of spelling, grammar, punctuation, and capitalization.

2. Mastery

a. In the areas of reading and use of resources, eighth grade students performing at the mastery level:

- i. show an overall understanding of the text, including inferential as well as literal information;
- ii. extend the ideas in the text by making clear inferences, by drawing conclusions, and by making connections to their own experiences including other reading experiences;
- iii. analyze some of the devices authors use in composing text; and
- iv. select and analyze a variety of information from various sources.

b. In the area of writing, eighth grade students at the mastery level:

- i. create an effective response to the task in form, content, and language consistent with audience and purpose;
- ii. express analytical, critical, and/or creative thinking;
- iii. have logical and observable organization appropriate to the task;
- iv. show effective use of transitional elements;
- v. use sufficient elaboration to clarify and enhance the central idea;
- vi. use language (e.g., variety of word choice and sentence structure) appropriate to the task;
- vii. demonstrate sufficient command of spelling, grammar, punctuation, and capitalization to communicate with the reader; and
- viii. use some strategies such as analogies, illustrations, examples, anecdotes, and figurative language.

3. Basic

a. In the areas of reading and use of resources, eighth grade students performing at the basic level:

- i. demonstrate a literal understanding of what they read, identify specific aspects of the text that reflect the overall meaning, and extend the ideas in the text by making simple inferences;
- ii. recognize and relate interpretations and connections among ideas in a text by drawing conclusions; and
- iii. select and use a variety of information from various sources.

b. In the area of writing, eighth grade students at the basic level:

- i. demonstrate appropriate response to the task in form, content, and language;
- ii. maintain a consistent focus;
- iii. demonstrate organization appropriate to the task;
- iv. use supporting details; and
- v. have some errors in spelling, grammar, punctuation, and capitalization that interfere with communication to the reader.

4. Approaching Basic

a. In the areas of reading and use of resources, eighth grade students performing at the approaching basic level:

- i. demonstrate a partial understanding of what they read and make a few interpretations;
- ii. make few extensions of ideas in text;
- iii. make limited connections from text to personal experiences; and
- iv. recognize a variety of information sources.

b. In the area of writing, eighth grade students at the approaching basic level:

- i. demonstrate a limited response to the task in form, content, and language;
- ii. maintain a limited focus;
- iii. demonstrate some evidence of conscious organization;
- iv. use few supporting details; and
- v. demonstrate little control of spelling, grammar, punctuation, and capitalization to communicate to the reader.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

B. Grade 8 Mathematics Achievement Level Descriptors

1. Advanced. Eighth grade students performing at the advanced level demonstrate abstract thinking by reaching beyond the recognition, identification, and application of mathematical rules in order to generalize and synthesize concepts and principles in the six Louisiana mathematics content strands. Eighth grade students performing at this level:

- a. probe examples and counterexamples in order to shape generalizations from which they can develop models;
- b. use number sense and geometric awareness to consider the reasonableness of an answer;
- c. use abstract thinking to create unique and/or alternative problem-solving techniques; and
- d. explain the reasoning processes underlying their conclusions.

2. Mastery. Eighth grade students performing at the mastery level recognize, identify, and apply mathematical concepts and procedures consistently to complex problems in the six Louisiana mathematics content strands. Eighth grade students performing at this level:

- a. can conjecture and defend their ideas and give supporting examples;
- b. understand the connections between fractions, percents, decimals, and other mathematical topics such as algebra and functions;
- c. have a thorough understanding of basic-level arithmetic operations and an understanding sufficient for problem solving in practical situations;
- d. are familiar with quantity and spatial relationships in problem solving and reasoning;
- e. convey underlying reasoning skills beyond the level of arithmetic;
- f. compare and contrast mathematical ideas and generate their own examples;
- g. make inferences from data and graphs;
- h. apply properties of informal geometry;
- i. accurately use the tools of technology; and
- j. understand the process of gathering and organizing data and be able to calculate, evaluate, and communicate results within the domain of statistics and probability.

3. Basic. Eighth grade students performing at the basic level exhibit evidence of conceptual and procedural understanding in the six Louisiana mathematics content strands. This level of performance signifies an understanding of arithmetic operations, including estimation, on whole numbers, decimals, fractions, and percents. Eighth grade students performing at this level:

- a. complete problems correctly with the help of structural prompts such as diagrams, charts, and graphs;
- b. solve routine, real-world problems through the appropriate selection and use of strategies and technological tools, including calculators, computers, and geometric shapes;
- c. use fundamental algebraic and informal geometric concepts in problem solving;

d. determine which of available data are necessary and sufficient for correct solutions and use them in problem solving; and

e. show limited skill in communicating mathematically.

4. Approaching Basic. Eighth grade students performing at the approaching basic level are able to use basic mathematical skills and follow simple procedures in the six Louisiana mathematics content strands, but are inconsistent in the application of conceptual knowledge. Eighth grade students performing at this level:

- a. complete problems correctly with the help of structural prompts such as diagrams, charts and graphs;
- b. solve one-step problems involving basic computation ($=$, $-$, \times , \div) and follow procedural steps with instructional assistance;
- c. recognize basic geometric figures;
- d. see simple, obvious patterns;
- e. are able to use the tools of technology;
- f. inconsistently apply conceptual knowledge; and
- g. have difficulty transferring knowledge and skills to problem-solving situations.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

C. Grade 8 Science Achievement Level Descriptors

1. Advanced. Eighth grade students performing at the advanced level demonstrate a broad and in-depth understanding of science concepts and process skills and have the ability to apply, synthesize, connect, and evaluate concepts in the five science content strands.

a. Eighth grade students performing at this level:

- i. use abstract concepts/theories to explain everyday situations;
- ii. are able to describe many elements of a system and explain the limits of a particular example;
- iii. design complex models;
- iv. demonstrate an understanding of the nature and limits of science and understand that science is subject to change.

b. When given a problem, students can design a simple investigation by:

- i. asking appropriate questions, and identifying those questions that are testable and nontestable;
- ii. manipulating variables;
- iii. using mathematics and appropriate tools to gather, analyze, and interpret data;
- iv. relating several variables to explain phenomena; and
- v. developing descriptions, explanations, and appropriate displays to communicate and defend data.

c. Within each content strand, students:

- i. in physical science can apply and communicate knowledge of properties and changes of properties in matter, motion, forces, and energy transformations to a given set of circumstances;

ii. in life science can apply and communicate knowledge of the structure and function in living systems, of reproduction and heredity, of populations and ecosystems, and adaptations of organisms;

iii. in earth and space science can apply and communicate abstract concepts/theories related to the structure of Earth, Earth history, and Earth and the solar system;

iv. in science and the environment can apply and communicate the relationship between living and nonliving factors in order to maintain a viable ecosystem and processes involved in the natural cycles.

2. Mastery. Eighth grade students performing at the mastery level demonstrate mastery and application of science concepts and process skills in the five science content strands.

a. Eighth grade students performing at this level:

i. understand complex concepts/theories and communicate them;

ii. demonstrate an understanding of elements of the system;

iii. demonstrate understanding of models and diagrams;

iv. recognize various limits of science and its changes.

b. When given a problem, students can:

i. use a simple investigation and design an experiment;

ii. link ideas while collecting data;

iii. use mathematics and appropriate tools to design methods of display for the data; and

iv. draw conclusions from data.

c. Within each content strand, students:

i. in physical science can explain and connect knowledge of properties and changes of properties in matter, motion, forces, and energy transformations to a given set of circumstances;

ii. in life science can explain and connect knowledge of the structure and function in living systems, of reproduction and heredity, of populations and ecosystems, and adaptations of organisms;

iii. in earth and space science can explain and connect abstract concepts/theories related to the structure of Earth, Earth history, and Earth and the solar system;

iv. in science and the environment can explain and connect the relationship between living and nonliving factors in order to maintain a viable ecosystem and processes involved in the natural cycles.

3. Basic. Eighth grade students performing at the basic level demonstrate a general understanding of fundamental science concepts and process in the five science content strands.

a. Eighth grade students performing at this level:

i. possess a fundamental knowledge of some theories and concepts;

ii. identify elements of a system and state one limiting factor when given a particular example;

iii. identify a simple model;

iv. begin to understand the nature of science; and

v. show an awareness that science is subject to change.

b. When given a problem, students at the basic level can:

i. design a simple investigation by asking appropriate questions;

ii. identify the important variables;

iii. select appropriate tools to gather data; and

iv. interpret basic data and communicate the conclusion.

c. Within each content strand, students:

i. in physical science demonstrate basic knowledge of properties and changes of properties in matter, motion, forces, and energy transformations to a given set of circumstances;

ii. in life science demonstrate basic knowledge of the structure and function in living systems, of reproduction and heredity, of populations and ecosystems, and adaptations of organisms;

iii. in earth and space science demonstrate basic knowledge of abstract concepts/theories related to the structure of Earth, Earth history, and Earth and the solar system;

iv. in science and the environment demonstrate basic knowledge of the relationship between living and nonliving factors in order to maintain a viable ecosystem and processes involved in the natural cycles.

4. Approaching Basic. Eighth grade students performing at the approaching basic level demonstrate minimal understanding of science concepts and process skills in the five science content strands.

a. Eighth grade students performing at the approaching basic level possess limited skills and knowledge of theories and concepts. Given the appropriate tools, they can:

i. identify related elements of a system;

ii. identify elements of a simple model; and

iii. show some awareness that science is developing and changing.

b. Given an investigation, students can:

i. answer specific scientific questions;

ii. identify at least one variable in an experiment; and

iii. seek and identify basic scientific data and communicate it.

c. Within each content strand, students:

i. in physical science demonstrate partial knowledge of properties and changes of properties in matter, motion, forces, and energy transformations to a given set of circumstances;

ii. in life science demonstrate partial knowledge of the structure and function in living systems, of reproduction and heredity, of populations and ecosystems, and adaptations of organisms;

iii. in earth and space science demonstrate partial knowledge of abstract concepts/theories related to the structure of Earth, Earth history, and Earth and the solar system;

iv. in science and the environment demonstrate partial knowledge of the relationship between living and nonliving factors in order to maintain a viable ecosystem and processes involved in the natural cycles.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

D. Grade 8 Social Studies Achievement Level Descriptors

1. Advanced. Eighth grade students performing at the advanced level demonstrate a broad and in-depth understanding of social studies knowledge and skills and have the ability to apply, synthesize, connect, and evaluate concepts in all four social studies content strands as indicated below.

- a. Geography **C**The advanced student can:
 - i. apply extensive geographic knowledge, analytical concepts, and vocabulary;
 - ii. analyze spatial phenomena using a variety of sources with a variety of scales and show the relationship between them;
 - iii. use case studies for spatial analysis to develop maps and other graphics;
 - iv. differentiate between patterns of climate, vegetation, and population across the Earth's surface;
 - v. relate to the concept of region to specific places and explain how regions change over time due to a variety of factors;
 - vi. profile regions by using geographical concepts, tools, and skills.
 - b. Civics **C**The advanced student can:
 - i. evaluate the importance of rules and laws, political parties, campaigns, and elections in the American political systems;
 - ii. weigh the impact of American ideas and actions on the world;
 - iii. compare and contrast positions relating to the rights of citizens.
 - c. Economics **C**The advanced student can:
 - i. apply fundamental economic concepts;
 - ii. analyze the role of governmental policies in competitive markets;
 - iii. examine the reasons for worldwide interdependence based on historical and economic factors.
 - d. History **C**The advanced student can:
 - i. evaluate historical patterns as they relate to specific events;
 - ii. make generalizations about historical topics using a variety of sources;
 - iii. develop an awareness of the political, social, and economic themes in history.
2. Mastery. Eighth grade students performing at the mastery level demonstrate mastery and application of social studies knowledge and skills in the four social studies content strands as indicated below.
- a. Geography **C**The mastery student can:
 - i. analyze a wide variety of physical and cultural features;
 - ii. apply a fundamental geographic vocabulary;
 - iii. compare information presented in different scales;
 - iv. use geographic tools to find and translate information into patterns;
 - v. evaluate how human activity effects environment;

- vi. develop maps in order to interpret various patterns of trade and migration;

- vii. solve location questions by integrating two or more sources.

- b. Civics **C**The mastery student can:

- i. compare and contrast the relationship between a state constitution and the federal Constitution;
- ii. analyze the ways in which political social conflict can be peacefully resolved;
- iii. interpret the impact of the U.S. foreign policy on the world;
- iv. analyze ways in which citizens organize, monitor, and help to shape politics and government at various levels.

- c. Economics **C**The mastery student can:

- i. apply fundamental economic concepts;
- ii. apply the meaning of economic indicators and their role in economics;
- iii. analyze various economic systems and their historical impact;
- iv. evaluate the opportunity cost of economic decisions.

- d. History **C**The mastery student can:

- i. recognize historical connections between people and events;
- ii. distinguish between primary and secondary sources;
- iii. incorporate geographic, technological, and other reference material;
- iv. communicate ideas about historical themes with supporting evidence.

3. Basic. Eighth grade students performing at the basic level demonstrate a general understanding of fundamental social studies knowledge and skills in the four social studies content strands as indicated below.

- a. Geography **C**The basic student can:

- i. utilize vocabulary of geographic concepts relating to patterns, relationships, distance, direction, scale, boundary, site, and situation;
- ii. use latitude and longitude to solve fundamental location questions;
- iii. identify continents, oceans, or selected countries and cities;
- iv. use information obtained from geographic models to accurately answer questions;
- v. explain the differences between maps/globes and read map scales;
- vi. summarize a wide range of information using an atlas/almanac;
- vii. illustrate relationships that exist between human/environment;
- viii. show how physical habitat can influence human activity;
- ix. define a region and identify its distinguishing characteristics;
- x. demonstrate how the interaction between/among regions is related to movement of people, goods, services, and ideas.

- b. Civics **C**The basic student can:

- i. explain the major purposes of government;

ii. identify and explain the meaning and importance of basic principles of American constitutional democracy as reflected in core documents;

iii. describe major foreign policy of the U.S.;

iv. describe the requirements of citizenship and naturalization in the U.S.

c. Economics☐The basic student can:

i. compare basic concepts and vocabulary terms related to economics;

ii. explain the causes and consequences of economic decision making;

iii. distinguish how specialization, skills, and knowledge affect the economic process;

iv. compare various economic systems and their historical impacts;

v. explain the role of supply and demand and its effects on production and distribution of goods and services.

d. History☐The basic student can:

i. identify and categorize a range of people, places, events, and documents in historical context;

ii. understand the impact of diverse cultures on American life;

iii. explain the significance of major historical events;

iv. explain the fundamental political ideas and institutions of American life and their historical origins.

4. Approaching Basic. Eighth grade students performing at the approaching basic level demonstrate an uneven and minimal understanding of social studies knowledge and skills in all four social studies content strands as indicated below.

a. Geography☐The approaching basic student can:

i. obtain information from geographic models;

ii. draw a variety of maps;

iii. memorize various geographic data;

iv. recognizes that human activity is affected by the environment.

b. Civics☐The approaching basic student can:

i. recognize types of government;

ii. identify the basic principles of American constitutional democracy;

iii. recognize a foreign policy issue;

iv. list the rights and responsibilities of American citizens.

c. Economics☐The approaching basic student can:

i. identify basic concepts and vocabulary terms related to economics;

ii. discuss how supply and demand affects the price of goods and services.

d. History☐The approaching basic student can:

i. identify historical people and places;

ii. develop an awareness of diverse cultures in America;

iii. name a variety of historical events;

iv. recognize the fundamental political ideas and institutions of American life.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Subchapter D. LEAP 21 Assessment Structure

§1141. Content Standards

A. The LEAP 21 tests measure knowledge and skills deemed necessary for students to become good scholars and productive citizens. This knowledge and these skills are reflected in the content standards that were approved in May 1997 by the SBESE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1143. English Language Arts Tests Structure

A. The English Language Arts tests have four sessions.

1. Writing. The Writing session requires students to produce a composition about an assigned topic. Students are allowed to consult a dictionary and thesaurus during this session. The mode of writing assessed at a given grade (grade 4, narrative and descriptive; grade 8, narrative and expository) may change between assessment administrations. The writing session measures key aspects of English Language Arts standards 2 and 3.

a. Standard 2. Students write competently for a variety of purposes and audiences.

b. Standard 3. Students communicate using:

i. standard English grammar;

ii. usage;

iii. sentence structure;

iv. punctuation;

v. capitalization;

vi. spelling; and

vii. handwriting.

2. Using Information Resources. The Using Information Resources session requires students to complete a specified task designed to measure standard 5.

a. Standard 5. Students locate, select, and synthesize information from a variety of texts, media, references, and technological sources to acquire and communicate knowledge. This session includes excerpts from four to seven reference sources, such as articles from encyclopedias, newspapers, and magazines; parts of books; visual aids (maps, graphs, tables, illustrations); and electronic resources, such as a Web page. Students are instructed to skim through the reference materials to become familiar with the information available and then to locate the parts they need to answer multiple-choice and short-answer questions.

3. Reading and Responding. The Reading and Responding session includes four reading passages (fiction, nonfiction, poetry) and multiple-choice and short-answer items. At grade 8, an essay question requires students to comprehend and respond to the content of at least two of the reading passages. Questions in this session measure key aspects of English Language Arts standards 1, 6, and 7.

a. Standard 1. Students read, comprehend, and respond to a range of materials, using a variety of strategies for different purposes.

b. Standard 6. Students read, analyze, and respond to literature as a record of life experiences.

c. Standard 7. Students apply reasoning and problem-solving skills to their reading, writing, speaking, listening, viewing, and visually representing. Reading passages are grade-appropriate. Selections include the full text of shorter published works, fully developed excerpts from longer published works, or text written specifically for the test. The length of the reading passages falls within the range specified in the assessment framework for each grade. Selections for a given grade level reflect a balance among passage length, readability level, and interest level of the topic. Moreover, readability and passage length are balanced across the passages in each test.

4. Proofreading. The Proofreading session requires students to read a text that includes mistakes in grammar, usage, and mechanics and to answer multiple-choice questions that require choosing the best way to correct each mistake. Questions in this session measure key aspects of English Language Arts standard 3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1145. Mathematics Tests Structure

A. The Mathematics tests consist of two parts, divided into three sessions.

1. Part A uses a multiple-choice format to assess concepts and skills for all six strands of mathematics. Whenever possible, concepts and skills are assessed in real-life contexts. Part A is divided into two sessions:

a. one to be completed without the aid of a calculator; and

b. one for which calculator use is permitted.

2. Part B, which constitutes the third session, consists of four relatively complex mathematical tasks for grade 8 and three tasks for grade 4, all of which involve a number of separate steps and require application of multiple skills. These tasks may be ones for which there is more than one possible solution or more than one path to the solution. Ability to accomplish the mathematical tasks on part B of the test represents a higher level of mathematical literacy and performance. Each task in part B is scored on a 0 to 4 point scale. Question format for part B is open-ended, requiring numerical answers, short written answers, and other types of constructed response (e.g., drawing a graph or geometrical pattern). Students may be required to explain how they arrived at their answers or justify their answers. Students' responses are scored analytically for such traits as accuracy of the answer, proper operations used, and appropriate problem-solving approach or strategy. Partial credit is given and calculators are permitted on part B at all grades.

B. In the Louisiana Mathematics framework, each of six mathematics strands is associated with a single standard.

1. Strand N: Number and Number Relations

a. Standard. In problem-solving investigations, students demonstrate an understanding of the real number system and communicate the relationships within that system using a variety of techniques and tools.

2. Strand A: Algebra

a. Standard. In problem-solving investigations, students demonstrate an understanding of concepts and processes that allow them to analyze, represent, and describe relationships among variable quantities and to apply algebraic methods to real-world situations.

3. Strand M: Measurement

a. Standard. In problem-solving investigations, students demonstrate an understanding of the concepts, processes, and real-life applications of measurement.

4. Strand G: Geometry

a. Standard. In problem-solving investigations, students demonstrate an understanding of geometric concepts and applications involving one-, two-, and three-dimensional geometry, and justify their findings.

5. Strand D: Data Analysis, Probability, and Discrete Math

a. Standard. In problem-solving investigations, students discover trends, formulate conjectures regarding cause-and-effect relationships, and demonstrate critical-thinking skills in order to make informed decisions.

6. Strand P: Patterns, Relations, and Functions

a. Standard. In problem-solving investigations, students demonstrate an understanding of patterns, relations, and functions that represent and explain real-world situations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1147. Science Tests Structure

A. The Science tests consist of three sessions.

1. Session 1 uses a multiple-choice format to assess concepts and skills in all five strands of science.

2. Session 2 consists of four short-answer questions that assess the four content strands: Physical Science, Life Science, Earth and Space Science, and Science and the Environment. These questions allow students to reflect on an idea, demonstrate their understanding of concepts and processes of science, make meaning of a given set of data, or critique the information. The wording of the questions is direct and specific, and the questions focus on the quality of the students' knowledge.

3. Session 3 consists of a comprehensive science task. At grade 4, students are required to observe, utilize, and react to materials in an investigation and to draw conclusions based on their experiences. At grade 8, students respond to a written scenario that requires scientific investigation. The task/scenario integrates the Science as Inquiry strand with at least one other content strand. Questions in a variety of formats (constructed response, data tables, short answer) throughout the activity set the stage and focus students on the topics and ideas to be covered, provide opportunities for students to record data and observations, and provide additional data about students' understanding of concepts and processes related to the task/scenario. This structure creates a timely check for understanding and ensures that students who are unable to succeed at the beginning are not prevented from succeeding with latter portions of the

activity. The activity includes three Science as Inquiry short-answer questions that allow students to interpret their results, react to their findings, and make decisions based on the information worked with throughout the activity. This activity also includes one essay question related to the content of the task/scenario.

B. According to the Louisiana science framework, five strands are measured throughout all three sessions of the test. Each of the five science strands is associated with a single standard.

1. Strand: Science as Inquiry

a. Standard. Students will do science by engaging in partial and full inquiries that are within their developmental capabilities.

2. Strand: Physical Science

a. Standard. Students will develop an understanding of the characteristics and interrelationships of matter and energy in the physical world.

3. Strand: Life Science

a. Standard. Students will become aware of the characteristics and life cycles of organisms and understand their relationships to each other and to their environment.

4. Strand: Earth and Space Science

a. Standard. Students will develop an understanding of the properties of earth materials, the structure of Earth's system, Earth's history, and Earth's place in the universe.

5. Strand: Science and the Environment

a. Standard. In learning environmental science, students will develop an appreciation of the natural environment, learn the importance of environmental quality, and acquire a sense of stewardship. As consumers and citizens, they will be able to recognize how our personal, professional, and political actions affect the natural world.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1149. Social Studies Tests Structure

A. The Social Studies tests consist of two parts, or sessions.

1. Part A, Session 1, consists of 50 multiple-choice test items for grade 4 and 60 multiple-choice items for grade 8 that assess knowledge, conceptual understanding, and application of skills in all four social studies strands (i.e., Geography, Civics, Economics, and History). Items in part A are intermingled across strands.

2. Part B, Session 2, consists of four open-ended questions calling for a constructed response and requiring higher-order thinking in a social studies context (e.g., grasping a concept, analyzing information, evaluating a principle, or applying a skill). Students may be required to construct or interpret a chart, graph, map, timeline, or other graphic representation; to supply a short written answer; or to produce a longer piece of writing in response to a social studies issue or problem. Each of the four constructed-response items represents one of the four social studies strands. Each task in part B is scored on a 0 to 4 point scale.

B. Each of the four social studies strands is associated with a single standard.

1. Strand **GC**Geography: Physical and Cultural Systems

a. Standard. Students develop a spatial understanding of Earth's surface and the processes that shape

it, the connections between people and places, and the relationship between man and his environment.

2. Strand **CC**Civics: Citizenship and Government

a. Standard. Students develop an understanding of the structure and purposes of government, the foundations of the American democratic system, and the role of the United States in the world while learning about the rights and responsibilities of citizenship.

3. Strand **EC**Economics: Interdependence and Decision Making

a. Standard. Students develop an understanding of fundamental economic concepts as they apply to the interdependence and decision making of individuals, households, businesses, and governments in the United States and the world.

4. Strand **HC**History: Time, Continuity, and Change

a. Standard. Students develop a sense of historical time and historical perspective as they study the history of their community, state, nation, and world.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4(A)(1)(2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1151. Retests and Rescores

A. Double Jeopardy Rule. If a student scores at the required passing achievement level in LEAP 21 English Language Arts or Mathematics during an administration and then retakes the test and scores below the required level on the retest administration, the passing score will be used to determine promotion.

B. Rescores

1. Students may request a rescore if the following criterion are met.

a. English Language Arts and Mathematics **CG**Grade 4. The test has a scaled score five points below the Basic or Approaching Basic achievement level.

b. English Language Arts and Mathematics **CG**Grade 8. The test has a scaled score five points below the Approaching Basic achievement level.

2. The district test coordinator must file a request with the scoring contractor within 20 working days from the date the district receives the individual student scores. All requests must be made on or before the deadline date identified by the testing contractor and the LDE. Requests received after the deadline will not be honored.

3. Only rescoring of tests from the most recent administration may be requested.

4. All requests for rescoring require a fee, which is established by and paid to the scoring contractor.

C. Summer Retest. The summer retest is for students enrolled in grades 4 and 8 who need to be tested with LEAP 21 for promotion to grades 5 and 9 the following fall.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1153. Transfer Students

A. The following rules apply for transfer students who are Louisiana residents transferring into Louisiana public schools from out-of-state schools, nonpublic schools, or approved home study programs.

1. Requirements for transfer students in grade 4 or 8 or those who are seeking to enroll in grade 5 or 9 who have

never been in membership in a public school in Louisiana or who were in membership in Louisiana public schools and transferred out-of-state or who transferred from Louisiana nonpublic schools or from an approved home study program are as follows.

a. A fourth or eighth grade student who transfers to a Louisiana public school before the spring administration of LEAP for the 21st Century (LEAP 21) must take and pass the spring administration of LEAP 21 English Language Arts and Mathematics (ELA/Math) tests.

b. A fourth or eighth grade student who transfers to a Louisiana public school after the spring administration of the LEAP 21 but before the end of the school year must take and pass the summer administration of the LEAP 21 (ELA/Math) to be eligible for promotion to grade 5 or 9.

c. A student who seeks to enroll in a Louisiana public school in grade 5 or grade 9 after the LEAP 21 summer administration and before school starts must take and pass the English Language Arts and Mathematics portions of the placement test.

d. A student who seeks to enroll in a Louisiana public school in grade 5 or grade 9 after school starts and before February 15 must take and pass the English Language Arts and Mathematics portions of the placement test.

B. The following rules apply for transfer students who were out-of-state residents but have become Louisiana residents.

1. Requirements for transfer students in grade 4 or 8 who have never been in membership in a public school in Louisiana or who were in membership in a Louisiana public school(s) and transferred out-of-state are as follows.

a. A fourth or eighth grade student who transfers to a Louisiana public school before the spring administration of LEAP for the 21st Century (LEAP 21) must take and pass the spring administration of LEAP 21 (ELA/Math).

b. A fourth or eighth grade student who transfers to a Louisiana public school after the spring administration of the LEAP 21 but before the end of the school year must take and pass the summer administration of the LEAP 21 (ELA/Math) to be eligible for promotion to grade 5 or 9.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1155. Student Membership Determination

A. Student membership is determined when a student in school is identified with the following minimum required identification elements:

1. state identification number;
2. full legal name;
3. date of birth;
4. sex;
5. race;
6. school district and school code;
7. entry date; and
8. grade placement.

(Adapted from Section 10, page 10.1, Student Information System User's Guide, LDE.)

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 13. Graduation Exit Examination for the 21st Century

Subchapter A. General Provisions

§1301. Introduction

A. The GEE 21 is a criterion-referenced testing program that is directly aligned with the state content standards, which by law are as rigorous as those of NAEP. This test measures how well a student has mastered the state content standards. The GEE 21 initially is administered at grades 10 and 11. Initial testers generally take the English Language Arts test and the Mathematics test at grade 10 and the Science test and Social Studies test at grade 11.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (1)(c).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Subchapter B. Achievement Levels and Performance Standards

§1311. Achievement Levels

A.1. The Louisiana achievement levels are:

- a. Advanced;
 - b. Mastery (Exceeding the Standard);
 - c. Basic (Meeting the Standard);
 - d. Approaching Basic (Approaching the Standard);
- and
- e. Unsatisfactory.

2. Though the names of the achievement levels differ slightly from those detailed in the NCLB Act, the definitions are similar. The definitions of the Louisiana achievement levels are also consistent with the definitions of basic, proficient, and advanced in English language arts and mathematics for NAEP.

B. Achievement Level Definitions

1. *Advanced* **Ca** student at this level has demonstrated superior performance beyond the mastery level.

2. *Mastery (formerly Proficient)* **Ca** student at this level has demonstrated competency over challenging subject matter and is well prepared for the next level of schooling.

3. *Basic* **Ca** student at this level has demonstrated only the fundamental knowledge and skills needed for the next level of schooling.

4. *Approaching Basic* **Ca** student at this level has only partially demonstrated the fundamental knowledge and skills needed for the next level of schooling.

5. *Unsatisfactory* **Ca** student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (F) (1) and (C).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1313. Performance Standards

A. Performance standards for GEE 21 English Language Arts, Mathematics, Science, and Social Studies tests are finalized in scaled-score form. The scaled scores range between 100 and 500 for all grades and content areas.

GEE 21 Achievement Levels and Scaled Score Ranges

Achievement Level	Grade 10	
	English Language Arts Scaled Score Range	Mathematics Scaled Score Range
Advanced	398–500	377–500
Mastery	347–397	346–376
Basic	299–346	305–345
Approaching Basic	270–298	286–304
Unsatisfactory	100–269	100–285

Achievement Level	Grade 11	
	Science Scaled Score Range	Social Studies Scaled Score Range
Advanced	396–500	386–500
Mastery	349–395	344–385
Basic	301–348	297–343
Approaching Basic	267–300	275–296
Unsatisfactory	100–266	100–274

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Subchapter C. GEE 21 Achievement Level Descriptors

§1323. Introduction

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

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1325. Grade 10 Achievement Level Descriptors

A. Grade 10 English Language Arts Achievement Level Descriptors

1. Advanced

a. In the areas of reading and use of resources, tenth grade students performing at the advanced level:

- i. describe more abstract themes and ideas in the text;
- ii. analyze different genres for meaning and form and support their analyses with specific examples from the text;
- iii. extend the information from the text by relating it to their experiences and to the world; and
- iv. select and evaluate a variety of information from various sources.

b. In the area of writing, tenth grade students at this level:

- i. create an effective and elaborated response to a task in form, content, and language;
- ii. show maturity and sophistication in analytical, critical, and creative thinking;

iii. have well-crafted, cohesive organization appropriate to the task;

- iv. show sophisticated use of transitional elements;
- v. use illustrative and varied supportive details;
- vi. use rich, compelling language;
- vii. reveal clear and established personal style or voice;

viii. display a variety of strategies such as anecdotes, repetition, and literary devices to support and develop ideas; and

ix. enhance meaning through control of spelling, grammar, punctuation, and capitalization.

2. Mastery

a. In the areas of reading and use of resources, tenth grade students performing at the mastery level:

- i. show an overall understanding of text that includes inferential as well as literal information;
- ii. extend the ideas of the text in different genres by making inferences, drawing conclusions, and making clear connections (stated or implied) to their own personal experiences and other readings;
- iii. analyze the author's use of literary devices; and
- iv. select and analyze a variety of information from various sources.

b. In the area of writing, tenth grade students performing at the mastery level:

- i. create an effective response to the task in form, content, and language;
- ii. demonstrate reflection and insight and evidence of analytical, critical, or evaluative thinking;
- iii. use convincing elaboration and development to clarify and enhance the central idea;
- iv. have logical and observable organization appropriate to the task;

- v. show effective use of transitional elements;
- vi. reveal evidence of personal style or voice;
- vii. use language appropriate to the task and intended audience; and

viii. recognize and correct errors in spelling, grammar, punctuation, and capitalization that interfere with communication in his/her own or other texts.

3. Basic

a. In the areas of reading and use of resources, tenth grade students performing at the basic level:

- i. demonstrate an overall understanding and make some interpretations of the text;
- ii. identify aspects of text in different genres and relate aspects of text to overall meaning;
- iii. extend ideas in the text by making simple inferences, recognize interpretations, make connections among and relate ideas in the text to their personal experiences, and draw conclusions;
- iv. identify elements of an author's style; and
- v. select and use a variety of information from various sources.

b. In the area of writing, tenth grade students at the basic level:

- i. demonstrate an appropriate response to a task in form, content, and language;

- ii. demonstrate reflection and insight and evidence of analytical, critical, or evaluative thinking;
- iii. show evidence of conscious organization;
- iv. use supportive details;
- v. reveal developing personal style or voice; and
- vi. demonstrate sufficient command of spelling, grammar, punctuation, and capitalization to communicate to the reader.

4. Approaching Basic

- a. In the areas of reading and use of resources, tenth grade students performing at the approaching basic level:
 - i. demonstrate a partial understanding of text;
 - ii. identify some aspects of text for meaning;
 - iii. make simple or broad connections to personal experiences; and
 - iv. recognize a variety of information sources.
- b. In the area of writing, tenth grade students at the approaching basic level:
 - i. demonstrate partial responses to tasks in form, content, and language;
 - ii. show some evidence of conscious organization;
 - iii. use few supporting details; and
 - iv. demonstrate limited command of spelling, grammar, punctuation, and capitalization to communicate to the reader.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

B. Grade 10 Mathematics Achievement Level Descriptors

1. Advanced. Tenth grade students performing at the advanced level consistently demonstrate the integration of procedural and conceptual knowledge and the synthesis of ideas in the six Louisiana mathematics content strands. Tenth grade students performing at this level:

- a. understand the function concept and are able to communicate and apply the numeric, algebraic and graphical properties of functions;
- b. apply their knowledge of algebra, geometry, and statistics to solve problems in more advanced areas of continuous and discrete mathematics;
- c. formulate generalizations and create models through probing examples and counter examples; and
- d. communicate their mathematical reasoning through the clear, concise, and correct use of mathematical symbolism and logical thinking.

2. Mastery. Tenth grade students performing at the mastery level consistently apply mathematical concepts and procedures to the solutions of complex problems in the six Louisiana mathematics content strands. Tenth grade students performing at this level:

- a. demonstrate an understanding of algebraic, statistical, and geometric and spatial reasoning;
- b. simplify algebraic expressions; justify geometric relationships; and judge and defend the reasonableness of answers as applied to real-world situations;
- c. analyze and interpret data in various forms;
- d. understand and use elements of the linear function concept in symbolic, graphical, and tabular form; and

- e. make conjectures, defend ideas, and give supporting examples.

3. Basic. Tenth grade students performing at the basic level demonstrate procedural and conceptual knowledge in solving problems in the six Louisiana mathematics content strands. Tenth grade students performing at this level:

- a. use estimation to verify solutions and determine the reasonableness of results as applied to routine real-world problems;
- b. use algebraic and geometric reasoning strategies to solve problems;
- c. recognize relationships presented in verbal, algebraic, tabular, and graphical forms; and demonstrate knowledge of geometric relationships and corresponding measurement skills;
- d. apply statistical reasoning in the organization and display of data and in reading tables and graphs;
- e. generalize from patterns and examples in the areas of algebra, geometry, and statistics;
- f. use correct mathematical language and symbols to communicate mathematical relationships and reasoning processes; and
- g. use calculators appropriately to solve problems.

4. Approaching Basic. Tenth grade students performing at the approaching basic level partially demonstrate fundamental knowledge and skills in solving problems in the six Louisiana mathematics content strands. Tenth grade students performing at this level:

- a. use estimation and measurement to verify solutions and determine the reasonableness of results as applied to routine real-world problems;
- b. show limited use of fundamental algebraic, geometric, and statistical reasoning in problem solving;
- c. interpret data presented in various forms;
- d. show limited skills in communicating mathematically; and
- e. are inconsistent in the application of conceptual knowledge.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1327. Grade 11 Achievement Level Descriptors

A. Grade 11 Science Achievement Level Descriptors

1. Advanced. Eleventh grade students performing at the advanced level demonstrate an in-depth understanding of science concepts and process skills and have the ability to apply, synthesize, connect, and evaluate concepts in the five science content strands.

- a. Eleventh grade students performing at the advanced level:
 - i. have a qualitative and quantitative grasp of scientific principles, relating them to one another and to other phenomena, and being aware of their development and limitations;
 - ii. are able to formulate scientific questions, compare different experimental designs, devise experimentally valid protocols to answer their questions;

iii. collect the relevant quantitative and qualitative data using appropriate instrumentation; and
 iv. provide a scientifically valid interpretation of the data they collect.

b. Advanced students:

i. engage in self-assessment;
 ii. discard unnecessary data;
 iii. recognize gaps in information;
 iv. know where to locate needed information in primary or secondary sources; and
 v. communicate their ideas, interpolating, extrapolating, and interpreting patterns of change in graphic and symbolic representations.

c. With inquiry as the core, students at the advanced level demonstrate an understanding that unifying concepts and processes can be applied throughout the science disciplines:

- i. physical;
- ii. life;
- iii. Earth/space; and
- iv. environmental sciences.

2. **Mastery.** Eleventh grade students performing at the mastery level consistently demonstrate mastery and application of science concepts and process skills in the five science content strands.

a. Eleventh grade students performing at this level:

i. grasp scientific principles on both a qualitative and quantitative basis;
 ii. understand that scientific knowledge is tentative and subject to change;
 iii. identify more than one way to solve a given problem and select the method with the most promise;
 iv. manipulate data through various mathematical models;
 v. integrate several abstract facts in order to understand overarching scientific principles; and
 vi. apply those principles to human activities.

b. With inquiry as the core, students at the mastery level will identify unifying concepts and processes among the science disciplines:

- i. physical;
- ii. life;
- iii. Earth/space; and
- iv. environmental sciences.

3. **Basic.** Eleventh grade students performing at the basic level demonstrate a general understanding of fundamental science concepts and process skills in the five Louisiana science content strands.

a. Eleventh grade students performing at this level can:

i. formulate valid hypotheses;
 ii. design a simple experiment;
 iii. draw appropriate conclusions;
 iv. develop inferences from experimentation and apply that information to new situations;
 v. distinguish scientific principles from pseudoscience; and
 vi. apply scientific principles to their everyday lives.

b. With inquiry as the core, students begin to identify unifying concepts and processes among the science disciplines:

- i. physical;
- ii. life;
- iii. Earth/space; and
- iv. environmental sciences.

4. **Approaching Basic.** Eleventh grade students performing at the approaching basic level demonstrate minimal knowledge of scientific concepts and process skills in the five science content strands.

a. Eleventh grade students performing at this level know and understand fundamental science facts and concepts concerning the world.

b. When presented with a problem, students can conduct a simple experiment that includes:

- i. making observations;
- ii. forming a reasonable hypothesis;
- iii. identifying variables;
- iv. collecting, displaying, and interpreting data;

and

- v. drawing conclusions.

c. These skills should be demonstrated through the science disciplines:

- i. physical;
- ii. life;
- iii. Earth/space; and
- iv. environmental sciences.

5. **Unsatisfactory.** A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

B. Grade 11 Social Studies Achievement Level Descriptors

1. **Advanced.** Eleventh grade students performing at the advanced level demonstrate a broad and in-depth understanding of social studies knowledge and skills and have the ability to apply, synthesize, connect, and evaluate concepts in all four social studies content strands as indicated below.

a. **Geography** The advanced student can:

- i. organize geographical data;
- ii. analyze physical structure of the planet; and
- iii. evaluate the spatial relationship between humans and their environment.

b. **Civics** The advanced student can:

- i. compare and contrast structure and purpose of government;
- ii. interpret and evaluate foundations of American political system;
- iii. analyze international relationships; and
- iv. evaluate roles of citizens.

c. **Economics** The advanced student can:

- i. apply fundamental economic concepts;
- ii. evaluate decisions made by consumers; and
- iii. evaluate U.S. fiscal and monetary policies.

d. **History** The advanced student can:

- i. analyze continuity and change;
- ii. analyze the people, places, events, ideas, and documents;
- iii. evaluate relevant experiences from the past to critique understanding of contemporary issues; and
- iv. evaluate the role of evidence in making an historical argument.

2. **Mastery.** Eleventh grade students performing at the mastery level demonstrate mastery and application of social

studies knowledge and skills in all four social studies content strands as indicated below.

- a. Geography—The mastery student can:
 - i. classify geographical data;
 - ii. examine the physical structure of the planet; and
 - iii. compare spatial relationships between humans and their environment.
- b. Civics—The mastery student can:
 - i. examine the structure and purpose of government;
 - ii. discuss the foundation of the American political system;
 - iii. interpret international relationships; and
 - iv. examine the role of citizens.
- c. Economics—The mastery student can:
 - i. analyze fundamental economic concepts;
 - ii. discuss decisions made by consumers, businesses, and government; and
 - iii. analyze U.S. fiscal and monetary policies.
- d. History—The mastery student can:
 - i. examine the role of continuity of and change in history;
 - ii. examine the significance of people, places, events, ideas, and documents in history;
 - iii. analyze relevant experience from the past to apply understanding of contemporary issues; and
 - iv. analyze the role of evidence in making an historical argument.

3. Basic. Eleventh grade students performing at the basic level demonstrate a general understanding of fundamental social studies knowledge and skills in all four social studies content strands as indicated below.

- a. Geography—The basic student can:
 - i. interpret geographical data;
 - ii. describe the basic physical structure of the planet; and
 - iii. explain the spatial relationships between humans and their environment.
- b. Civics—The basic student can:
 - i. explain structure and purposes of government;
 - ii. describe foundations of American political system;
 - iii. explain international relationships; and
 - iv. discuss roles of citizens.
- c. Economics—The basic student can:
 - i. discuss fundamental economic concepts;
 - ii. explain decisions made by consumers, businesses, and government; and
 - iii. explain U.S. fiscal policy.
- d. History—The basic student can:
 - i. describe continuity and change;
 - ii. describe the significance of people, places, events, ideas, and documents;
 - iii. examine relevant experiences from the past to demonstrate understanding of contemporary issues; and
 - iv. explain the role of evidence in making an historical argument.

4. Approaching Basic. Eleventh grade students performing at the approaching basic level demonstrate an uneven and minimal understanding of social studies

knowledge and skills in all four social studies content strands as indicated below.

- a. Geography—The approaching basic student can:
 - i. identify geographical data;
 - ii. recognize physical structure of the planet; and
 - iii. state the spatial relationships between humans and their environment.
- b. Civics—The approaching basic student can:
 - i. identify the structure and purposes of government;
 - ii. recognize the foundations of the American political system;
 - iii. identify international relationships; and
 - iv. identify the role of citizens.
- c. Economics—The approaching basic student can:
 - i. identify fundamental economic concepts;
 - ii. identify decisions made by consumers, businesses, and government; and
 - iii. identify U.S. fiscal and monetary policies.
- d. History—The approaching basic student can:
 - i. recognize continuity and change;
 - ii. recognize the significance of people, places, events, ideas, and documents;
 - iii. identify relevant experiences from the past to describe understanding of contemporary issues; and
 - iv. recognize the role of evidence in making a historical argument.

5. Unsatisfactory. A student at this level has not demonstrated the fundamental knowledge and skills needed for the next level of schooling.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 and R.S. 17:391.4 (A).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Subchapter D. GEE 21 Assessment Structure **§1335. Content Standards**

A. The GEE 21 tests measure knowledge and skills deemed necessary for students to become good scholars and productive citizens. This knowledge and these skills are reflected in the content standards that were approved in May 1997 by the SBESE.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1337. English Language Arts Tests Structure

A. The English Language Arts tests have four sessions.

1. Writing. The Writing session requires students to produce a composition about an assigned topic. Students are allowed to consult a dictionary and thesaurus during this session. The particular mode of writing assessed at a given grade (grade 10, persuasive and expository) may change between assessment administrations. The Writing session measures key aspects of English Language Arts standards 2 and 3.

- a. Standard 2. Students write competently for a variety of purposes and audiences.
- b. Standard 3. Students communicate using:
 - i. standard English grammar;
 - ii. usage;
 - iii. sentence structure;
 - iv. punctuation;
 - v. capitalization;

- vi. spelling; and
- vii. handwriting.

2. Using Information Resources. The Using Information Resources session requires students to complete a specified task designed to measure standard 5.

a. Standard 5. Students locate, select, and synthesize information from a variety of texts, media, references, and technological sources to acquire and communicate knowledge. This session includes excerpts from four to seven reference sources, such as articles from encyclopedias, newspapers, and magazines; parts of books; visual aids (maps, graphs, tables, illustrations); and electronic resources, such as a Web page. Students are instructed to skim through the reference materials to become familiar with the information available and then to locate the parts they need to answer multiple-choice and short-answer questions.

3. Reading and Responding. The Reading and Responding session includes four reading passages (fiction, nonfiction, poetry) and multiple-choice and short-answer items. At grade 10, an essay question requires students to comprehend and respond to the content of at least two of the reading passages. Questions in this session measure key aspects of standards 1, 6, and 7.

a. Standard 1. Students read, comprehend, and respond to a range of materials, using a variety of strategies for different purposes.

b. Standard 6. Students read, analyze, and respond to literature as a record of life experiences.

c. Standard 7. Students apply reasoning and problem-solving skills to their reading, writing, speaking, listening, viewing, and visually representing. Reading passages are grade-appropriate. Selections include the full text of shorter published works, fully developed excerpts from longer published works, or text written specifically for the test. The length of the reading passages falls within the range specified in the assessment framework for each grade.

i. Selections for a given grade level reflect a balance among passage length, readability level, and interest level of the topic. Moreover, readability and passage length are balanced across the passages in each test.

4. Proofreading. The Proofreading session requires students to read a text that includes mistakes in grammar, usage, and mechanics and to answer multiple-choice questions that require choosing the best way to correct each mistake. Questions in this session measure key aspects of standard 3.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1339. Mathematics Tests Structure

A. The Mathematics tests consist of two parts, divided into three sessions.

1. Part A uses a multiple-choice format to assess concepts and skills for all six strands of mathematics. Whenever possible, concepts and skills are assessed in real-life contexts. Part A is divided into two sessions:

- a. one to be completed without the aid of a calculator; and
- b. one for which calculator use is permitted.

2. Part B, which constitutes the third session, consists of four relatively complex mathematical tasks for grade 10,

all of which involve a number of separate steps and require application of multiple skills. These tasks may be ones for which there is more than one possible solution or more than one path to the solution. Ability to accomplish the mathematical tasks on part B of the test represents a higher level of mathematical literacy and performance. Each task in part B is scored on a 0 to 4 point scale. Question format for part B is open-ended, requiring numerical answers, short written answers, and other types of constructed response (e.g., drawing a graph or geometrical pattern). Students may be required to explain how they arrived at their answers or justify their answers. Students' responses are scored analytically for such traits as accuracy of the answer, proper operations used, and appropriate problem-solving approach or strategy. Partial credit is given and calculators are permitted on part B at all grades.

B. In the Louisiana Mathematics framework, each of six mathematics strands is associated with a single standard.

1. Strand N: Number and Number Relations

a. Standard. In problem-solving investigations, students demonstrate an understanding of the real number system and communicate the relationships within that system using a variety of techniques and tools.

2. Strand A: Algebra

a. Standard. In problem-solving investigations, students demonstrate an understanding of concepts and processes that allow them to analyze, represent, and describe relationships among variable quantities and to apply algebraic methods to real-world situations.

3. Strand M: Measurement

a. Standard. In problem-solving investigations, students demonstrate an understanding of the concepts, processes, and real-life applications of measurement.

4. Strand G: Geometry

a. Standard. In problem-solving investigations, students demonstrate an understanding of geometric concepts and applications involving one-, two-, and three-dimensional geometry, and justify their findings.

5. Strand D: Data Analysis, Probability, and Discrete Math

a. Standard. In problem-solving investigations, students discover trends, formulate conjectures regarding cause-and-effect relationships, and demonstrate critical-thinking skills in order to make informed decisions.

6. Strand P: Patterns, Relations, and Functions

a. Standard. In problem-solving investigations, students demonstrate an understanding of patterns, relations, and functions that represent and explain real-world situations.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1341. Science Test Structure

A. The Science test consists of three sessions.

1. Session 1 uses a multiple-choice format to assess concepts and skills in all five strands of science.

2. Session 2 consists of four short-answer questions that assess the four content strands: Physical Science, Life Science, Earth and Space Science, and Science and the Environment. These questions allow students to reflect on an idea, demonstrate their understanding of concepts and processes of science, make meaning of a given set of data, or

critique the information. The wording of the questions is direct and specific, and the questions focus on the quality of the students' knowledge.

3. Session 3 consists of a comprehensive science task. At grade 11, students respond to a written scenario that requires scientific investigation. The task/scenario integrates the Science as Inquiry strand with at least one other content strand, at grade 11, Physical Science and Life Science only. Questions in a variety of formats (constructed response, data tables, short answer) throughout the activity set the stage and focus students on the topics and ideas to be covered, provide opportunities for students to record data and observations, and provide additional data about students' understanding of concepts and processes related to the task/scenario. This structure creates a timely check for understanding and ensures that students who are unable to succeed at the beginning are not prevented from succeeding with latter portions of the activity. The activity includes three Science as Inquiry short-answer questions that allow students to interpret their results, react to their findings, and make decisions based on the information worked with throughout the activity. This activity also includes one essay question related to the content of the task/scenario.

B. According to the Louisiana science framework, five strands are measured throughout all three sessions of the test. Each of the five science strands is associated with a single standard.

1. Strand: Science as Inquiry

a. Standard. Students will do science by engaging in partial and full inquiries that are within their developmental capabilities.

2. Strand: Physical Science

a. Standard. Students will develop an understanding of the characteristics and interrelationships of matter and energy in the physical world.

3. Strand: Life Science

a. Standard. Students will become aware of the characteristics and life cycles of organisms and understand their relationships to each other and to their environment.

4. Strand: Earth and Space Science

a. Standard. Students will develop an understanding of the properties of earth materials, the structure of Earth's system, Earth's history, and Earth's place in the universe.

5. Strand: Science and the Environment

a. Standard. In learning environmental science, students will develop an appreciation of the natural environment, learn the importance of environmental quality, and acquire a sense of stewardship. As consumers and citizens, they will be able to recognize how our personal, professional, and political actions affect the natural world.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1343. Social Studies Tests Structure

A. The Social Studies tests consist of two parts, or sessions.

1. Part A consists of 60 multiple-choice items for grade 11 that assess knowledge, conceptual understanding, and application of skills in all four social studies strands (Geography, Civics, Economics, and History). Items in part A are intermingled across strands.

2. Part B, Session 2, consists of four open-ended questions calling for a constructed response and requiring higher-order thinking in a social studies context (grasping a concept, analyzing information, evaluating a principle, or applying a skill). Students may be required to construct or interpret a chart, graph, map, timeline, or other graphic representation; to supply a short written answer; or to produce a longer piece of writing in response to a social studies issue or problem. Each of the four constructed-response items represents one of the four social studies strands. Each task in part B is scored on a 0 to 4 point scale.

B. Each of the four social studies strands is associated with a single standard.

1. Strand **GC**Geography: Physical and Cultural Systems

a. Standard. Students develop a spatial understanding of Earth's surface and the processes that shape it, the connections between people and places, and the relationship between man and his environment.

2. Strand **CC**Civics: Citizenship and Government

a. Standard. Students develop an understanding of the structure and purposes of government, the foundations of the American democratic system, and the role of the United States in the world while learning about the rights and responsibilities of citizenship.

3. Strand **EC**Economics: Interdependence and Decision Making

a. Standard. Students develop an understanding of fundamental economic concepts as they apply to the interdependence and decision making of individuals, households, businesses, and governments in the United States and the world.

4. Strand **HC**History: Time, Continuity, and Change

a. Standard. Students develop a sense of historical time and historical perspective as they study the history of their community, state, nation, and world.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1345. Double Jeopardy Rule

A. If a school administers a GEE 21 test that the student has already passed and the student scores unsatisfactory on the retest, the passing score will be used to determine the student's eligibility for a standard high school diploma.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1347. First and Second Cohorts

A. The first cohort comprises students who were first-time tenth graders in 2000–2001. First cohort students are required to score approaching basic or above on the GEE 21 English Language Arts test and the GEE 21 Mathematics test to be eligible for a standard high school diploma.

B. The second cohort comprises students who were first-time tenth graders in 2001–2002 and all first-time tenth graders thereafter. Second cohort students are required to score approaching basic or above on the GEE 21 English Language Arts test and the GEE 21 Mathematics test and to score approaching basic or above on either the GEE 21 Science or Social Studies test to be eligible for a standard high school diploma.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1349. Rescores

A. Students may request a rescore of their GEE 21 tests if the following criterion are met.

1. English Language Arts and Mathematics. The test has a scaled score five points below the Approaching Basic achievement level.

2. Science and Social Studies. The test has a scaled score five points below the Approaching Basic achievement level.

3. The district test coordinator must file a request with the scoring contractor within 20 working days from the date the school district receives the individual student scores. All requests must be made on or before the deadline date identified by the testing contractor and the LDE. Requests received after the deadline will not be honored.

4. Only rescoring of tests from the most recent administration may be requested.

5. All requests for rescoring require a fee, which is established by and paid to the scoring contractor.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1351. GEE 21 Administration Rules

A. Students enrolled in grade 10 for the first time must take GEE 21 English Language Arts and Mathematics tests during the spring administration.

B. Students repeating grade 10 shall take the GEE 21 Science and Social Studies tests during the spring administration.

C. Students enrolled in grade 11 for the first time must take GEE 21 Science and Social Studies tests during the spring administration.

D. Students enrolled in grade 11 shall take Science and Social Studies tests unless the student was enrolled in grade 11 for two years.

E. Students promoted from grade 9 to grade 11 may take English Language Arts and Mathematics tests during the fall retest administration and then take the Science and Social Studies tests during the subsequent spring administration.

F. Students in block schedules who are classified as tenth graders in the fall of their second year and as eleventh graders by the subsequent spring test administration are permitted to take all GEE 21 content-area tests: English Language Arts, Mathematics, Science, and Social Studies, for the first time during that spring test administration.

G. If students enrolled in grade 12 have not yet met the GEE 21 requirements to be eligible for a standard high school diploma, they may take all content-area tests: English Language Arts, Mathematics, Science, and Social Studies, during both the fall and the February Seniors Only retest administrations.

H. If students enrolled in grade 11 in the fall are promoted to grade 12 by January, they may take all content-area tests, English Language Arts, Mathematics, Science, and Social Studies, during the February Seniors Only retest administration.

I. If students enrolled in grade 12 are unable to retest during the February Seniors Only retest administration, they should retest during the spring administration.

J. There is no ending age limit for students to retest in GEE 21, nor is there a limit on the number of times the student may retake the test. Students who no longer reside in the school district where he/she completed Carnegie units may test in the current school district of residence. The DTC shall forward the passing test scores to the high school where the Carnegie units reside.

K. If a student was issued a GED diploma and subsequently meets the requirements of the GEE 21, the student may surrender the GED diploma and be issued a standard high school diploma.

L. If students are transferring to a public high school from a nonpublic high school that administers the GEE 21, the rules for nonpublic transfer students apply.

M. When administrative errors are made in testing, the state superintendent of education may determine how to remedy the error.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1353. Summer Retest Administration

A. Students who were enrolled in grades 10 and 11 for the first time during the spring test administration and did not score approaching basic in the required GEE 21 tests are eligible for the summer retest administration.

B. Students who were enrolled in grades 10 and 11 in public schools for the first time during the spring test administration but who were absent during testing are eligible for the summer retest administration.

C. Students who enrolled in and attended grades 10 and 11 after the spring test administration and before the close of the regular academic year are eligible for the summer retest administration.

D. Students who enroll in grades 10 and 11 after the close of the regular academic year but did not attend public schools during the academic year are not eligible for the summer retest administration. They must test during the fall retest administration.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§1355. GEE 21 Transfer Students

A. The following rules apply for transfer students who are Louisiana residents transferring into the Louisiana public school district from out-of-state schools, nonpublic schools, or approved home study programs.

1. Requirements for students who have never been in membership in a Louisiana public school and are transferring from out-of-state schools, from Louisiana nonpublic schools, or from an approved home study program are as follows.

a. A student who entered the ninth grade during the 1999-2000 school year and thereafter and who transferred to a Louisiana public school at or below the ninth grade shall take and pass the English Language Arts and Mathematics sections and either the Science or the Social Studies test of GEE 21.

b. A student who entered the ninth grade in 1999-2000 and thereafter and who is classified by the local school district as a tenth grade student shall take and pass the English Language Arts and Mathematics tests and either the Science or the Social Studies test of GEE 21.

c. A student who entered the ninth grade in 1999-2000 and thereafter and who is classified by the local school district as an eleventh grade student shall take and pass either the Science or the Social Studies test of the GEE 21.

d. A student who entered the ninth grade in 1999-2000 and thereafter and who is classified by the local school district as a twelfth grade student shall not be required to take any part of the GEE 21.

2. Requirements for students who were in membership in Louisiana public schools, transferred out, and subsequently returned are as follows.

a. A student who was in initial membership in Louisiana public schools as a student in grades K through 6 shall adhere to the following policy.

i. A student who returns in the seventh and/or eighth grade for a period in membership of 160 days total shall take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE 21.

ii. A student who returns in the ninth grade shall take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE 21.

iii. A student who returns and is classified as a tenth grade student shall take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE 21.

iv. A student who returns and is classified as an eleventh grade student shall take and pass either the Science or the Social Studies test of the GEE 21.

v. A student who returns and is classified as a twelfth grade student shall not be required to take any part of the GEE 21.

b. A student who was in initial membership in Louisiana public schools in the seventh and/or eighth grade for a period of 160 days total, transferred out, and subsequently returned at any grade level shall take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE 21.

c. A student who was in initial membership in Louisiana public schools as a ninth grade student, transferred out, and subsequently returned at any grade level shall be required to take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE 21.

d. A student who was in initial membership in Louisiana public schools as a tenth grade student, transferred out, and subsequently returned at any grade level shall take and pass both the English Language Arts and Mathematics tests and either the Science or the Social Studies test of the GEE 21.

e. A student who was in initial membership in Louisiana public schools as an eleventh grade student, transferred out, and subsequently returned at the eleventh- or twelfth-grade level shall take and pass either the Science or the Social Studies test of the GEE 21.

f. A student who was in initial membership in Louisiana public schools as a twelfth grade student, transferred out, and subsequently returned as a twelfth grader shall not be required to take any part of the GEE 21.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§1357. Student Membership Determination

A. Student membership is determined when a student in school is identified with the following minimum required identification elements:

1. state identification number;
2. full legal name;
3. date of birth;
4. sex;
5. race;
6. district and school code;
7. entry date; and
8. grade placement

(Adapted from Section 10, page 10.1, Student Information System User's Guide, LDE).

B. A student must be in membership in a Louisiana public school(s) for 160 days per year or 80 days per semester in order to be eligible to receive grades (1103G, Bulletin 741, LDE).

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 15. Norm-Referenced Tests

§1501. Description

A. The Louisiana Statewide Norm-Referenced Testing Program (LSNRTP) was established in 1986 as a component of LEAP. The primary goal of the program is to provide parents, students, educators, and policymakers with normative data that may be used for evaluating student, school, and district performance. Test results are used by teachers and administrators to plan instructional programs that enhance educational opportunities for Louisiana students.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 17. Integrated LEAP for the 21st Century

§1701. Background

A. The NCLB Act requires the development of grade-level expectations (GLEs) or grade-level content standards at grades 3 through 8 for reading and mathematics. Louisiana has supplemented its existing content standards with grade-level expectations. To create a comprehensive system, Louisiana has developed GLEs in four content areas: English language arts, mathematics, science, and social studies. For grade levels prekindergarten through 12, NCLB further requires standards-based tests (or augmented norm-referenced tests) that measure the content standards. LEAP 21 (grades 4 and 8) and GEE 21 (grades 10 and 11) measure the content standards, and these tests will continue. To measure the standards and GLEs at grades 3, 5, 6, 7, and 9, however, the Integrated LEAP for the 21st Century (*i*LEAP) tests will be used, beginning in spring 2006. The *i*LEAP tests will replace The Iowa Tests, which were used to evaluate student performance in grades 3, 5, 6, 7, and 9 from

spring 1998 to spring 2005. The term *integrated* refers to the integration of standards-based tests (CRTs) and norm-referenced tests (NRTs) into one program.

B. Basic Test Design. All *iLEAP* tests are aligned to the GLEs, and student performance on the content standards is the primary reporting scheme. On each test—English Language Arts, Mathematics, Science, and Social Studies—student performance will be reported in terms of achievement level:

1. Advanced;
2. Mastery;
3. Basic;
4. Approaching Basic; or
5. Unsatisfactory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7 and R.S. 17:24.4 (F) (2).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 19. LEAP Alternate Assessment

§1901. General Provisions

A. The LEAP Alternate Assessment (LAA) is a performance-based student assessment that evaluates each student's knowledge and skills in targeted areas. It is an "on-demand" assessment; the test administrator directs the student to perform a specific task and then scores the performance after the task is completed. The LAA is designed to minimize time away from instruction and direct services to students. Teachers are encouraged to administer the assessment as part of a daily routine.

B. Definitions

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

Target Indicators—represent the Louisiana content standards that most directly reflect the skills students with significant disabilities need as they progress through childhood and enter adulthood.

C. Structure of LAA. The LAA is based on selected Louisiana content standards. It includes 20 target indicators from the standards, five from English language arts, five from mathematics, six from social studies, and four from science. Each target indicator includes participation levels, which reflect three different levels of skill complexity: introductory, fundamental, and comprehensive. A 6-point scoring rubric provides descriptors for evaluating student performance on each of the target indicators.

D. Participation Levels

1. Introductory (I)—skills that require basic processing of information to address real-world situations that are related to the content standards regardless of the age or grade level of the student.

2. Fundamental (F)—skills that require simple decision making to address real-world situations that are related to the content standards regardless of the age or grade level of the student.

3. Comprehensive (C)—skills that require higher-order thinking and information-processing skills that are related to the content standards regardless of the age or grade level of the student.

E. Scoring. The scoring rubric for the LAA is based on 6 point levels:

- 0 no performance (at introductory level only);
- 1 tolerates engagement or attempts engagement;
- 2 performs skill in response to a prompt;
- 3 performs skill independently without a prompt;
- 4 performs skill independently without prompts for different purposes or in multiple settings;
- 5 performs skill independently without prompts for different purposes and in multiple settings.

F. Students receive higher points for attempting performance than they do for no performance of the example skill. A score point of 3 is awarded for performances that are completed independently. Students who perform a task for more than one purpose or in more than one setting receive a higher score. Those who generalize their skills or apply their skills for different purposes and in a variety of settings receive the highest scores.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 21. National Assessment of Educational Progress

§2101. General Provisions

A. NAEP, also known as the "Nation's Report Card," reports its results from jurisdictions around the country. NAEP uses a random stratified sample to select school districts, schools within those districts, and students within those schools. The testing window for NAEP is January through March.

B. NAEP is authorized to measure and report on academic achievement by carrying out a national assessment, state assessment, and a long-term trend assessment in reading and mathematics.

C. The NAEP test contractor handles all aspects of NAEP testing including distribution and collection of all test materials. The testing process involves about 60 minutes of assessment in one subject (mathematics, science, or reading). Results are reported within six months.

D. Participation in NAEP

1. In 1990, the NAEP assessments became a part of the LEAP, with state statute R.S. 17:24.4, making participation in NAEP mandatory for Louisiana schools. Additionally, the NCLB Act mandates schools' participation. Participation in NAEP is a requirement for states and school districts receiving Title I grants.

2. District superintendents and school principals are notified of their selection for the NAEP testing process in early fall. Parents of students are then notified and asked to grant permission for the students to participate. Individual student participation is not mandatory.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§2103. Inclusions and Accommodations

A. The NAEP assessment includes students with disabilities and limited English proficient students.

B. Schools may exclude students with disabilities according to the following NAEP designed criteria:

1. the student's IEP team determines that the student cannot participate;
2. the student's cognitive functioning is so severely impaired that she or he cannot participate; or

3. the student's IEP requires that the student be tested with an accommodation or adaptation that NAEP does not allow.

C. Accommodations

1. Students who need accommodations receive such aids as:

- a. extra testing time;
- b. individual or small group administration;
- c. large-print booklets;
- d. multiple testing sessions.

2. Accommodations do not include reading passages or questions aloud for the reading assessment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (A) (1).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 23. English Language Development Assessment (ELDA)

§2301. Description

A. The NCLB of 2002 Title III (20 USCS §6301 et seq.) requires standards-based assessment of the progress of all LEP students enrolled in grades kindergarten through 12 in attaining English proficiency, including a child's level of comprehension, speaking, listening, reading, and writing skills in English. ELDA was field-tested in spring 2004 and will be implemented in spring 2005. ELDA is composed of untimed tests in four grade clusters (kindergarten-2, 3-5, 6-8, 9-12) of four language domains (reading, writing, listening, and speaking). It assesses both academic and school/social environment language of students from beginning to full English proficient performance levels in each of the domains and grade clusters.

AUTHORITY NOTE: Promulgated in accordance with 20 USCS, Section 6311.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 25. Field Testing

§2501. General Provisions

A. The purpose of field testing is to obtain data on test items that have been developed for a particular assessment. In Louisiana, test items are developed and field tests conducted for the following assessments:

- 1. Louisiana Educational Assessment Program for the 21st Century (LEAP 21);
- 2. Graduation Exit Examination for the 21st Century (GEE 21);
- 3. Integrated LEAP (iLEAP).

B. LEAP 21 and GEE 21 field tests are conducted annually in designated content areas.

C. Participation

1. Schools selected for any of the Louisiana field tests must participate. This ensures the test data are representative of the state's student population for the grade level being assessed.

2. Selection of schools for the field test is based on several demographic factors. The sampling plan includes the following criteria:

- a. sample from every school district;
- b. to the extent possible, schools shall be selected

that are representative of the schools in the state in:

- i. academic achievement level;
- ii. percent of minorities;

iii. percent of students receiving free/reduced lunch;

iv. percent of students classified as special education;

v. LEP, and Section 504, and school size;

c. select no schools with fewer than 10 students;

d. generally select no schools that are participating in NAEP;

e. select no private schools;

f. in general, any given school should only:

i. participate in one grade;

ii. administer one content area;

iii. administer only one test form.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§2503. Field Test Administration

A. The same test security procedures and test administration rules used for operational (regular) testing apply to field tests. District and school personnel must adhere to the test security policy and to all directions in the field test administration manuals. Schools will be monitored to ensure that administrative and security procedures are followed.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 27. Placement Tests

§2701. Administration and Scoring

A. Placement tests for fourth grade and eighth grade public school students are shipped to district test coordinators in late July and are to be returned to the testing contractor after February 15 each year.

B. Students who participate in the spring and/or summer administration of LEAP 21 test and fail to score at the required achievement level(s) are not eligible to take The Iowa Tests for placement purposes.

C. Charter schools and laboratory schools must secure placement tests from the testing contractor. These schools call the contractor directly and order placement tests for incoming students between July and February.

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

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§2703. Security

A. Testing masks and all testing materials must be kept in a designated locked and secure area.

B. All secure test materials are to be handled in accordance with the SBESE Test Security Policy.

C. District test coordinators and test administrators are required to sign a security agreement prior to test administration.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 29. Graduation Exit Examination ("Old" GEE)

§2901. General Provisions

A. The "Old" GEE measures curricula-based proficiencies in language arts, mathematics, written composition, science, and social studies. The first statewide administration of the GEE was in the spring of 1989, and the last statewide administration was in the summer of 2003. The testing program then became the responsibility of the school districts, with the tests to be administered by the district test coordinators.

B. District test coordinators have received from the LDE a CD containing the tests, answer folders, scoring keys, and conversion tables. Copies of braille and large-print tests may be requested from the LDE, Division of Student Standards and Assessments, Assessment Administration Section.

C. The GEE tests are to be administered by the district test coordinators each year in October and April, as indicated on the official SBESE testing schedule, to former high school students who have earned Carnegie units but still need to pass the GEE to earn a high school diploma. Students are required to take only those parts of the GEE in which they did not attain the required performance standards.

D. All students who were enrolled in tenth grade during the spring of 1989 through the spring of 2000 can be administered the test twice a year. There is no age limit for students who request a retest with GEE, nor is there a limit on the number of times the student may retake the test.

E. If the student was issued a GED and later passes the GEE, the student may surrender the GED diploma and be issued a standard high school diploma.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (4) (a) and R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§2903. Performance Standards

A. Performance standards for the GEE Language Arts, Mathematics, Written Composition, Science, and Social Studies tests are finalized in scaled-score form.

	Performance Standard	Scaled Score Range
Language Arts	1053	1000-1097
Mathematics	1048	1000-1097
Written Composition	1047	1018-1072
Science	1042	1000-1093
Social Studies	1041	1000-1093

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 (4) (a) and R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§2905. Transfer Students

A. These rules apply to students who were enrolled as sophomores during the 1988-1989 through 1999-2000 academic years.

1. Requirements for students who have never been in membership in a Louisiana public school and are transferring from out-of-state, from Louisiana nonpublic schools, or from an approved home study program are as follows.

a. A student who entered the ninth grade during the 1987-1988 school year and thereafter, and who transferred to

a Louisiana public school at or below the ninth grade shall take and pass all parts of the GEE.

b. A student who entered ninth grade in 1987-1988 and thereafter, and who is classified by the local school district as a tenth grader shall take and pass all parts of the GEE.

c. A student who entered ninth grade in 1987-1988 and thereafter and who is classified by the local school district as an eleventh grader shall take and pass the science and social studies parts of the GEE.

d. A student who entered ninth grade in 1987-1988 and thereafter and who is classified by the local school district as a twelfth grader shall not be required to take any part of the GEE.

2. Requirements for students who were in membership in a Louisiana public school(s), transferred out, and subsequently returned are as follows.

a. A student who was in initial membership in Louisiana public schools as a student in grades kindergarten through 6 and who transferred out and subsequently returned shall adhere to the following policy.

i. A student who returns in the seventh and/or eighth grade for a period in membership of 160 days total shall take and pass all parts of GEE.

ii. A student who returns in the ninth grade shall be required to take and pass all parts of the GEE.

iii. A student who returns and is classified as a tenth grader shall be required to take and pass all parts of the GEE.

iv. A student who returns and is classified as an eleventh grader shall be required to take and pass the science and social studies parts of the GEE.

v. A student who returns and is classified as a twelfth grader shall not be required to take any part of the GEE.

b. A student who was in initial membership in Louisiana public schools in the seventh and/or eighth grades for a period of 160 days total and who then transferred out and subsequently returned at any grade level shall take and pass all parts of the GEE.

c. A student who was in initial membership in Louisiana public schools as a ninth grader and who then transferred out and subsequently returned at any grade level, shall be required to take and pass all parts of the GEE.

d. A student who was in initial membership in Louisiana public schools as a tenth grader and who then transferred out and subsequently returned at any grade level shall take and pass all parts of the GEE.

e. A student who was in initial membership in Louisiana public schools as an eleventh grader and who then transferred out and subsequently returned at the eleventh or twelfth grade level shall take and pass the science and social studies parts of the GEE.

f. A student who was in initial membership in Louisiana public schools as a twelfth grader and who then transferred out and subsequently returned as a twelfth grader shall not be required to take any part of the GEE.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:24.4 and R. S. 17.7.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§2907. Student Membership Determination

A. Student membership is determined when a student in school is identified with the following minimum required identification elements:

1. state identification number;
2. full legal name;
3. date of birth;
4. sex;
5. race;
6. school district and school code;
7. entry date; and
8. grade placement

(Adapted from Section 10, page 10.1, Student Information System User's Guide, LDE).

B. A student must be in membership in a Louisiana public school(s) for 160 days per year or 80 days per semester in order to be eligible to receive grades (1103G, Bulletin 741, LDE).

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 31. Louisiana Alternate Assessment-B

§3101. Special Education Needs

A. To accommodate the needs of Louisiana students in special education, the SBESE mandated that the Louisiana Statewide Norm-Referenced Testing Program (LSNRTP) provide the Louisiana Alternate Assessment-B (LAA-B) testing component, referred to as "out-of-level," beginning in spring 2000. Spring 2003 was the fourth and final year of the LAA-B testing program.

B. The program provided data for evaluating student, school, and district performance. Teachers and administrators could use test results to plan instructional programs.

C. Students enrolled in grades 3 through 8 who met specific criteria for LAA-B took the Complete Battery of the Iowa Tests of Basic Skills at the appropriate level(s). LAA-B students in grade 9 or in the Options (PreGED/Skills) Program took either the Complete Battery of the Iowa Tests of Basic Skills or the Complete Battery of the Iowa Tests of Educational Development at their functioning grade levels in reading, language, and/or mathematics. Some students may have taken both the ITBS and the ITED.

D. The LAA-B is no longer administered in Louisiana.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 33. Assessment of Special Populations

§3301. Participation

A. The following classifications of special populations students must be tested in statewide assessments:

1. special education students;
2. students with one or more disabilities according to Section 504; and
3. LEP students.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1945

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§3303. Special Education Students

A. All special education students must participate in statewide assessments. Students are to take the test that corresponds to the grade in which they are enrolled. Special education students who meet specific criteria and whose Individualized Education Plans (IEPs) indicate they will participate in an alternate assessment may participate in an alternate assessment, such as the LEAP Alternate Assessment (LAA). The assessment in which the student is to participate and any accommodations the student is to receive for instruction and assessment must be documented annually on the program/services page of the student's IEP. Test accommodations cannot be different from or in addition to the accommodations indicated on the student's IEP and provided in regular classroom instruction and assessment.

1. Individualized Education Plan. According to the 1997 amendments to the Individual with Disabilities Education Act (IDEA), accommodations are provided in regular classroom instruction based on a student's needs and are documented in the student's IEP.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1945.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§3305. Students with One or More Disabilities

According to Section 504

A. All students with one or more disabilities according to Section 504 are to be tested. Test accommodations are permitted for these students provided they are used in the students' regular classroom instruction and assessment and provided the other conditions specified in the Administrative Guidelines for Students with Disabilities According to Section 504 of the Rehabilitation Act of 1973 are met. An IAP must not be developed solely for the provision of accommodations on statewide assessments.

1. The LDE defines a student with one or more disabilities according to Section 504 as derived from the regulations for Section 504 of the Rehabilitation Act of 1973.

B. Conditions for Eligibility for Test Accommodations as a Section 504 Student

1. The student has a disability that has been identified by a group of knowledgeable individuals whose credentials are appropriate to the disability and the disability is recognized by the Section 504 committee as being consistent with Section 504 of the Rehabilitation Act of 1973.

2. The student must undergo an annual review by the Section 504 Committee and a Testing Accommodation Verification form must be completed for each newly identified student or for each student whose accommodations have changed since his or her last test administration.

a. The Testing Accommodation Verification form identifies students with disabilities as defined by the Rehabilitation Act of 1973 and the ADA. The form also must be used to document accommodations for qualified Section 504 students. School districts are responsible for completing the form once a student's eligibility has been determined.

b. Signatures. Duplicate signatures are not acceptable on the Testing Accommodation Verification form.

Signature lines with an asterisk must be original signatures. The parent and student signatures are optional, but it is considered best practice to obtain these. The district Section 504 coordinator's signature is required only if the student will require accommodations on statewide assessment.

c. The completed form must be submitted with a copy of the student's IAP to the district Section 504 coordinator by the date designated by the district.

3. The student has had accommodations routinely provided as part of his or her ongoing classroom instruction and assessment, as recommended by the Section 504 Committee and as documented on the student's IAP.

4. Documentation for how the student meets the definition of substantially limited in Section 1630.2 of the Americans with Disabilities Act (ADA) of 1990 must be on file at the school.

C. Documentation. Documentation with evaluation results from the School Building Level Committee (SBLC) and/or the Section 504 team must be kept on file and be available to the LEAP Data Validation Committee upon request. Documentation/evaluation samples may include:

1. a summary of the doctor's report or diagnosis;
2. informal assessments and teacher observations;
3. curriculum-based assessments;
4. formal assessments such as:
 - a. WRAT-3;
 - b. Slosson;
 - c. Brigance;
 - d. OWLS;
 - e. TOLD-3;
 - f. KBIT;
 - g. GORT-3;
 - h. KTEA(Brief);
 - i. Test of Reading Comprehension-3;
 - j. DRA;
 - k. TOWL-3 Test of Problem Solving; and
 - l. PIAT.

D. Individualized Healthcare Plans. If a Section 504 student requires medical procedures that will prevent him or her from participating in a statewide assessment, individualized healthcare plans must be attached to the Section 504 Testing Accommodation Verification form.

E. Forms Management

1. Submission. The Section 504 Testing Accommodation Verification form must be completed and submitted, along with a copy of the student's IAP and the LEAP Data Validation form, to the district Section 504 coordinator by the district-designated date. The district Section 504 coordinator should establish the deadline for collection of the forms early enough to ensure time for review before submitting them to the LDE. School districts should contact the district Section 504 coordinator regarding the deadline. The LEAP Data Validation forms and Section 504 Testing Accommodation Verification forms should be submitted to the LDE by December 17.

2. Review. The Section 504 Testing Accommodation Verification forms and IAPs will be reviewed by a committee of LDE employees and Section 504 Statewide Task Force members for any possible testing irregularities, including potential violations of test security; appropriateness; and required information that substantiates the accommodations provided during assessment. Reviews

will be scheduled throughout the month of January, to be completed by January 30. District Section 504 coordinators will be notified concerning the place and time of review for their districts.

3. Extenuating Circumstances. The extenuating circumstances that will be considered for reviewing Section 504 Testing Accommodation Verification forms submitted after the deadline and/or after the established review period:

a. a student is in the process of transferring from state to state or parish to parish;

b. a student has a temporary illness or injury that is substantially limiting and will prevent him or her from having an equal opportunity on and access to statewide assessments.

F. Gifted or Talented Students with a Qualified Disability. For students who are classified as gifted or talented students and who have a qualified disability under Section 504, a Section 504 IAP and a Section 504 Testing Accommodation Verification form must be attached to the student's IEP.

G. LEAP 21 Summer Retest and GEE 21 Summer, Fall, and February Seniors Only Retest. Students who were identified as Section 504 or who had accommodations added to their Section 504 IAP and Section 504 Testing Accommodation Verification forms after the spring assessment must be submitted on the LEAP Data Validation form to LDE 30 days before the summer or fall retest. The Section 504 Testing Accommodation Verification form and a copy of the IAP must be forwarded to the student's summer remediation and summer or fall testing site to ensure the student receives the appropriate accommodations for instruction and assessment.

H. GEE 21 and "Old" GEE. Students who have completed their Carnegie units but are no longer enrolled in school should receive the accommodations documented on their last IEP and Section 504 Testing Accommodation Verification forms.

I. Test Accommodations

1. Definition

Accommodation—a change in the test administration environment, timing, scheduling, presentation format, and/or method of response to the assessment.

2. Purpose of Accommodations. Test accommodations are provided to minimize the effects of a disability to ensure that a student can demonstrate the degree of achievement he or she actually possesses. Not all students with disabilities will need test accommodations, but many will need them to provide a valid and accurate measure of their abilities. The goal in using accommodations is to give students with disabilities an equal opportunity in assessment, not to give students with disabilities an unfair advantage over other students or to subvert or invalidate the purpose of the tests. The accommodation should allow the test score to reflect the student's proficiency in the area tested without the interference of his or her disability.

3. General Guidelines

a. Test accommodations should not be different from, or in addition to, the accommodations provided in the classroom during instruction and assessment and as indicated on the student's IEP or Section 504 IAP. According to the 1997 amendments to IDEA, accommodations for administration of general statewide and districtwide

assessments must be based on each student's needs, as documented in the student's IEP. If an accommodation, even an accommodation listed on a student's IEP or IAP, is not provided in classroom instruction or assessment, it is inappropriate to provide that accommodation during testing.

b. Selection of appropriate test accommodations should be based on a review of a student's current instructional and classroom assessment accommodations and a clear understanding of the test format and what it measures. This information should determine which accommodations enable the student to demonstrate best what he or she knows and can do.

c. The accommodations must never compromise the purpose of the test. For example, a test that measures reading comprehension cannot be read aloud to a student. To do so would destroy the purpose of the test, which is to measure reading comprehension.

d. Individual or small group administration must be used if the accommodations will interfere with the testing of other students, e.g., tests read aloud.

e. All provided accommodations must be marked on student answer documents as instructed in the appropriate test manual.

f. Accommodations must not compromise test security or confidentiality. Any assistance in test administration must not give away the answers. All conditions that pertain to test security and return of test materials after the test is administered apply to tests that are administered with accommodations. All test manual instructions relating to handling nontraditional secure materials for accommodations must be followed precisely.

4. Approved Accommodations for Special Education and Section 504 Students. The following accommodations, if used in classroom instruction and assessment and specified on a student's IEP or IAP and Section 504 Testing Accommodation Verification form, may be used for testing.

a. Braille. Braille editions of the test are provided for students who are proficient in this mode of access to written material. The regular print edition may be modified in braille. Supplementary test administration instructions and manipulatives are provided as needed. All responses must be transferred to the scorable answer document.

b. Large Print. Large-print editions may be used by students who use large print as an accommodation in classroom instruction and assessment. Large-print editions contain all test items that are in the regular edition. Essentially the large-print edition is an enlarged version of the regular-print edition, though the layout may vary slightly so as not to make the document more difficult for a student to use. All responses must be transferred to the scorable answer document.

c. Answers Recorded. If a student is unable due to his/her disability to write, provisions the test administrator must record the student's answers on the scorable answer document. Scribes and others supporting a student's test taking must be neutral in responding to the student during test administration. Assistance in test administration must not give away the answers. The student's responses must accurately represent the student's own choices. If a scribe is used for a writing topic, the scribe must write exactly what the student dictates without punctuation or capitalization.

The student then must edit what the scribe wrote and provide punctuation and capitalization or any other changes.

d. Assistive Technology. Assistive technology can include, but is not limited to a:

- i. computer;
- ii. tape recorder;
- iii. calculator;
- iv. abacus;
- v. grip for a pencil;
- vi. visual magnification device;
- vii. communication device;
- viii. mask or marker to maintain place;
- ix. speech synthesizer; and
- x. electronic reader.

5. Extended Time/Adjusted Time. Every student must be given extended or sufficient time to respond to every test item. Time may be adjusted for certain students, such as those who have short attention spans or who may be unable to concentrate for long periods of time on a given task. The test administration time may have to be altered considerably to allow for intermittent short breaks during the testing period, or it may be determined appropriate to administer the test in a number of short sessions. Testing may also be stopped and continued at a later time if a student's behavior interferes with testing. The elapsed time must be documented and the test administrator must closely monitor that test security is maintained. The time of day the test is administered may also be adjusted to a time more beneficial to the student. All sessions, however, must be completed within the specified test administration dates, including makeup sessions.

6. Communication Assistance. A test administrator who is fluent in the cuing or signing modality routinely used by a student should be available to repeat or clarify directions and sign portions of the test if warranted by the student's reading level as documented on the IEP or IAP and Section 504 Testing Accommodation Verification form.

a. No passages, questions, or distractors (multiple choices) of any English language arts test that measures reading comprehension may be signed or cued. Such tests include the Reading and Responding session of LEAP 21 and GEE 21, Reading Comprehension of the ITBS and the "old" GEE, Ability to Interpret Literary Materials of the ITED, and any others developed to measure this skill. Directions only to these sessions may be signed or cued. When signing or cueing, the test administrator must exercise caution to avoid providing answers. It is a breach of test security to provide signs or cues that convey answers.

7. Transferred Answers. Student responses that are recorded in any format other than on the standard answer document must be transferred by the test administrator precisely as instructed in the appropriate test manual. Such formats include braille, large print, oral responses, typewritten responses, computer responses, and any other responses recorded with the assistance of mechanical or technological devices. Student responses not transferred will not be scored. If both a student's and a test administrator's handwriting appear on an answer document, only the student's writing will be scored.

8. Individual/Small Group Administration. Tests may be administered to a small group (maximum, eight students) or to an individual requiring more attention than can be

provided in a larger classroom. If other selected accommodations affect the standard administration of the test (e.g., extended time on a timed test, tests read aloud), individual or small group administration must be used.

9. Other. Any necessary accommodations may be used, but they must be decided by the IEP team or Section 504 committee and listed on the student's IEP or IAP and Section 504 Testing Accommodation Verification form. The accommodation must not invalidate the meaning of the test score or the purpose of the test. Examples of other accommodations include highlighting the task or verbs in the directions on the test or assisting the student in tracking the test items.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7, R.S. 17:24 et seq., R.S. 17:391-400, R.S. 17:1941 et seq., R.S. 17:397, R.S. 17:1946, and R.S. 17:1947.1.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§3307. Limited English Proficient Students

A. All LEP students must participate in statewide assessments. LEP students qualify; however, for accommodations provided they are used in the students' regular classroom instruction and assessment. Test accommodations must not be different from or in addition to the accommodations provided in the classroom during instruction and assessment and must not compromise test security or confidentiality.

B. Limited English Proficient Student **Can** an individual:

1. who is aged 3 through 21;
2. who is enrolled or preparing to enroll in an elementary school or secondary school;
3. who was not born in the United States or whose native language is a language other than English;
4. who is a Native American or Alaska Native or who is a native resident of the outlying areas and comes from an environment where a language other than English has had significant impact on such individual's level of English language proficiency; or
5. who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
6. whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual:

a. the ability to meet the state's proficient level of achievement on state assessments described in Section 1111 (b) (3);

b. the ability to successfully achieve in classrooms where the language of instruction is English; or

c. the opportunity to participate in society (PL 107-10, Title IX, Sec. 9101 [25]).

C. Approved Accommodations for LEP Students

1. Extended Time/Adjusted Time. Every student must be given extended or sufficient time to respond to every test item. Time may be adjusted for certain students, such as those who have short attention spans or those who may be unable to concentrate for long periods of time on a given task. The test administration time may have to be altered considerably to allow for intermittent short breaks during the testing period, or it may be determined appropriate to administer the test in a number of short sessions. Testing

may also be stopped and continued at a later time if a student's behavior interferes with testing. The elapsed time must be documented and the test administrator must closely monitor that test security is maintained. All sessions, however, must be completed within the specified test administration dates, including makeup sessions.

2. Individual/Small Group Administration. Tests may be administered to a small group (maximum, eight students) or to an individual requiring more attention than can be provided in a larger classroom. If other selected accommodations affect the standard administration of the test (e.g., extended time on a timed test, tests read aloud), individual or small group administration must be used.

3. Provision of English/Native Language Word-to-Word Dictionary (No Definitions). LEP students may use either a standard or an electronic English/native language word-to-word dictionary, without definitions, on all sessions of the test. On the written composition sessions of the tests, all LEP students may use an English/native language word-to-word dictionary with definitions; this is not an accommodation.

4. Tests Read Aloud. Students may be allowed to have portions of the tests read to them, with the exception of portions designed to measure reading comprehension, which are clearly designated in the test administration manuals. No passages, questions, or distractors (multiple choices) of any English language arts test that measures reading comprehension may be read aloud. Such tests include the Reading and Responding session of LEAP 21 and GEE 21, Reading Comprehension of the ITBS and the "old" GEE, Ability to Interpret Literary Materials of the ITED, and any others developed to measure this skill. Directions only to these sessions may be read aloud. When reading aloud, the test administrator must exercise caution to avoid providing answers. It is a breach of test security to provide cues that convey answers.

5. Test Administered by ESL Teacher or by Individual Providing Language Services. Familiarity with the speech patterns of the ESL teacher or individual providing language services may assist the student in understanding the test directions or the portions read aloud if the student receives the accommodation Tests Read Aloud.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq. and R.S. 17:24.4 (F)(3).

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Chapter 35. Assessment of Students in Special Circumstances

§3501. Approved Home Study Program Students

A. Fourth grade students from state-approved home study programs who are seeking to enroll in grade 5 must take and score basic or above on the grade 4 LEAP 21 English Language Arts or the Mathematics test and approaching basic or above on the other test to enroll in grade 5.

B. Eighth grade students from state-approved home study programs who are seeking to enroll in grade 9 must score approaching basic or above on both the grade 8 LEAP 21 English Language Arts and Mathematics tests to enroll in grade 8. Beginning in 2006, these students will be required to score basic or above on either the grade 8 LEAP 21 English Language Arts or Mathematics test to enroll in grade 9.

C. Students from state-approved home study programs have the option of taking the grades 4 and 8 LEAP 21 Science and Social Studies tests.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:236.1–17:236.2, R.S. 17:6 (A) (10) (11) (15), R.S. 17:10, R.S. 17:22 (6), R.S. 17:391.1–17: 391.10, R.S. 17:411.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§3503. Homebound Students

A. Homebound students shall be administered the appropriate assessment for their enrolled grade. The test administrator must issue the test booklet and answer document each day and return the testing materials to the enrolled school daily. The test administrator must receive training in security and test administration procedures and sign a security oath.

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

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§3505. Foreign Exchange Students

A. Foreign exchange students shall take the appropriate assessment for their enrolled grade during the scheduled assessment period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:151.3 and R.S. 17:24.4

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

§3507. Correctional Facilities

A. Students enrolled in grades 3 through 11 who are under the supervision of correctional facilities shall take the appropriate assessment for their enrolled grade.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:151.3 and R.S. 17:24.

HISTORICAL NOTE: Promulgated by the Department of Education, Board of Elementary and Secondary Education, LR 31:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed rule affect the stability of the family? No.

2. Will the proposed rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed rule affect the functioning of the family? No.

4. Will the proposed rule affect family earnings and family budget? No.

5. Will the proposed rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed rule? No.

Interested persons may submit written comments until 4:30 p.m., May 9, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 118 Statewide Assessment Standards and Practices

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule consolidates into Bulletin 118 the State Board of Elementary and Secondary Education and the Division of Student Standards and Assessments test policy rules, guidelines, and procedures for easy access during statewide test administration. The estimated implementation cost is \$4,624 for publication in the *LA Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections at the state or local governmental levels.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There should be no effect on costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no impact on competition and employment.

Marlyn J. Langely
Deputy Superintendent
Management and Finance
0503#045

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741 Louisiana Handbook for School Administrators (LAC 28: CXV.2321 and 2373)

Editor's Note: Sections 2321 and 2373 are being repromulgated to correct printing errors. This Notice of Intent may be viewed in its entirety on pages 495-557 of the February 20, 2005 edition of the *Louisiana Register*.

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement Bulletin 741 Louisiana Handbook for School Administrators. Bulletin 741 will be printed in codified format as Part CXV of the Louisiana Administrative Code. This document replaces any previously advertised versions. Bulletin 741 Louisiana Handbook for School Administrator contains all BESE policies and state laws required for the normal operation of districts and schools that are not included in other bulletins. The purpose of this project was to:

- clarify wording of policies;
- ensure that all Rules approved by BESE are included;
- eliminate contradictory policies;
- update Bulletin 741 with current legislation;
- make the bulletin more user-friendly;
- codify the bulletin as is required by the Administrative Procedure Act.

**Title 28
EDUCATION**

**Part CXV. Bulletin 741 Louisiana Handbook
for School Administrators**

Chapter 23 Curriculum and Instruction

§2321. Carnegie Credit for Middle School Students

A. Students in the middle grades are eligible to receive Carnegie credit for courses in the high school Program of Studies in mathematics, science, English, social studies, foreign language, keyboarding/keyboarding applications, or computer/technology literacy.

B. Middle school students intending to take a course for Carnegie credit must demonstrate mastery of the eighth grade Grade-Level Expectations in that content area by one of the following means:

1. Successfully complete an accelerated seventh grade course in the content area that addresses both seventh and eighth grade Grade-Level Expectations.

2. Pass an exam developed by the LDE on the eighth grade Grade-Level Expectations in the content area before taking the high school course.

C. Middle school students may receive Carnegie credit for successfully completing the high school course provided that:

1. the time requirement for the awarding of Carnegie credit is met; (§907).

2. the student has mastered the established high school course standards for the course taken;

3. the teacher is certified at the secondary level in the course taught, OR the student has passed a credit examination in the subject taken.

a. The credit examination shall be submitted each year for approval to the Division of Student Standards and Assessments or the Division of Family, Career and Technical Education of the DOE.

b. School principals may request the state Algebra I credit examination by notifying the Division of Student Standards and Assessments.

D. The LEA may grant credit on either a letter grade or a Pass or Fail (P/F) basis, provided there is consistency system-wide.

E. The eighth grade LEAP 21 shall be administered in lieu of a required credit exam for students who:

1. scored *unsatisfactory* on the mathematics or English language arts components of eighth grade LEAP 21; and

2. successfully complete a specially designed elective for eighth grade LEAP 21 remediation.

3. students meeting the above criteria who score at or above the *basic* achievement level upon retaking eighth grade LEAP 21 may earn a maximum of one Carnegie unit of elective credit.

F. Students who are repeating the eighth grade because they have failed both the mathematics and English language arts components of LEAP 21 shall not take or receive Carnegie credit for any high school courses other than the required eighth grade remediation courses provided all requirements are met.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

§2373. Agricultural Education

A. The Agricultural Education course offerings shall be as follows.

Course Title(s)	Recommended Grade Level	Units
Exploratory Agriscience	7-8	-
Agribusiness	11-12	1/2
Agricultural Education Elective I, II	9-12	1/2-3
Agriscience I	9-12	1
Agriscience II	10-12	1
Agriscience III	11-12	1
Agriscience IV	12	1
Agriscience III Laboratory	11-12	1
Agriscience IV Laboratory	12	1
Agriscience-Construction	11-12	1/2
Agriscience Elective	9-12	1
Agriscience-Entrepreneurship	11-12	1/2
Agriscience Internship I	11-12	2
Agriscience Internship II	12	2
Agriscience-Leadership Development	11-12	1/2
Agriscience-Welding Systems I	11-12	1/2
Agriscience-Welding Systems II	11-12	1/2
Animal Systems	11-12	1/2
Aquaculture	11-12	1/2
Biotechnology	11-12	1
Care and Management of Small Animals I	11-12	1/2
Care and Management of Small Animals II	11-12	1/2
Cooperative Agriscience Education I	11-12	3
Cooperative Agriscience Education II	12	3
Crop Systems	11-12	1/2
Environmental Applications	11-12	1/2
Equine Science	11-12	1/2
Food and Fiber	11-12	1/2
Forestry	11-12	1/2
Horticulture I	11-12	1/2
Horticulture II	11-12	1/2
Precision Agriculture	11-12	1
Small Engines (Applications)	11-12	1/2
Industry-Based Certifications		
ABC Welding in Agriscience	11-12	1-3
ABC Carpentry in Agriscience	11-12	1-3
ABC Electricity in Agriscience	11-12	1-3
ABC Pipefitting in Agriscience	11-12	1-3

B. Agriscience III and IV Laboratory, Agriscience Internship I and II, and Cooperative Agriscience Education I and II are offered only to students who are also enrolled in Agriscience III or Agriscience IV for two consecutive semester courses during the year.

C. Semester courses are designed to be offered in the place of, or in addition to, Agriscience III and/or IV.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

Interested persons may submit written comments until 4:30 p.m., April 11, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 741 Louisiana Handbook for
School Administrators**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The estimated implementation cost is \$9384 for publication in the *LA Register*. The update to Bulletin 741 clarifies wording of policies, ensures all rules approved by the Board of Elementary and Secondary Education are included and includes current legislation.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There will be not costs or economic benefits to persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0503#076

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State Certification of School Personnel Timelines for PRAXIS Exams (LAC 28:I.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for

advertisement an amendment to *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:I.903.A. The previous effective date for implementation of PRAXIS exams #0353 Education of Exceptional Students: Core Content Knowledge and #0542 Education of Exceptional Students: Core Content Knowledge required for initial Louisiana certification was June 1, 2004. This proposed change would modify that date to January 1, 2005. This change will allow the Office of Teacher Certification to accept PRAXIS exam(s): Principles of Learning and Teaching, completed prior to January 1, 2005, for initial Louisiana certification.

Title 28

EDUCATION

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans**

Subchapter A. Bulletins and Regulations

§903. Teacher Certification Standards and Regulations

A. Bulletin 746

* * *

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975); LR 28:2505-2508 (December 2002); LR 29:117-119 (February 2003); LR 29:119-121 (February 2003); LR 29:121-123 (February 2003)

* * *

**PRAXIS Exam Requirements for
Initial Certification in Mild/Moderate:**

January 1, 2005 is the effective date for PRAXIS exams #0353 Education of Exceptional Students: Core Content Knowledge and #0542 Education of Exceptional Students: Core Content Knowledge required for initial Louisiana certification. This allows the Office of Teacher Certification to accept PRAXIS exam(s): Principles of Learning and Teaching, completed prior to January 1, 2005, for initial Louisiana certification.

* * *

Interested persons may submit written comments until 4:30 p.m., May 9, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights or parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 746 Louisiana Standards
for State Certification of School Personnel
Timelines for PRAXIS Exams**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The previous effective date for implementation of PRAXIS exams #0353 Education of Exceptional Students: Core Content Knowledge and #0542 Education of Exceptional Students: Core Content Knowledge required for initial Louisiana certification was June 1, 2004. This proposed change would modify that date to January 1, 2005. This change will allow the Office of Teacher Certification to accept PRAXIS exam(s): Principles of Learning and Teaching, completed prior to January 1, 2005, for initial Louisiana certification. The adoption of this policy will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

This policy will have no effect on revenue collections.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

This policy will have no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
0503#017

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746 Louisiana Standards for State
Certification of School Personnel PRAXIS Exams and
Passing Scores for Louisiana Certification
(LAC 28:1.903)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education intends to amend *Bulletin 746 Louisiana Standards for State Certification of School Personnel*, referenced in LAC 28:1.903.A. This policy specifies the exam and passing score(s) for the following certification areas: Chemistry, Physics, German, and Educational Leader Level 1.

Previously to become certified in Chemistry or Physics an individual had to complete PRAXIS/NTE pedagogy exam(s) that included other science areas. These two new exams are specific to these science content areas. In the state's new add-on policy this will allow an individual to complete an exam for a specific content area rather than completing coursework. The board periodically reviews new exams for certification in Louisiana and sets the cut scores for these exams, as is the case with the pedagogy exam for German. The School Leadership Licensure Assessment will be available for the first time for individuals seeking certification as an Educational Leader-Level 1.

Title 28

EDUCATION

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations
§903. Teacher Certification Standards and Regulations
A. Bulletin 746**

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:183, 311, 399, 435, 541 (April, July, September, October, December 1975); LR 28:2505, 2508 (December 2002); LR 29:117, 119 (February 2003); LR 29:119, 121 (February 2003); LR 29:121, 123 (February 2003), LR 31:

Louisiana Requirements CPRAxis/NTE SCORES

Certification Area	Name of Praxis Test	Content Exam Score	Pedagogy: Principles of Learning & Teaching			
			PLT K-6 (#0522)	PLT 5-9 (#0523)	or	PLT 7-12 (#0524)
Early Childhood PK-3	Elementary Content Knowledge (0014) Effective 6/1/04	147 150	<ul style="list-style-type: none"> • Prior to 6/1/04: PLT K-6 or ECE 0020; • After 5/31/04: Early Childhood Education 0020 (Score 510) 			
Grades 1-5	Elementary Content Knowledge (0014) Effective 6/1/04	147 150	161	---		---
Grades 4-8 Generic	Middle School: Content Knowledge (0146) Effective 6/1/04, this exam not available for certification purposes; middle grades candidates required to pass one or more content specific middle grades exams.	150	---	154		---
Grades 4-8 Mathematics	Middle School Mathematics (0069)	148	---	154		---
Grades 4-8 Science	Middle School Science (0439) Effective 6/1/2006 Effective 6/1/2009	140 145 150	---	154		---
Grades 4-8 Social Studies	Middle School Social Studies (0089)	149	---	154		---
Grades 4-8 English/Language Arts	Middle School English/Language Arts (0049)	160	---	154		---
Grades 6-12 Certification Areas						
Agriculture	Agriculture (0700) Effective 7/1/05	510	---	---		161
Biology	Biology & General Science (0030) Biology: Content Knowledge (0235) Effective 7/1/05	580 150	---	---		161
Business	Business Education (0100) Effective 6/1/04	540 570	---	---		161
Chemistry	Chemistry/Physics/General Science (0070) Chemistry: Content Area (0245) Effective 7/1/06	530 151				161
English	English Language, Literature, & Composition: Content Knowledge (0041) Pedagogy (0043)	160 130	---	---		161
Family & Consumer Sciences (formerly Home Economics)	Family & Consumer Sciences (0120)	510	---	---		161
French	French (0170) French: Content Knowledge (0173) Effective 6/1/04	520 156	---	---		161
General Science	Biology & General Science (0030) –OR– Chemistry/Physics/General Science (0070) General Science: Content Knowledge (0435) Effective 7/1/05	580 530 156	---	---		161
German	German (0180) German: Content Knowledge (0181) Effective 7/1/06	500 151	---	---		161
Mathematics	Mathematics (0060) Mathematics: Content Knowledge (0061) Effective 6/1/04 Effective 6/1/07 Effective 6/1/10	550 125 130 135	---	---		161
Physics	Chemistry/Physics/General Science (0070) Physics: Content Knowledge (0265) Effective 7/1/06	530 141				161
Social Studies	Social Studies: Content Knowledge (0081) Interpretation of Materials (0083)	149 152	---	---		161
Spanish	Spanish (0190) Spanish: Content Knowledge (0191) Effective 6/1/04	540 160	---	---		161
Speech	Speech Communications (0220) Effective 7/1/05	575	---	---		161

Certification Area	Name of Praxis Test	Content Exam Score	Pedagogy: Principles of Learning & Teaching			
			PLT K-6 (#0522)	PLT 5-9 (#0523)	or	PLT 7-12 (#0524)
Technology Education (formerly Industrial Arts)	Technology Education (0050) Effective 7/1/05	600	---	---		161
Computer Science Earth Science Environmental Science Journalism Latin Marketing (formerly Distributive Education)	At this time, a content area exam is not required for certification in Louisiana.	---	---	---		161

All-Level Areas

Area	Name of Praxis Test	Content Exam Score	Pedagogy: Principles of Learning & Teaching			
			PLT K-6 (#0522)	PLT 5-9 (#0523)	OR	PLT 7-12 (#0524)
Grades K-12 Art	Art: Content Knowledge (0133) Effective 7/1/05	155	161	154	or	161
Grades K-12 Dance	None Available**	---	161	154	or	161
Grades K-12 Foreign Languages	French (0170) French: Content Knowledge (0173) Effective 6/1/04	520 156	161	154		161
	German (0180)	500				
	Spanish (0190) Spanish: Content Knowledge (0191) Effective 6/1/04	540 160				
Grades K-12 Music	Music Education (0110) Music: Content Knowledge (0113) Effective 6/1/04	530 151	161	154	or	161
Grades K-12 Health and Physical Education	Physical Education (0090) Phys. Education: Content Knowledge (0091) Effective 6/1/04	550 146	161	154	or	161

**At this time, a content area exam is not required for certification in Louisiana.

Special Education Areas

Area	Content Exam	Score	Pedagogy Requirement	Score
Special Education (All Areas)	Prior to 6/1/04, required only for entry into new Mild/Moderate alternate certification programs		Prior to 6/1/04: PLT K-6 (161), PLT 5-9 (154) OR PLT 7-12 (161)	
Early Interventionist	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) Effective 6/1/04 Educ. of Exceptional Students: Core Content Knowledge (0353) & Early Childhood Education (0020) Effective 7/1/05	143 143 510
Hearing Impaired	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) & Educ. of Deaf and Hard of Hearing Students (0271) Effective 6/1/04	143 160
Mild to Moderate Disabilities	Candidate must pass content area exam appropriate to certification level 1-5, 4-8, 6-12 Effective 6/1/04		Educ. of Exceptional Students: Core Content Knowledge (0353) & Educ. of Exceptional Students: Mild Moderate Disabilities (0542) Effective 6/1/04	143 141
Significant Disabilities	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) & Educ. of Exceptional Students: Severe to Profound Disabilities (0544) Effective 6/1/04	143 147
Visual Impairments/Blind	Elementary Education: Content Knowledge (0014) Effective 7/1/05	150	Educ. of Exceptional Students: Core Content Knowledge (0353) Effective 6/1/04	143

Pre-Professional Skills Tests

(Required for all Louisiana candidates to enter teacher preparation programs.)

Pre-Professional Skills Test	Test #	Score	Pre-Professional Skills Test	Test #	Score	
PPST:R – Pre-Professional Skills Test: Reading	0710	172	Computer-Based Tests (prior to 1/16/02):			
PPST:W – Pre-Professional Skills Test: Writing	0720	171		CBT Reading	0711	319
PPST:M – Pre-Professional Skills Test: Mathematics	0730	170		CBT Writing	0721	316
Computerized PPST (1/16/02 and after)—same passing scores as written PPST:			CBT Mathematics	0731	315	
Reading	5710	172				
Writing	5720	171				
Mathematics	5730	170				

Other Areas

Certification Area	Name of Praxis Test	Area Test Score
Principal	Educational Leadership: Administration & Supervision (0410)	620
Administration	School Leaders Licensure Assessment (1010) Effective 7/1/06	168

All Praxis scores used for certification must be sent directly from ETS to the State Department of Education electronically, or the original Praxis score report from ETS must be submitted with candidate's application.

* * *

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed rule affect the stability of the family? No.
2. Will the proposed rule affect the authority and rights or parents regarding the education and supervision of their children? No.
3. Will the proposed rule affect the functioning of the family? No.
4. Will the proposed rule affect family earnings and family budget? No.
5. Will the proposed rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed rule? No.

Interested persons may submit written comments until 4:30 p.m., May 9, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 746 Louisiana Standards for State Certification of School Personnel PRAXIS Exams and Passing Scores for Louisiana Certification

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This policy specifies the exam and passing score(s) for the following certification areas: chemistry, physics, german, and educational leader level 1. The adoption of this policy will cost the department of education approximately \$700 (printing and postage) to disseminate the policy.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This policy will have no effect on revenue collections.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This policy will affect individuals applying for initial certification and add-on in chemistry, physics, and german. The praxis exams may be taken in lieu of coursework to add these areas to existing certificates.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This policy will have no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
0503#023

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Personnel, Accounting, and Reporting Policies
(LAC 28:I.701 and 912)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education approved for advertisement revisions to §701.A.-E. Personnel Policies and §912.A. Accounting and Reporting Procedures (LAC 28:I). The *Louisiana Administrative Code* should contain regulatory policies and procedures germane to the conduct of BESE board business. We are in the process of removing Sections that either contain no regulatory language, the programs they refer to no longer exist, or the language will be transferred to or is already contained in the appropriate regulatory bulletin. The Sections we are removing will not have an effect on the way BESE conducts board business or the regulatory procedures or language used to oversee any programs.

Title 28 EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 7. Personnel Administration

§701. Personnel Policies

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3(D); R.S. 17:4; R.S. 17:4.1; R.S. 17:6(A)(10); R.S. 17:43-49; R.S. 17:1951; R.S. 17:1991-2009.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 16:297 (April 1990), repealed LR 31:

Chapter 9. Bulletins, Regulations and State Plans

Subchapter A. Bulletins and Regulations

§912. Accounting and Reporting Procedures

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7; 17:92.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 20: (October 1994); LR 23:951 (August 1997), repealed LR 31:

Family Impact Statement

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the Rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a Rule in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? No.

Interested persons may submit written comments until 4:30 p.m., May 9, 2005, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Personnel, Accounting, and Reporting Policies

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The *Louisiana Administrative Code* should contain regulatory policies and procedures germane to the conduct of BESE Board business. We are in the process of removing sections that either contain no regulatory language, the programs they refer to no longer exist, or the language will be transferred to or is already contained in the appropriate regulatory bulletin. The sections we are removing will not have an effect on the way BESE conducts Board business or the regulatory procedures or language used to oversee any programs.

This action will have no fiscal effect other than \$136.00 for advertising in the Louisiana Register

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

This action will have no effect on revenue collections of state or local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This action will have no effect on cost and/or economic benefits to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This action will have no effect on competition and employment.

Weegie Peabody
Executive Director
0503#015

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Board of Certified Public Accountants

Uniform CPA Examination Fees
(LAC 46:XIX.319 and 709)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq. and of the Louisiana Accountancy Act, R.S. 37:74(J) and 75(D)(4), the Board of Certified Public Accountants of Louisiana hereby gives notice of intent to amend LAC 46:XIX.319 and 709 to remove and delete references to the CPA examination application fees. The action is necessary because candidates pay all examination fees to the third parties, who prepare and deliver the AICPA Uniform Certified Public Accountant Examination. These fees are not revenue to the board. No preamble has been prepared with respect to the revised rules, which appear below.

Implementation of the proposed Rules will have no known effect upon family stability, functioning, earnings, budgeting; the responsibility and behavior of children; or, upon parental rights and authority, as set forth in R.S. 49:972.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XIX. Certified Public Accountants

Chapter 3. State Board of Certified Public Accountants of Louisiana

§319. Assessment of Application, Annual and Other Fees

A. Certification, firm permit application, renewal, and other fees shall be assessed by the board in amounts not to exceed the following.

Application Fees	
Original or reciprocal certification application	\$100
Reinstatement of certificate application	\$100
Firm permit application	\$100
Annual Fees	

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated and amended LR 6:8 (January 1980), amended LR 9:209 (April 1983), LR 11:758 (August 1985), LR 13:13 (January 1987), LR 15:619 (August 1989), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1070 (November 1991), LR 23:1124 (September 1997), LR 26:1968 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 28:1013 (May 2002), LR 31:

Chapter 7. Qualifications; Applications

§709. Fees

A. Each application for certification or firm permit shall be accompanied by a fee set by the board. Should such application be rejected, the fee less any service charge shall be refunded. Additional information on fees is included in Chapter 3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:71 et seq.

HISTORICAL NOTE: Adopted by the Department of Commerce, Board of Certified Public Accountants, January 1974, promulgated LR 6:8 (January 1980), amended by the Department of Economic Development, Board of Certified Public Accountants, LR 17:1069 (November 1991), LR 26:1972 (September 2000), amended by the Office of the Governor, Board of Certified Public Accountants, LR 28:1013 (May 2002), LR 31:

Interested persons may submit written comments regarding the contents of the proposed Rule by mail or in person to the following address: State Board of Certified Public Accountants of Louisiana, Attn: Executive Director, 601 Poydras Street, Suite 1770, New Orleans, LA 70130.

Any written comments on the proposed Rules must be received by April 20, 2005 at 4:30 p.m.

Michael A. Henderson
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Uniform CPA Examination Fees**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

No costs or savings to state or local governmental units are anticipated as a result of implementation of the proposed Rule changes other than one-time costs for printing, publication, and dissemination. The revised Rules will not cause a change in board staffing requirements. There are no other expected significant expenditures for fees, materials, equipment, or other charges.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No effect on revenue to governmental units is anticipated as a result of implementation of the revised Rules. The American Institute of CPAs (AICPA), the National Association of State Boards of Accountancy (NASBA), and Thomson-Prometric currently develop, process, deliver and grade the examination. All examination fee revenue accrues to these third party examination vendors or providers.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The board intends to remove references to the examination fee in its Rules because all examination fees are paid by candidates to third parties. CPA examination candidates submit applications to the examination providers. The third-party examination providers, the AICPA, NASBA, and Thomson-Prometric each charge a portion of the examination application fee, currently totaling \$600. Their fees may be adjusted in order to recover their respective costs. Testing volume is a significant factor in recovering investment and fixed costs, and test volume has declined. The total fee will increase to \$677 because the charge for computer use at Prometric Test Centers will increase from \$17.00 to \$22.50 per hour, or \$77 for the 14 hour exam, effective July 2005. Increased costs are offset by economic and other benefits including the ability of candidates to make exam appointments at convenient times, increased frequency of exam dates, availability of test centers nationwide, and reduction in testing and grading time. Exam passing rates have increased under computer testing as candidates may now take the four parts of the exam on different dates and prepare for one section at a time. This can reduce the overall cost and time to complete the exam for individual candidates, as there is less need to apply for reexamination. If test taking volume increases in the future, examination fees could decrease.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no significant effect on competition and employment that will directly result from the implementation of the revised Rules.

Michael A. Henderson
Executive Director
0503#057

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Division of Administration Office of Group Benefits

National Guard (LAC 32:I:1501-1511)

In accordance with the applicable provisions of R.S. 49:950, et seq., the Administrative Procedure Act, and pursuant to the authority granted by R.S. 42:801(C) and 802(B)(2) vesting the Office of Group Benefits (OGB) with the responsibility for administration of the programs of benefits authorized and provided pursuant to Chapter 12 of Title 42 of the Louisiana Revised Statutes, and granting the power to adopt and promulgate rules with respect thereto, and pursuant to the provisions of R.S. 42:808, as amended Acts 2004, No. 870, §1, OGB hereby gives notice of its intent to adopt the following Rule providing with respect to participation in OGB sponsored life, health, or other programs by active or retired member of the Louisiana National Guard.

Title 32

EMPLOYEE BENEFITS

Part I. General Provisions

Chapter 15. Participation by Active or Retired Members of the Louisiana National Guard

§1501. Eligibility

A. Any active or retired member of the Louisiana National Guard shall be eligible to participate in OGB sponsored life, health, or other programs provided that:

1. other coverage is not available through the member's employment; and
2. the member is not eligible for Medicare coverage.

B. Eligible dependents of such active or retired members of the Louisiana National Guard shall be eligible for dependent coverage in accordance with the terms, conditions, requirements and limitations applicable to dependents of other eligible employees and retirees as set forth in the rules of OGB.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C), 802(B)(2), and 42:808.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 31:

§1503. Certification

A. Any eligible active or retired member of the Louisiana National Guard who submits an enrollment application to participate in OGB sponsored life, health, or other programs shall provide, contemporaneous with the enrollment application, written certification as follows:

1. from the member's employer, that other coverage is not available through the member's employment; and
2. from the appropriate federal administrative agency that the member is not eligible for Medicare;
3. OGB may require additional written certification at such times as it deems necessary to verify eligibility for participation in its sponsored programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C), 802(B)(2), and 42:808.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 31:

§1505. Payment of Premiums

A. The member must agree to pay the full amount of all premiums due for selected coverage without contribution from the state of Louisiana or any of the governmental or administrative subdivisions, departments, or agencies of the executive, legislative, or judicial branches of the state of Louisiana, or the governing boards and authorities of the state universities, colleges, and public elementary and secondary school systems in the state.

B. Contemporaneous with the enrollment application, the member must complete and submit to OGB all documentation necessary to provide for the payment of premiums via electronic funds transfer (EFT) from a licensed financial institution doing business in the state of Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C), 802(B)(2), and 42:808.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 31:

§1507. Effective Dates of Health Coverage

A. Unless an earlier effective date is mandated by applicable law or regulation, the effective date of health coverage for active or retired members of the Louisiana National Guard and their eligible dependents shall be:

a. the first day of the month following the date of receipt by OGB of the properly completed enrollment application, together with all required documentation, when such application and documentation are received by OGB prior to the fifteenth of the month;

b. the first day of the second month following the date of the receipt by OGB of the properly completed enrollment application and all required documentation when such application and documentation are received by OGB on or after the fifteenth of the month.

B. Coverage for eligible dependents of such active or retired members of the Louisiana National Guard shall become effective in accordance with the terms, conditions, requirements and limitations applicable to dependents of other eligible employees and retirees as set forth in the rules of OGB.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C), 802(B)(2), and 42:808.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 31:

§1509. Health Benefits ~~C~~Pre-existing Condition Limitation

A. Upon initial enrollment, health coverage for all active or retired members of the Louisiana National Guard and their dependents shall be subject to a pre-existing condition limitation as follows.

1. Medical expenses incurred during the first 12 months following the date of enrollment of the member and/or dependent will not be considered as covered medical expenses if they are in connection with a disease, illness, accident, or injury for which medical advice, diagnosis, care, or treatment was recommended or received during the six months immediately prior to the date of enrollment. This limitation does not apply to pregnancy.

2. If the member or dependent previously had other creditable coverage as defined in the Health Insurance Portability and Accountability Act of 1996 and regulations

promulgated pursuant thereto (HIPAA), credit against the 12-month limitation period will be given for the duration of such prior coverage that occurred without a break of 63 days or more. Any coverage occurring prior to a break in coverage 63 days or more will not be credited against the 12-month limitation period.

B. OGB may require applicants to complete a "Statement of Physical Condition" form and an "Acknowledgment of Pre-existing Condition" form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C), 802(B)(2), and 42:808.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 31:

§1511. Term Life Insurance

A. Evidence of Insurability. Any active or retired member of the Louisiana National Guard or dependent(s) of such member for whom application for life insurance is made shall, in addition to all other required documentation, provide evidence of insurability acceptable to the insurer providing the OGB sponsored term life insurance. Such evidence of insurability shall be provided at no cost to OGB and/or the insurer providing the OGB sponsored term life insurance.

B. Effective Date

1. Unless delayed as set forth below, the effective date of life insurance will be the first of the month next following OGB's receipt of approval of the application for coverage from the insurer providing the OGB sponsored term life insurance.

2. Delay of Effective Date. If an active or retired member of the Louisiana National Guard, or dependent(s) of such member, is/are confined for medical care or treatment at home or elsewhere on the date that life insurance coverage would otherwise be effective, coverage for such individual(s) will take effect upon final medical release from such confinement.

C. Amount of Life Insurance

1. Option 1 **C**Basic Life Insurance:

a. active or retired member of the Louisiana National Guard **C**\$5,000;

b. dependent(s) of active or retired member of the Louisiana National Guard:

i. spouse **C**\$2,000 and \$1,000 per eligible child;

or

ii. spouse **C**\$1,000 and \$500 per eligible child.

2. Option 2 **C**Basic Life Insurance plus Supplemental Life Insurance:

a. active or retired member of the Louisiana National Guard **C**\$20,000;

b. dependent(s) of active or retired member of the Louisiana National Guard:

i. spouse **C**\$4,000 and \$2,000 per eligible child;

or

ii. spouse **C**\$2,000 and \$1,000 per eligible child.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C), 802(B)(2), and 42:808.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 31:

§1513. Termination of Coverage

A. All benefits will terminate on the earliest of the following dates:

1. on the last day of the month in which the active or retired member of the Louisiana National Guard ceases to be eligible to participate in OGB sponsored life, health, or other programs, as provided herein;

2. on the due date of any unpaid premium/contribution required for continuation of coverage; or

3. on the date that coverage would otherwise terminate for any other employee or retiree, or dependent(s) of such employee or retiree, participating in OGB sponsored health, life, or other programs in accordance with OGB rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C), 802(B)(2), and 42:808.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 31:

§1515. Other Issues

A. Other issues pertaining to eligibility for or participation in OGB sponsored life, health, or other programs by any active or retired member of the Louisiana National Guard not specifically addressed herein shall be resolved in accordance with OGB rules pertaining to other eligible employees and retirees. Nothing herein shall be construed to confer upon any active or retired member of the Louisiana National Guard greater rights relative to eligibility for or participation in OGB sponsored life, health, or other programs than those applicable to other eligible employees and retirees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:801(C), 802(B)(2), and 42:808.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Office of Group Benefits, LR 31:

Family Impact Statement

The proposed Rule will permit active or retired members of the Louisiana National Guard who are not eligible for employer sponsored coverage or Medicare to participate in OGB sponsored life, health, or other programs upon agreement to pay the full amount of all premiums due for selected coverage. The proposed Rule has no other known impact on family formation, stability, or autonomy.

Interested persons may present their views, in writing, to A. Kip Wall, Chief Executive Officer, Office of Group Benefits, Box 44036, Baton Rouge, LA 70804, until 4:30 p.m. on April 23, 2005.

A. Kip Wall
Chief Executive Officer

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: National Guard

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is estimated by OGB's consulting actuary, Milliman, USA, that this change mandated by Act 870 of the 2004 Louisiana Legislature would cost the Office of Group Benefits approximately \$0 to \$1,252,183 in FY 04/05, \$0 to \$3,456,026 in FY 05/06, and \$0 to \$3,974,430 in FY 06/07. This change in eligibility provides coverage for any Active or Retired Louisiana National Guard member who certifies that other coverage is not available through the member's employment or the member is not eligible for Medicare. It is anticipated \$3,000

in expenses will be incurred with the publishing of this Rule in FY 04/05.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections of State or Local Governmental units should not be affected as the entire premium (100 percent) for these Louisiana National Guard Members would be paid by such member.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This Rule will allow any active member (approximately 11,700) or retired member (approximately 4,000) of the Louisiana National Guard to obtain health insurance through the Office of Group Benefits if the member certifies that other coverage is not available through the member's employment or the member is not eligible for Medicare. This is a result of Act 870 of the 2004 Louisiana Legislature which became effective July 1, 2004. As of February 1, 2005 there were no enrollees in the program as a result of this legislation.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment will not be affected.

A. Kip Wall
Chief Executive Officer
0503#052

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Office of Elderly Affairs**

Family Caregiver Support Program
(LAC 4:VII.1101, 1105, 1237, 1245, and 1275)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Governor's Office of Elderly Affairs (GOEA) intends to repeal LAC 4:VII.1105, 1237, and 1275. These Sections have been repealed to agree with changes in legislation or are requirements in either state or federal regulations

This notice also amends §1101, Office of Elderly Affairs, to repeal selected text, and §1245, Family Caregiver Support Program, to clarify service definitions and support services. The significant change is in the minimum number of hours of respite care. This change is a result as a recommendation from the Governor's Office of Elderly Affairs Task Force.

Title 4

ADMINISTRATION

Part VII. Governor's Office

Chapter 11. Elderly Affairs

Subchapter A. State Agency on Aging

§1101. Office of Elderly Affairs

A. - A.2.j. ...

3. GOEA serves as the focal point for the development and administration of public policy regarding Louisiana's elderly citizens. GOEA is the sole state agency designated by the governor and the legislature to develop and administer the state plan on aging. GOEA also administers several statewide programs including the Adult Protective Services Program for the Elderly and the Long Term Care Ombudsman Program.

B. - B.1.j. ...

k. Repealed.

l. Repealed.

m. - q. ...

2. - 2.f. Repealed.

C. - D.8.b.xvii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:931 to R.S. 46:935, R.S. 14:403.2, OAA Sections 203, 305, 307 and 731, and 45 CFR 1321.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:2199 (November 1999), LR 1016 (May 2002), LR 31:

§1105. State Plan on Aging

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:931, R.S. 49:432, OAA Section 203(b), OAA Section 307, OAA Section 731, and 45 CFR 1321.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984), amended LR 11:1078 (November 1985), LR 25:2205 (November 1999), LR 28:1016 (May 2002), repealed LR 31:

Subchapter E. Uniform Service Requirements

§1237. Long-Term Care Assistance Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2802(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 18:1257 (November 1992), amended LR 19:627 (May 1993), LR 24:1765 (September 1998), LR 25:871 (May 1999), repealed LR 31:

§1245. Family Caregiver Support Program

A. ...

B. Definitions

* * *

Chore Care Various maintenance activities inside and around the outside of the home such as lawn cutting, yard clean-ups, replacing fuses, light bulbs, electric plugs, frayed cords, door locks, installing screens and storm windows, weather stripping around doors, replacing broken windowpanes, or replacing light bulbs.

* * *

Home Repair/Modification Care minor modification of homes necessary to facilitate the ability of older individuals to remain at home, and not available to the client from other programs. Not more than \$150 per client may be expended under this part for such modification. Services include installing grab bars in the bathroom or building a ramp.

In-Home Respite Care temporary care provided in the home of the qualifying individual in order to provide a brief period of relief or rest for the caregiver.

Individual Care Support Care enables caregivers to choose a family member to provide temporary personal support, care, and companionship in the home of the qualifying individual on a temporary basis.

* * *

Mobile Day Care Care provided in communities where the staff and supplies move from a central location to sites throughout the area depending on available sites. Priority areas should target low-income rural elders.

* * *

Outreach One-on-one contacts initiated by the area agency on aging or contracted agency for the purpose of identifying potential clients or their caregivers and encouraging use of existing services and benefits.

C. Support Services

1. Funds allocated under this program for services provided by an area agency on aging, or entity that such agency has contracted with, shall be expended in five basic categories listed below. All appropriate state licensing requirements must be met.

a. **Information** About available services. Examples include, but are not limited to public information, community education, information and referral, and outreach services.

b. **Assistance** Gaining access to the services. Examples include, but are not limited to information and assistance, case management, transportation, and assisted transportation.

c. **Counseling/Support Programs/Groups and Caregiver Training** To caregivers to assist in making decisions and solving problems relating to their care giving roles. Examples include, but are not limited to individual counseling, support groups, or caregiver training.

d. **Respite Care** To enable caregivers to be temporarily relieved from their care-giving responsibilities. Examples include, but are not limited to adult day care/adult day health, mobile day care, group respite, in-home respite, and institutional respite. Temporary means not more than 96 hours per calendar year per qualifying individual. The area agency on aging may request an exception to this rule, in writing, at the beginning of each fiscal year based upon need.

e. **Supplemental Services** On a limited basis, to complement the care provided by caregivers. Examples include, but are not limited to chore, homemaker, home repair/modification, personal care service, sitter service, material aid, or any other services approved by GOEA.

2. - 3. ...

4. The area agency on aging may use not more than 20 percent of the funds allocated under this program to provide supplemental services. An area agency on aging may request from GOEA, at the beginning of each fiscal year, to allocate up to an additional 10 percent of the funds under this program. The request must demonstrate need. An area agency on aging, or entity that such agency has contracted with, may use other funds to provide additional supplemental services.

5. ...

6. Caregivers, served by the NFCSP, may contract with other family members, not identified as clients in the NFCSP, to provide services such as individual care support, as outlined in procedures developed by the GOEA.

7. Area agencies on aging may provide vouchers to caregivers to obtain services and support to care for their loved ones as outlined in procedures developed by the GOEA. Families choose which services will meet their needs and receive vouchers to pay for those services and support. Caregivers may be able to select from an array of services and supplies, such as respite, day care, personal support aides, pharmacy supplies, adult diapers, chore

services, home repair/modifications, individual care support, prescription medications, and transportation.

D. - E. ...

F. **Coordination with Service Providers.** Each area agency on aging shall coordinate the activities of the agency, or entity that such agency has contracted with, or with the Senior Companion Program located in the planning and service area, with activities of other community agencies and voluntary organizations providing the types of services described in §1245.C.

G. - G.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:931 to R.S. 46:935, Sections 371, 372, 373, and 374 of the Older Americans Act of 1965, as Amended in 2000, (P. L. 106-501); and 42 U.S.C. 6001.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 27:1518 (September 2001), amended LR 31:

Subchapter F. Hearing Procedures

§1275. Hearing Procedures for Persons Filing Appeals in the Long Term Care Assistance Program

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2802(D).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 18:1257 (November 1992), amended LR 26:81 (January 2000), repealed LR 31:

Family Impact Statement

1. The Effect of This Rule on the Stability of the Family. This Rule does not affect the stability of the family.

2. The Effect of This Rule on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. This Rule does not deal with the education or supervision of children and will not make an impact on the family.

3. The Effect of This Rule on the Functioning of the Family. This Rule may affect caregivers receiving respite care by providing temporary relief in caring for aging family members.

4. The Effect of This Rule on Family Earnings and Family Budget. This Rule will have no impact on family earnings.

5. The Effect of This Rule on the Behavior and Personal Responsibility of Children. This Rule does not deal with children and will not have any impact.

6. The Effect of This Rule on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rule. N/A

A public hearing on the proposed Rule will be held at 9 a.m. on May 26, 2005, at the Governor's Office of Elderly Affairs, First Floor Conference Room, 412 North Fourth Street, Baton Rouge, LA. Interested persons may submit written comments until 4:30 p.m., May 26, to Margaret McGarity, Compliance and Planning, 412 N. Fourth Street, Third Floor, Baton Rouge, LA 70802, or by facsimile (225) 342-7100.

Godfrey White
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Family Caregiver Support Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This proposed rule outlines the requirements of the Family Caregiver Support Program and repeals programs in the Office of Elderly Affairs Policy Manual that have been eliminated by Legislative action or as required by State or Federal regulations. No costs or savings other than the minimal cost of printing the plan and publishing the rulemaking is anticipated.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will not affect revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is not estimated cost or savings to the state or local governmental units affected with this rule change. There will be no additional costs to the Governor's Office of Elderly Affairs contractors and subcontractors, including area agencies on aging, parish councils on aging and other service providers, or the elderly residents of the state. This proposed rule will not make any changes in the economic benefits to the elderly.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule is not anticipated to have any effect on competition or employment in the public or private sectors.

Godfrey White
Executive Director
0503#021

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Louisiana Real Estate Appraisers Board**

Real Estate Appraisers
(LAC 46:LXVII.Chapters 101-105)

Under the authority of the Louisiana Real Estate Appraisers Law, R.S. 37:3391 et seq., and in accordance with the provisions of the Louisiana Administrative Procedure Act, R.S. 49:950, et seq., notice is hereby given that the Louisiana Real Estate Appraisers Board has initiated procedures to amend LAC 46:LXVII.Real Estate.Subpart 2.Appraisers, so as to coincide with the amended provisions of the Louisiana Real Estate Appraisers Law (R.S. 37:3391 et seq.).

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

**Part LXVII. Real Estate
Subpart 2. Appraisers**

Chapter 101. Authority

§10101. Adoption

A. The rules and regulations of the Louisiana Real Estate Appraisers Board contained herein have been adopted pursuant to and in compliance with R.S. 37:3391 et seq. and any violation of these rules or regulations shall be sufficient cause for any disciplinary action permitted by law.

B. The terms *license* and *certificate* as used throughout the Louisiana Real Estate Appraisers Law and Appraiser Board Rules and Regulations are synonymous.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1425 (August 1999), amended LR 31:

Chapter 103. License Requirements

§10301. Applications

A. Applications for examination must be submitted on forms prescribed by the board and must be notarized and accompanied by the prescribed fees specified in R.S. 37:3407.

B. An examination authorization will be issued by the board on receipt of a properly completed application.

C. When an applicant has made a false statement of material fact on an initial or renewal application for a license, or in any document submitted in connection with the application process, such false statement may in itself be grounds for refusal of a license.

D. The responsibility for timely submission of the renewal application and payment of the required fees rests solely with the applicant.

E. A nonresident real property appraiser licensed in another state, commonwealth, or territory shall register with the board to qualify to appraise real property in this state, provided that:

1. the licensing program in the state, commonwealth, or territory under which the appraiser holds a license has not been disapproved by the Appraisal Subcommittee;

2. the appraiser's business in this state is of a temporary nature; and

3. the appraiser submits a completed application form prescribed by the board, including an irrevocable consent to service of process in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1425 (August 1999), amended LR 31:

§10303. Examination

A. Applicants for a certified residential or certified general real property appraiser license must pass the appropriate examination issued or endorsed by the Appraiser Qualifications Board (AQB).

B. Any applicant who fails to pass the initial examination may reapply to take a subsequent examination, provided a new examination processing fee is submitted within 90 days of the last test date and a new examination authorization is obtained. After 90 days the applicant's file shall be closed and remittance of all prescribed fees and a new application shall be required. The board, at its discretion, may extend the 90 day retake period upon showing that factors beyond the control of the applicant warrants such an extension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1425 (August 1999), amended LR 31:

§10305. Fees

A. Except as otherwise provided in the rules and regulations of the board, all fees submitted to the board are nonrefundable.

B. The application fee for a license shall cover a period of two calendar years and shall not be prorated.

C. The initial education provider fee shall cover a period of one calendar year and shall not be prorated.

D. Payment of any fee with a check that is returned by a financial institution, wherein the reason for not paying the check is not the fault of the financial institution, shall be grounds for the cancellation of the transaction for which the fee was submitted and/or the suspension or revocation of a license or certificate.

E. Persons issuing checks that are returned by financial institutions will be notified of the return of the check by certified mail to the address registered with the board. Within 10 days from the mailing of the notification, the person issuing the check shall remit a certified check, cashier's check or money order payable to the Louisiana Real Estate Appraisers Board in the amount of the returned check plus a \$25 processing fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1425 (August 1999), amended LR 31:

§10307. Education Requirements

A. The board shall prescribe and define the subjects related to real property appraisal that will satisfy the requirements for qualifying and continuing education.

B. The board shall consider for credit, on an individual basis, course work completed by applicants through non-approved providers. The applicant shall apply for approval by submitting documentation of attendance, hours completed, date of attendance, course outline or content information and, if applicable, verification of successful completion of an examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1425 (August 1999), amended LR 31:

§10308. Appraiser Trainees

A. An appraiser trainee shall not remain licensed in this category in excess of six years. If a trainee is unable to satisfy the qualifications for licensure as a certified residential or certified general real property appraiser at the end of the six-year period, the trainee must reapply as an appraiser trainee to continue performing real property appraisals.

B. An appraiser trainee shall not sign and issue an appraisal report that does not also include the supervising appraiser's signature.

C. The scope of work for the appraiser trainee shall be limited to the appraisal of those properties that the supervising appraiser is licensed to appraise.

D. A trainee shall not perform any appraisals under the supervision of a licensed appraiser who is not in good standing with the board.

E. Effective January 1, 2006, all appraiser trainees shall complete the hours needed to satisfy the qualifying education requirement for a certified residential or certified

general license prior to taking any other seminars or classes for continuing education credit

F. Any individual licensed with the board as a certified residential or certified general real property appraiser may engage a licensed appraiser trainee to assist in the performance of real estate appraisals, provided the certified appraiser meets the following criteria:

1. has been licensed and in good standing with the board for at least two full years;

2. has no more than three trainees working under his/her supervision at any one time, either as employees or subcontractors;

3. agrees to actively and personally supervise the licensed appraiser trainee's work product, as specified below, subject to the guidelines and requirements of the Uniform Standards of Professional Appraisal Practice, and be responsible for the trainee's conduct.

a. Active and personal supervision implies that the supervisor will not sign or endorse an appraisal report that was not substantially produced by the appraiser trainee. The term *substantial* means that the trainee contributed materially and in a verifiable manner to the research and/or analysis that led to the final opinion of value expressed in the appraisal.

4. The supervising appraiser shall accompany the licensed appraiser trainee on inspections of the subject property for a minimum of the first 50 appraisals performed by the trainee. The trainee may then perform property inspections without the presence of the supervising appraiser provided that the supervising appraiser feels the appraiser trainee is competent to do so.

5. The supervising appraiser shall make available to the trainee a copy of every appraisal report wherein the trainee has provided substantial professional assistance in the preparation of the report as defined above.

6. The supervising appraiser shall sign every appraisal report prepared by the trainee who acts under the supervising appraiser's active and personal supervision.

7. The supervising appraiser shall immediately notify the board in writing of any termination of supervision of a licensed appraiser trainee.

8. The supervising appraiser shall keep copies of appraisal reports prepared by the trainee for a period of five years, or two years after the final disposition of any judicial proceeding in which testimony is given, whichever period expires last.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 31:

§10309. Application for Experience Credit

A. Applicants for a certified residential or certified general real property appraiser license shall satisfy the education and testing requirements prior to submission of the application for experience credit.

B. Applicants for a certified residential or certified general real property appraiser license shall list their appraisal experience on the application provided by the board. Computer generated forms will be accepted, provided that all necessary data is submitted in a format similar to that published by the board.

C. In accordance with R.S. 1950, Title 37, Chapter 51, Louisiana Real Estate Appraisers Law, the board shall have the authority to request and review copies of any appraisal reports listed in the application for experience credit.

D. Only those real property appraisals consistent with the Uniform Standards of Professional Appraisal Practice will be accepted by the board for experience credit.

E. The board may require an applicant to successfully complete additional educational training consisting of not less than 15 or more than 30 instructional hours of course work approved by the board. Such hours shall not later be used to satisfy the continuing education requirement.

F. Appraisals performed for an owner or instructor of a school approved by the board to offer qualifying education course work shall not be accepted for experience credit if performed by the applicant within one year from the date he or she completed the course work.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1426 (August 1999), amended LR 31:

§10311. Residential Experience Requirements

A. A minimum of 250 credit points (2,500 hours), performed over a period of at least 24 months, is required for licensure as a certified residential real property appraiser. The maximum allowable credit that can be applied toward the experience requirement in a 12-month period is 125 points; however, there is no minimum point requirement. For example:

- 2004 140 points = 1.00 experience year
- 2003 120 points = 0.96 experience year
- 2002 100 points = 0.80 experience year
- 360 points = 2.76 experience years

1. When an appraisal report is signed by more than one person, credit for said assignment must be divided equally among all signatories. For the purpose of granting credit, a person signing in the capacity of a review or supervisory appraiser is not considered as a co-signer on the report, provided that his or her role as such is clearly indicated in the report.

2. If the applicant was unable to sign the report but is mentioned in the certification as having provided significant professional assistance, a proportional amount of credit based on the number of contributors to the report can be requested. Credit will not be granted if professional assistance was not disclosed.

B. Only appraisals of single-family, one to four unit residential property, vacant sites suitable for single-family, or farm/timber acreage which included the valuation of a single-family dwelling shall be considered for residential experience.

C. At least 125 experience credit points must come from complete appraisals reported in self contained or summary reports.

D. Residential experience credit points shall be awarded as follows.

1. one unit dwelling (house, townhouse, condominium)	1 point
2. two to four unit dwelling (apartment, duplex, condominium)	2 points
3. residential lot (1 2- 4 family) (not to exceed five points per subdivision)	½ point
4. residential subdivision sites (not to exceed five points per subdivision)	½ point
5. farm or timber acreage suitable for a house site-less than 10 acres	1 point
farm or timber acreage suitable for a house site-10 to 100 acres	2 points
farm or timber acreage suitable for a house site-over 100 acres	3 points
6. rural residence-one unit primary dwelling-10 acres or less	1 point
7. ranchette-part time rural use-10 to 25 acres-with main dwelling and outbuildings, such as additional residence, barns, and/or other outbuildings	3 points
8. all other unusual structures or acreage-larger or more complex than typical properties described herein - points to be determined by Board upon submission	½ - 5 points
9. review of appraisals shall be worth 20% of the points awarded for the appraisal (not to exceed 20 points per year)	

E. Applications for experience credit must be notarized and accompanied by the prescribed fees specified in R.S. 37:3407.

F. Verification of experience may include any or all of the following:

1. client verification of appraisal reports for which the applicant has requested experience credit;
2. submission of selected reports to the board upon request to determine compliance with Uniform Standards of Professional Appraisal Practice (USPAP);
3. field inspection of all reports identified by the applicant at the applicant's office during normal business hours;
4. requiring the applicant to personally appear before the board, or provide additional information deemed necessary by the board to make an informed decision on the application for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1426 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board of Certification, LR 29:126 (February 2003), amended LR 31:

§10313. General Experience Requirements

A. A minimum of 300 credit points (3,000 hours), performed over a period of at least 36 months, is required for as a certified general real property appraiser. The maximum allowable credit that can be applied toward the experience requirement in a 12-month period is 100 points; however, there is no minimum point requirement. For example:

- 2004 103 points = 1.00 experience year
- 2003 145 points = 1.00 experience year
- 2002 53 points = 0.53 experience year
- 2001 60 points = 0.60 experience year
- 361 points = 3.13 experience years

1. When an appraisal report is signed by more than one person, credit for said assignment must be divided

equally among all signatories. For the purpose of granting credit, a person signing in the capacity of a review or supervisory appraiser is not considered as a co-signer on the report, provided that his or her role as such is clearly indicated in the report.

2. If the applicant for experience credit was unable to sign the report but is mentioned in the certification as having provided significant professional assistance, a proportional amount of credit based on the number of contributors to the report can be requested. Credit will not be granted if professional assistance was not disclosed.

B. A maximum of 100 residential experience credit points may be applied toward the total points required for a certified general real property appraiser license.

C. At least 150 experience credit points must come from complete appraisals reported in self contained or summary appraisal reports. These reports must include a direct sales approach, cost data approach, and income data approach.

D. General experience credit points shall be awarded as follows.

1. apartments (5 - 20 units) apartments (21 - 100 units) apartments (over 100 units)	4 points 8 points 10 points
2. hotels/motels (50 or fewer units) hotels/motels (51-150 units) hotels/motels (over 150 units)	6 points 8 points 10 points
3. meeting/conference/auditorium (20,000 square feet or less) meeting/conference/auditorium (over 20,000 square feet)	4 points 6 points
4. industrial/warehouse buildings (20,000 square feet or less) industrial/warehouse buildings (over 20,000 square feet) industrial warehouse buildings (multiple tenant over 100,000 square feet)	4 points 8 points 10 points
5. office buildings (10,000 square feet) office buildings (over 10,000 square feet) office buildings (multiple tenant over 100,000 square feet)	4 points 8 points 10 points
6. condominiums (must include income approach) (5 - 30 units) condominiums (must include income approach) (over 30 units)	6 points 10 points
7. retail buildings (10,000 square feet or less) retail buildings (single or multiple tenant over 10,000 square feet) retail buildings (single or multiple tenant over 50,000 square feet)	6 points 8 points 10 points
8. non-residential acreage for commercial or multi-family use (100 acres or less) over 100 acres (direct sales analysis only) over 100 acres (including income approach)	3 points 6 points 8 points
9. timber/farm acreage for commercial or multi-family use (100 - 200 acres) over 200 acres (direct sales analysis only) over 200 acres (including income approach to value)	3 points 6 points 8 points
10. all other unusual structures that are much larger or more complex than the typical properties described in items (1) - (9)	Submit to Board
11. pasture or grazing enterprises (25 - 50 acres) pasture or grazing enterprises (51 - 100 acres) pasture or grazing enterprises (101 - 500 acres) pasture or grazing enterprises (501 - 2,000 acres) pasture or grazing enterprises (over 2,000 acres)	1 point 2 points 3 points 6 points 8 points
12. row crop enterprises (25 - 50 acres) row crop enterprises (51 - 100 acres) row crop enterprises (101 - 500 acres) row crop enterprises (501 - 2,000 acres) row crop enterprises (over 2,000 acres)	2 points 3 points 4 points 6 points 10 points

13. orchard/vineyard, plant nursery enterprises (50 acres or less) orchard/vineyard, plant nursery enterprises (51 - 100 acres) orchard/vineyard, plant nursery enterprises (101 - 500 acres) orchard/vineyard, plant nursery enterprises (over 500 acres)	2 points 4 points 8 points 10 points
14. aquaculture enterprises (50 acres or less) aquaculture enterprises (51 - 100 acres) aquaculture enterprises (101 - 500) aquaculture enterprises (over 500 acres)	2 points 4 points 8 points 10 points
15. truck farm enterprises (50 acres or less) truck farm enterprises (51 - 100 acres) truck farm enterprises (101 - 500 acres) truck farm enterprises (over 500 acres)	2 points 4 points 6 points 8 points
16. dairy enterprises (50 or less cow milking herd) dairy enterprises (51 - 100 cow milking herd) dairy enterprises (over 100 cow milking herd)	4 points 6 points 8 points
17. diversified agricultural operations of over 500 acres involving two or more of the above enterprises, assuming multiple disciplines are exhibited in the report	10 points
18. timberland appraisals (40 - 100 acres) timberland appraisals (100 - 500 acres) timberland appraisals (500 - 2,000 acres) timberland appraisals (2,000 - 10,000 acres) timberland appraisals (over 10,000 acres) (submit to Board for determination)	2 points 3 points 5 points 7 points
19. specialized agricultural properties (submit to Board for determination)	
20. No more than 40% of the cumulative points may be earned from any one category (1-19). Applicants may request a waiver of this requirement based on unique depth of experience in a single area.	
21. Review of appraisals shall be worth 20% of the points awarded for the appraisal (Cannot exceed 20 points per year).	

E. Verification of experience may include any or all of the following:

1. client verification of appraisal reports for which the applicant has requested experience credit;
2. submission of selected reports to the board upon request to determine compliance with Uniform Standards of Professional Appraisal Practice (USPAP);
3. field inspection of all reports identified by the applicant at the applicant's office during normal business hours;
4. requiring the applicant to personally appear before the board, or provide additional information deemed necessary by the board to make an informed decision on the application for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1427 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board of Certification, LR 29:126 (February 2003), amended LR 31:

§10315. Appraisal Review Requirements

A. In reviewing an appraisal, the appraiser must observe the following guidelines:

1. identify the report being reviewed, the real estate and real property interest being appraised, the effective date of the opinion in the report being reviewed, and the date of the review;
2. identify the scope of the review process to be conducted;
3. form an opinion as to the adequacy and relevance of the data and the propriety of any adjustments to the data;

4. form an opinion as to the appropriateness of the appraisal methods and techniques used to develop the reasons for any disagreements;

5. form an opinion as to the correctness and appropriateness of the analyses, opinions, and/or conclusions in the report being reviewed, and develop the reasons for any disagreements;

6. state in the letter of transmittal whether or not exterior or interior building inspections were made and, if so, when and by whom;

7. the review must be in writing.

B. In reporting the results of an appraisal review, the appraiser must:

1. disclose the nature, extent, and detail of the review process undertaken;

2. disclose the information that must be considered in §10315.A.1 and 2;

3. set forth the opinions, reasons, and conclusions required in §10315.3, 4, and 5;

4. include a signed certification.

C. No more than 20 experience credit points in a 12-month period shall be awarded for review of appraisals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1428 (August 1999), amended LR 31:

Chapter 104. Education providers/course approval

§10401. Approval of Education Providers

A. Upon approval by the board, education providers shall be approved for a period of one year, expiring annually on December 31.

B. The occurrence of any of the following events shall constitute grounds for refusal to grant approval as an education provider:

1. the applicant has been convicted of a forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or theft, or has been convicted of a felony or a crime involving moral turpitude in any court of competent jurisdiction;

2. the applicant has made a false statement of material fact on the application;

3. the applicant refuses to agree to monitoring of courses by the board or its duly authorized representatives.

C. Certificates issued to education providers will be issued in the legal name of the applicant.

D. Education providers shall:

1. submit monthly schedules and attendance reports to the board as required;

2. ensure that course offerings satisfy all requirements mandated by the board;

3. maintain the attendance records of each student for a period of five years following the date the student completed a course offered by the provider;

4. provide each student with a written cost and refund policy regarding the course offering;

5. ensure that all advertisements published or distributed include the name of the provider as registered with the board;

6. report any change in business address or telephone number to the board in writing within 10 days of the date of the change.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1429 (August 1999), amended LR 31:

§10403. Approval of Qualifying/Continuing Education Courses

A. Education providers must apply directly to the board for qualifying and continuing education course approval. Application forms will be provided by the board. Information to be submitted for each course offering shall include:

1. course content;
2. program structuring;
3. course completion standards;
4. instructor qualifications;
5. minimum number of classroom hours;
6. textbook and course materials;
7. any additional information as requested by the board.

B. Any request for additional course approval from an approved education provider must be approved by the board at least 30 days prior to the course presentation.

C. All approved courses will be valid through December 31 following the initial approval date. The board may extend such approval for the next renewal period if course materials remain current or are updated as changes in the law or rules require.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1429 (August 1999), LR 31:

§10405. Course Requirements

A. The board may require approved providers to follow model curriculum guidelines to assure comprehensive coverage of appraisal topics which meet the educational requirements for trainee, certified residential, and certified general real property appraiser licenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1429 (August 1999), LR 31:

§10407. Qualifying Education

A. A class hour is defined as 60 minutes, of which at least 50 minutes are instruction attended by the student. The prescribed number of class hours includes time for examinations.

B. Courses taken to satisfy the qualifying education requirement will only be granted where the minimum length of the course is at least 15 instructional hours and successful completion of a final examination pertinent to that educational offering is required.

C. Experience may not be substituted for education.

D. Distance education is defined as any education process based on the geographical separation of student and instructor. A distance education course is acceptable to meet class hour requirements if:

1. the course provides a reciprocal environment where the student has an appropriate level of verbal or written communication with the instructor and/or other students; and
2. one of the following requirements is met:

a. the course must be presented by an accredited college, community or junior college (Commission on Colleges, regional or national accreditation association), or university that offers distance education programs; or

b. the course must have received approval from the International Distance Education Certification Center (IDECC) for the course design and delivery method, and either:

i. the approval of the Appraiser Qualifications Board through the AQB Course Approval Program; or

ii. the approval of content, delivery and examinations by the licensing jurisdiction.

E. Courses taken to satisfy the qualifying education requirement must not be repetitive. USPAP courses taken in different years are not considered repetitive. Courses shall foster problem-solving skills in the education process by utilizing case studies as a major teaching method when applicable.

F. Applicants must take the *15-Hour National USPAP Course*, or its equivalent, and pass the associated *15-Hour National USPAP Course Examination*. The course instructor must be an AQB Certified USPAP Instructor who is also a state certified real property appraiser. Course equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB. USPAP education presented in a distance education format must be designed to foster appropriate student-to-student, student to instructor, and student to material interaction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1429 (August 1999), LR 31:

§10409. Continuing Education

A. The purpose of continuing education is to ensure that appraisers participate in a program that maintains and increases their skill, knowledge, and competency in real property appraising.

B. Credit towards the continuing education hour requirements for each appraiser classification may be granted only where the length of the educational offering is at least 2 hours.

C. Credit may be granted for education offerings that are consistent with the purpose of continuing education and cover those real estate appraisal topics, including, but not limited to:

1. ad valorem taxation;
2. arbitration, dispute resolution;
3. courses related to the practice of real estate appraisal or consulting;
4. development cost estimating;
5. ethics and standards of professional practice, USPAP;
6. land use planning, zoning;
7. management, leasing, brokerage, and timesharing;
8. property development, partial interests;
9. real estate appraisal;
10. real estate financing and investment;
11. real estate law, easements, and legal interests;
12. real estate litigation, damages, condemnation;
13. real estate appraisal related computer applications;
14. real estate appraisal securities and syndication;
15. real property appraisal specialization;

16. Louisiana Real Estate Appraisers Law and rules and regulations of the Louisiana Real Estate Appraisers Board.

D. Up to one half of an individual's continuing education requirement may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities that are determined to be equivalent to obtaining continuing education. Credit for instructing any given course or seminar can only be awarded once during a continuing education cycle.

E. Educational offerings taken by an individual in order to fulfill the class hour requirement for a different classification than his/her current classification may be simultaneously counted towards the continuing education requirement for his/her current classification.

F. In addition to the requirements described in §10407.D., distance education courses intended for use as continuing education must include at least one of the following:

1. a written examination proctored by an official approved by the college or university, or by the sponsoring organization; or

2. the student successfully completes prescribed course mechanisms required to demonstrate knowledge of the subject matter.

G. Real estate appraisal related field trips may be acceptable for credit toward the continuing education requirements; however, transit time to or from the field trip should not be included when awarding credit unless instruction occurs during said transit time.

H. Appraisers must successfully complete the *7-Hour National USPAP Update Course*, or its equivalent every two calendar years. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB.

I. The equivalent of 15 class hours of instruction in courses or seminars for each year during the period preceding the renewal is required. For example, a two-year continuing education cycle would require 30 hours. The class hour requirement may be fulfilled at any time during the cycle.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1430 (August 1999), amended LR 31:

§10411. Instructor Qualifications

A. Instructors for qualifying education courses must satisfy at least one of the following qualification requirements:

1. a baccalaureate degree in any field and three years of experience directly related to the subject matter to be taught;

2. a masters degree in any field and one year of experience directly related to the subject matter to be taught;

3. a masters or higher degree in a field that is directly related to the subject matter to be taught;

4. five years of real estate appraisal teaching experience directly related to the subject matter to be taught; or

5. seven years of real estate appraisal experience directly related to the subject matter to be taught.

B. Instructors for continuing education courses must satisfy at least one of the following qualification requirements:

1. three years of experience directly related to the subject matter to be taught;
2. a baccalaureate or higher degree in a field directly related to the subject matter to be taught;
3. three years of experience teaching the subject matter to be taught; or
4. a combination of education and experience equivalent to any of the above.

C. Instructors of the 15-Hour National USPAP Course and 7-Hour National USPAP Update Course must be certified by the Appraiser Qualifications Board (AQB).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1430 (August 1999), amended LR 31:

§10415. Americans with Disabilities Act (ADA)

Compliance

A. For purposes of meeting the requirements of the Americans With Disabilities Act (ADA), the board may permit an alternative method of course delivery other than the regular method of presentation. Verification of the disability of the individual requiring completion of the course work through an alternative delivery method may be required by the board prior to granting such a request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1430 (August 1999), amended LR 31:

Chapter 105. Investigations and Adjudicatory

Proceedings

§10501. Investigations

A. The board may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of a licensee or certificate holder, or any person who assumes to act as such. Written complaints shall bear the signature of the complainant or that of his legal representative before any action will be taken thereon by the board.

B. Upon documented probable cause, the executive director of the board may issue written authorization to investigate apparent violations of the Louisiana Real Estate Appraisers Law and/or the rules and regulations of the board.

C. Investigations shall be conducted by the staff of the Louisiana Real Estate Appraisers Board and/or the Louisiana Real Estate Commission.

D. If, during the course of an investigation, documented probable cause is established indicating that violations of the Louisiana Real Estate Appraisers Law and/or the rules and regulations of the board have been committed by any licensee or certificate holder other than the licensee or certificate holder against whom the original complaint was made, the additional licensee or certificate holder(s) may be added as respondent(s) to the investigation in the absence of any written complaint alleging such violations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1431 (August 1999), amended LR 31:

§10503. Technical assistance

A. In any investigation conducted by the staff of the Commission, the chairman The executive director of the board may be requested to assign may request a member of the board to provide technical assistance to the investigator conducting the from a member of the board in any investigation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1431 (August 1999), amended LR 31:

§10505. Cooperation

A. Every licensee or certificate holder shall cooperate fully with and answer all questions propounded by the staff member(s) conducting an investigation.

B. Every licensee or certificate holder shall produce any document, book, or record in his/her possession, or under his/her control, concerning any matter under investigation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1432 (August 1999), amended LR 31:

§10507. Adjudicatory Proceedings

A. As the result of an investigation, when it appears that violations of the Louisiana Real Estate Appraisers Law and/or rules and regulations of the board may have been committed by a licensee or certificate holder, the violations may be adjudicated through informal or formal adjudicatory proceedings.

1. Informal Adjudicatory Proceedings

a. The complaint may be concluded informally without a public hearing on the recommendation of the hearing examiner and the concurrence of the executive director.

b. An informal hearing may be conducted only when there is an admission by the respondent that the violations(s) were committed as alleged.

c. A preliminary notice of adjudication shall be issued to advise the respondent of the violation(s) alleged and to advise the respondent that the matter can be resolved informally should the respondent desire to admit to committing the act(s) specified and submits a written request that the matter be resolved informally.

d. A hearing officer shall be appointed by the executive director to conduct an informal hearing with the respondent.

e. The informal hearing shall be attended by the hearing examiner and, if necessary, the case investigator, or in the absence of the case investigator, a designated representative. The hearing examiner shall inform the hearing officer of the administrative, jurisdictional, and other matters relevant to the proceedings.

f. Following an admission by the respondent that the violations were committed as alleged, the hearing officer may enter into a recommended stipulations and consent order to include the imposition of any sanctions authorized by the Louisiana Real Estate Appraisers Law.

g. No evidence will be presented, no witnesses will be called and no formal transcript of the proceedings will be prepared by the board.

h. In the written document the respondent must stipulate to having committed the act(s) in violation of the Louisiana Real Estate Appraisers Law or the rules and regulations of the board, accept the sanctions recommended by the hearing officer, and waive any rights to request a rehearing, reopening, or reconsideration by the board, and the right to judicial appeal of the consent order.

i. At the informal hearing, the respondent shall admit to having committed the act(s) specified, accept the sanctions recommended by the hearing officer, and waive the specified appellate rights, or the alleged violations shall be referred to a formal adjudicatory hearing.

j. If the respondent does execute a stipulations and consent order, the executive director shall submit the document to the board at the next regular meeting for approval and for authorization to allow the executive director to execute the consent order in the name of the board.

k. Any consent order executed as a result of an informal hearing shall be effective on the date approved by the board.

2. Formal Adjudicatory Proceedings

a. All formal public adjudicatory hearings shall be conducted under the auspices of R.S. 37:3409 and Chapter 13, Title 49 of the Louisiana Revised Statutes.

b. Board members who have provided technical assistance in any matter adjudicated at a formal adjudicatory proceeding shall recuse themselves and not participate in any portion of the proceedings.

c. The order issued by the board pursuant to any formal public adjudicatory proceeding shall become effective on the eleventh day following the date the order is issued by the board and entered into the record at the proceedings.

d. If a request for rehearing, reopening, or reconsideration of the order of the board is timely filed and denied by the board, the order shall become final on mailing of the notice of the board's final decision on the request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1432 (August 1999), amended LR 31:

§10509. Appellate Proceedings

A. Rehearings

1. An order of the board shall be subject to rehearing, reopening or reconsideration by the board on receipt of a written request from a respondent. An application for rehearing, reopening or reconsideration must be postmarked or received at the office of the board within ten days from the date of entry of the order rendered by the board.

2. The date of entry is the date the order is issued by the board and entered into the record at the formal adjudicatory proceedings.

3. The request shall be reviewed by the board attorney for compliance with the Administrative Procedure Act. A finding by the board attorney that the request does not

establish grounds for rehearing, reopening or reconsideration shall result in a denial of the request.

B. Judicial Review

1. Proceedings for judicial review of an order issued by the board may be instituted by filing a Petition for Judicial Review in the Nineteenth Judicial District Court in the Parish of East Baton Rouge.

2. In the event a request for rehearing, reopening or reconsideration has been filed with the board, the party making the request shall have thirty days from the final decision on the request within which to file a Petition for Judicial Review.

3. If a request for rehearing, reopening or reconsideration is not filed with the board, the Petition for Judicial Review must be filed in the Nineteenth Judicial District Court within thirty days after the mailing of the order of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 31:

§10511. Costs of Adjudicatory Proceedings

A. On a finding that a respondent has committed the violation(s) as alleged in any formal or informal adjudicatory proceeding, the respondent may be assessed the administrative costs of the proceeding as determined by the board. Payment of these costs shall be a condition of satisfying any order issued by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 31:

§10513. Stay of Enforcement

A. The filing of a petition for judicial review does not itself stay enforcement of an order issued by the board. A stay of enforcement will be granted only when directed by the court conducting a judicial review of adjudication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 31:

Family Impact Statement

In accordance with R.S. 49:953(A)(1)(a)(viii) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the March 20, 2005 Louisiana Register: The proposed Rule has no known impact on family formation, stability, or autonomy.

Interested parties are invited to submit written comments on the proposed regulations through March 7, 2005 at 4:30 p.m., to Stephanie Boudreaux, Louisiana Real Estate Appraisers Board, Box 14785, Baton Rouge, LA, 70898-4785 or to 5222 Summa Court, Baton Rouge, LA, 70809.

Julius C. Willie
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Real Estate Appraisers

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There are no implementation costs (savings) anticipated. The program has been fully implemented since 1989. The purpose of the proposed action is to update the rules and regulations so as to coincide with provisions of the Louisiana Real Estate Appraisers Law (R.S. 37:3391 et seq.), as amended August 15, 2003.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue is determined by the number of license applicants and the fees that they remit. Typically, there is an offset between the number of new applicants and those who are lost to non-renewal; however, in this instance, it is anticipated that a small increase in revenue collections will occur as the previously non-licensed real estate appraisers are brought into the program by the mandatory licensing provision in the amended statute.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The Louisiana Real Estate Appraisers Law (R.S. 37:3391 et seq.), as amended August 15, 2003, mandates the licensing of all Louisiana real estate appraisers. As a part of this mandate, previously non-licensed appraisers are now subject to license fees and the costs associated with obtaining the required education hours. The purpose of the proposed rules is to establish procedures with which to accomplish the requirements for licensing. There are no additional costs or fees associated with the proposed rules.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed language is written as an extension of the Louisiana Real Estate Appraisers Law (R.S. 37:3391 et seq.), as amended August 15, 2003, and establishes the procedure whereby non-licensed real estate appraisers become licensed, if they are to continue appraising real property. The proposed language also limits the number of trainees that may be supervised by a licensed certified residential or general real estate appraiser.

Julius C. Willie
Executive Director
0503#054

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Medical Examiners**

Physicians and Surgeons **C** licensure
(LAC 46:XLV.303, 311, 353, 385, 407,
413, 415, 418, 419, 437 and 447)

Notice is hereby given in accordance with R.S. 49:953, that the Louisiana State Board of Medical Examiners (Board), pursuant to the authority vested in the board by the Louisiana Medical Practice Act, R.S. 37:1261-1292, and the provisions of the Louisiana Administrative Procedure Act, intends to amend its rules governing the licensure of physicians LAC 46:XLV, Subpart 2, Chapter 3, §§303, 311, 353, 385, 407, 413, 415, 418, 419, 437 and 447. The proposed amendments recognize and accept the

Comprehensive Osteopathic Medical Licensing Examination ("COMLEX-USA") **C** offered by the National Board of Osteopathic Medical Examiners (the "NBOME") and the predecessor examination to the COMLEX-USA, the NBOME, in satisfaction of the requirements prerequisite to consideration for full and unrestricted medical licensure in Louisiana. Such amendments also recognize and accept specialty board certification granted by the American Osteopathic Association and clinical competency testing in the form of the Comprehensive Osteopathic Medical Variable-Purpose Examination-USA ("COMVEX-USA"), in satisfaction of the requirements prerequisite to medical licensure consideration based on reciprocity and other purposes specified in the proposed rules.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLV. Medical Professions

Subpart 2. Licensure and Certification

Chapter 3. Physicians

Subchapter A. General Provisions

§303. Definitions

A. As used in this Chapter, the following terms shall have the meanings specified.

ABMS **C**he American Board of Medical Specialties.

AOA **C**he American Osteopathic Association.

* * *

COMLEX-USA **C**he Comprehensive Osteopathic Medical Licensing Examination-USA.

COMVEX-USA **C**he Comprehensive Osteopathic Medical Variable-Purpose Examination-USA administered under the auspices of the NBOME.

FSMB **C**he Federation of State Medical Boards of the United States, Inc.

* * *

NBOME **C**he National Board of Osteopathic Medical Examiners.

* * *

SPEX **C**he Special Purpose Examination administered under the auspices of the FSMB.

* * *

USMLE **C**he United States Medical Licensing Examination.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1271 and R.S. 37:1274.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:908 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:513 (June 1990), LR 27:835 (June 2001), LR 31:

Subchapter B. Graduates of American and Canadian Medical Schools and Colleges

§311. Qualifications for License

A. To be eligible for a license, an applicant shall:

1. - 4.b. ...

5. have within the prior 10 years, in conformity with the restrictions and limitations prescribed by §387 of these rules, and subject to the exception provided for certain applicants for licensure by reciprocity provided by §353, taken and passed:

a. - g. ...

h. all three levels of the COMLEX-USA examination, or its predecessor, the NBOME, or any combination thereof; and

6. have completed at least one year of postgraduate clinical training in a medical internship or equivalent program accredited by the American Council on Graduate Medical Education (ACGME) of the American Medical Association, or by the American Osteopathic Association (AOA), or by the Royal College of Physicians and Surgeons (RCPS) of Canada, and approved by the board.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1271, R.S. 37:1272, R.S. 37:1274 and R.S. 37:1275.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:908 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:513 (June 1990), LR 22:207 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 27:836 (June 2001), LR 31:

Subchapter E. Licensure by Reciprocity

§353. Qualifications for Medical Licensure by Reciprocity

A. An applicant who possesses and meets all of the qualifications and requirements specified by §§311 and 313 of this Chapter, save for successfully passing the examinations in the manner specified by §311.A.5.a-h within the prior 10 years, shall nonetheless be eligible for licensing if such applicant possesses, as of the time the application is filed and at the time the board passes upon such application, a current, unrestricted license to practice medicine issued by the medical (whether allopathic or osteopathic) licensing authority of another state, and the applicant has, within 10 years prior to the date of application, taken and successfully passed a written certification or recertification examination administered by and leading to certification or recertification by a specialty board recognized by the American Board of Medical Specialties (ABMS) or the American Osteopathic Association (AOA).

B. An applicant who possesses all of the qualifications for licensure by reciprocity specified by §353.A, save for having taken or passed a written medical competence examination within 10 years of the date of application, shall nonetheless be considered eligible for licensure by reciprocity if such applicant has, within 10 years prior to the date of application, taken and successfully passed the Special Purpose Examination (SPEX), administered under the auspices of the Federation of State Medical Boards of the United States, Inc. (FSMB), or the Comprehensive Osteopathic Medical Variable-Purpose Examination-USA (COMVEX-USA), administered under the auspices of the NBOME, as may be determined by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1276.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:910 (November 1984), amended LR 14:149 (March 1988), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:516 (June 1990), LR 22:209 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 27:839 (June 2001), LR 31:

Subchapter G. Examination

§385. Passing Scores

A. - B. ...

C. A person who is required to and does take the SPEX or COMVEX-USA examination will be deemed to have successfully passed the examination if he attains a score of at least 75.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1272 and R.S. 37:1273.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:912 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:519 (June 1990), LR 22:211 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 27:842 (June 2001), LR 31:

Subchapter H. Restricted Licensure, Permits

§407. Permit Pending Examination Results

A. ...

B. The board may issue a temporary permit to an applicant for licensure by reciprocity (§§351 to 353) who is required by §353 to take the SPEX, the COMVEX-USA or a certification or recertification examination, but who has not yet taken SPEX, the COMVEX-USA or a certification or recertification examination or whose scores have not yet been reported to the board or the applicant, provided that the applicant possesses and meets all of the qualifications and requirements for licensure provided by this Chapter save for having successfully passed the SPEX, the COMVEX-USA or a certification or recertification examination (§353), and provided further that the applicant has registered for the next available administration of the SPEX, the COMVEX-USA or a certification or recertification examination and has not previously taken and failed to achieve a passing score on the SPEX, the COMVEX-USA or any portion of a certification or recertification examination more than three times.

C. A permit issued under this Section shall expire, and thereby become null, void, and to no effect on the date that:

1. the board gives written notice to the permit holder that he has failed to achieve a passing score on the USMLE, COMLEX-USA, SPEX or COMVEX-USA examination for which he was registered;

2. - 3. ...

4. the holder of a permit issued under §407.B fails to appear for and take the SPEX, the COMVEX-USA or the certification or recertification examination for which he is registered or the earlier of the date on which the board or the permit holder receives notice from the entity or specialty board administering such examination that he has failed to achieve a passing score on any portion of the certification or recertification examination for which he was registered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1272, R.S. 37:1273 and R.S. 37:1275.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:914 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:521 (June 1990), LR 22:212 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 27:846 (June 2001), LR 31:

Subchapter I. License Issuance, Termination, Renewal and Reinstatement

§413. Issuance of License

A. ...

B. A license issued under §311 of this Chapter shall be issued by the board within 30 days following the reporting of the applicant's passing scores to the board. A license issued under any other section of this Chapter shall be issued by the board within 15 days following the meeting of the board next following the date on which the applicant's application, evidencing all requisite qualifications, is completed in every respect.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1274.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:914 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), LR 22:212 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 27:848 (June 2001), LR 31:

§415. Expiration of Licenses and Permits

A. ...

B. A license issued pursuant to the waiver of qualifications provided by §315 of this Chapter shall become null and void on the earlier of the date prescribed by §415.A or the date on which the physician's appointment as a professor to the medical school or college, upon which the waiver was granted by the board, is terminated.

C. The timely submission of a properly completed application for renewal of a license, but not a permit, as provided by §417 of this Chapter, shall operate to continue the expiring licensing in full force and effect pending issuance of the renewal license.

D. Permits are not subject to renewal, except as expressly provided in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270 and R.S. 37:1280.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:914 (November 1984), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), LR 22:212 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 24:1500 (August 1998), LR 27:848 (June 2001), LR 31:

§418. Reduced Renewal Fees for Certain Physicians

A. - B.3. ...

C. A physician whose medical license is renewed pursuant to this Section shall not thereafter engage or seek to engage in the active practice of medicine in this state or to prescribe, dispense, or administer controlled substances or other prescription medications except upon prior application to and approval by the board, which, in its discretion, as a condition to reinstatement of full licensure, may require that:

1. the physician take and successfully pass all or a designated portion of the USMLE, COMLEX-USA, SPEX, or COMVEX-USA examination; and/or

2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1280 and R.S. 37:1281.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:523 (June 1990), LR 22:213 (March 1996), withdrawal LR 22:280 (April 1996), repromulgated LR 27:848 (June 2001), LR 31:

§419. Reinstatement of Expired License

A. ...

B. An applicant seeking reinstatement more than one year from the date on which his license expired shall demonstrate, as a condition of reinstatement, satisfaction of the continuing medical education requirements of §§433-449 of Subchapter K of these rules for each year since the date of the expiration of licensure. As additional conditions of reinstatement the board may require:

1. - 2. ...

3. if the applicant does not at the time of the application for reinstatement possess a current, unrestricted license issued by another state, that the applicant take and successfully pass:

a. all or a designated portion of the USMLE, COMLEX-USA, SPEX or COMVEX-USA examination; or

b. a written certification or recertification examination by a specialty board recognized by the American Board of Medical Specialties (ABMS) or the American Osteopathic Association (AOA).

C. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:914 (November 1984), amended LR 14:86 (February 1988), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 16:524 (June 1990), LR 22:213 (March 1996), withdrawal LR 22:280 (April 1996), amended LR 24:1500 (August 1998), LR 26:695 (April 2000), LR 27:849 (June 2001), LR 31:

Subchapter K. Continuing Medical Education

§437. Qualifying Continuing Medical Education Programs

A. Any program, course, seminar or other activity offering Category I CME shall be deemed approved for purposes of satisfying the continuing medical education requirements under this Subchapter, if sponsored or offered by:

1. ...

2. a member board of the American Board of Medical Specialties or a specialty board recognized by the AOA;

3. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:695 (April 2000), amended LR 31:

§447. Exceptions to the Continuing Medical Education Requirements

A. Except as provided in §449, the CME requirements prescribed by this Subchapter prerequisite to renewal or reinstatement of licensure shall not be applicable to a physician:

1. - 2. ...

3. who has within the past year been certified or recertified by a member board of the American Board of Medical Specialties or a specialty board recognized by the AOA;

4. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1270(A)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 26:697 (April 2000), amended LR 31:

Family Impact Statement

The proposed Rule amendments have no known impact on family, formation, stability or autonomy, as described in R.S. 49:972.

Interested persons may submit written data, views, arguments, information or comments on the proposed Rule amendments until 4 p.m., April 14, 2005, to John B. Bobear, M.D., Executive Director, Louisiana State Board of Medical Examiners, at Post Office Box 30250, New Orleans, LA, 70190-0250 (630 Camp Street, New Orleans, LA, 70130).

John B. Bobear, M.D.
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: **Physicians and Surgeons Licensure**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Other than the rule publication costs, which are estimated to be \$816 in FY 05, it is not anticipated that the proposed rule amendments will result in any material costs or savings to the Board of Medical Examiners or any state or local governmental unit.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is not anticipated that the proposed rule amendments will have any material effect on the revenue collections of the Board of Medical Examiners or of any state or local governmental unit.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

It is not anticipated that the proposed rule amendments will have any material impact on the receipts and/or income of physicians. Osteopathic physicians who currently hold a training permit issued by the Board or applicants who may apply for a license to practice medicine in the state will positively be affected by the proposed rule amendments, which seek to recognize osteopathic licensing and clinical competency examinations and osteopathic specialty board certification for purposes of medical licensure in Louisiana.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule amendments are not anticipated to have a material impact on competition and employment in either the public or private sector. By recognizing the osteopathic licensing and clinical competency examinations and specialty board certification in satisfaction of the requirements for medical licensure in Louisiana the rule amendments may, to an extent that is not quantifiable, serve to increase the osteopathic physician population in this state.

John M. Bobear, M.D.
Executive Director
50503#046

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Board of Nursing

Professional and Occupational Standards for
Advanced Practice Registered Nurses
(LAC 46:XLVII.Chapter 45)

Notice is hereby given, in accordance with the provisions of the Administrative Procedures Act, R.S.49:950 et seq., that the Board of Nursing (Board) pursuant to the authority vested in the board by R.S.37:918, R.S.37:920 intends to amend the Professional and Occupational Standards pertaining Advanced Practice Registered Nurses. The proposed amendments of the rules are set forth below.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XLVII. Nurses

Subpart 2. Registered Nurses

Chapter 45. Advanced Practice Registered Nurses

§4501. Introduction

A. Louisiana Revised Statutes of 1950, specifically R.S. 37:911 et seq., delegated to the Louisiana State Board of Nursing the responsibility to authorize additional acts to be performed by registered nurses practicing in expanded roles and gave the board of nursing the power to set standards for nurses practicing in specialized roles. From 1981 to 1995, the board recognized advanced practitioners of nursing as certified nurse-midwives, certified registered nurse anesthetists, clinical nurse specialists, and primary nurse associates.

B. In 1995, the Louisiana Legislature amended R.S. 37:911 et seq., empowering the board of nursing to use the term advanced practice registered nurse (APRN) to license a registered nurse with advanced education as provided in R.S. 37:913.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 22:281 (April 1996), amended LR 31:

§4503. Titles

A. Advanced practice registered nurse (APRN) means a licensed registered nurse who is certified by a nationally recognized certifying body, such as the American Nurses Credentialing Center, as having an advanced nursing specialty as described in §4507 and who meets the criteria for an advanced practice registered nurse as established by the board.

B. A nurse licensed as an Advanced Practice Registered Nurse (APRN) shall include, but not be limited to, the following functional roles.

1. *Certified Nurse Midwife (CNM)* Can advanced practice registered nurse educated in the disciplines of nursing and midwifery and certified according to a nationally recognized certifying body, such as the American

College of Nurse Midwives Certification Council, as approved by the board and who is authorized to manage the nurse midwifery care of newborns and women in the antepartum, intrapartum, postpartum, and/or gynecological periods.

2. *Certified Registered Nurse Anesthetist (CRNA)* Can advanced practice registered nurse educated in the field of nurse anesthesia and certified according to the requirements of a nationally recognized certifying body such as the Council on Certification of Nurse Anesthetists or the Council on Recertification of Nurse Anesthetists, as approved by the board and who is authorized to select and administer anesthetics or ancillary services to patients under their care.

3. *Clinical Nurse Specialist (CNS)* Can advanced practice registered nurse educated in a recognized nursing specialty area who is certified according to the requirements of a nationally recognized certifying body such as the American Nurses Credentialing Center, as approved by the board and who is authorized to provide direct nursing care to a select population in a recognized nursing specialty area, and plans, guides, and directs care given by other nursing personnel.

4. *Nurse Practitioner (NP)* Can advanced practice registered nurse educated in a specified area of care and certified according to the requirements of a nationally recognized accrediting agency such as the American Nurses Credentialing Center, National Certification Corporation for the Obstetric, Gynecologic and Neonatal Nursing Specialties, or the National Certification Board of Pediatric Nurse Practitioners and Nurses, or as approved by the board and who is authorized to provide primary, acute, or chronic care as an advanced nurse practitioner acting within his scope of practice to individuals, families, and other groups in a variety of settings including, but not limited to, homes, institutions, offices, industry, schools, and other community agencies.

5. *Registered Nurse Anesthetist (RNA)* Cas provided for in R.S.37:930.B.

C. A licensed Advanced Practice Registered Nurse must use the title "APRN" unless the title is CRNA or RNA. The category of certification and/or education designation may be used before or after APRN as follows.

1. Certification

- a. CNM Certified Nurse Midwife;
- b. CRNA Certified Registered Nurse Anesthetist;
- c. CNS Clinical Nurse Specialist plus area of specialty, i.e., CNS, Medical/ Surgical;
- d. NP Nurse Practitioner plus area of specialty, i.e., FNP for Family Nurse Practitioner.

2. Education

- a. MSN, MN, MS or other appropriate degree at the master's level;
- b. DNS, EdD, PhD, or other appropriate degree at the doctorate level.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 22:281 (April 1996), amended LR 27:723 (May 2001), LR 31:

§4505. Definitions

Advanced Practice Certification Certification by a nationally recognized certifying body approved by the board.

Advanced Practice Nursing Education Program A program whose purpose is to prepare advanced practitioners of nursing and whose graduates are eligible for certification as an Advanced Practice Registered Nurse.

Advanced Practice Registered Nurse Student Any licensed registered nurse enrolled as a student in an educational program which prepares the individual for APRN licensure.

Advanced Practice Registered Nursing Nursing by a certified registered nurse anesthetist, certified nurse midwife, clinical nurse specialist, or nurse practitioner which is based on knowledge and skills acquired in a basic nursing education program, licensure as a registered nurse, and a minimum of a master's degree with a concentration in the respective advanced practice nursing specialty which includes both didactic and clinical components, advanced knowledge in nursing theory, physical and psychosocial assessment, nursing interventions, and management of health care.

Advanced Practice Registered Nursing Specialty A designated area of advanced practice in which the registered nurse holds a master's degree with a concentration in the respective area of practice that includes both the didactic and clinical components, advanced knowledge in nursing theory, physical and psychosocial assessment, nursing interventions, and management of health care and also prepares the APRN for national certification.

Approval A status indicating the program has met the legal standards established by the board.

Approved Program A nursing education program approved by the board.

Assessment Studies Diagnostic studies including, but not limited to laboratory testing, radiologic studies, electrocardiograms, pulmonary function tests, and pharmaceutical diagnostic testing.

Board The Louisiana State Board of Nursing.

Clinical Practice Guidelines Refers to written documents, jointly agreed upon by the collaborating professionals that describe a specific plan, arrangement, or sequence of orders, steps, or procedures to be followed or carried out in providing patient care in various clinical situations. These may include textbooks, electronic communications, Internet, etc.

Collaboration A cooperative working relationship with licensed physicians, dentists, or other health care providers to jointly contribute to providing patient care and may include but not be limited to discussion of a patient's diagnosis and cooperation in the management and delivery of health care with each provider performing those activities that he is legally authorized to perform.

Collaborating Physician A physician in active practice with whom the APRN has developed and signed a collaborative practice agreement for prescriptive and distributing authority and who holds a current, unencumbered, unrestricted and valid medical license issued or recognized by the Louisiana State Board of Medical

Examiners and is in good standing with no pending disciplinary proceedings, and practices in accordance with rules of the Louisiana State Board of Medical Examiners.

Collaborative Practice The joint management of the health care of a patient by an advanced practice registered nurse performing advanced practice registered nursing and one or more consulting physicians or dentists. Except as otherwise provided in R.S. 37:930, acts of medical diagnosis and prescription by an advanced practice registered nurse shall be in accordance with a collaborative practice agreement.

Collaborative Practice Agreement A formal written statement addressing the parameters of the collaborative practice which are mutually agreed upon by the advanced practice registered nurse and one or more licensed physicians or dentists which shall include but not be limited to the following provisions:

1. availability of the collaborating physician or dentist for consultation or referral, or both;
2. methods of management of the collaborative practice which shall include clinical practice guidelines;
3. coverage of the health care needs of a patient during any absence of the advanced practice registered nurse, physician, or dentist.

Contact Hour A unit of measurement that describes 50 minutes of participation in an educational activity, which meets the board's continuing education criteria. Ten contact hours equal one continuing education unit (C.E.U.).

Controlled Substance Any substance defined, enumerated, or included in federal or state statute or regulations 21 CRFFR 1208.11-15 or R.S. 40:964, or any substance which may hereafter be designed as a controlled substance by amendment of supplementation or such regulations and statute.

Cooperating Agency An organization, institution or agency which by agreement accepts Advanced Practice Registered Nurse students for educational experiences

Course A distinct unit of instruction which has been organized for presentation with a specific time frame. This includes all related learning experiences deemed necessary by the faculty to meet the stated objectives.

Curriculum The planned studies and learning activities designed to lead to graduation and eligibility for advanced practice registered nurse licensure.

Distance Education Teaching learning strategies to meet the needs of students who are physically separated from the faculty.

Distance Education Technology The methods and technical support used to teach students who may be physically distant from the faculty. The methods may include audio conference, compressed video, electronic mail, and the Internet.

Distribute, distribution or distributed The issuing of free samples and other gratuitous medications supplied by drug manufacturers, as defined by clinical practice guidelines contained in a collaborative practice agreement for prescriptive authority.

Electronic Transmission Transmission of information in electronic form or the transmission of the exact visual image of a document by way of electronic equipment.

Faculty

1. **Nurse Faculty** A doctorally or master's prepared registered nurse and/or advanced practice registered nurse with academic preparation and experience under written contractual agreement with a parent institution for administration, teaching, clinical supervision of students or research in programs preparing candidates for advanced practice registered nurse licensure.

2. **Support Faculty** An individual with academic preparations and experience in his/her field of specialization who provides services or teaches support courses-

3. **Preceptor/Clinical Practicum Coordinators** An advanced practice registered nurse, physician, dentist, who provides guidance, serves as a role model, resource person, and clinical teacher to enhance the learning experiences of an advanced practice nursing student on a one-to-one basis for a specified time or as specifically approved by the board.

Functional Role The advanced practice role for which a master's in nursing program prepares its graduates. The categories of functional roles for advanced practice licensure include nurse midwives, nurse anesthetists, clinical nurse specialists, and nurse practitioners.

Goals The aims of the program including the expected competencies of the graduate.

Gratuitous Medications The medications provided by the manufacturer to be distributed to indigent populations and/or HIV and STD patients free of charge.

Lapsed APRN License Inactive APRN licensure status due to failure to renew or to request inactive licensure status.

Major Change in Curriculum Any one of the following shall be deemed to constitute a major change in curriculum:

1. alteration, other than editorial, in program's mission/philosophy and goals;
2. addition or deletion of more than 10 percent of the semester credit hours from the program of studies;
3. departure from current educational practices or methods;
4. addition or deletion of a program or clinical track preparing APRNs.

Medical Therapeutic Device Any instrument, apparatus, implement, machine, contrivance, implant, or other similar or related article, including any component part of accessory, which is required under federal law to bear the label "Rx only". The medical device or appliance shall be within the scope of practice of the Advanced Practice Registered Nurse.

National Professional Accrediting Organization An organization that provides accreditation for educational activity offered by a nursing, medical, or pharmacy association or other educational entities and is approved by the board relative to pharmacotherapeutics.

Objectives The behavioral expectations of the students in courses and throughout the program that lead to the goals of the program.

Parent Institution The organization or agency responsible for the administration and operation of the nursing program.

Philosophy A statement which includes and identifies the beliefs accepted by the faculty and the parent institution related to nursing education.

Preceptorship Experience An individualized teaching-learning strategy in which an advanced practice nursing student participates in clinical nursing practice while assigned to a preceptor.

Prescribe To direct, order, or designate the preparation, use of or manner of using by spoken or written words or by electronic means.

Prescription or Prescription Drug Order An order from a practitioner authorized by law to prescribe for a drug or device that is patient specific and is communicated by any means to a pharmacist in a permitted pharmacy, and is preserved on file as required by law or regulation. R.S. 37:14.1164 (44).

Program Head (administrative director) The registered nurse with the authority and responsibility for the administration of the program and implementation of the curriculum. This title is used regardless of the person's official title in the parent institution.

Recommendations Statements focusing on areas where there are factors which may impinge on maintenance of standards.

Requirements Standards with which educational programs shall comply.

Samples A unit of prescription drug, which is not intended to be sold and is intended to promote the sale of the drug.

Shall A term used to denote a requirement which must be met.

Should A term used to denote a suggested method of meeting a requirement.

Standard A criterion by which performance is measured.

Subspecialty A focus of practice within a specialty assuring expert knowledge of a particular patient problem; e.g., cardiovascular disease, palliative care, oncology, substance abuse, orthopedics, critical care, etc.

Survey The collection of information by the board for its review in granting, continuing or denying approval of a program.

Under the Guidance of an Approved Preceptor Guidance by a licensed APRN, physician, dentist, or person approved by the board within the same or related practice specialty or functional role must be accessible but not physically present.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 27:724 (May 2001), LR 31:

§4507. Licensure as Advanced Practice Registered Nurse

A. Initial Licensure

1. The applicant shall meet the following requirements:

a. holds a current, unencumbered, unrestricted and valid registered nurse license in Louisiana and there are no grounds for disciplinary proceedings, as stated in R.S. 37:921;

b. completion of a minimum of a master's degree with a concentration in the respective advanced practice nursing specialty and functional role or completion of a post master's concentration in the respective advanced practice nursing specialty and functional role from an accredited college or university that meets the curriculum guidelines established by the board. Exception to the master's degree will be granted to those applicants who provide

documentation as requested by the board that, prior to December 31, 1995, the applicant completed or was continuously enrolled in a formalized post-basic education program preparing for the advanced practice nursing specialty and functional role as approved by the board prior to December 31, 1995 as follows:

i. a program of studies offered through an institution of higher education which qualifies the graduate to take a certification examination in the advanced practice specialty and functional role; or

ii. a program of studies accepted by a nationally recognized certifying body which is recognized by the Louisiana State Board of Nursing; or

iii. a program which is individually recognized by the Board of Nursing based on established criteria; as stated in LAC 46:XLVII.4509;

c. submission of a completed application on a form furnished by the board;

d. submission of evidence of current certification in the respective advanced practice nursing specialty and functional role by a nationally recognized certifying body approved by the board. When specialty and functional role certification is not available, in addition to meeting the above requirements, the individual will be required to meet the commensurate requirements specified below in Subsection 3;

e. submission of a non-refundable fee as specified in LAC 46:XLVII.3341;

f. after initial licensure, applicants seeking licensure for advanced practice in an additional specialty and/or functional role shall meet the requirements stated in LAC 46:XLVII.4507.A.1.a-d.

2. The board will verify all licensure and certification requirements via primary source verification as requested including (a) Licensure (b) Education (c) Certification and information relevant to the practice of the APRN.

3. Commensurate Requirements when certification is not available:

a. hold the minimum of a master's degree with a concentration in the respective advanced practice nursing specialty and functional role from a regionally accredited college or university or a program otherwise approved by the board and has practiced with a APRN temporary permit for a minimum of six months to a maximum of 24 months; and

b. have provided a minimum of 800 hours of patient care under the direction of an approved preceptor within the past 24 months; up to 400 of these may be earned through clinical practicum in a master's program;

c. submit an affidavit for waiver of Certification Examination on a form provided by the board.

4. An APRN license shall be issued with an expiration date that coincides with the applicant's RN license.

B. Temporary Permit: Initial Applicants

1. An APRN applicant who possesses a current RN license or a valid RN temporary permit, may be granted a temporary permit for a maximum of 120 days which allows the applicant to practice under the guidance of a licensed APRN, physician, dentist or approved preceptor within the practice specialty and functional role of the applicant, except

as provided for in R.S.37:930.A.3. Evidence must be submitted to the board delineating that the applicant:

a. is in the process of applying for initial licensure under LAC 46:XLVII.4507.A; and

b. has been accepted as a first-time candidate for the appropriate national professional certification examination; or

c. in the process of meeting the practice eligibility requirements for the appropriate national professional certification examination for the advanced nursing practice specialty and functional role as recognized by the board; or

d. in the process of meeting the practice requirements for licensure by commensurate requirements; or

e. is awaiting certification results based upon initial application; and

f. there are no grounds for disciplinary proceedings as stated in R.S. 37:921.

2. A nurse practicing under the temporary permit shall use the title advanced practice registered nurse applicant or APRN applicant.

3. Upon receipt of initial certification examination results:

a. the temporary permit shall expire;

b. applicant shall submit or cause to be submitted, a copy of the results to the board;

c. the unsuccessful candidate shall:

i. cease to practice as an APRN applicant (does not prohibit practice as a registered nurse);

ii. return the temporary permit to the board;

iii. notify the employer of the results.

4. Upon completion of the commensurate requirements or at the end of two years, the temporary permit shall expire.

5. An advanced practice registered nurse seeking licensure in either an additional advanced practice nursing specialty and functional role may seek a temporary permit as stated in LAC 46:XLVII.4507.B and D.

6. The APRN temporary permit may be extended to a maximum of 120 days or until receipt of initial certification results.

C. Licensure by Endorsement. The board may issue a license by endorsement if the applicant has practiced as an APRN under the laws of another state and if, in the opinion of the board, the applicant meets the requirements for licensure as an APRN in this jurisdiction.

1. If the applicant is applying from another jurisdiction that licenses the category of APRN for which the applicant is seeking licensure, the applicant shall submit:

a. a completed application on a form furnished by the board;

b. the required nonrefundable fee as set forth in LAC 46:XLVII.3341;

c. verification of current RN licensure in this jurisdiction or documentation that the applicant has applied for licensure as a RN and meets the requirements of this jurisdiction, and there are no grounds for disciplinary proceeding as stated in R.S. 37:921;

d. verification of licensure status directly from the jurisdiction of original licensure in the advanced practice category;

e. verification of current unencumbered license in the advanced practice category directly from the jurisdiction of current or most recent employment as an APRN;

f. verification of educational requirements as stated in LAC 46:XLVII.4507.A.1.b;

g. verification of current national certification in the respective specialty and functional role area as recognized by the board; or meets commensurate requirements as specified in LAC 46:XLVII.4507.A.3; and

h. documentation of meeting the requirements in LAC 46:XLVII.4515.

2. If the applicant is applying from a jurisdiction that does not license the APRN category for which the applicant is seeking licensure, the applicant shall submit in addition to Subsections C.1.a, b, c, f, g, and h as stated above:

a. documentation of the applicant's qualifications for advanced practice directly from the board in the state where the applicant first practiced in the APRN category; and

b. documentation of the applicant's qualifications for advanced practice directly from the board in the state where the applicant was last employed in the APRN category.

3. If the applicant is applying from a jurisdiction that does not verify advanced practice or does not meet the endorsement requirements, the applicant shall qualify by meeting the requirements for initial APRN licensure, LAC 46:XLVII.4507.A and B.

D. Temporary Permit: Endorsement Applicants

1. A nurse seeking APRN licensure by endorsement, and has been issued a RN temporary permit, may be issued a temporary permit to practice as an APRN for a maximum of 120 days if the applicant submits:

a. a completed APRN application on a form furnished by the board;

b. the required nonrefundable fee as set forth in LAC 46:XLVII.3341;

c. evidence of meeting the educational and certification requirements specified in LAC 46:XLVII.4507.A.1.b and d; or

d. documentation of registration for the certifying examination within 90 days.

2. The APRN temporary permit may be extended until receipt of initial certification results.

E. Renewal of Licenses by Certification, Commensurate Requirements, or Grandfathering

1. The date for renewal of licensure to practice as an APRN shall coincide with renewal of the applicant's RN license. Renewal of the APRN license is contingent upon renewal of the RN license and verification that there are no grounds for disciplinary proceedings as stated in R.S. 37:921. An applicant for renewal of an APRN license shall submit to the board:

a. a completed application on a form furnished by the board;

b. evidence of current certification/recertification, unless the APRN has been licensed by the board in accordance with R.S. 37:912(B)(3)(4); or in accordance with commensurate requirements when certification is not available [R.S. 37:920(A)(2)]. Effective January 1, 2002,

and required for relicensure in 2003, APRNs licensed by the board in accordance with commensurate requirements when certification is not available [R.S. 37:920(A)(2)] shall comply with the requirements specified in §4507.E.2. below; and

c. the licensure renewal fee as specified in LAC 46:XLVII.3341.

2. APRNs initially licensed in accordance with R.S. 37:912(B)(3)(4) (grand-fathered) and who are not advanced practice certified, or R.S. 37:920(A)(2) and LAC 46:XLVII.4507.A.3 whose category and area of specialization does not provide for certification/recertification (commensurate requirements) shall submit the following documentation for renewal, in addition to meeting the requirements specified above in §4507.E.1.a-c:

a. a minimum of 300 hours of practice in advanced practice registered nursing, as defined in R.S.37:913.3.a, within a 12-month period; and

b. a minimum of 2 college credit hours per year of relevance to the advanced practice role; or

c. a minimum of 30 continuing education (C.E.) contact hours approved by the board each year. CMEs (Continuing Medical Education Units) may be approved by the board to meet this requirement;

d. the above Subparagraphs b or c will meet the C.E. Requirements for the registered nurse and the advanced practice registered nurse licensure renewal.

F. Reinstatement of an APRN License

1. An APRN who has failed to renew his/her license, or has had an inactive licensure status, may apply for reinstatement by submitting to the board:

a. evidence of current RN licensure;

b. completed application on a form furnished by the board;

c. evidence of current certification/recertification by a national certifying body accepted by the board; or

d. APRNs initially licensed in accordance with R.S. 37:912(B)(3)(4) or 920(A)(2) and LAC 46:XLVII.4507.A.3 whose specialty and functional role does not provide for certification/recertification shall submit the following documentation for each year of inactive or lapsed status:

i. a minimum of 300 hours of practice as a fully licensed or permitted advanced practice registered nurse for each year of inactive or lapsed status up to a maximum of 800 hours; and

ii. a minimum of two college credit hours per year of relevance to the advanced practice role; or

iii. a minimum of 30 continuing education (C.E.) contact hours approved by the board each year. CMEs (Continuing Medical Education Units) may be approved by the board to meet this requirement; and

e. the required fee as specified in LAC 46:XLVII.3341.

2. Reinstatement of an APRN license for an applicant seeking to meet §4507.F.1.c or d, in addition to meeting the above requirements in Clauses F.1.a, b, and e, the applicant shall:

a. apply for a six month temporary permit to practice under the guidance of a clinical preceptor approved by the board which may be extended to a maximum of two years; and

b. practice under the temporary permit and current practice standards set forth by the respective advanced practice nursing specialty and functional role; and

c. successfully complete the number of clinical practice hours required by the national certifying body approved by the board, if seeking certification/recertification, under the guidance of a preceptor approved by the board; and

d. submit evidence of current certification by a national certifying body approved by the board; or

e. if seeking commensurate requirements the applicant must practice under the guidance of a clinical preceptor approved by the board for a minimum of 800 hours of clinical practice in the area of clinical specialization when specialty certification is not available; and

f. submit evidence of compliance with §4507.E.2 b. or c. for each year of inactive or lapsed status; and

g. submit a final evaluation by the approved preceptor verifying successful completion of six months of full time practice or the equivalent hours in the area of specialization (minimum of 800 hours).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 22:281 (April 1996), amended LR 27:724 (May 2001), LR 29:580 (April 2003), LR 31:

§4509. Educational Requirements

A. Duties of the Board Directly Related to Nursing Education Programs

1. The authority of the Board of Nursing relating to nursing education programs is contained in the Louisiana Revised Statutes, Title 37, Section 911, et seq., and as amended.

2. Section 918, Duties and powers of the board states that the board shall:

a. establish and publish minimum curriculum requirements and standards for individuals seeking to be licensed under this Part;

b. approve nursing education programs whose graduates meet the licensing requirements of the board;

c. provide for hearings for nurse educational programs when approval is denied or withdrawn;

d. establish and publish standards of nursing practice and education in accordance with those developed and accepted by the profession;

e. adopt and revise rules and regulations necessary to enable the board to implement this Part in accordance with the Administrative Procedure Act.

B. Fees

1. Notwithstanding any other provisions of this Chapter, the Board shall collect in advance fees for education services as follows:

School Approval	Site Visit	\$500/site Visit per Institution
School Annual Report		\$ 50 per Institution

C. Purposes of Approval

1. To promote the safe practice of nursing by establishing standards for programs preparing individuals seeking licensure as advanced practice registered nurses in Louisiana.

2. To grant legal recognition to nursing education programs which upon survey and evaluation are determined by the board to have met the standards.

3. To assure graduates of these programs that they meet the educational and legal requirements for advanced practice registered nurses and to facilitate their endorsement to other states and countries.

4. To assure continuous evaluation and improvement of graduate nursing programs and graduate nursing education to prepare candidates for advanced practice registered nurse licensure.

5. To provide the public and prospective students with a list of graduate nursing programs that meet the standards established by the board.

D. Types of Approval

1. Initial

a. Initial approval is granted to a new program which upon application by the parent institution and after survey and board evaluation, is determined by the board to be eligible to admit students to the graduate nursing educational program to prepare candidates for advanced practice registered nurse licensure.

b. Initial approval shall not be continued for more than two consecutive one-year periods following the nursing program's eligibility to apply for full approval.

2. Full. Full approval is granted to a graduate program that meets all standards established by the board.

3. Conditional. A graduate nursing program shall be placed on conditional approval when the board has determined that it fails to meet one or more of the established standards.

E. Standards and Requirements for Graduate Nursing Education Program preparing candidates for advanced practice registered nurse licensure.

1. Mission/Philosophy and Goals

a. The graduate nursing education program shall have a clear statement of mission/philosophy, consistent with the mission of the parent institution and congruent with current concepts in nursing education relevant to the respective advanced practice specialty and functional role preparation.

b. The program shall meet the educational requirements for the nationally recognized certifying body whose certification program graduates are prepared to pursue as accepted by the board.

c. The competencies of the graduates shall be clearly delineated.

d. Distance education programming is consistent with the mission and goals of the nursing unit and the governing organization.

F. Administration, Organization, Control

1. The educational program shall be an academic unit of a regionally accredited college or university which offers a graduate degree with a major in nursing or a graduate degree with a concentration in the advanced practice registered nurse specialty as defined in R.S.37:913(1).

2. There shall be a governing body which has legal authority to conduct the nursing program, determine general policy and provide financial support.

3. The parent institution shall be approved by the appropriate accrediting bodies.

4. The program shall have comparable status with other educational units within the organizational structure of the parent institution.

5. The parent institution shall have an organizational chart which delineates the lines of responsibility and authority.

6. The program shall notify the board in writing, within two weeks, when there has been a change in the control of the institution, administrative head of the program, or the accreditation status of the educational facilities.

7. The program head shall have the authority and responsibility to administer the program in respect to:

- a. the instructional program;
- b. budget planning and management; and
- c. administrative arrangements for faculty, staff and students.

G. Faculty and Faculty Organization

1. Faculty Body. There shall be qualified faculty adequate in numbers to implement the program in nursing in relation to its stated mission/philosophy and goals.

2. Qualifications

a. The program head and each nurse faculty member shall hold a current license to practice as a registered nurse in Louisiana and shall be appointed in compliance with state and federal laws on non-discrimination.

b. The program head (administrative director) of an advanced practice registered nurse program shall hold an earned doctorate, and shall have a minimum of three years experience in the areas of nursing education and three years in clinical practice.

c. The APRN faculty member shall hold a minimum of a master's degree in nursing. APRN nursing faculty teaching advanced practice specialty content must be licensed in advanced practice in that advanced practice or related specialty.

d. Other credentialed providers may be utilized to provide content relevant to the advanced practice role in support courses.

e. The educational component of the APRN program shall be coordinated by a lead faculty member who is educated and nationally certified in the same specialty area and licensed as an APRN in the state of Louisiana.

f. APRN nurse faculty shall have sufficient mix of full time and part-time faculty to support the functional roles.

g. APRN faculty teaching clinical courses must have institutional support to maintain currency in clinical practice.

h. APRN faculty must demonstrate competence in clinical practice and teaching which may include continued national certification or continuing education requirements.

i. Exceptions to the academic qualifications for nurse faculty shall be justified and approved under board-established guidelines until December 31, 2010, at which time all nurse faculty shall be required to hold an APRN license and academic preparation in their respective advanced practice specialty.

3. Nurse faculty shall function under the same policies established for other faculty in the parent institution.

4. Policies for nurse faculty shall include but not be limited to:

- a. qualifications for the position;

b. contract or letter of appointment to delineate terms of appointment, functions and responsibilities of the position;

c. salary scale, promotion, retirement, vacation, sick leave, leave of absence for personal and professional growth and health care benefits;

d. a written plan for performance evaluation of faculty shall be established and utilized on a continuing basis.

5. A nurse faculty organization shall be established consistent with the parent institution and shall have clearly delineated bylaws.

6. Faculty workloads shall allow time for class and laboratory preparation, teaching, program revision, improvement in teaching methods, guidance of students, participation in faculty organizations and committees, research and scholarly endeavors, attendance at professional meetings and participation in continuing education programs.

7. Nurse faculty shall select, guide and evaluate all learning experiences in the program.

H. Student Selection and Guidance

1. Admission standards for entry into the APRN program shall be established, published, and shall reflect ongoing involvement by APRN faculty.

2. Qualified applicants shall be considered for admission without discrimination and in compliance with applicable state and federal laws and regulations.

3. Placement and advisement in the program by examinations, previous education, or both, shall be consistent with the parent institution.

4. Progression, transfer, termination and graduation policies shall be established and published. Any progression criteria specific to the APRN program/track reflect involvement by APRN faculty.

5. Information on the approval and accreditation status of the program, policies on tuition rebates, health care and counseling services shall be in writing.

6. Accurate information about the program shall be presented in recruitment and related activities.

7. Students shall be provided opportunity for input into the program.

8. Students' records shall be safeguarded and their confidentiality shall be maintained.

9. Students shall not be eligible to enroll in a clinical nursing course based on evidence of grounds for denial of licensure in accordance with R.S. 37:921, LAC 46:XLVII.3403 and LAC 46:XLVII.3331.

I. Guidelines for Advanced Practice Registered Nurse Students' Clinical Practicum

1. Advanced practice registered nursing students shall perform advanced practice nursing functions under the guidance of a qualified instructor or preceptor, (as defined in LAC 46:XLVII.4505), as a part of their program of study.

2. The clinical practicum shall be a minimum of 500 supervised clinical hours in direct nurse/client care. Specialty tracks that provide care to multiple age groups or prepare the APRN to function in multiple care settings will require more than 500 hours.

3. Dual track nurse practitioner advanced practice programs (two specialties) or combined nurse practitioner/clinical nurse specialist programs shall include

content and clinical experience in both functional roles and specialties.

4. Out-of-state schools shall request in writing to the board and have approved, any request to initiate a clinical practicum in Louisiana. The out-of-state program must provide evidence of approval by the Louisiana Board of Regents to provide instruction in Louisiana. The "out of state school" shall provide evidence of LSBN Board approval to the clinical site coordinator prior to practicum. The following information relative to advanced practice registered nurse student (s) shall be submitted:

a. student(s) name;

b. the clinical practice setting;

c. the credentials of the instructor/preceptor; and

d. evidence of RN licensure in Louisiana.

J. Facilities, Resources, Services

1. An identifiable physical facility for nursing shall be provided by the parent institution.

2. Classrooms, conference rooms, multipurpose rooms, learning laboratories and library resources shall be provided.

3. Offices for administrative personnel, faculty and support staff shall be provided.

4. Storage space for safeguarding student and faculty records, for equipment and instructional materials shall be provided to meet the needs of the program.

5. Nursing library resources shall be comprehensive, current and accessible.

6. Secretarial and support services shall be provided to meet the needs of the program.

7. Clinical facilities shall be available in sufficient numbers and variety to meet the needs of the program.

K. Curriculum

1. The APRN faculty shall periodically review, evaluate and revise as appropriate the mission philosophy, and goals of the program.

2. The mission/philosophy and goals shall be used by the faculty in planning, implementing and evaluating the total program.

3. The goals shall be consistent with the mission and describe the expected competencies of the graduate.

4. The curriculum shall include, but not be limited to content in advanced pathophysiology, advanced pharmacology, advanced assessment and diagnostic reasoning, and management of health care status and shall evidence appropriate course sequencing.

5. The APRN program track has a minimum of 500 supervised clinical hours overall. Specialty tracks that provide care to multiple age groups and care settings will require additional hours as distributed in a way that represents the populations served.

6. There shall be provisions for the recognition of prior learning and advanced placement in the curriculum for those individuals who hold a master's in nursing who are seeking to qualify for recognition in a different specialty or functional role. Post-Master's (PM) nursing students must complete the requirements of a master's APRN program through a formal graduate level certificate or master's level track in the desired functional role and specialty. PM students must master the same outcome criteria as Master's level students. PM students are required to complete a minimum of 500 supervised clinical hours.

L. Program Evaluation

1. The program has a systematic plan for program evaluation and assessment and documents the use of data in decision making for program development, maintenance, and revision which includes the following:

- a. mission/philosophy, outcomes of the curriculum;
- b. teaching/learning experiences;
- c. expected competencies of the graduate;
- d. student(s) evaluations of courses;
- e. faculty evaluations of students;
- f. performance of graduates on the appropriate certification exam;
- g. follow-up studies of the graduates;
- h. employment functioning of the graduates; and
- i. evaluation of faculty performance.

2. The program evaluation plan shall document that the curriculum prepares graduates to meet the standards for the advanced practice registered nurse as specified in LAC 46:XLVII.4513.

M. Major Curriculum Change

1. Major curriculum changes shall be approved by the board at a regularly scheduled meeting of the board at least six months prior to the date of implementation.

2. An approved graduate program seeking to add a specialty or functional role to its existing graduate nursing program shall be approved by the board at least six months prior to the date of implementation.

N. Records and Reports

1. The nursing education program and the parent institution shall develop and implement a systematic plan for maintaining student records in accordance with accepted academic standards.

a. Student Records

i. Each student's records include an application, progression evaluation, and graduation forms which are kept on file for a minimum of one year after graduation or three years after termination from the program if the student does not graduate.

ii. The application and final transcript are kept on file permanently.

2. Faculty Records. Faculty records shall be on file in the nursing education program and/or in the parent institution and shall be in compliance with existing federal, state and institutional requirements.

3. Other records shall be kept on file and shall include:

- a. current program bulletin;
- b. current budget and fiscal reports;
- c. current contracts with cooperating agencies;
- d. minutes of nurse faculty committee meetings;
- e. follow up studies of the graduates; and
- f. program self-evaluation studies.

4. The nursing education program submits to the board the following reports:

- a. annual report on the form provided by the board;
- b. interim reports on the form provided by the board;
- c. self-study report on the form provided by the board; and
- d. other reports as deemed necessary by the board.

O. Procedure for Terminating a Program

1. Voluntary Termination

a. The board shall be notified when a decision has been made to close a program.

b. All of the board's standards shall be maintained until all students have transferred to another program or have graduated.

c. All students shall have assistance with transfers to another program and a list of these students shall be submitted to the board.

d. The following records shall be retained:

- i. student's application to the program;
- ii. student's final transcript;
- iii. each curriculum plan offered; and
- iv. list of each graduating class and date of graduation.

2. Involuntary Termination

a. The board shall be notified of the arrangements for safe storage of the permanent records of the program and its students' records.

b. The following records shall be retained:

- i. student's application to the program;
- ii. student's final transcript;
- iii. each curriculum plan offered; and
- iv. a list of each graduating class and date of graduation.

P. Procedure for Establishing a New Program

1. Step I

a. A parent institution wishing to establish a new graduate program or to add a new specialty and/or functional role to prepare candidates for advanced practice registered nurse licensure in nursing shall submit the following at least one year in advance of anticipated date for admission of students:

i. a written notice of intent to establish a new graduate APRN program in nursing or to add a new specialty and/or functional role, stating the purpose and type of program;

ii. documented evidence of approval from the parent institution and the appropriate governing board to award the appropriate degree or specialty and/or functional role and a copy of the current bulletin or catalog; and

iii. a report of a feasibility study documenting a need for the program or specialty and/or functional role. The study shall include evidence of:

(a) nurse manpower studies which validate need for the program as it relates to total state resources and graduate nursing education in the state, and the potential impact on other graduate nursing education programs within the state;

(b) availability of qualified nurse faculty and support faculty;

(c) adequate academic facilities and qualified preceptors to meet the needs of the program;

(d) adequate financial resources for planning, implementing and continuing the program;

(e) commitment of administration to support the program;

(f) community support;

(g) a proposed time schedule for initiating and expanding the program; and

(h) an available pool of potential students.

b. Representatives of the parent institution shall meet with the board at a regularly scheduled board meeting

to review the notice of intent, the report of the feasibility study and any other information submitted. Based on its review the board shall give written notification to the parent institution that:

- i. supplementary information is needed; or
- ii. the notice of intent to establish a new graduate program or to add a new specialty and/or functional role is sanctioned and the parent institution may continue with the plan to establish the program; or
- iii. public announcements of the opening of the proposed program and preadmission of students shall not occur prior to the receipt of initial board approval; or
- iv. the application is not sanctioned, the reasons therefor, and all planning must cease.

2. Step II

a. If the parent institution is granted sanction by the board to proceed with the development of the program a qualified program head shall be employed a minimum of 12 months prior to the admission of the first class of students.

b. The program head shall have the authority and responsibility to develop:

- i. an organizational structure for the program;
- ii. an organizational chart;
- iii. a constitution and bylaws;
- iv. administrative policies and procedures;
- v. policies for screening and recommending candidates for faculty appointments and for retention and promotion of faculty (See §3515);
- vi. a budget;
- vii. a plan for the use of appropriate preceptors and or clinical agencies;
- viii. a sample contractual agreement with clinical preceptors and/or cooperating agencies; and
- ix. a plan for the use of academic facilities and resources.

c. The program head shall appoint a minimum of four full-time nurse faculty whose background includes:

- i. experience in curriculum design;
- ii. previous teaching experience in a nursing education program of the same academic level as the proposed program; and
- iii. clinical nursing practice for a minimum of two years.

d. Faculty shall be appointed at least six months prior to admission of students.

e. The nurse faculty shall develop the proposed program and plan for its implementation. They shall write:

- i. mission/philosophy and goals;
- ii. curriculum plan;
- iii. course objectives;
- iv. course outlines;
- v. evaluation plan and methods;
- vi. admission, progression and graduation criteria;
- vii. policies for protecting students' rights, their safety and welfare, and for guidance and counseling; and
- viii. plan for utilization of the proposed program.

f. The program head may petition the board for an initial survey visit.

3. Step III

a. Initial approval may be requested after an on-site survey by a representative of the board.

b. After initial approval is granted, students may be admitted to the program.

4. Step IV

a. Within the first academic year, a representative of the board shall conduct an on-site survey of the program.

5. Step V

a. Full approval shall be requested after members of the first class of graduates write and receive the results of the first certification examination. Additionally, an on-site survey shall be requested and upon presentation of evidence that standards of the board have been met, full approval may be granted to the program.

b. Initial approval shall not be continued for more than two consecutive one-year periods following the nursing program's eligibility to apply for full approval.

Q. Procedure of Continuing Full Approval

1. On-site surveys shall be made on a scheduled basis, at the discretion of the board, or upon the request of the program.

2. Programs holding full board approval for a minimum of five consecutive years and full national accreditation recognized by the board may request to have board survey visits coordinated with national accreditation visits. Following receipt of the official request by the program, the date of initiation of this process for the program shall be determined by the board.

a. An on-site visit shall be conducted by an authorized representative of the board within six months following each national accreditation visit.

b. To meet the self-study requirements, the national self-study report and the addendum required by the board shall be submitted to the board at least 21 days prior to the scheduled on-site survey visit.

c. A copy of any national accreditation correspondence concerning accreditation and interim reports shall be forwarded to the board.

3. An on-site survey of a nursing education program which does not hold full national accreditation recognized by the board shall be conducted by an authorized representative of the board at least every five years.

4. A written report of the on-site survey is sent to the administrative officer of the parent institution, to the program head, and to all board members.

5. The program head may submit a response to the report of the on-site survey and also be present when the board reviews and acts upon the report.

6. Action relevant to the approval status of the program is taken by the board after an evaluation of:

- a. the on-site survey document; or
- b. the program's annual report; or
- c. evidence that indicates the program fails to meet the standards and requirements.

7. The board shall provide for an evaluation and hearing to determine if a program has met or has failed to meet the standards and requirements and:

- a. gives written notice that the standards have been met and continues full approval or restores approval; or
- b. gives written notice of specified deficiency(ies) and places the program on conditional approval for a period of one year.

8. A program has the right at any time to present evidence to the board that the deficiency(ies) has been

corrected and may petition the board to restore full approval to the program.

9. No later than 12 months from the date the program was placed on conditional approval, the program shall submit a written report to the board with evidence that the standard(s) have been met, and may petition the board to restore full approval.

10. If a deficiency(ies) cannot be corrected in 12 months, the program shall file a plan for meeting the standard(s) and may petition the board to continue the conditional approval status.

11. Conditional approval status is not granted to a program for more than three consecutive one-year periods.

12. After three consecutive years on conditional approval a program shall not admit any students into the nursing sequence until the board has determined that all standards have been met.

13. The right to appeal the board's decision is afforded any program in accordance with R.S. 37:918(C) and the Louisiana Administrative Procedure Act, Section 965 Appeals.

R. Approval for Nursing Education Programs Whose Administrative Control Is Located in Another State Offering Programs, Courses, and/or Clinical Experience in Louisiana

1. Program of Studies. To receive approval by the board for a total program of studies offered in Louisiana by nursing programs whose administrative control is located in another state, the following criteria shall be met.

a. New programs follow the procedure to establish new programs as specified in LAC 46:XLVII.4509.

b. Programs must present evidence of compliance with all standards and requirements contained in LAC 46:XLVII.4509. Upon full approval, the program will be reviewed under the requirements for continued approval, as specified in LAC 46:XLVII.4509.

2. Course/Clinical Offerings. Out-of-state nursing programs offering courses/clinical experiences in Louisiana are expected to maintain the standards required of Louisiana-based programs. The board reserves the right to withdraw the approval of such offerings if adherence to these standards is not maintained. To receive approval by the Board of Nursing for course/clinical offerings in Louisiana by nursing programs whose administrative control is located in another state, the following criteria shall be met.

a. Approval/Accreditation Requirements. Evidence of approval/accreditation of the nursing program shall be submitted to the board as stipulated below.

i. The nursing program sponsoring the offering shall hold current approval by the Board of Nursing and/or other appropriate approval bodies in the state in which the parent institution is located.

ii. Regional accreditation shall be held by the parent institution.

iii. National accreditation recognized by the board is recommended.

iv. The nursing program sponsoring the course/clinical offering must provide the Board of Nursing with the following materials for review at least four months prior to the scheduled initiation of the offering:

(a). a letter of request for approval to provide the course/clinical offering which indicates the time-frame

during which the offering will be conducted, the clinical agency(ies) and the clinical unit(s) to be utilized;

(b). a copy of the mission/philosophy and goals;

(c). a curriculum pattern which lists all courses required within the program of study;

(d). a course syllabus for the course/clinical experience(s) to be offered which specifies the related objectives of the offering; and

(e). current school catalog.

v. Request for preceptorship learning experiences shall include evidence of compliance with LAC 46:XLVII.4509.U.1, 2, 3 and 4.

vi. A "Faculty Qualification" form shall be submitted for each faculty member providing instruction within the state of Louisiana.

b. Approval

i. Course/clinical offerings by out-of-state nursing programs may be approved for a period of two years, at which time program representatives may petition for renewal of approval for each additional two-year period.

ii. A written report which provides updated and current data relevant to the program shall be submitted as a component of the petition for renewal.

iii. Failure to comply with the requirements established by the board shall result in the immediate withdrawal of the board's approval of course/clinical offerings.

c. Post Approval. A copy of the executed contractual agreement between the academic institution and the clinical facility shall be submitted to the board prior to the initiation of the offering(s).

S. Procedure for Proposed Major Change in Curriculum. A nursing education program proposing a major curriculum change shall submit to the board, six months prior to date of implementation, the following:

1. evidence that the parent institution has approved the curriculum change;

2. rationale for the proposed change;

3. mission/philosophy, goals, course objectives and course outlines;

4. concise presentation of current and proposed curriculum;

5. time table for implementation of the change in curriculum;

6. an explanation of the anticipated effect on currently enrolled students; and

7. planned method for evaluating the results of the change.

T. Procedure for Submitting Required Forms and Reports

1. Annual Report. The nursing education program shall submit 10 copies of an annual report, on a form provided by the board, on the designated date, accompanied by one copy of the current school catalog.

2. Interim Reports

a. A "Faculty Qualification" form shall be submitted on a form provided by the board within two weeks of the time each new faculty member is employed.

b. Any program required to submit a National League for Nursing Accrediting Commission or a Council for Collegiate Nursing Education Interim Report shall submit a copy of the report to the board.

3. Self Study

a. A self-study shall be submitted to the board 21 days prior to the scheduled on-site survey of the program.

b. The national accreditation self study report and the addendum required by the board may be submitted to meet the self-study requirements of the board.

U. Preceptorship Learning Experiences

1. Nurse faculty shall retain the responsibility for selecting and guiding student learning experiences and the evaluation of student performance with input from preceptors.

2. Preceptors shall be selected according to written criteria jointly developed by faculty, nursing administration in the clinical facility, and in accordance with guidelines established by the board.

3. A faculty member shall be available on a frequent basis to preceptors while students are involved in a preceptorship experience.

4. There shall be one preceptor/clinical practicum coordinator per two students during any given real or current time period.

AUTHORITY NOTE: Promulgated in accordance with R.S.37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 27:726 (May 2001), amended LR 31:

§4511. Advanced Practice Registered Nurse Professional Certification Programs

A. A national certifying body which meets the following criteria shall be recognized by the board as mandated by R.S. 37:913:

1. credentials nationally;

2. does not require an applicant to be a member of any organization or entity;

3. documents the criteria for applicant eligibility to take an examination for certification and recertification;

4. requires a master's degree as the minimal educational level for certification or otherwise approved by the board;

5. utilizes an application process and credential review which includes documentation that the applicant's didactic education has concentrated in the advanced nursing practice category being certified, and that the applicant's clinical practice is in the specialty and functional role area of certification;

6. uses an examination as a basis for certification in the advanced nursing practice category which meets the following criteria:

a. the examination is based upon job analysis studies conducted using standard methodologies acceptable to the testing community;

b. the examination represents entry-level practice based on standards in the advanced nursing practice category;

c. the examination represents the knowledge, skills (critical thinking and technical), and role functions essential for the delivery of safe and effective advanced nursing care to the client;

d. the examination content and its distribution are specified in a test plan, based on the job analysis study, that is available to examinees;

e. examination items are reviewed for content validity, cultural sensitivity, and correct scoring using an established mechanism, both before use and periodically;

f. examinations are evaluated for psychometric performance;

g. the passing standard is established using acceptable psychometric methods, and is re-evaluated periodically; and

h. examination security is maintained through established procedures;

7. issues certification based upon passing the examination and meeting all other certification requirements;

8. provides for periodic re-certification which includes review of qualifications and indicators of continued competence, including but not limited to continuing education or examination; and

9. has mechanisms in place for communication to boards of nursing for timely verification of an individual's certification status, changes in certification status, and changes in the certification program, including qualifications, test plan, and scope of practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 22:283 April 1996), amended LR 31:

§4513. Authorized Practice

A. Collaboration is a process in which an APRN has a relationship with one or more physicians or dentists to deliver health care services .Such collaboration is to be evidenced by the APRN scope of practice and indicates the relationships that they have with physicians or dentists to deal with issues outside their scope of practice.

B. Scope of Practice. An advanced practice registered nurse shall practice as set forth in R.S. 37:913(3)(a) and the standards set forth in these administrative rules. The patient services provided by an APRN shall be in accord with the educational preparation of that APRN. APRNs practicing in accord with R.S.37:913(3)(a) are not required to have a collaborative practice agreement. The APRN who engages in medical diagnosis and management shall have a collaborative practice agreement that includes, but is not limited to, the following provisions: [R.S. 37:913(8) and (9)]

1. availability of the collaborating physician or dentist for consultation or referral, or both;

2. methods of management of the collaborative practice which shall include clinical practice guidelines; and

3. coverage of the health care needs of a patient during any absence of the APRN, physician, or both parties.

C. Standards of Nursing Practice for the Advanced Practice Registered Nurse. Standards of practice are essential for safe practice by the APRN and shall be in accordance with the published professional standards for each recognized specialty and functional role. The core standards for all categories of advanced practice registered nurses include, but are not limited to:

1. an APRN shall meet the standards of practice for registered nurses as defined in LAC 46:XLVII.3901-3915;

2. an APRN shall assess patients at an advanced level, identify abnormal conditions, analyze and synthesize data to

establish a diagnosis, develop and implement treatment plans, and evaluate patient outcomes;

3. the APRN shall use advanced knowledge and skills in providing patients and health team members with guidance and teaching;

4. an APRN shall use critical thinking and independent decision-making at an advanced level, commensurate with the autonomy, authority, and responsibility of the specialty and functional role while working with patients and their families in meeting health care needs;

5. an APRN shall demonstrate knowledge of the statutes and rules governing advanced registered nursing practice and function within the legal boundaries of the appropriate advanced registered nursing practice role;

6. an APRN shall demonstrate knowledge of and apply current nursing research findings relevant to the advanced nursing specialty and functional role;

7. an APRN shall make decisions to solve patient care problems and select medical treatment regimens in collaboration with a licensed physician or dentist; and

8. an APRN shall retain professional accountability for his/her actions and/or interventions.

D. Prescriptive and Distributing Authority. An Advanced Practice Registered Nurse (APRN) shall practice in a manner consistent with the definition of advanced practice set forth in R.S. 37:913(3). An APRN may be granted prescriptive authority to prescribe assessment studies, including pharmaceutical diagnostic testing (i.e., dobutamine stress testing) legend and certain controlled drugs, therapeutic regimens, medical devices and appliances, receiving and distributing a therapeutic regimen of prepackaged drugs prepared and labeled by a licensed pharmacist, and free samples supplied by a drug manufacturer, and distributing drugs for administration to and use by other individuals within the scope of practice as defined by the board in R.S. 37.913(3)(b).

1. The applicant shall:

a. hold a current, unencumbered, unrestricted and valid registered nurse license in Louisiana with no pending disciplinary proceedings as stated in R.S. 37:921;

b. hold a current, unencumbered, unrestricted and valid APRN license;

c. submit a notarized application on a form provided by the Board with a non-refundable fee as set forth in LAC 46:XLVII.3341;

d. provide evidence of:

i. 500 hours of clinical practice as a licensed APRN or APRN applicant within one year in the clinical specialty for which the applicant was educationally prepared as an APRN immediately prior to applying for prescriptive and distributing authority; practice in another state as a licensed APRN may be accepted to meet this requirement;

ii. successful completion of a minimum of 45 contact hours of education (3 credit hour academic course) in advanced pharmacotherapeutics obtained as a component of a formal educational program preparing registered nurses for advanced practice, approved by the board;

iii. successful completion of a minimum of 45 contact hours (3 credit hour academic course) in physiology/pathophysiology in a formal educational

program approved by the board for preparation for advanced practice registered nurses;

iv. any deviation from Clause 1.d.i, ii or iii shall be submitted to the Board for review and approval; and

v. a collaborative practice agreement as defined in §4513.B.1, 2 and 3, with one or more licensed collaborating physicians which shall include, but not be limited to:

(a). a plan of accountability among the parties that:

(i). defines the prescriptive authority of the APRN and the responsibilities of the collaborating physician or physicians;

(ii). delineates a plan for hospital and other healthcare institution admissions and privileges which includes a statement that the collaborating physician must have said privileges at the same institution before an APRN can receive this determination at said institution;

(iii). delineates mechanisms and arrangements for diagnostic and laboratory requests for testing; and

(iv). delineates a plan for documentation of medical records;

(b). clinical practice guidelines as required by R.S. 37:913(9)(b) shall contain documentation of the types or categories or schedules of drugs available and generic substitution for prescription and be in accordance with current standards of care and evidence-based practice for the APRN specialty and functional role and be:

(i). mutually agreed upon by the APRN and collaborating physician;

(ii). specific to the practice setting;

(iii). maintained on site; and

(iv). reviewed and signed at least annually by the APRN and physician to reflect current practice;

(c). documentation of the availability of the collaborating physician when the physician is not physically present in the practice setting. Physicians shall be available to provide consultation as needed:

(i). physician shall be available by telephone or direct telecommunications for consultation, assistance with medical emergencies, or patient referral, as delineated in the collaborative practice agreement; and

(ii). the secondary (back-up) physician or physicians shall be in good standing and approved by the medical board and sign the collaborative practice agreement;

(d). documentation shall be shown that patients are informed about how to access care when both the APRN and collaborating physicians are absent from the practice setting; and

(e). an acknowledgement of the mutual obligation and responsibility of the APRN and collaborating physician to insure that all acts of prescriptive authority are properly documented.

2. Prescriptive Authority

a. Prescribing Controlled Substances and Legend Drugs

i. The LSBN shall review the application, reapplication or renewal, the collaborative practice agreement for prescriptive authority and all related materials and shall approve, modify, or deny the application, reapplication or renewal for prescriptive authority. An APRN

with prescriptive authority approved by the board may prescribe drugs and therapeutic devices as recommended by clinical practice guidelines and the parameters of the collaborative practice agreement.

ii. Prior to granting an APRN prescriptive authority the collaborating physician or physicians shall be approved by the Louisiana State Board of Medical Examiners.

iii. Prescription Guidelines **C**All Medications

(a). The following guidelines apply to all prescriptions, whether or not said prescriptions are for legend drugs, controlled substances or any other medication. An APRN granted prescriptive authority shall comply with all federal and state laws and rules in prescribing, distributing, and administering drugs.

iv. The APRN who has been given proper authority to prescribe whether in person or by an electronic means or over the Internet or over telephone lines must meet the following requirements:

(a). perform and appropriately document a history and physical examination, and make a diagnosis based upon the examination and all diagnostic and laboratory tests;

(b). formulate a therapeutic plan that is discussed with the patient;

(c). state the availability of the APRN or coverage for the patient for follow-up care;

(d). for established patients, a complete physical exam is not required before prescribing new medications; and

(e). all of the above must be included in the collaborative practice agreement.

v. Each order for a prescription, whether written or oral shall include the following information.

(a). The prescription form shall not be less than 4 inches by 5 inches, and shall bear a single printed signature line.

(b). The prescription form shall clearly indicate the authorized prescriber's name, licensure designation, address, telephone number, and if applicable Drug Enforcement Administration (DEA) registration number. In the event multiple practitioners are identified on the prescription form, the authorizing prescriber's specific identity shall be clear and unambiguous. This identification may be indicated by any means, including but not limited to a marked check box next to, or circling the authorizing prescriber's printed name.

(c). The prescription form shall clearly indicate the authorized prescriber's practice affiliation, and the collaborating physician's name, address, and telephone number shall appear on the prescription form.

(d). No prescription form shall contain more than four prescription drug orders.

(e). Each prescription drug order on the form shall provide the following:

(i). a check box labeled "dispense as written" or DAW or both; and

(ii). the number of refills, if any; and

(iii). for prescriptions reimbursable by Medicare and Medicaid, the APRN may only inhibit equivalent drug product interchange by handwriting the words "brand necessary" or "brand medically necessary" on

the face of the prescription order or on a separate sheet attached to the prescription order as specified in LAC 46:LIII.2511.

b. Controlled Substances. The board may authorize an APRN with prescriptive authority to prescribe or distribute controlled substances as defined, enumerated or included in federal or state statutes or regulations 21 C.F.R.1308.11-15., R.S 40:964, on an individual practice basis An APRN who is so authorized shall provide their Drug Enforcement Administration registration number on all written prescriptions and be furnished on all oral prescriptions and shall comply with all scheduled drug prescription requirements in accordance with LAC 46:LIII.2511:

i. an APRN granted authority to prescribe or distribute controlled substances shall not utilize such substances in connection with the treatment of:

(a). chronic or intractable pain, as defined in LAC 46 XLV.6515-6923;

(b). obesity, as defined in LAC 46 XLV.6901-6913; or

(c). oneself, a spouse, child or any other family member;

ii. any APRN authorized to prescribe controlled substances shall provide to the board a copy of his or her Louisiana Controlled Dangerous Substance permit and Drug Enforcement Administration registration number prior to prescribing or distributing controlled substances;

iii. controlled substances which may be prescribed or distributed by an APRN shall include Schedule III, IV and V. Schedule II shall be approved by the board on an individual basis. Controlled substances shall be limited to, consistent with, and exclusively within the parameters of the practice specialty of the collaborating physician and in the APRN's licensed category and area of specialization. The APRN must have been approved by the board to prescribe and distribute noncontrolled substances. The applicant must submit a collaborative practice agreement that clearly states that the controlled substances prescribed have been jointly agreed upon with the collaborating physician;

iv. the APRN must submit a collaborative practice agreement which delineates controlled substances utilization, which specifies the circumstances, limitations and extent to which such substances may be prescribed or distributed;

v. the APRN must submit evidence of 500 hours of practice with a collaborating physician immediately preceding the initial request for controlled substances;

vi. the APRN's application must state an identified need for controlled substances within the patient population served by the collaborative practice;

vii. the collaborative practice agreement must contain acknowledgment of responsibility by the collaborating physician to ensure that the controlled substance authority of an APRN is utilized in a manner that is consistent with any rule or regulation imposed upon the APRN's practice;

viii. the APRN who is authorized to prescribe controlled substances must determine the type, dosage form, frequency of application of controlled substances prescribed to a patient. This responsibility must never be delegated to any other personnel;

ix. the APRN shall insure that the complete name and address of the patient to whom the APRN is prescribing the controlled substance appears on the prescription;

x. the APRN shall not permit any prescription for controlled substances to be signed by any other person in the place of or on behalf of the APRN;

xi. the APRN may utilize telefaxes as original prescriptions for Schedule III-V as long as it has a true electronic signature;

xii. no more than one controlled substance shall be issued on a single prescription blank; and

xiii. no APRN shall prescribe any controlled substance or other drug having addiction-forming or addiction-sustaining liability without a good faith prior examination and medical indication.

3. Maintenance of Patient Records (controlled substances)

a. Patient Record. An APRN who prescribes a controlled substance shall maintain a complete record of the examination, evaluation and treatment of the patient which must include documentation of the diagnosis and reason for prescribing controlled substances. The name, dose, strength, quantity of the controlled substance and the date that the controlled substance was prescribed must be documented in the record.

b. The Louisiana State Board of Nursing has the authority to conduct random audits of patient records at practice sites where APRNs have been granted approval for prescribing controlled substances.

4. Drug Maintenance, Labeling and Distribution Requirements

a. APRNs shall not receive samples of controlled substances. An APRN may receive and distribute pre-packaged medications or samples of non-controlled substances for which the APRN has prescriptive authority.

b. An APRN must distribute the medication. For the purpose of this regulation "distribute" shall mean hand the pre-packaged medication to the patient or the patient's authorized agent.

c. All drug products which are maintained/stored at the site of practice of an APRN, shall be maintained/stored in the manufacturer's or re-packer's original package. The label of any container in which drugs are maintained must bear the drug name, strength, the manufacturer's control lot number and the expiration date.

d. All drug products shall be maintained, stored and distributed in such a manner as to maintain the integrity of the product.

5. Continued Competency for Prescriptive Authority. Each year an APRN with prescriptive authority shall obtain six contact hours of continuing education in pharmacotherapeutics in their category and area of specialization. Documentation of completion of the continuing education contact hours required for prescriptive authority shall be submitted at the request of the board in a random audit procedure at the time of the APRN's license renewal. In order for the continuing education program to be approved by the board, the program shall:

a. be provided by a board approved national certifying organization or provider approved by the board;

b. include content relevant to advanced practice nursing and the use of pharmacological agents in the

prevention of illness, and the restoration and maintenance of health;

6. APRN prescriptive authority may be renewed after review and approval by the board;

7. changes in prescriptive authority. Prior to changes with the collaborating physician, or physicians or coverage physician, when applicable, the APRN shall notify the board in writing requesting approval of such changes and submit a new collaborative practice agreement. The APRN shall notify the board in writing within 30 days of all changes regarding practice sites. Failure to notify the board may result in disciplinary action;

8. the board shall be responsible for maintaining a current up-to-date public list of APRNs who have authority to prescribe in the state;

9. the board shall supply whatever data is needed by the Office of Narcotics and Dangerous Drugs of the Department of Health and Hospitals of the State of Louisiana;

10. an APRN shall demonstrate compliance with the board's rules relating to authorized practice, section LAC 46:XLVII.4513.C.

11. Limitation

a. An APRN's prescriptive and distributing authority is personal to that individual APRN and is not delegable. An APRN shall not enter into any agreement, arrangement or contract with another health care provider, practitioner, person or individual which in any manner transfers any of the prescribing or distributing authority that the APRN derives as a result of approval by the board.

b. Only registered practitioners of medicine, dentistry, or veterinary medicine are authorized to compound and dispense drugs in accord with R.S.37:1201.

c. Exclusion. Nothing herein shall require a CRNA to have prescriptive authority to provide anesthesia care, including the administration of drugs or medicine necessary for anesthesia care.

d. Continuance. Those APRNs who have previously been granted prescriptive and distributing authority by the Joint Administrative Committee or the LSBN shall continue under these rules.

e. Reinstatement. An APRN who has been granted approval by the board for prescriptive and distributive authority and who has ceased practicing with prescriptive authority for more than 12 months may apply for reinstatement of such authority.

f. In the event that the time period is greater than 12 months but less than four years the APRN shall:

i. meet the requirements as set forth in LAC 46:XLVII.4513.D.1.a, b., and c; and

ii. provide evidence of six contact hours of continuing education in pharmacotherapeutics for each 12 month period of non-prescribing in their category and area of specialization. The APRN may obtain the required advanced pharmacotherapeutic hours through continuing education offerings. The required advanced pharmacotherapeutic hours may be non-lecture offerings or Continuing Medical Education Units (CMEs) provided that the offering documents the number of advanced pharmacotherapeutic hours in the educational offering. Pharmacotherapeutics hours must be delineated on the

certificate. In order for the continuing education program to be approved by the board, the program shall:

(a). be provided by a board approved national certifying organization or provider approved by the board; and

(b). include content relevant to advanced practice nursing and the use of pharmacological agents in the prevention of illness, and the restoration and maintenance of health.

g. In the event that the time period is greater than four years the APRN shall meet the requirements as set forth in LAC 46:XLVII.4513.D.1.a, b, c, and d.

12. Termination of Prescriptive Privileges

a. Prescriptive privileges may be terminated for violation of any rules and regulations of the board.

b. Prescriptive authority will be designated as "Inactive" when an APRN has no current collaborative practice agreement with a collaborating physician.

c. Prescriptive authority will be designated as "Inactive" in the event the RN and/or APRN license is revoked, suspended, made inactive or becomes delinquent.

13. Financial Disclosure

a. The APRN is subject to the rules LAC 46:XLVII.3605, "Disclosure of Financial Interest".

14. Freedom of Choice

a. An APRN shall not be influenced in the prescribing of drugs, devices or appliances by a direct or indirect financial interest in a pharmaceutical firm, pharmacy or other supplier or other health care related business.

b. Patients are entitled to the same freedom of choice in selecting who will fill their prescription needs as they are in the choice of an APRN. The prescription is a written direction for a therapeutic or corrective agent. A patient is entitled to a copy of the APRN's prescription for drugs or other devices. The patient has a right to have the prescription filled wherever the patient wishes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), and R.S. 37:1031-1034.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Nursing, LR 10:598 (August 1984), amended by the Department of Health and Hospitals, Board of Nursing, LR 22:981 (October 1996), amended by the Department of Health and Hospitals, Board of Nursing and Board of Medical Examiners, LR 25:1245 (July 1999), amended by the Department of Health and Hospitals, Board of Nursing, LR 27:727 (May 2001), amended by the Department of Health and Hospitals, Board of Nursing and Board of Medical Examiners, LR 28:487 (March 2002), repromulgated LR 28:1205 (June 2002), amended LR 31:

§4515. Continued Competence of Advanced Practice Registered Nurses

A. Continued competence requirements shall apply as follows:

1. APRNs maintain advanced practice recertification in accordance with the nationally recognized certifying body's criteria as approved by the board; or

2. when advanced practice certification/recertification is not available, or APRNs who are licensed by grandfathering, without advanced practice certification, the APRN shall meet the requirements for renewal as specified in the LAC 46:XLVII.4507.E.2.

B. Continuous Quality Improvement. The board may perform on-site review for APRNs to determine compliance.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918(K), and R.S. 37:1031-1034.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 22:284 (April 1996), amended LR 27: 727 (May 2001), amended LR 31:

§4517. Additional Standards For Each Advanced Practice Nurse Category

A. The APRN is responsible and accountable for compliance to the specific standards of practice for his/her specialty and functional role and for other state and federal rules and regulations that effect his/her patient population(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:918.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Nursing, LR 22:284 (April 1996), amended LR 27: 727 (May 2001), LR 31:

Family Impact Statement

The Louisiana State Board of Nursing hereby issues this Family Impact Statement: The proposed rule related to the board's appointing authority will have an impact on budget for approximately 16 faculty members as they will incur the cost of APRN licensure, i.e., \$100 initial licensure and \$50 yearly renewal.

Interested persons may submit written comments on the proposed Rules to Barbara L. Morvant, Executive Director, Louisiana State Board of Nursing, 3510 N. Causeway Blvd, Suite 601, Metairie, LA 70002. The deadline for receipt of all written comments is 4:30 p.m. on April 28, 2005.

A public hearing on this proposed Rule is scheduled for Wednesday, April 27, 2005 at 1 p.m., Louisiana State Board of Nursing, 3510 N. Causeway Blvd., Suite 601, Metairie, LA 70002. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Barbara L. Morvant
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Professional and Occupational Standards for Advanced Practice Registered Nurses

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that no additional staff or operating expenses will be needed to implement these changes. The only cost for implementation is for the publication of the rule change in the *Louisiana Register* estimated to be approximately \$1,600 in FY 05.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that LSBN will conduct at least one graduate nursing program site visit a year for a total of \$500 per site visit per year. There are currently eight (8) graduate programs in nursing, each of which will submit an annual report at \$50 each for a total of \$400 in FY 05 and each year thereafter. It is estimated that sixteen (16) nurse faculty will need to obtain APRN licensure and pay an initial licensure fee of \$100 in FY 05 for a total of \$1,600 and an annual renewal fee of \$50 for a total of \$800 yearly. The total revenue increase to the LSBN will be \$3,300 for FY 05, and \$1,700 each year thereafter.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rules implement Act 1094 in the 2003 regular legislative session. The changes also reflect clarification and updating of the rules related to education, licensure and prescriptive authority privileges for APRNs. The proposed rules will require the LSBN to review and approve educational programs and courses for registered nurses preparing for advanced practice in nursing. There may be additional cost to the educational program if the site visit is done separately from other programs. Site visits will be every 5 years or as coordinated with other accrediting bodies. Schools will incur a \$50 annual report fee. Some faculty (16) will incur the cost of APRN licensure, i.e., \$100 initial licensure and \$50 yearly renewal.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition and employment in the public and private sectors.

Barbara L. Morvant
Executive Director
0503#028

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Health Care Facilities Sanctions
(LAC 50:I.5503)**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC 50:I.5503 under the Medical Assistance Program as authorized by R.S. 40:2199 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgated a rule that established the authority for the department to impose sanctions and/or civil fines on those health care facilities determined to be out of compliance with any state or federal law or rule governing the operation and provision of health care services (*Louisiana Register*, Volume 26, Number 7). The department now proposes to amend the July 20, 2000 Rule to revise health care facility sanctions to concur with the Inventory for Client and Agency Planning (ICAP) instrument that will be used in the development of individualized rates for recipients residing in intermediate care facilities for the mentally retarded.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

**Title 50
PUBLIC HEALTH MEDICAL ASSISTANCE**

**Part I. Administration
Subpart 7. Sanctions**

Chapter 55. Health Care Facility Sanctions

§5503. Description of Violation and Applicable Civil Fines

A. "Class A" Violations

1. - 2. ...

3. If it is determined that an Intermediate Care Facility for the Mentally Retarded (ICF/MR) has a violation of a direct care rule or regulation related to the maintenance or operation of the facility which creates a condition or occurrence that results in death or serious harm to a resident, a 94 percent direct care floor will be established for the fiscal year in which the citation occurs and for the two immediately subsequent years.

B. "Class B" Violations

1. - 2. ...

3. If it is determined that an ICF/MR has a violation of a direct care rule or regulation related to the maintenance or operation of the facility which creates a condition or occurrence that has a substantial probability that death or serious harm to a resident will result if the condition or occurrence remains uncorrected, a 90 percent direct care floor will be established for the fiscal year in which the citation occurs and for the two immediately subsequent years.

C. "Class C" Violations

1. - 2. ...

3. If it is determined that an ICF/MR has a repeat violation of a direct care rule or regulation related to the maintenance or operation of the facility which creates a condition or occurrence that threatens the health, safety, or welfare of a resident, an 85 percent direct care floor will be established for the fiscal year in which the repeat violation is determined and for the two immediately subsequent years.

D. - G.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2199.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 11:37 (January 1985), amended LR 11:770 (August 1985), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 18:189 (February 1992), LR 26:1448 (July 2000), LR 31:

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, April 26, 2005 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Frederick P. Cerise, M.D., M.P.H.
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Health Care Facilities Sanctions

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will have no programmatic fiscal impact other than cost of promulgation for FY 04-05. It is anticipated that \$272 (\$136 SGF and \$136 FED) will be expended in FY 04-05 for the state administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections other than the federal share of the promulgation costs for FY 04-05. It is anticipated that \$136 will be expended in FY 04-05 for the federal share of the expense for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This rule proposes to revise health care facility sanctions to concur with adoption of the Inventory for Client and Agency Planning (ICAP) instrument for use in developing individualized rates for recipients residing in intermediate care facilities for the mentally retarded (approximately 450 providers). Providers that are found to be in violation of a direct care rule or regulation would be required to commit additional resources to direct recipient care. It is anticipated that implementation of this proposed rule will not have estimable cost or economic benefits for FY 05-06, FY 06-07 and FY 07-08 (assumes no significant increase in violations).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known impact on competition and employment.

Ben A. Bearden
Director
0503#036

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Intermediate Care Facilities for the Mentally Retarded
Standards for Payment
(LAC 50:II.10303, 10307, 10351 and 10375-10385)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC 50:II.10303 and 10307; repeals 10351 and adopts LAC 50:II.10375-10385 under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopted a Rule on October 20, 1989 which established the reimbursement methodology for private intermediate care facilities for the mentally retarded (ICFs-MR) (*Louisiana Register*, Volume 15, Number 10). The bureau subsequently

promulgated a Rule in April 1999 that established the standards for payment for ICFs-MR (*Louisiana Register*, Volume 25, Number 24). House Resolution 104 of the 1997 Regular Session of the Louisiana Legislature requested that the Department investigate the feasibility of changing the reimbursement methodology for ICFs-MR. House Concurrent Resolution 257 of the 1997 Regular Session of the Louisiana Legislature requested that the Department study a new level of care determination process. In compliance with these resolutions, the bureau amended the October 20, 1989 Rule to adopt the Inventory for Client and Agency Planning (ICAP) instruments for use in developing individualized rates for ICF-MR residents (*Louisiana Register*, Volume 30, Number 4). The bureau now proposes to amend the April 1999 Rule containing the standards for payment for ICFs-MR to include ICAP.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the standards for payment for intermediate care facilities for the mentally retarded effective July 1, 2005.

Title 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part II. Medical Assistance

Subpart 3. Standards for Payment

Chapter 103. Standards for Payment for Intermediate Care Facilities for the Mentally Retarded

Subchapter A. Forward, Definitions and Acronyms

§10303. Definitions and Acronyms Specific to Mental Retardation and Other Developmental Disabilities

A. - C. ...

Acuity Factor An adjustment factor which will modify the direct care portion of the Inventory for Client and Agency Planning (ICAP) rate based on the ICAP level for each resident.

Administrative and Operating Costs Include:

- a. in-house and contractual salaries;
- b. benefits;
- c. taxes for administration and plant operation maintenance staff;
- d. utilities;
- e. accounting;
- f. insurances;
- g. maintenance staff;
- h. maintenance supplies;
- i. laundry and linen;
- j. housekeeping; and
- k. other administrative type expenditures.

Capital Costs Include:

- a. depreciation;
- b. interest expense on capital assets;
- c. leasing expenses;
- d. property taxes; and
- e. other expenses related to capital assets.

Care Related Costs—include in-house and contractual salaries, benefits, taxes, and supplies that help support direct care but do not directly involve caring for the patient and ensuring their well being (e.g., dietary and educational). Care related costs would also include personal items, such as clothing, personal hygiene items (soap, toothpaste, etc), hair grooming, etc.

DHH Department of Health and Hospitals or its designee.

Direct Care Costs consist of all costs related to the direct care interaction with the patient. *Direct care costs* include:

- a. in-house and contractual salaries;
- b. benefits; and
- c. taxes for all positions directly related to patient care, including:
 - i. medical;
 - ii. nursing;
 - iii. therapeutic and training;
 - iv. ancillary in-house services; and
 - v. recreational.

ICAP, Inventory for Client and Agency Planning a standardized instrument for assessing adaptive and maladaptive behavior and includes an overall service score. This ICAP service score combines adaptive and maladaptive behavior scores to indicate the overall level of care, supervision or training required.

ICAP Service Level ranges from 1 to 9 and indicates the service need intensity. The lower the score the greater is the client need.

ICAP Service Score indicates the level of service intensity required by an individual, considering both adaptive and maladaptive behavior.

NOTE: The relationship between the service level and service score for ICAP support levels is as follows.

ICAP Relationship Graph

ICAP Service Level	ICAP Service Score	ICAP Support Levels
		Pervasive +
1	1-19	Pervasive
2	20-29	Extensive
3	30-39	
4	40-49	Limited
5	50-59	
6	60-69	
7	70-79	Intermittent
8	80-89	
9	90+	

Index Factor this factor will be based on the *Skilled Nursing Home without Capital Market Basket Index* published by Data Resources Incorporated or a comparable index if this index ceases to be published.

Pass through Cost Component includes the provider fee.

Peer Group the administrative and operating per diem rate and the capital per diem rate are tiered based on peer group size. Peer groups are as follows:

- a. 1 - 8 beds;
- b. 9 - 15 beds;
- c. 16 - 32 beds;
- d. 33 or more beds.

Rate Year a one-year period corresponding to the state fiscal year from July 1 through June 30.

Rebasing recalculation of the per diem rate components using the latest available audited or desk reviewed cost reports.

Support Levels—describe the levels of support needed by individuals with mental retardation and other developmental disabilities. The five descriptive levels of service intensity using the ICAP assessment are summarized in Subparagraphs a - e below.

a. *Intermittent* supports on an as needed basis. Characterized as episodic in nature, the person does not always need the support(s), or short-term supports needed during life-span transition (e.g., job loss or an acute medical crisis). Intermittent supports may be high or low intensity when provided.

b. *Limited* supports characterized by consistency over time, time-limited but not of an intermittent nature, may require fewer staff members and less costs than more intense levels of support (e.g., time-limited employment training or transitional supports during the school to adult provided period).

c. *Extensive* supports characterized by regular involvement (e.g., daily) in at least some environment (such as work or home) and not time-limited (e.g., long term support and long-term home living support).

d. *Pervasive* supports characterized by their constancy, high intensity; provided across environments; potential life-sustaining nature. Pervasive supports typically involve more staff members and intrusiveness than do extensive or time-limited supports.

e. *Pervasive Plus* a time-limited specific assignment to supplement required Level of Need services or staff to provide life sustaining complex medical care or to supplement required direct care staff due to dangerous life threatening behavior so serious that it could cause serious physical injury to self or others and requires additional trained support staff to be at “arms length” during waking hours.

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 13:578 (October 1987), amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:676 (April 1999), LR 31:

Subchapter B. Participation

§10307. Payments

A. - B.10. ...

C. - C.3. Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and 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 30:682 (April 1999), LR 31:

Subchapter G. Admission Review

§10351. Audits

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources LR:13:578 (October 1987) and amended by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 25:699, repealed LR 31:

Subchapter H. Reimbursement

§10375. Cost Reports

A. Intermediate Care Facilities for the Mentally Retarded (ICFs-MR) are required to file annual cost reports to the bureau in accordance with the following instructions:

1. Each ICF-MR is required to report all reasonable and allowable costs on a regular facility cost report including any supplemental schedules designated by the bureau.

2. Separate cost reports must be submitted by central/home offices and habilitation programs when costs of those entities are reported on the facility cost report.

B. Cost reports must be prepared in accordance with cost reporting instructions adopted by the bureau using definitions of allowable and non-allowable cost contained in the Medicare provider reimbursement manual unless other definitions of allowable and non-allowable cost are adopted by the bureau.

1. Each provider shall submit an annual cost report for fiscal year ending June 30th. The cost reports shall be filed within 90 days after the state's fiscal year ends.

2. Exceptions. Limited exceptions for extensions to the cost report filing requirements will be considered on an individual facility basis upon written request by the provider to the Medicaid Director or designee. Providers must attach a statement describing fully the nature of the exception request. The extension must be requested by the normal due date of the cost report.

C. Direct Care Floor

1. A facility wide direct care floor may be enforced upon deficiencies related to direct care staffing requirements noted during the HSS Annual Review or during a complaint investigation in accordance with the LAC 50:I.5501 et seq.

2. For providers receiving pervasive plus supplements, the facility wide direct care floor is established at 94 percent of the per diem direct care payment and the pervasive plus supplement. The direct care floor will be applied to the cost reporting year in which the facility receives a Pervasive Plus supplement. In no case, however, shall a facility receiving a Pervasive Plus supplement have total facility payments reduced to less than 104 percent of the total facility cost as a result of imposition of the direct care floor.

3. For facilities for which the direct care floor applies, if the direct care cost the facility incurred on a per diem basis is less than the appropriate facility direct care floor, the facility shall remit to the bureau the difference between these two amounts times the number of facility Medicaid days paid during the cost reporting period. This remittance shall be payable to the bureau upon submission of the cost report.

4. Upon completion of desk reviews or audits, facilities will be notified by the bureau of any changes in amounts due based on audit or desk review adjustments.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§10377. Rate Determination

A. Resident per diem rates are calculated based on information reported on the cost report. ICFs-MR will receive a rate for each resident. The rates are based on cost components appropriate for an economic and efficient ICF-MR providing quality service. The resident per diem rates represent the best judgment of the state to provide reasonable and adequate reimbursement required to cover the costs of economic and efficient ICFs-MR.

B. The cost data used in setting base rates will be from the latest available audited or desk reviewed cost reports. The initial rates will be adjusted to maintain budget neutrality upon transition to the ICAP reimbursement methodology. For rate periods between rebasing, the rates will be trended forward using the index factor contingent upon appropriation by the Legislature.

C. For dates of service on or after July 1, 2005, a resident's per diem rate will be the sum of:

1. direct care per diem rate;
2. care related per diem rate;
3. administrative and operating per diem rate;
4. capital rate; and
5. provider fee.

D. Determination of Rate Components

1. The direct care per diem rate shall be a set percentage over the median adjusted for the acuity of the resident based on the ICAP, tier based on peer group. The direct care per diem rate shall be determined as follows.

a. Median Cost. The direct care per diem median cost for each ICF-MR is determined by dividing the facility's total direct care costs reported on the cost report by the facility's total days during the cost reporting period. Direct care costs for providers in each peer group are arrayed from low to high and the median (50th percentile) cost is determined for each peer group.

b. Median Adjustment. The direct care component shall be adjusted to 105 percent of the direct care per diem median cost in order to achieve reasonable access to care.

c. Inflationary Factor. These costs shall be trended forward from the midpoint of the cost report period to the midpoint of the rate year using the index factor.

d. Acuity Factor. Each of the ICAP levels will have a corresponding acuity factor. The median cost by peer group, after adjustments, shall be further adjusted by the acuity factor (or multiplier) as follows.

ICAP Support Level	Acuity Factor (Multiplier)
Pervasive	1.35
Extensive	1.17
Limited	1.00
Intermittent	.90

2. The care related per diem rate shall be a statewide price at a set percentage over the median and shall be determined as follows.

a. Median Cost. The care related per diem median cost for each ICF-MR is determined by dividing the

facility's total care related costs reported on the cost report by the facility's actual total resident days during the cost reporting period. Care related costs for all providers are arrayed from low to high and the median (50th percentile) cost is determined.

b. Median Adjustment. The care related component shall be adjusted to 105 percent of the care related per diem median cost in order to achieve reasonable access to care.

c. Inflationary Factor. These costs shall be trended forward from the midpoint of the cost report period to the midpoint of the rate year using the index factor .

3. The administrative and operating per diem rate shall be a statewide price at a set percentage over the median, tier based on peer group. The administrative and operating component shall be determined as follows.

a. Median Cost. The administrative and operating per diem median cost for each ICF-MR is determined by dividing the facility's total administrative and operating costs reported on the cost report by the facility's actual total resident days during the cost reporting period. Administrative and operating costs for all providers are arrayed from low to high and the median (50th percentile) cost is determined.

b. Median Adjustment. The administrative and operating component shall be adjusted to 103 percent of the administrative and operating per diem median cost in order to achieve reasonable access to care.

c. Inflationary Factor. These costs shall be trended forward from the midpoint of the cost report period to the midpoint of the rate year using the index factor .

4. The capital per diem rate shall be a statewide price at a set percentage over the median, tier based on peer group. The capital per diem rate shall be determined as follows:

a. Median Cost. The capital per diem median cost for each ICF-MR is determined by dividing the facility's total capital costs reported on the cost report by the facility's actual total resident days during the cost reporting period. Capital costs for providers of each peer group are arrayed from low to high and the median (50th percentile) cost is determined for each peer group.

b. Median Adjustment. The capital cost component shall be adjusted to 103 percent of the capital per diem median cost in order to achieve reasonable access to care.

c. Inflationary Factor. Capital costs shall not be trended forward.

d. The provider fee shall be calculated by the Department in accordance with state and federal rules.

E. The rates for the 1-8 bed peer group shall be set based on costs in accordance with §10377.B.-D. The reimbursement rates for peer groups of larger facilities will also be set in accordance with §10377.B.-D.; however, the rates will be limited as follows:

1. The 9-15 peer group reimbursement rates will be limited to 95 percent of the 1-8 bed peer group reimbursement rates.

2. The 16-32 bed peer group reimbursement rates will be limited to 95 percent of the 9-15 bed peer group reimbursement rates.

3. The 33 and greater bed peer group reimbursement rates will be set in accordance with §10377.B.-D., limited to 95 percent of the 16-32 bed peer group reimbursement rates.

F. Rebasing of rates will occur at least every three years utilizing the most recent audited and/or desk reviewed cost reports.

G. Adjustments to the Medicaid daily rate may be made when changes occur that eventually will be recognized in updated cost report data (such as a change in the minimum wage or FICA rates). These adjustments would be effective until such time as the data base used to calculate rates fully reflect the change. Adjustments to rates may also be made when legislative appropriations would increase or decrease the rates calculated in accordance with this rule. The secretary of the Department of Health and Hospitals makes the final determination as to the amount and when adjustments to rates are warranted.

H. A facility requesting a pervasive plus rate supplement shall bear the burden of proof in establishing the facts and circumstances necessary to support the supplement in a format and with supporting documentation specified by the DHH ICAP Review Committee .

1. The DHH ICAP Review Committee shall make a determination of the most appropriate staff required to provide requested supplemental services.

2. The amount of the Pervasive Plus supplement shall be calculated using the Louisiana Civil Service pay grid for the appropriate position as determined by the DHH ICAP Review Committee and shall be the 25th percentile salary level plus 20 percent for related benefits times the number of hours approved.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§10379. ICAP Requirements

A. An ICAP must be completed for each recipient of ICF-MR services upon admission and while residing in an ICF-MR in accordance with departmental regulations.

B. Providers must keep a copy of the recipient's current ICAP protocol and computer scored summary sheets in the recipient's file. If a recipient has changed ICAP service level, providers must also keep a copy of the recipient's ICAP protocol and computer scored summary sheets supporting the prior level.

C. ICAPs must reflect the resident's current level of care.

D. Providers must submit a new ICAP to the Regional Health Standards office when the resident's condition reflects a change in the ICAP level that indicates a change in reimbursement.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§10381. ICAP Monitoring

A. ICAP scores and assessments will be subject to review by DHH and its contracted agents. The reviews of ICAP submissions include, but are not limited to:

1. reviews when statistically significant changes occur within an ICAP submission or submissions;
2. random selections of ICAP submissions;
3. desk reviews of a sample of ICAP submissions; and
4. on-site field reviews of ICAPs.

B. ICAP Review Committee

1. Requests for Pervasive Plus must be reviewed and approved by the DHH ICAP Review Committee.

2. The ICAP Review Committee shall represent DHH should a provider request an informal reconsideration regarding the Regional Health Standards determination.

3. The ICAP Review Committee shall make final determination on any ICAP Level of Care changes prior to the appeals process.

4. The ICAP Review Committee shall be made up of the following:

a. the director of the Health Standards Section or his/her appointee;

b. the director of Rate and Audit Review Section or his/her appointee;

c. the assistant secretary for the Office for Citizens with Developmental Disabilities or his/her appointee.

d. other persons as appointed by the secretary.

C. When an ICAP score is determined to be inaccurate, the Department shall notify the provider and request documentation to support the level of care. If the additional information does not support the level of care, an ICAP rate adjustment will be made to the appropriate ICAP level effective the first day of the month following the determination.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§10383. Audits

A. Each ICF-MR shall file an annual facility cost report and a central office cost report.

B. ICF-MR shall be subject to financial and compliance audits.

C. All providers who elect to participate in the Medicaid Program shall be subject to audit by state or federal regulators or their designees. Audit selection for the Department shall be at the discretion of DHH.

1. A representative sample of the ICF-MR shall be fully audited to ensure the fiscal integrity of the program and compliance of providers with program regulations governing reimbursement.

2. Limited scope and exception audits shall also be conducted as determined by DHH.

3. DHH conducts desk reviews of all the cost reports received. DHH also conducts on-site audits of provider records and cost reports.

a. DHH seeks to maximize the number of on-site audited cost reports available for use in its cost projections although the number of on-site audits performed each year may vary.

b. Whenever possible, the records necessary to verify information submitted to DHH on Medicaid cost reports, including related-party transactions and other business activities engaged in by the provider, must be accessible to DHH audit staff in the state of Louisiana.

D. Cost of Out-of-State Audits

1. When records are not available to DHH audit staff within Louisiana, the provider must pay the actual costs for DHH staff to travel and review the records out-of-state.

2. If a provider fails to reimburse DHH for these costs within 60 days of the request for payment, DHH may place a hold on the vendor payments until the costs are paid in full.

E. In addition to the exclusions and adjustments made during desk reviews and on-site audits, DHH may exclude or adjust certain expenses in the cost-report data base in order to base rates on the reasonable and necessary costs that an economical and efficient provider must incur.

F. The facility shall retain such records or files as required by DHH and shall have them available for inspection for 5 years from the date of service or until all audit exceptions are resolved, whichever period is longer.

G. If DHH's auditors determine that a facility's records are unauditible, the vendor payments may be withheld until the facility submits an acceptable plan of correction to reconstruct the records. Any additional costs incurred to complete the audit shall be paid by the provider.

H. Vendor payments may also be withheld under the following conditions:

1. a facility fails to submit corrective action plans in response to financial and compliance audit findings within 15 days after receiving the notification letter; or

2. a facility fails to respond satisfactorily to DHH's request for information within 15 days after receiving the Department's letter.

I. If DHH's audit of the residents' Personal Funds Account indicate a material number of transactions were not sufficiently supported or material non-compliance, then DHH shall initiate a full scope audit of the account. The cost of the full scope audit shall be withheld from the vendor payments.

J. The ICF-MR shall cooperate with the audit process by:

1. promptly providing all documents needed for review;

2. providing adequate space for uninterrupted review of records;

3. making persons responsible for facility records and cost report preparation available during the audit;

4. arranging for all pertinent personnel to attend the exit conference;

5. insuring that complete information is maintained in client's records; and

6. correcting areas of noncompliance with state and federal regulations immediately after the exit conference time limit of 15 days.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

§10385. Exclusions from Database

A. Providers with disclaimed audits and providers with cost reports for other than a 12-month period will be excluded from the database used to calculate the rates.

B. Providers who do not submit ICAP scores will be paid at the Intermittent level until receipt of ICAP scores.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:

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

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, April 26, 2005 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Frederick P. Cerise, M.D., M.P.H.
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Intermediate Care Facilities for the
Mentally Retarded Standards for Payment**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will have no programmatic fiscal impact other than cost of promulgation for FY 04-05. It is anticipated that \$1,564 (\$782 SGF and \$782 FED) will be expended in FY 04-05 for the state's administrative expense for promulgation of this proposed rule and the final rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will not affect federal revenue collections other than the federal share of the promulgation costs for FY 04-05. It is anticipated that \$782 will be expended in FY 04-05 for the federal share of the expense for promulgation of this proposed rule and the final rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

This rule proposes to amend the standards of payment for Private Intermediate Care Facilities for the Mentally Retarded (ICFs-MR) (approximately 450 providers) using the Inventory for Client and Agency Planning (ICAP) instrument to measure individual level of needs and is formulated to provide the necessary monetary resources to meet those needs. It is anticipated that implementation of this proposed rule will not have estimable cost or economic benefits for FY 05-06, FY 06-07 and FY 07-08.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

This rule has no known impact on competition and employment.

Ben A. Bearden
Director
0503#033

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Nursing Facilities Reimbursement Methodology
(LAC 50:VII.1305 and 1309)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC:50.VII.1305 and 1309 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing currently reimburses the costs for durable medical equipment and supplies provided to Medicaid recipients residing in nursing facilities under the Durable Medical Equipment Program. The Centers for Medicare and Medicaid Services recently provided clarification regarding its regulations governing reimbursement for medical equipment and supplies provided to nursing facility residents. As a result of this clarification, the bureau now proposes to include reimbursement for durable medical equipment and supplies as part of the reimbursement rate for nursing facilities.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Title 50

PUBLIC HEALTH MEDICAL ASSISTANCE

Part VII. Long Term Care Services

Subpart 1. Nursing Facilities

Chapter 13. Reimbursement

§1305. Rate Determination

A. - D.4.a. ...

b. Effective July 1, 2005, the pass-through rate will include a flat statewide fee for the cost of durable medical equipment and supplies required to comply with the plan of care for Medicaid recipients residing in nursing facilities.

5. - 6. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1474 (June 2002), repromulgated LR 28:1791 (August 2002), amended LR 31:

**§1309. State-Owned or Operated and Nonstate
Government-Owned or Operated Facilities**

A. ...

B. State-owned or operated nursing facilities are paid a prospective reimbursement rate. Effective July 1, 2005, this prospective reimbursement rate will include the cost of durable medical equipment and supplies required to comply with the plan of care for Medicaid recipients residing in

nursing facilities. The payment rate for each of these facilities will be the nursing facility's allowable cost from the most recent filed Medicaid cost report trended forward to the midpoint of the rate year.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1476 (June 2002), repromulgated LR 28:1793 (August 2002), amended LR 30:53 (January 2004) LR 31:

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

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, April 26, 2005 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Frederick P. Cerise, M.D., M.P.H.
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Nursing Facilities
Reimbursement Methodology**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that implementation of this proposed rule will result in an estimated cost avoidance to the state of \$2,229,163 for FY 05-06, \$2,296,038 for FY 06-07, and \$2,364,918 for FY 07-08. It is anticipated that \$272 (\$136 SGF and \$136 FED) will be expended in FY 04-05 for the state administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by \$5,226,231 for FY 05-06, \$5,383,018 for FY 06-07, and \$5,544,509 for FY 07-08. \$136 is included in FY 04-05 for the federal administrative expenses for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The Centers for Medicare and Medicaid Services (CMS) recently provided clarification regarding its regulations governing reimbursement for medical equipment and supplies provided to nursing facility residents. In compliance with the CMS clarification, this proposed rule includes reimbursement for durable medical equipment as part of the pass-through component of the reimbursement rate for nursing facilities (approximately 286 facilities). It is anticipated that implementation of this rule will decrease payments for durable medical equipment by \$7,455,394 for FY 05-06, \$7,679,056 for FY 06-07, and \$7,909,427 for FY 07-08.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that there will be no effect on competition and employment as a result of the implementation of this proposed rule.

Ben A. Bearden
Director
0503#034

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Professional Services Program
Nurse Practitioners, Nurse-Midwives,
and Clinical Nurse Specialists

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S.49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing provides coverage and reimbursement for professional services rendered by physicians as well as by nurse practitioners, nurse-midwives and clinical nurse specialists. The reimbursement is in accordance with an established fee schedule for Physicians' Current Procedural Terminology (CPT) codes and Health Care Financing Administration Common Procedure Codes (HCPC). Currently nurse practitioners, nurse midwives, and clinical nurse specialists may only submit claims to the Medicaid Program for reimbursement for a designated group of CPT procedure codes that have been determined to be within the scope of the practice for their individual license. The bureau now proposes to promulgate the provisions governing claims filing for services rendered by nurse practitioners, nurse midwives, and clinical nurse specialists and to amend the reimbursement methodology for these professional service providers.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following provisions governing services rendered by nurse practitioners, nurse-midwives and clinical nurse specialists under the Professional Services Program.

In order to participate in the Medicaid Program, a nurse practitioner, nurse midwife, or clinical nurse specialist must enroll as a provider and obtain an individual Medicaid provider number. Effective for dates of service on or after July 1, 2005, all claims filed for reimbursement must identify the nurse practitioner, nurse midwife, or clinical nurse specialist as the attending provider if he/she is

employed by or under contract with a Medicaid enrolled physician or physician group.

Unless otherwise excluded by the Medicaid Program, service coverage shall be determined by individual licensure, scope of practice, and the terms of the physician collaborative agreement. The collaborating physician must be a Medicaid enrolled provider. Collaborative agreements must be available for review upon request by authorized representatives of the Medicaid Program.

The reimbursement rate shall be 80 percent of the rate on file on the professional services fee schedule for covered services and 100 percent of the rate on file for a designated group of procedures as determined by the Medicaid Program.

Nurse practitioners, nurse midwives, and clinical nurse specialists shall not bill separately for their services when they are employed by or under contract with Medicaid enrolled providers whose reimbursement is based on cost reports that include the cost of their salaries.

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

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, April 26, 2005 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Frederick P. Cerise, M.D., M.P.H.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Professional Services Program Nurse Practitioners, Nurse-Midwives, and Clinical Nurse Specialists

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that there will be no programmatic costs to the state as a result of implementation of this proposed rule. It is anticipated that \$272 (\$136 SGF and \$136 FED) will be expended in FY 04-05 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic effect on federal revenue collections. \$136 is included in FY 04-05 for the federal administrative expenses for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule promulgates the provisions governing claims filing for nurse practitioners, nurse midwives and clinical nurse specialists and amends the reimbursement methodology for these professional service providers (approximately 550 providers). The proposed rule establishes the reimbursement methodology for their services at 80 percent of the established rate for physicians. It is anticipated that implementation of this proposed rule will increase the recipients access to care. It is anticipated that the increase in the number of services provided should offset the change in reimbursement and result in the proposed rule being revenue neutral.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that there will be no effect on competition. Implementation of the proposed rule could result in increased employment opportunity for nurse practitioners, nurse midwives and clinical nurse specialists.

Ben A. Bearden
Director
0503#035

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Professional Services Program Physician Assistants

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgates the following Rule under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the Administrative Procedure Act, R.S.49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing provides coverage and reimbursement for professional services rendered by physicians and other professionals such as nurse practitioners, nurse-midwives and certified registered nurse anesthetists. These other professionals must enroll to participate in the Medicaid Program and obtain an individual Medicaid provider number. Professional Services are reimbursed in accordance with an established fee schedule for Physicians' Current Procedural Terminology (CPT) codes and Health Care Financing Administration Common Procedure Codes (HCPC). Reimbursement for these services is a flat fee established by the bureau minus the amount which any third party coverage would pay. Physician assistants are not currently allowed to enroll to participate in the Louisiana Medicaid Program. The bureau now proposes to promulgate provisions to allow physician assistants to enroll to participate in the Medicaid Program and to establish the reimbursement methodology for services rendered by these professional services providers.

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. This proposed Rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following provisions governing the enrollment and reimbursement of physician assistants under the Professional Services Program.

In order to participate in the Medicaid Program, a physician assistant must enroll as a provider and obtain an individual Medicaid provider number. Effective for dates of service on or after July 1, 2005, all claims for services provided by a physician assistant must identify the physician assistant as the attending provider.

Unless otherwise excluded by the Medicaid Program, service coverage shall be determined by individual licensure, scope of practice, and delegation by the supervising physician. The supervising physician must be a Medicaid enrolled provider. Clinical practice guidelines and protocols shall be available for review upon request by authorized representatives of the Medicaid Program.

The reimbursement rate for physician assistant services shall be 80 percent of the rate on file on the professional services fee schedule for covered services and 100 percent of the rate on file for a designated group of procedures as determined by the Medicaid Program.

A physician assistant shall not bill separately for his/her services when he/she is employed by or under contract with a Medicaid enrolled provider whose reimbursement is based cost reports that include the cost of the physician assistant's salary.

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

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, April 26, 2005 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Frederick P. Cerise, M.D., M.P.H.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Professional Services Program Physician Assistants

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that there will be no programmatic costs to the state as a result of implementation of this proposed rule. It

is anticipated that \$272 (\$136 SGF and \$136 FED) will be expended in FY 04-05 for the state's administrative expense for promulgation of this proposed rule and the final rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that implementation of this proposed rule will have no programmatic effect on federal revenue collections. \$136 is included in FY 04-05 for the federal administrative expenses for promulgation of this proposed rule and the final rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This proposed rule allows physician assistants (approximately 110 providers) to enroll in the Medicaid Program and establishes the reimbursement methodology for their services at 80 percent of the established rate for physicians. It is anticipated that implementation of this proposed rule will increase the recipients access to care. It is anticipated that the increase in the number of services provided should offset the change in reimbursement and result in the proposed rule being revenue neutral.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that there will be no effect on competition. Implementation of the proposed rule could result in increased employment opportunity for physician assistants.

Ben A. Bearden
Director
0503#037

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Gaming Control Board

Approval of New Electronic Gaming Devices
(LAC 42:VII.4209, IX.4209, and XIII.4209)

The Louisiana Gaming Control Board hereby gives notice that it intends to amend LAC 42:VII., IX., XIII.4209, in accordance with R.S. 27:15 and 24, and the Administrative Procedure Act, R.S. 49:950 et seq.

Title 42

LOUISIANA GAMING

Part VII. Pari-Mutuel Live Racing Facility Slot Machine Gaming

Chapter 42. Racetracks: Electronic Gaming Devices §4209. Approval of New Electronic Gaming Devices

A. - A.2.bb.ii. ...

cc. Coin Acceptors

i. EGDs which have coin comparitors installed shall meet all the following requirements.

(a). All acceptors shall be approved by the division/board or the designated gaming laboratory.

(b). Coin acceptors shall be designed to accept designated coins and to reject others.

(c). The coin receiver or an EGD shall be designed to prevent the use of cheating methods, including, but not limited to: slugging, stringing, or spooling.

(d). Coins which are accepted but not credited to the current game shall be returned to the player by activation of the hopper or credited toward the next play of the EGD control program and shall be capable of handling rapidly fed coins so that frequent occurrences of this type are prevented.

(e). EGD's shall have suitable detectors for determining the direction and speed of the coin(s) travel in the receiver. If a coin traveling at improper speed or direction is detected, the EGD shall enter an error condition and display the error condition which shall require attendant intervention to clear.

ii. EGDs which do not utilize a coin comparator or do not have the coin comparator installed shall have the coin head removed and have a permanent or non-removable plate affixed over the coin head opening. The coin head opening shall be covered in a manner which, at all times, prevents the insertion of any type of object, tool, or equipment into the interior of the device.

cc.iii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:778 (April 2000), amended LR 29:2506 (November 2003), LR 31:

Part IX. Landbased Casino Gaming

Subpart 1. Economic Development and Gaming Corporations

Chapter 42. Electronic Gaming Devices

§4209. Approval of New Electronic Gaming Devices

A. - A.2.bb.ii. ...

cc. Coin Acceptors

i. EGDs which have coin comparitors installed shall meet all the following requirements:

(a). All acceptors shall be approved by the Division/Board or the designated gaming laboratory.

(b). Coin acceptors shall be designed to accept designated coins and to reject others.

(c). The coin receiver or an EGD shall be designed to prevent the use of cheating methods, including, but not limited to: slugging, stringing, or spooling.

(d). Coins which are accepted but not credited to the current game shall be returned to the player by activation of the hopper or credited toward the next play of the EGD control program and shall be capable of handling rapidly fed coins so that frequent occurrences of this type are prevented.

(e). EGD's shall have suitable detectors for determining the direction and speed of the coin(s) travel in the receiver. If a coin traveling at improper speed or direction is detected, the EGD shall enter an error condition and display the error condition which shall require attendant intervention to clear.

ii. EGDs which do not utilize a coin comparator or do not have the coin comparator installed shall have the coin head removed and have a permanent or non-removable plate affixed over the coin head opening. The coin head opening shall be covered in a manner which, at all times, prevents the insertion of any type of object, tool, or equipment into the interior of the device.

cc.iii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:2314 (October 2000), amended LR 29:2507 (November 2003), LR 31:

Part XIII. Riverboat Gaming

Subpart 2. State Police Riverboat Gaming Division

Chapter 42. Electronic Gaming Devices

§4209. Approval of New Electronic Gaming Devices

A. - 29.b. ...

30. Coin Acceptors

a. EGDs which have coin comparitors installed shall meet all the following requirements.

i. All acceptors shall be approved by the Division/Board or the designated gaming laboratory.

ii. Coin acceptors shall be designed to accept designated coins and to reject others.

iii. The coin receiver or an EGD shall be designed to prevent the use of cheating methods, including, but not limited to, slugging, stringing, or spooling.

iv. Coins which are accepted but not credited to the current game shall be returned to the player by activation of the hopper or credited toward the next play of the EGD control program and shall be capable of handling rapidly fed coins so that frequent occurrences of this type are prevented.

v. EGD's shall have suitable detectors for determining the direction and speed of the coin(s) travel in the receiver. If a coin traveling at improper speed or direction is detected, the EGD shall enter an error condition and display the error condition which shall require attendant intervention to clear.

b. EGDs which do not utilize a coin comparator or do not have the coin comparator installed shall have the coin head removed and have a permanent or non-removable plate affixed over the coin head opening. The coin head opening shall be covered in a manner which, at all times, prevents the insertion of any type of object, tool, or equipment into the interior of the device.

30.c. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:721 (April 2000), amended LR 29:2508 (November 2003), LR 31:

Family Impact Statement

Pursuant to the provisions of R.S. 49:953.A., the Louisiana Gaming Control Board, through its chairman, has considered the potential family impact of amending LAC 42:VII., IX., XIII.4209.

It is accordingly concluded that amending LAC 42:VII., IX., XIII.4209 would appear to have no impact on the following:

1. the effect on stability of the family;
2. the effect on the authority and rights of parents regarding the education and supervision of their children;
3. the effect on the functioning of the family;
4. the effect on family earnings and family budget;
5. the effect on the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

All interested persons may contact Tom Warner, Attorney General's Gaming Division, telephone (225) 326-6500, and may submit comments relative to these proposed rules,

through April 9, 2005 to 1885 North 3rd Street, Suite 500, Baton Rouge, LA 70802.

H. Charles Gaudin
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Approval of New Electronic
Gaming Devices**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There are no implementation costs to state or local government units estimated.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated effect on revenue collections of state or local government units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
No significant costs and/or economic benefit to directly affected persons or non-governmental groups is estimated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No significant effect on competition or employment is estimated.

Tom Warner
Assistant Attorney General
0503#072

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Motor Vehicles**

**License Plates and International Registration Plan
(LAC 55:III.325)**

Under the authority of R.S. 47:511, R.S. 47:305.50 and R.S. 47:321 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Office of Motor Vehicles (department), hereby gives notice of intent to amend the existing Rules regarding the adoption of the International Registration Plan on commercial vehicles issued apportioned plates and used in interstate commerce. These amendments are technical in nature and do not change the substance of the Rules.

The proposed amendment adopts the current International Registration Plan by reference. The International Registration Plan authorizes the apportioned registration of fleets of vehicles among the various jurisdictions in which the vehicles are operated. This plan provides that for one license plate even though the motor vehicle is registered in more than one jurisdiction. Louisiana was approved to participate in the plan on December 1, 1975, and began participating in the plan on April 1, 1976.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 3. License Plates

Subchapter A. Types of License Plates

§325. International Registration Plan

A. The Department of Public Safety and Corrections, Office of Motor Vehicles, hereby adopts by reference, the International Registration Plan, hereinafter referred to as the plan, adopted in August 1994 and as revised through October 1, 2004 by the member jurisdictions, and published by International Registration Plan, Inc. The department only adopts the articles and sections contained in the agreement, as well as the exceptions to the plan as reflected in the October 1, 2004 and included in Appendix C of the plan. The commentary and governing board decisions included with the adopted plan shall not be part of this Rule, but may be considered by the department in interpreting and implementing the various sections of the plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:511.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 26:89 (January 2000), amended LR 29:605 (April 2003), LR 31:

Persons having comments or inquiries may contact Lolita M. Whitmore, Attorney for the Office of Motor Vehicles by writing to P.O. Box 66614, Baton Rouge, LA 70896, by calling (225) 925-4066, or by sending a facsimile to (225) 925-3974. These comments and inquiries should be received by April 20, 2005. A public hearing on these Rules is tentatively scheduled for April 28, 2005, at 9 a.m., in the Executive Conference Room at the Office of Motor Vehicles Headquarters at 7979 Independence Boulevard, Baton Rouge, LA 70806. Any person wishing to attend the public hearing should call to confirm the time and the location of the hearing. If the requisite number of comments are not received, no hearing will be held.

Family Impact Statement

1. The effect of these Rules on the stability of the family. These Rules should not have any affect on the stability of the family. These Rules regulate the use of commercial motor vehicles.

2. The effect of these Rules on the authority and rights of parents regarding the education and supervision of their children. These Rules should not have any affect on the authority and rights of parents regarding the education and supervision of their children. These Rules regulate the use of commercial motor vehicles.

3. The effect of these Rules on the functioning of the family. These Rules should not have any affect on the functioning of the family. These Rules regulate the use of commercial motor vehicles.

4. The effect of these Rules on family earnings and family budget. These Rules should not have any affect on family earnings and family budget. These Rules regulate the use of commercial motor vehicles.

5. The effect of these Rules on the behavior and personal responsibility of children. These Rules should not have any

affect on the behavior and personal responsibility of children. These Rules regulate the use of commercial motor vehicles.

6. The effect of these Rules on the ability of the family or local government to perform the function as contained in the proposed rules. These Rules should not have any affect on the ability of the family or local government to perform the function as contained in the proposed Rules. These Rules regulate the use of commercial motor vehicles.

Stephen J. Hymel
Undersecretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: License Plates
International Registration Plan**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There will be no savings or increased costs in connection with the amendment to LAC 55, Part III, Chapter 3, Subchapter A, §325, as the International Registration Plan (IRP) is an existing program in which the department has participated since 1976. The amendment to the International Registration Plan (IRP) Rule updates the reference to the current version of the International Registration.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There should be no effect on revenue collections of state or local governments. The proposed amendment does not change the manner in which state and local sales and use taxes are collected. The registration license tax due at the initial registration and at each subsequent renewal is also unchanged.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

There should be no costs and/or economic benefit to directly affected persons or nongovernmental groups in connection with the proposed amendment to §325. The changes to the plan do not impact the way the plan is enforced.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There should be no effect on competition or employment as a result of these proposals as there are no changes in the effect of the IRP or the sales tax exemption.

Stephen J. Hymel
Undersecretary
0503#059

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Office of Alcohol and Tobacco Control**

**Prohibition of Certain Unfair Business Practices in Malt
Beverage Industry (LAC 55:VII.317)**

Under the authority of R.S. 26:793 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., The Department of Revenue, Office of Alcohol and Tobacco Control, proposes to adopt LAC

55:VII.5.501-509 pertaining to comprehensive education of tobacco vendors as part of the licensing process.

Title 55, Chapter 3, entitled "Liquor Credit Regulations," provides, inter alia, for regulation of business practices in regard to the marketing and sale of alcoholic beverages in Louisiana. This proposed amendment to the regulation adds definitions and provides for certain fair business practices which promote safe, responsible, and uniform marketing of low alcohol content beverages.

Title 55

PUBLIC SAFETY

Part VII. Alcohol and Tobacco Control

Chapter 3. Liquor Credit Regulations

**§317. Regulation IX Prohibition of Certain Unfair
Business Practices in Malt Beverage Industry**

A. Definitions

Enhancer Can item used on a display which will be awarded to a customer who shops in a retail outlet voluntarily participating in a contest, offer, promotion, sweepstakes, or advertising or marketing campaign, the object of which is to award the enhancer to a winner thereof.

Sweepstakes Any program which employs any enhancement(s) that exceed \$155 in value as part of a retail display for any contest, offer, promotion, or advertising or marketing campaign.

**C. Marketing and Sale of Alcoholic Beverages in
Louisiana**

1. ...

2. Exceptions

a. - j.iii. ...

k. Coupons and Rebates. Except as otherwise provided by law, coupon and rebate offers, promotions or marketing campaign of alcoholic beverages are allowable in accordance with the following restrictions.

i. Any such coupon or rebate offer, promotion, or marketing campaign must be redeemable directly by the manufacturer or a third party clearinghouse retained by the manufacturer at its sole expense;

ii. No retailer can be required to participate in any such offer, promotion or marketing campaign;

iii. No retailer can be required to bear any of the costs associated with any such offer, promotion or marketing campaign;

iv. No one under the legal drinking age during the time of the offer, promotion or marketing campaign may participate in any such offer, promotion or marketing campaign;

v. All coupon or rebate offers, promotions and marketing campaigns must be for a specified time, not to exceed 90 days.

vi. No coupon or rebate offer, promotion or marketing campaign may result in any sale of alcoholic beverages for a price of less than six percent above the invoice price paid therefor.

1. Enhancers. Enhancers, as defined in this Chapter, may be used as part of a contest, offer, promotion, sweepstakes, or advertising or marketing campaign.

i. Items may include ice chests, grills, rafts, and other items not to exceed \$155 in value.

ii. Industry members utilizing enhancers must provide entry forms and a drop box in which all entries must be placed and post a date on which an official prize drawing will occur.

m. Sweepstakes. Sweepstakes, as defined in this Chapter, may be used as part of a contest, promotion, or advertising or marketing campaign with the following restrictions:

i. Enhancers that exceed \$155 in value, such as 4-wheel all-terrain vehicles, trips, etc., may be utilized as part of a sweepstakes.

ii. Any wholesaler must offer the opportunity to participate in any sweepstakes conducted to the entire retailer base which it serves.

iii. Participation by retailers must be strictly voluntary.

iv. Enhancers cannot be displayed within any retail outlet.

v. Photographs or models of enhancers may be displayed, provided the photographs or models used do not exceed \$155 in value.

vi. Manufacturers and wholesalers conducting sweepstakes must provide entry forms and a drop box in which all entries must be placed and post a date on which an official prize drawing will occur.

n. Manufacturers and wholesalers are prohibited from purchasing enhancers from any retail outlet participating in the display or sweepstakes.

o. Retail owners, manufacturers and wholesalers, and their employees and family members are not eligible to participate in any display or sweepstakes drawing allowed under provisions of this Section.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:287, R.S. 26:150(A), R.S. 26:75(C)(2), and R.S. 26:275(B)(2).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of Alcoholic Beverage Control, LR 4:463 (November 1978), amended LR 5:11 (January 1979), amended by the Department of Public Safety and Corrections, Office of Alcoholic Beverage Control, LR 17:607 (June 1991), LR 20:671 (June 1994), amended by the Department of Revenue, Office of Alcoholic Beverage Control, LR 22:116 (February 1996), LR 26:2631 (November 2000), LR 28:1484 (June 2002), LR 31:

Family Impact Statement

As required by Act 1183 of the Regular Session of the Louisiana Legislature, the following Family Impact Statement is submitted for publishing with the Notice of Intent in the *Louisiana Register*. A copy of this statement will also be provided to the legislative oversight committees.

1. The Effect on the Stability of the Family. Implementation of this proposed amendment will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. Implementation of this proposed amendment will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. Implementation of this proposed amendment will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Budget. Implementation of this proposed amendment will have no effect on family earnings and budget.

5. The Effect on Behavior and Personal Responsibility of Children. Implementation of this proposed amendment will have no effect on behavior and responsibility of children.

6. The Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rule. Implementation of this proposed amendment will have no effect on the ability of the family or local government to perform this function.

Interested persons may submit data, views, or arguments, in writing to Murphy J. Painter, Commissioner, Office of Alcohol and Tobacco Control, Department of Revenue, 8549 United Plaza, Suite 220, Baton Rouge, LA 70809 or by fax to (225) 925-3975. All comments must be submitted by 4:30 p.m., April 25, 2005. A public hearing will be held on April 26, 2005, at 10 a.m. in the Office of Alcohol and Tobacco Hearing Room at 8549 United Plaza Boulevard, Second Floor, Baton Rouge, LA 70809.

Murphy J. Painter
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Prohibition of Certain Unfair Business Practices in Malt Beverage Industry

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Implementation of these proposed amendments will have no effect on the costs or savings to state or local governmental units. These proposed amendments, which codify policies that are already in place, will limit confusion over allowable coupon or rebate offers and enhancers that manufacturers may use in the marketing and sale of alcoholic beverages.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Adoption of these proposed amendments will have no effect on the revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Adoption of these proposed amendments will have no effect on the costs or economic benefits to marketers of alcoholic beverages.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Adoption of these proposed amendments will ensure a level playing field on which all marketers of alcoholic beverages will compete. These proposed amendments will clarify the Office of Alcohol and Tobacco Control's policy regarding the acceptable use of coupons and rebate offers and enhancers.

Murphy J. Painter
Commissioner
0503#053

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Social Services Office of Community Services

Maintenance of Information on Reports and Investigations (LAC 67:V.1105)

The Department of Social Services, Office of Community Services, proposes to amend a Rule regarding the maintenance of information on reports of child abuse and/or neglect with investigation final findings of inconclusive and invalid. The amended Rule is pursuant to Act 457 of the 2004 Regular Session of the Louisiana Legislature.

Title 67

SOCIAL SERVICES

Part V. Office of Community Services

Subpart 3. Child Protective Services

Chapter 11. Administration and Authority

§1105. Maintenance of Information on Reports and Investigations

A. The Office of Community Services (OCS) will maintain information on reports of child abuse and/or neglect with final findings of inconclusive and invalid on the agency computer tracking and management system for seven years after the determination of the finding. The information will be maintained for use in future child welfare involvement with a family for the purpose of evaluating the existence of patterns of incidents in pending child abuse or neglect investigations. The information shall be confidential and will not be released to other persons or agencies outside of the OCS. OCS will only release the information regarding a report and the investigation with an inconclusive finding with a client's permission when they are applying to be a CASA volunteer, foster parent, or adoptive parent. It shall not be released for employment purposes.

1. At the end of seven years from the date of the finding, the information will be expunged unless there have been subsequent reports and investigations. When there are subsequent investigations with findings of invalid, inconclusive, unable to locate or client non-cooperation, the information regarding all findings will be maintained until there have been no subsequent invalid, inconclusive or client non-cooperation findings for seven years or unable to locate findings for three years.

2. When there are subsequent investigations with findings of valid, the information regarding these findings will be maintained until there have been no subsequent invalid, inconclusive or valid findings for the length of time determined by the valid finding.

B. The case record file of information on the reports and investigations with invalid or inconclusive findings will be maintained in the local office for the parish in which the investigation was conducted. The file will be maintained for the length of time it is maintained in the management system.

1. When there are subsequent investigations with findings of invalid or inconclusive, the case records for all invalid and inconclusive findings will be maintained until there have been no subsequent invalid or inconclusive findings for seven years.

2. When there are subsequent investigations with findings of valid, they will be maintained for the length of time determined by the valid finding.

AUTHORITY NOTE: Promulgated in accordance with Act 593 of 1999 and Act 457 of 2004.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 26:96 (January 2000), amended LR 31:

Family Impact Statement for Rules

1. The effect on the stability of the family. By allowing OCS to maintain records on a family for a longer period, this may impact a family's stability by showing a pattern of abuse or neglect that may have otherwise gone unnoticed, which could result in the possible removal of a child if he or she were found to be at imminent risk of harm. Conversely, the agency may be able to offer preventive services to the family to reduce the risk thus strengthening the stability of the family.

2. The effect on the authority and rights of parents regarding the education and supervision of their children. This Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect on the functioning of the family. This Rule will have no effect on the functioning of the family.

4. The effect on family earnings and family budget. This Rule will have no effect on family earnings and family budget because the records will be maintained and later automatically removed from our system at no cost to them. If however, a parent wishes to go to court to contest their record within the agency in an attempt to have their record expunged via a court order prior to the scheduled date determined by the finding, the family will have to incur legal fees in order to accomplish this.

5. The effect on the behavior and personal responsibility of children. This Rule will have no effect on the behavior and personal responsibility of children.

6. The ability of the family or a local government to perform the function as contained in the proposed rule. The maintenance of information of reports and investigations is an agency function. The records will automatically be expunged after a set amount of time depending on the finding of the investigation and whether or not we have had further involvement with the family. This expungement will require no action on the family's part at all.

Interested persons may submit written comments for 40 days from the date of this publication to Marketa Garner Gautreau, Assistant Secretary, P.O. Box 3318, Baton Rouge, LA 70821. She is responsible for responding to inquiries regarding this proposed Rule.

Ann S. Williamson
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Maintenance of Information on Reports
and Investigations**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There will be a cost in FY 04/05 of \$328 to reproduce and distribute manual material and to publish the Rule in the *Louisiana Register*.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There will be no costs or economic benefits to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition or employment.

Marketa Garner Gautreau
Assistant Secretary
0503#051

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Social Services
Office of Community Services**

State Central Registry (LAC 67:V.1103)

The Department of Social Services (DSS), Office of Community Services (OCS), proposes to amend a Rule regarding the maintenance of information on investigations of child abuse and/or neglect on the State Central Registry pursuant to Act 567 of the 2003 Regular Session of the Louisiana Legislature and Act 457 of the 2004 Regular Session of the Louisiana Legislature.

Title 67

SOCIAL SERVICES

Part V. Office of Community Services

Subpart 3. Child Protective Services

Chapter 11. Administration and Authority

§1103. State Central Registry

A. - A.1. ...

a. Records of reports of suspected non-fatality child abuse or neglect in which the determination is made that the reports appear to be justified will be maintained until the youngest child in the victim's family reaches the age of 18 or 10 years from the determination, whichever is longer, unless there is another report and investigation involving at least one person involved in the previous investigation. In those cases, the records will be maintained until there has been no subsequent unable to locate finding for three years, client non-cooperation finding for seven years, or subsequent justified finding until the youngest child reaches the age of 18 or 10 years from the determination, whichever is longer. When after an investigation, the determination is made by the department that the report does appear to be justified, any subsequent adjudication by a court exercising juvenile jurisdiction which dismisses the child in need of care petition involving the report shall be added to the central

registry. Records of reports of child fatalities determined to have been caused by child abuse or neglect will be maintained indefinitely.

b. Records of reports of suspected non-fatality child abuse or neglect in which the determination is made that the findings are unable to locate will be maintained for three years and client non-cooperation findings will be maintained for seven years from the determination unless there is another report and investigation involving at least one person involved in the previous investigation. In those cases, the records will be maintained until there has been no subsequent unable to locate finding for three years, client non-cooperation finding for seven years, or subsequent justified finding until the youngest child in the victim's family reaches the age of 18 years or for 10 years, whichever is longer.

c. Records on determinations of caretakers in restrictive care facilities and day care centers in which reports appear to be justified will be maintained for 10 years, unless there is another report and investigation involving the same perpetrator. In those cases, the records will be maintained until there has been no subsequent unable to locate finding for three years, client non-cooperation finding for seven years, or subsequent justified finding for 10 years. Records on determinations of investigations with unable to locate findings will be maintained for three years and client non-cooperation findings will be maintained for seven years unless there is a subsequent investigation involving the same perpetrator. In those cases, the records will be maintained for the period of time determined by the finding for the subsequent investigation.

d. Records on justified findings on foster families, when the child victim is a foster child, will be maintained indefinitely.

e. Any person whose name is included on the central registry may file a rule to show cause against the DSS in the court exercising juvenile jurisdiction in the parish in which the investigation was conducted to show why the information on file should not be expunged. The Office of Community Services will expunge the petitioner's name and other identifying information upon receipt of a court order to do so. Any expungement order issued by a court shall not take effect as to non-identifying statistical information on file until the three-year record retention period required by federal law for audit purposes has expired, counting from the month and year of the final finding. During the three-year record retention period, such records bearing the non-identifying statistical information shall be sealed and accessible only to the financial auditors.

2. The central registry shall release information regarding cases of child abuse or neglect to other states' child welfare agencies upon formal inquiry by that agency, when the inquiry is made pursuant to an ongoing child protection investigation, foster care home study, adoptive home study, or family services case following a child protection investigation in the requesting state, in accordance with R.S. 46:56(F)(4)(a). The information may also be released to private licensed child placing agencies upon formal inquiry and verification of licensure. Information released to such agencies is confidential and shall not be released to sources outside the agency.

3. ...

4. The Office of Community Services will disclose information in records of reports of child abuse or neglect when requested in writing from persons cited in R.S. 46:56(F)(10)(a). The information to be disclosed includes whether or not the agency has a report that is currently open and under investigation or has been determined to be valid, the status of the investigation, the determination made by the department and any action taken by the agency. Action taken by the agency will include the following: case under investigation, case closed, referred for services, continued services post investigation, and child taken into custody.

B. ...

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Children's Code, Title VI, Child in Need of Care, Chapter 5, Articles 615 and 616, and Title XII, Adoption of Children, Chapter 2, Article 1173, and R.S. 14:403(H).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 18:79 (January 1992), amended LR 20:198 (February 1994), LR 21:583 (June 1995), LR 23:590 (May 1997), LR 26:790 (April 2000) and LR 31:

Family Impact Statement

1. The Effect on the Stability of the Family. By allowing OCS to maintain records on a family on the State Central Registry for a longer period, this may impact a family's stability by showing a pattern of abuse or neglect that may have otherwise gone unnoticed, which could result in the possible removal of a child if he or she were found to be at imminent risk of harm. Conversely, the agency may be able to offer preventive services to the family to reduce the risk thus strengthening the stability of the family.

2. The Effect on the Authority And Rights of Parents Regarding the Education and Supervision of Their Children. This Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. This Rule will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. This Rule will have no effect on family earnings and family budget because the findings will be entered and later automatically removed from the State Central Registry at no cost to them. However, the parent may incur legal fees if they wish to go to court to contest the finding in an attempt to have their record expunged from the State Central Registry via a court order prior to the scheduled date determined by the finding.

5. The Effect on the Behavior and Personal Responsibility of Children. This Rule will have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The maintenance of information on the State Central Registry is an agency function. The records will automatically be expunged after a set amount of time depending on the finding of the investigation and whether or not we have had further involvement with the family. This expungement will require no action on the family's part at all.

Interested persons may submit written comments for 40 days from the date of this publication to Marketa Garner

Gautreau, Assistant Secretary, P.O. Box 3318, Baton Rouge, LA 70821. She is responsible for responding to inquiries regarding this proposed Rule.

Ann S. Williamson
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: State Central Registry

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be a cost in FY 04/05 of \$392 to reproduce and distribute manual material and to publish the rule in the *Louisiana Register*.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition or employment.

Marketa Garner Gautreau
Assistant Secretary
0503#050

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Social Services Office of Family Support

Food Stamp Program Standard Utility Allowance (SUA);
Basic Utility Allowance (BUA) (LAC 67:III.1965 and 1966)

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

Pursuant to Public Law 107-171, The Food Stamp Reauthorization Act of 2002, the agency is amending §§1965 and 1966 to comply with mandates issued by the United States Department of Agriculture, Food and Nutrition Service. Section 4104 of P.L. 107-171 authorizes changes that simplify the application of the standard utility allowance (SUA) and basic utility allowance (BUA) as it relates to food stamp households residing in public housing, using a shared utility meter, and paying excess utility costs. These households shall now be allowed to claim the full SUA as a shelter deduction if heating or cooling costs are incurred, or the full BUA as a shelter deduction if heating or cooling costs are not incurred. A Declaration of Emergency effecting these changes was signed February 1, 2005, and published in the February 2005 issue of *Louisiana Register*.

The agency also proposes to reformat Section 1966 to provide clarity and consistency between Sections 1965, Standard Utility Allowance, and 1966, Basic Utility Allowance.

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

Chapter 19. Certification of Eligible Households
Subchapter I. Income and Deductions

§1965. Standard Utility Allowance (SUA)

A. ...

B. Effective February 1, 2005, households living in public housing with shared meters that are only charged for excess utilities shall use the SUA if heating or cooling costs are incurred.

C. The full SUA shall be allowed to all parties who contribute to the utility costs, if these costs include heating or cooling costs, when the household shares a residence and utility costs with other individuals.

AUTHORITY NOTE: Promulgated in accordance with F.R. 47:51551 et seq., 7 CFR 272 and 273.9, P.L. 104-193, P.L. 107-171.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 9:64 (February 1983), amended by the Department of Social Services, Office of Family Support, LR 21:187 (February 1995), LR 23:82 (January 1997), LR 24:108 (January 1998), LR 29:606 (April 2003), LR 31:

§1966. Basic Utility Allowance (BUA)

A. Households which do not incur heating or cooling costs separate and apart from their rent or mortgage use a mandatory single Basic Utility Allowance (BUA). To be eligible, a household must be billed on a regular basis for utility costs.

B. Effective February 1, 2005, households living in public housing with shared meters that are only charged for excess utilities shall use the BUA if heating or cooling costs are not incurred.

C. The full BUA shall be allowed to all parties who contribute to the utility costs, if these costs do not include heating or cooling costs, when the household shares a residence and utility costs with other individuals.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and P.L. 107-171.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:108 (January 1998), amended LR 29:606 (April 2003), LR 31:

Family Impact Statement

1. What effect will this Rule have on the stability of the family? The Rule will have no effect on the stability of the family.

2. What effect will this Rule have on the authority and rights of persons regarding the education and supervision of their children? The Rule will have no effect on the authority and rights of persons regarding the education and supervision of their children.

3. What effect will this Rule have on the functioning of the family? The Rule will have no effect on the functioning of the family.

4. What effect will this Rule have on family earnings and family budget? This Rule should have a positive impact on the family budget, as it will result in an increase in Food Stamp benefits for qualified households.

5. What effect will this Rule have on the behavior and personal responsibility of children? This Rule will not impact the behavior and personal responsibility of children.

6. Is the family or local government able to perform the function as contained in this proposed Rule? No, this is strictly an agency function.

Interested persons may submit written comments by, April 28, 2005, to Adren O. Wilson, Assistant Secretary, Office of Family Support, P.O. Box 94065, Baton Rouge, LA 70804-9065. He is responsible for responding to inquiries regarding this proposed Rule.

A public hearing on the proposed Rule will be held on April 28, 2005, at the Department of Social Services, A.Z. Young Building, Second Floor Auditorium, 755 Third Street, Baton Rouge, at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

Ann Silverberg Williamson
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**
**RULE TITLE: Food Stamp Program Standard Utility
Allowance (SUA); Basic Utility Allowance (BUA)**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed action will increase state costs by increasing certain FS recipients' monthly benefits by an average of \$42. This will result in an annual increase of \$2, 847,810 for FY 04/05 and \$6,834,744 for FY 05/06 and 06/07. However, the increase in the expenditures in the form of Food Stamp benefits will be paid directly with federal funds by the U.S. Department of Agriculture Food and Nutrition Services.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed Rule will have no impact on revenue collections of state or local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

This Rule will result in no costs to any persons or nongovernmental units. Food stamp recipients in public housing will receive an estimated annual increase of \$6,834,744 in food stamp benefits (\$2,847,810 for FY 04/05).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed Rule will not impact competition or employment.

Adren O. Wilson
Assistant Secretary
0503#047

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Transportation and Development Office of Highways/Engineering

Control of Outdoor Advertising
(LAC 70:III.138)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Transportation and Development intends to amend Subchapter C of Chapter 1 of Part III of Title 70 entitled "Regulations for Control of Outdoor Advertising," in accordance with R.S. 48:461, et seq.

Title 70

TRANSPORTATION

Part III. Outdoor Advertising

Chapter 1. Outdoor Advertising

Subchapter C. Regulations for Control of Outdoor Advertising

§138. Erection and Maintenance of Outdoor Advertising in Areas Zoned Commercial and Industrial

A. *Areas Zoned Commercial or Zoned Industrial* Those areas in a comprehensively zoned political subdivision set aside for commercial or industrial use pursuant to the state or local zoning regulations, but shall not include areas which reflect strip zoning, spot zoning or variances granted by the local political subdivisions strictly for outdoor advertising.

B. To determine whether a zoning action, past or present, is an attempt to circumvent outdoor advertising laws and/or rules, the following factors shall be taken into consideration:

1. expressed reason for zoning change;
2. zoning for the surrounding area;
3. actual land use;
4. existence of plans for commercial or industrial development;
5. availability of utilities (water, electricity, sewage) in the newly zoned area;
6. existence of access roads or dedicated access to the newly zoned area; and
7. documentation that property has been assessed in accordance with zoning.

C. If a combination of the factors set forth in Subsection B demonstrate that the zoning action is taken primarily to allow outdoor advertising devices (billboards) in areas that have none of the attributes of a commercial or industrial area, the department may deny a permit for the erection of outdoor advertising devices.

D. If outdoor advertising permits have been issued for existing devices in zoned areas which do not meet the requirements of Subsections B and C, such outdoor advertising devices will be considered "legal non-conforming."

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways/Engineering, LR 31:

Family Impact Statement

The proposed adoption of this Rule should no known or foreseeable impact on any family as defined by R.S.

49:972(D) or on family formation, stability and autonomy. Specifically:

1. the implementation of this proposed Rule will have no known or foreseeable effect on the stability of the family;
2. the implementation of this proposed Rule will have no known or foreseeable effect on the authority and rights of parents regarding the education and supervision of their children;
3. the implementation of this proposed Rule will have no known or foreseeable effect on the functioning of the family;
4. the implementation of this proposed Rule will have no known or foreseeable effect on family earnings and family budget;
5. the implementation of this proposed Rule will have no known or foreseeable effect on the behavior and personal responsibility of children;
6. the implementation of this proposed Rule will have no known or foreseeable effect on the ability of the family or a local government to perform this function.

All interested persons so desiring shall submit oral or written data, views, comments or arguments no later than 30 days from the date of publication of this Notice of Intent. Such comments should be submitted to Sherryl J. Tucker, Senior Attorney, P. O. Box 94245, Baton Rouge, LA 70804, Telephone (225) 237-1359.

J. Michael Bridges, P.E.
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Control of Outdoor Advertising

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no implementation costs associated with this proposed rule. Implementation of the proposed rule will place the Department in compliance with Federal law and make the existing rules more clear and workable for both the Department and the outdoor advertising industry. The rules define "commercial and industrial zoning" so that the Department and the Federal Government may recognize whether or not such zoning is established by local governing authorities solely for the purpose of enabling outdoor advertising devices (billboards) to be installed along highways where they would not be legally allowed otherwise.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

If this rule change is implemented, there will be no effect on revenue collections of state or local governmental units. This rule change has been requested by the Federal Highway Administration which has also informed the Department that should the Department fail to implement this rule change, the State could lose ten percent of its Federal Highway funding.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The outdoor advertising industry will be most directly affected by this rule change. In the future, these companies may have fewer locations to construct new billboards which could result in a possible loss of future revenue, the amount of which cannot be estimated at this time. However, as a result of fewer new billboards being constructed in the future, the value of the current inventory space for advertising could increase. (Note

that no devices currently permitted will be required to be removed.)

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no effect on competition. The proposed rule applies equally to all facets of the outdoor advertising industry. Because of the possible loss of future revenues noted in Paragraph III, employment opportunities in the outdoor advertising industry could be negatively affected. This effect, however, should be minimal.

J. Michael Bridges, P.E. Robert E. Hosse
Undersecretary General Government Section Director
0503#056 Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

General and Wildlife Management Area Hunting (LAC 76:XIX.111)

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§111. General and Wildlife Management Area Hunting Rules and Regulations

A. Hunting Seasons and Wildlife Management Area Regulations

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by Sections 115 and 116 of Title 56 of the Louisiana Revised Statutes of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The Secretary of the Department of Wildlife and Fisheries has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to Section 40.1 of Title 56 of the Louisiana Revised Statutes of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the Department of Wildlife and Fisheries a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

B. Resident Game Birds and Animals

1. Shooting hours. One-half hour before sunrise to one-half hour after sunset.

C. Other Season Dates

1. Turkey. Please refer to separate pamphlet.
2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed

hunters with one or more dogs and one .22 rimfire firearm. A licensed hunter may take raccoon or opossum with .22 rimfire rifle, .36 caliber or smaller muzzleloader rifle or shotgun during daylight hours during the open rabbit season. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is one per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Nutria. On WMAs and private property nutria may be taken recreationally by licensed hunters from September 1 through February 28 during legal shooting hours by any legal hunting method with a daily limit of five. When taken with a shotgun, steel shot must be used. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of "hunter orange" and wear a "hunter orange" cap or hat. Recreational nutria hunters must remove each nutria carcass in whole condition from the hunting area, except that nutria may be gutted. Possession of detached nutria parts, including nutria tails, by recreational hunters is illegal. Nutria harvested recreationally may not be pelted nor may such nutria or any nutria parts from recreationally taken nutria be sold, including the tail. Trespassing upon private property for the purpose of taking nutria or other furbearing animals is punishable by fines and possible jail time (R.S. 56:265). The Coastwide Nutria Control Program is a separate program and is in no way related to the nutria recreational season. For questions on the Coastwide Nutria Control Program, call the New Iberia office (337) 373-0032.

4. Blackbirds and Crows. The season for crows shall be September 1 through January 1 with no limit; however crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depredating or about to depredate upon ornamentals or shade trees, agricultural crops, livestock, wildlife, or when concentrated in such numbers as to cause a health hazard. Louisiana has determined that the birds listed above are crop depredators and that crows have been implicated in the spread of the West Nile virus in humans.

5. Pheasant. Closed.

6. Falconry. Special permit required. Resident and migratory game species except turkeys may be taken. Seasons and bag limits are the same as for statewide and WMA regulations. Refer to LAC 76:V.301 for specific falconry rules.

7. Licensed Hunting Preserve. October 1-April 30. Pen-raised birds only. No limit entire season. Refer to LAC 76:V.305 for specific hunting preserve rules.

8. Deer Management Assistance Program (DMAP). Land enrolled in the voluntary program will be assessed a \$25 registration fee and \$0.05/acre fee. Deer management assistance tags must be in the possession of the hunter in order to harvest an antlerless deer. The tag shall be attached

through the hock in such a manner that it cannot be removed before the deer is transported (including those taken on either-sex days and those taken with bow or muzzleloader). Antlerless deer harvested on property enrolled in DMAP does not count in the season bag limit for hunters. Failure to do so is a violation of R.S. 56:115. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved. Refer to LAC 76:V.111 for specific DMAP rules.

9. Landowner Assistance Deer Tag (LADT)

a. Eligibility for LADT is limited to the following landowners or lessees:

- i. license deer farmers;
- ii. landowners or lessees with less than 500 acres who have verified deer depredation problems;
- iii. landowners with 40 acres or more enrolled in the Louisiana Forest Stewardship Program; and
- iv. landowners or lessees with 40 or more contiguous acres of forested or marsh land.

b. Each applicant will be assessed a \$25 administrative processing fee. Each hunter must have the landowner antlerless deer tag in his possession while hunting on the property for which the tag was issued and immediately upon kill of an antlerless deer, the hunter must tag the animal through the hock. The deer must be tagged before it is transported from the site of kill and the tag will remain with the deer while the hunter is in route to his domicile. Antlerless deer harvested on property enrolled in LADT does not count in the season bag limit for hunters. For more information, contact any Wildlife Division Regional Office.

10. Farm Raised White-Tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

Exotics For purposes of this rule means any animal of the family Bovidae (except the Tribe Bovini [cattle]) or Cervidae which is not indigenous to Louisiana and which is confined on a supplemented hunting preserve. Exotics shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

Hunting In its different tenses and for purposes of this rule means to take or attempt to take, in accordance with R.S. 56:8.

Same as Outside For purposes of this rule means hunting on a supplemented hunting preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in Title 56 of the Louisiana Revised Statutes and as established annually by the Wildlife and Fisheries Commission (LWFC).

Supplemented Hunting Preserve For purposes of this rule means any enclosure for which a current farm-raising license has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the Department of Wildlife and Fisheries (LDWF) and is authorized in writing by the LDAF and LDWF to permit hunting.

White-Tailed Deer For purposes of this rule means any animal of the species *Odocoileus virginianus* which is confined on a supplemented hunting preserve.

b. Seasons

i. Farm-Raised White-Tailed Deer consult the regulations pamphlet.

ii. Exotics year round.

c. Methods of Take

i. White-Tailed Deer same as outside.

ii. Exotics Exotics may be taken with longbow (including compound bow) and arrow; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only.

d. Shooting Hours

i. White-Tailed Deer same as outside.

ii. Exotics One-half hour before sunrise to one-half hour after sunset.

e. Bag Limit

i. Farm-Raised White-Tailed Deer same as outside.

ii. Exotics No limit.

f. Hunting Licenses

i. White-Tailed Deer same as outside.

ii. Exotics No person shall hunt any exotic without possessing a valid basic and big game hunting license.

g. Tagging. White-Tailed Deer and Exotics Each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

11. Bobcat. The hunting of bobcats will be legal only during the open deer season in all deer hunting areas. The legal shooting hours and the legal methods for the taking of bobcats shall be the same as defined for the taking of deer. License requirements shall also be the same for deer. The season limit shall be one.

D. Hunting-General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. All persons born on or after September 1, 1969 must show proof of satisfactorily completing a hunter safety course approved by LDWF to purchase a basic hunting license, except any active or veteran member of the United States armed services or any POST-certified law enforcement officer. Application for the exemption shall be filed in person at the Department of Wildlife and Fisheries main office building in the city of Baton Rouge. A person younger than 16 years of age may hunt without such certificate if he is accompanied by, and is under the direct supervision of a person 18 years of age or older, except during a statewide youth deer hunt, the youth must have satisfactorily completed a hunter safety course approved by LDWF to participate.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer or turkey. A separate wild turkey stamp is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of Taking Resident Game Birds and Quadrupeds

a. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. Use of a longbow (including compound bow) and arrow or a shotgun not larger than a 10 gauge fired from the shoulder without a rest shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than a .22 caliber rimfire or a muzzleloader rifle larger than .36 caliber. During closed deer gun season, it shall be illegal to possess shotgun shells loaded with slugs or shot larger than BB lead or F steel shot while small game hunting.

c. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

6. Nuisance Animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the department, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit. For specific details contact a regional office near you. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found destroying commercial crops of pecans may be taken year-round by permit issued by the department. This permit shall be valid for 30 days from the date of issuance. Contact the local regional office for details.

7. Threatened and Endangered Species Louisiana black bear, Louisiana pearl shell (mussel), sea turtles, gopher tortoise, ringed sawback turtle, brown pelican, bald eagle, peregrine falcon, whooping crane, Eskimo curlew, piping plover, interior least tern, ivory-billed woodpecker, red-cockaded woodpecker, Bachman's warbler, West Indian manatee, Florida panther, pallid sturgeon, Gulf sturgeon, Attwater's greater prairie chicken, whales and red wolf. Taking or harassment of any of these species is a violation of state and federal laws.

8. Unregulated Quadrupeds. Holders of a legal hunting license may take coyotes, unmarked hogs where legal, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to "chase only" during still hunting segments of the firearm and archery only season for deer. Foxes are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters.

9. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds with a gun during open season while on a public highway or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and rights-of-way is prohibited and these provisions will be strictly enforced.

10. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. On lands enrolled in DMAP, deer management assistance tags must be attached and locked through the hock of antlerless deer, (including those taken with bow, muzzleloader and those antlerless deer taken on either-sex days) in a manner that it cannot be removed, before the deer is moved from the site of the kill.

11. Sex Identification. Positive evidence of sex identification, including the head, shall remain on any deer taken or killed within the state of Louisiana, or on all turkeys taken or killed during any special gobbler season when killing of turkey hens is prohibited, so long as such deer or turkey is kept in camp or field, or is in route to the domicile of its possessor, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game.

12. Promotional Hunting Days

a. The following dates are established as promotional hunting days:

- i. 2005-2006 hunting season: November 25-27, 2005;
- ii. 2006-2007 hunting season: November 24-26, 2006; and
- iii. 2007-2008 hunting season: November 23-25, 2007.

b. Persons availing themselves of promotional hunting days shall be entitled to hunt resident game birds and game quadrupeds (excluding bears), as well as coyotes, bobcats and feral hogs on designated days without the payment of fees and without obtaining any license other than the below referenced letter of permit. Persons wishing to avail themselves of promotional hunting days shall be subject to the following requirements and restrictions.

i. All applicants must be at least 16 years of age, and not currently under a suspension or revocation of hunting privileges.

ii. All applicants must submit, on a form and in a manner prescribed by the department, such personal information as may be required by the department including, but not limited to, name, address, date of birth, drivers' license number, and social security number.

iii. No person shall be entitled to apply for or receive more than one letter of permit for promotional hunting days in his or her lifetime.

iv. Any eligible person who applies for the promotional hunting days shall receive a letter of permit from the secretary.

v. Any person hunting under the promotional hunting days letter of permit must be accompanied by a validly licensed hunter.

vi. Any person hunting under the promotional hunting days letter of permit shall meet all other legal requirements for obtaining a hunting license, including but not limited to, successful completion of a hunter education course.

vii. Any person hunting under the promotional hunting days letter of permit must have in his possession while hunting, a valid hunter education card or certificate.

viii. Any person hunting under the promotional hunting days letter of permit may hunt during all legal hunting hours on the dates recited in the permit, but only during legal hunting hours.

ix. Any person hunting under a letter of permit shall be subject to all of the limitations, restrictions, conditions, laws, and rules and regulations applicable to the holder of a hunting license.

x. Any person hunting under the promotional hunting days letter of permit may hunt any species of resident game birds or game quadrupeds (excluding bears), as well as coyotes, bobcats and feral hogs for which the season is open at the time of the above stated weekends, but only those species for which the season is open at the time of the above stated weekends.

xi. Any person hunting under the promotional hunting days letter of permit may use any gear or method of take which is legal on the above designated weekends.

xii. Any person hunting under the promotional hunting days letter of permit may hunt only resident game birds and game quadrupeds (excluding bears), as well as coyotes, bobcats and feral hogs. All other species are excluded including, but not limited to, migratory game birds.

E. General Deer Hunting Regulations

1. One antlered and one antlerless (when legal) deer per day except on some Federal Refuges (check refuge regulations) and National Forest Lands where the daily limit shall be one deer per day. Six per season (all segments included) by all methods of take, except antlerless harvest on property enrolled in DMAP and LADT does not count in the season bag limit for hunters.

2. A legal buck is a deer with visible antler of hardened bony material, broken naturally through the skin. Killing bucks without at least one visible antler as described above and killing does is prohibited except where specifically allowed and except in Thistlethwaite Wildlife Management Area where a legal buck shall be defined as

deer with at least four points on one side or a deer with unbranched antlers commonly referred to as spikes (no minimum length). To be counted as a point, a projection must be at least 1 inch long and its length must exceed the length of its base. The beam tip is counted as a point but not measured as a point.

3. Deer hunting restricted to legal bucks only, except where otherwise allowed.

4. Either-sex deer is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

5. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or rifled slug. Handguns may be used for hunting.

6. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

7. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. Except in wildlife management areas, a leashed dog may be used to trail and retrieve wounded or unrecovered deer during legal hunting hours. Any dog used to trail or retrieve wounded or unrecovered deer shall have on a collar with owner's name, address, and phone number. In addition, a dog may be used to trail and retrieve unrecovered deer after legal hunting hours; however, no person accompanying a dog after legal hunting hours may carry a firearm of any sort.

8. Areas not specifically designated as open are closed.

9. Muzzleloader Segment: (Special license and muzzleloader firearms specifications apply only to the special state, WMA, National Forest and Preserves, and Federal Refuge seasons.) Still hunt only. Specific WMAs will also be open, check WMA schedule for specific details. Muzzleloader license required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all deer hunting areas except Area 5 and as specified on public areas. It is unlawful to carry a gun, other than a muzzleloader, including those powered by air or other means, while hunting during the special muzzleloader segment. Except, it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot only).

a. Legal Muzzleloader Firearms for Special Season: Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, use black powder or approved substitute only, take ball or bullet projectile only, including sabot bullets and may be fitted with magnified scopes. This includes muzzleloaders known as "inline" muzzleloaders.

10. Archery Segment. Consult regulations pamphlet. WMA seasons are the same as outside except as noted below. Archery license required for resident bow hunters

between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Residents 60 years of age and older may use a crossbow without a special permit or license. Either-sex deer may be taken in all areas open for deer hunting except when a buck's only season is in progress for gun hunting, and except in Area 6 from October 1-15. Archer's must conform to the buck's only regulations. Either-sex deer may be taken on WMAs at anytime during archery season except when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Lake Boeuf, and Pointe-aux-Chenes WMAs (see schedule).

a. Bow and Arrow Regulations. Hunting arrows for deer must have well-sharpened metal broadhead blades not less than 7/8 inch in width. Bow and arrow fishermen must have a sport fishing license and not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to carry a gun, including those powered by air or other means, while hunting with bow and arrow during the special bow and arrow deer season except it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot) only;

(b). to have in possession or use any poisoned or drugged arrow, arrows with explosive tips, or any bow drawn, held or released by mechanical means except that hand held releases are lawful;

(c). to hunt deer with a bow having a pull less than 30 pounds;

(d). to hunt with a bow or crossbow fitted with an infrared or laser sight;

(e). to take deer while deer are swimming or while the hunter is in a boat with motor attached in operating position; however, the restrictions in this paragraph shall not apply to any person who has lost one or more limbs.

11. Hunter Orange. Any person hunting deer shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" during the open deer gun season including muzzleloader season. Persons hunting on privately owned, legally posted land may wear a hunter orange cap or hat in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned and legally posted or to archery deer hunters hunting on legally posted lands where firearm hunting is not allowed by agreement of the landowner or lessee. However, anyone hunting deer on such lands where hunting with firearms is allowed shall be required to display the 400 square inches or a hunter orange cap or hat while walking to and from elevated stands. While a person is hunting from an elevated stand, the 400 square inches or cap or hat may be concealed. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange."

12. Special Handicapped Either-Sex Deer Season on Private Land. See regulations pamphlet for dates. Restricted to individuals with physically challenged hunter permit.

13. Special Youth Deer Hunt on Private Lands (Either-Sex). See regulations pamphlet for dates. Youths under the age of 16 only. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult

18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one youth during this special hunt.

F. Description of Areas

1. Area 1

a. All of the following parishes are open: Concordia, East Baton Rouge, East Feliciana, Franklin, Madison, St. Helena, Tensas, Washington.

b. Portions of the following parishes are also open.

i. Catahoula east of Boeuf River to Ouachita River, east of Ouachita River from its confluence with Boeuf River to La. Hwy. 8, south and east of La. Hwy. 8 southwesterly to parish line.

ii. Grant east of U.S. 165 and south of La. 8.

iii. LaSalle south of a line beginning where Little River enters Catahoula Lake following the center of the lake eastward to Old River then to U.S. Highway 84, east of U.S. Highway 84 northward to La. Highway 8, south of La. Highway 8 eastward to parish line.

iv. Livingston north of I-12.

v. Rapides east of U.S. 165 and north of Red River.

vi. St. Tammany all except that portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

vii. Tangipahoa north of I-12.

viii. West Feliciana all except that portion known as Raccourci and Turnbull Island.

c. Still hunting only in all or portions of the following parishes:

i. Catahoula south of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to La. 8 at Harrisonburg, west of La. 8 to La. 913, west of La. 913 and La. 15 to Deer Creek.

ii. East Feliciana and East Baton Rouge east of Thompson Creek from the Mississippi state line to La. 10. North of La. 10 from Thompson Creek to La. 67 at Clinton, west of La. 67 from Clinton to Mississippi state line. South of Mississippi state line from La. 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of La. 67 from La. 64 north to parish line, south of parish line from La. 64 eastward to Amite River. West of Amite River southward to La. 64, north of La. 64 to La. 37 at Magnolia, east of La. 37 northward to La. 64 at Indian Mound, north of La. 64 from Indian Mound to La. 67. Also, that portion of East Feliciana Parish east of La. 67 from parish line north to La. 959, south of La. 959 east to La. 63, west of La. 63 to Amite River, west of Amite River, southward to parish line, north of parish line westward to La. 67.

iii. Franklin all.

iv. St. Helena north of La. 16 from Tickfaw River at Montpelier westward to La. 449, east and south of La. 449 from La. 16 at Pine Grove northward to La. 1045, south of La. 1045 from its junction with La. 449 eastward to

the Tickfaw River, west of the Tickfaw River from La. 1045 southward to La. 16 at Montpelier.

v. Tangipahoa **C**hat portion of Tangipahoa Parish north of La. 10 from the Tchefuncte River to La. 1061 at Wilmer, east of La. 1061 to La. 440 at Bolivar, south of La. 440 to the Tchefuncte River, west of the Tchefuncte River from La. 440 southward to La. 10.

vi. Washington and St. Tammany **C**east of La. 21 from the Mississippi state line southward to the Bogue Chitto River, north of the Bogue Chitto River from La. 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from the Pearl River westward to La. 21. Also, that portion of Washington Parish west of La. 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany parish line to the Tangipahoa parish line, east of the Tangipahoa Parish line to the Mississippi state line, south of the Mississippi state line to its junction with La. 25.

vii. West Feliciana **C**west of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of U.S. 61 and La. 966, east of La. 966 from U.S. 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

2. Area 2

a. All of the following parishes are open.

i. Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Jackson, Lincoln, Natchitoches, Red River, Sabine, Union, Webster, Winn.

ii. Except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as Area 2, except still hunting only for deer and except National Forest Land within the Evangeline Unit, Calcasieu Ranger District described in Area 2 description shall be still hunting only.

b. Portions of the following parishes are also open.

i. Allen **C**north of U.S. 190 and east of La. 113.

ii. Avoyelles **C**hat portion west of I-49.

iii. Beauregard **C**east of La. 113.

iv. Catahoula **C**west of Boeuf River to Ouachita River, west of Ouachita River from its confluence with Boeuf River to La. Highway 8, north and west of La. Highway 8 southwesterly to parish line.

v. Evangeline **C**all except the following portions: east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte, and north of U.S. 167 east of Ville Platte.

vi. Grant **C**all except that portion south of La. 8 and east of U.S. 165.

vii. Jefferson Davis **C**north of U.S. 190.

viii. LaSalle **C**north of a line beginning where Little River enters Catahoula Lake, following the center of the lake eastward to Old River then to U.S. Highway 84, west of U.S. Highway 84 northward to La. Highway 8, north of La. Highway 8 eastward to parish line.

ix. Morehouse **C**west of U.S. 165 (from Arkansas state line) to Bonita, north and west of La. 140 to junction of

La. 830-4 (Cooper Lake Road), west of La. 830-4 to Bastrop, west of La. 139 to junction of La. 593, west and south of La. 593 to Collinston, west of La. 138 to junction of La. 134 and north of La. 134 to Ouachita line at Wham Brake.

x. Ouachita **C**all except south of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line at Wham Brake.

xi. Rapides **C**all except north of Red River and east of U.S. 165. South of La. 465 to junction of La. 121, west of La. 121 and La. 112 to Union Hill, and north of La. 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and U.S. 167 to junction of U.S. 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line.

xii. Vernon **C**east and south of La. 113, north and east of La. 465, west of La. 117 from Kurthwood to Leesville, and north of La. 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes.

i. Claiborne and Webster **C**Caney, Corney and Middlefork tracts of Kisatchie National Forest (see Kisatchie National Forest regulations).

ii. Ouachita **C**east of Ouachita River.

iii. Rapides **C**west of U.S. 167 from Alexandria southward to I-49 at Turkey Creek Exit, west of I-49 southward to parish line, north of parish line westward to U.S. 165, east of U.S. 165 northward to U.S. 167 at Alexandria. North of La. 465 from Vernon Parish line to La. 121, west of La. 121 to I-49, west of I-49 to La. 8, south and east of La. 8 to La. 118 (Mora Road), south and west of La. 118 to Natchitoches Parish line.

iv. Vernon **C**east of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to La. 465, east and north of La. 465 to Rapides Parish line.

3. Area 3

a. All of Acadia, Cameron and Vermilion Parishes are open.

b. Portions of the following parishes are also open.

i. Allen **C**south of U.S. 190 and west of La. 113.

ii. Beauregard **C**west of La. 113. Also east of La. 27 from the parish line north to DeRidder and north of U.S. 190 westward from DeRidder to Texas line.

iii. Calcasieu **C**south of U.S. 90 from Sulphur to Texas State line. Also east of La. 27 from Sulphur northward to the parish line.

iv. Iberia **C**west of U.S. 90 and north of La. 14.

v. Jefferson Davis **C**all except north of U.S. 190.

vi. Lafayette **C**west of I-49 and U.S. 90.

vii. Rapides **C**south of La. 465 to junction of La. 121, west of La. 121 and La. 112 to Union Hill and north of La. 113 from Union Hill to Vernon Parish line.

viii. St. Landry **C**west of U.S. 167.

ix. Vernon **C**west and north of La. 113, south of La. 465, east of La. 117 from Kurthwood to Leesville, and south of La. 8 from Leesville to Texas state line.

4. Area 4

a. All of East Carroll and Richland parishes are open.

- b. Portions of the following parishes are open.
 - i. Morehouse east of U.S. 165 (from Arkansas state line) to Bonita, south and east of La. 140 to junction of La. 830-4 (Cooper Lake Road), east of La. 830-4 to Bastrop, east of La. 139 at Bastrop to junction of La. 593, east and north of La. 593 to Collinston, east of La. 138 to junction of La. 134 and south of La. 134 to Ouachita line at Wham Brake.
 - ii. Ouachita south of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line at Wham Bake.
- 5. Area 5
 - a. All of West Carroll Parish is open.
- 6. Area 6
 - a. All of Orleans Parish is closed to all forms of deer hunting.
 - b. All of the following parishes are open: Ascension, Assumption, Iberville, Jefferson, Lafourche, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. James, St. John, St. Martin, Terrebonne, West Baton Rouge.
 - c. Portions of the following parishes are also open.
 - i. Avoyelles all except that portion west of I-49.
 - ii. Evangeline that portion east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte and north of U.S. 167 east of Ville Platte.
 - iii. Iberia east of U.S. 90.
 - iv. Lafayette east of I-49 and U.S. 90.
 - v. Livingston south of I-12.
 - vi. Rapides south of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.
 - vii. St. Landry east of U.S. 167.
 - viii. St. Mary north of U.S. 90 from Iberia Parish line eastward to Wax Lake Outlet, east of Wax Lake Outlet southward to Intracoastal Waterway, north of Intracoastal Waterway eastward to Terrebonne Parish line.
 - ix. St. Tammany that portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.
 - x. Tangipahoa south of I-12.
 - xi. West Feliciana west of Mississippi River, known as Raccourci and Turnbull Islands.
 - d. Still hunting only in all or portions of the following parishes:
 - i. Avoyelles north of La. 1 from Simmesport westward to La. 115 at Marksville, east of La. 115 from Marksville northward to the Red River near Moncla, south and west of the Red River to La. 1 at Simmesport.
 - ii. Plaquemines east of the Mississippi River.
 - iii. Rapides south of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.
 - iv. St. Bernard all of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre.
 - v. St. John south of Pass Manchac from Lake Pontchartrain to U.S. 51, east of U.S. 51 from Pass Manchac to La. 638 (Frenier Beach Road). North of La. 638 from U.S. 51 to Lake Pontchartrain. West of Lake Pontchartrain from La. 638 to Pass Manchac.

- vi. St. Landry those lands surrounding Thistlethwaite WMA bounded north and east by La. 359, west by La. 10, and south by La. 103.
- 7. Area 7
 - a. Portions of the following parishes are open.
 - i. Iberia south of La. 14 and west of U.S. Hwy. 90.
 - ii. St. Mary south of U.S. 90 from Iberia Parish line eastward to Wax Lake Outlet, west of Wax Lake Outlet southward to Intracoastal Waterway, south of Intracoastal Waterway from Wax Lake Outlet eastward to Terrebonne Parish line.
- 8. Area 8
 - a. Portions of the following parishes are open.
 - i. Beauregard that portion west of La. 27 from parish line northward to DeRidder, south of U.S. 190 from DeRidder to Texas state line;
 - ii. Calcasieu that portion west of La. 27 from the parish line southward to Sulphur and north of U.S. 90 from Sulphur to the Texas state line.
- G. Wildlife Management Area Regulations
 - 1. General
 - a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in Louisiana Revised Statutes of 1950, Section 109 of Title 56. Failure to comply with these regulations will subject individual to citation and/or expulsion from the management area.
 - b. Citizens are cautioned that by entering a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.
 - c. Wildlife management area seasons may be altered or closed anytime by the department secretary in emergency situations (floods, fire or other critical circumstances).
 - d. Hunters may enter the WMA no earlier than 3 a.m. unless otherwise specified. On days when daily permits are required, permit stations will open 2 hours before legal shooting hours. Hunters must check out and exit the WMA no later than two hours after sunset, or as otherwise specified.
 - e. Lands within WMA boundaries will have the same seasons and regulations pertaining to baiting and use of dogs as the WMA within which the lands are enclosed; however, with respect to private lands enclosed within a WMA, the owner or lessee may elect to hunt according to the regular season dates applicable to the geographic area in which the lands are located, provided that the lands are first enrolled in DMAP. Interested parties should contact the nearest LDWF regional office for additional information.
 - f. Dumping garbage or trash on WMAs is prohibited. Garbage and trash may be properly disposed of in designated locations if provided.
 - g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.
 - h. Damage to or removal of trees, shrubs, hard mast (acorn, pecans, etc.), wild plants and non-game wildlife (including reptiles and amphibians) is prohibited without

prior approval from the Baton Rouge office. Gathering and/or removal of soft fruits, mushrooms and berries shall be limited to 5 gallons per person per day.

i. Burning of marshes is prohibited. Hunting actively burning marsh prohibited.

j. Nature trails. Trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

k. Deer seasons are for legal buck deer unless otherwise specified.

l. Small game, when listed under the WMA regulations may include both resident game animals and game birds as well as migratory species of birds.

m. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and state seed grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health and Hospitals.

n. Free ranging livestock prohibited.

2. Permits

a. A WMA hunting permit is required for persons aged 18 through 59 to hunt on WMAs.

b. Daily. Daily permits when required shall be obtained at permit stations on or near each WMA after first presenting a valid hunting license to a department employee. Hunters must retain permit in possession while hunting. Hunters may enter the area no earlier than two hours before legal shooting time unless otherwise specified. Hunters must checkout daily and exit the area not later than two hours after sunset unless otherwise specified.

c. Self-Clearing Permits. A self-clearing permit is required for all activities (hunting, fishing, hiking, birdwatching, sightseeing, etc.) on WMAs unless otherwise specified. The self-clearing permit will consist of three portions: check in, check out and a Vehicle Tag. On WMAs where self-clearing permits are required, all persons must obtain a WMA self-clearing permit from an information station. The check in portion must be completed and put in a permit box before each day's activity on the day of the activity (except if hunting from a private camp adjacent to the WMA being hunted, users need only to check in once during any 72 hour period). Users may check-in one day in advance of use. The check out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA or within 72 hours after checking in if hunting from a private camp adjacent to the WMA being hunted. Each person must leave the Vehicle Tag portion of his permit on the dashboard of the vehicle used to enter into the WMA in such a way that it can be easily read from outside of the vehicle. This must be done only when the vehicle is parked and left unattended on the WMA. If an ATV, boat or other type vehicle was used to enter the WMA, then the vehicle tag must be attached to that vehicle in such a manner that it can be readily seen and read. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. When mandatory deer checks are specified on WMAs, hunters must check deer at a check station. Call the appropriate region office for the location of the deer check station on these WMAs. (Self-clearing permits are not required for

persons only traveling through the WMA provided that the most direct route is taken and no activities or stops take place.)

d. Persons using WMAs or other department administered lands for any purpose must possess one of the following: a valid Wild Louisiana stamp, a valid Louisiana fishing license, or a valid Louisiana hunting license. Persons younger than 16 or older than 60 years of age are exempt from this requirement. Also a self-clearing WMA permit, detailed above, may be required (available at most entrances to each WMA). Check individual WMA listings for exceptions.

3. Special Seasons

a. Youth Deer Hunt. Only youths younger than 16 years of age may hunt. All other seasons are closed except handicapped seasons. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of a hunter safety certification, a valid Louisiana hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one youth during this special hunt. Contact the appropriate region office for special check station locations when daily permits are required and maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

NOTE: Some hunts may be by pre-application lottery.

b. Youth Squirrel Hunt. Only youths younger than 16 years of age may hunt. Squirrel, rabbit, raccoon and opossum may be taken. Hogs may not be taken. No dogs allowed. All other seasons will remain open to other hunters. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. If the accompanying adult is in possession of hunter safety certification, a valid hunting license or proof of successful completion of a hunter safety course, this requirement is waived for the youth. Adults may not possess a firearm. Youths may possess only one firearm while hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. Self-clearing permits are required. Consult the regulations pamphlet for WMAs offering youth squirrel hunts.

c. Youth Mourning Dove Hunt. A youth mourning dove hunt will be conducted on specific WMAs and will follow the same regulations provided for youth deer hunts on the second weekend of the mourning dove season (Saturday and Sunday only). Consult the regulations pamphlet for WMAs offering youth mourning dove hunts.

d. Handicapped Season. An either-sex deer season will be held for hunters possessing a physically challenged hunter permit on WMAs during the dates specified under the individual WMA. Participants must possess a physically challenged hunter permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering handicapped seasons. Pointe-aux-Chenes will have an experimental

Lottery handicapped waterfowl hunt. Contact New Iberia Office, Fur and Refuge Division for details.

e. Deer Lottery Hunts. Hunts restricted to those persons selected as a result of the pre-application lottery. Consult the regulations pamphlet for deadlines. A non-refundable application fee must be sent with application. Contact region offices for applications. Consult regulations pamphlet for WMAs offering lottery deer hunts.

f. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. All turkeys must be reported at self-clearing station. Contact region offices for more details. Consult separate turkey hunting regulations pamphlet for more details.

g. Waterfowl Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadline. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division Office for more details.

h. Mourning Dove Lottery Hunts. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division Office for more details.

i. Trapping. Permits to take furbearers from WMAs may be obtained at appropriate offices when required. Consult annual trapping regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. On WMAs where permits are required, each trapper must submit an annual trapping report to the region office where his permit was obtained. Non-compliance will result in forfeiture of trapping privileges on the WMAs. Permits may be obtained only between hours of 8 a.m. to 4:30 p.m. on normal working days at region offices. Hunter orange required when a deer gun season is in progress. A permit is required to carry a firearm outside of the normal hunting season and is available at the region office.

j. Raccoon Hunting. A licensed hunter may take raccoon or opossum, one per person per day, during daylight hours only, during the open rabbit season on WMAs. Nighttime experimental ~~Call~~ nighttime raccoon hunting where allowed is with dogs only. There is no bag limit. Raccoon hunters with dogs must submit an annual report of their kill to the region office for WMAs where permits are required. Non-compliance will result in forfeiture of raccoon or all hunting privileges on WMAs. Permits, when required, may be obtained at region offices only between hours of 8 a.m. to 4:30 p.m. on normal working days.

k. Sport Fishing. Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

l. Additional Department Lands. The department manages additional lands that are included in the WMA system and available for public recreation. Small tracts are located in Vernon, Evangeline, St. Helena and other parishes. These small tracts have been acquired from the Farmers Home Administration or other sources for conservation purposes. Contact the appropriate Wildlife and Fisheries Region Office for specific information and any additional season dates.

4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms are not

allowed in or on vehicles, boats under power, motorcycles, ATVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after permitted hours (except in authorized camping areas and except as may be permitted for authorized trappers).

b. Firearms and bows and arrows are not allowed on WMAs during closed seasons except on designated shooting ranges or as permitted for trapping. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or as permitted for bowfishing.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under Wildlife Management Area listing.

d. Loaded firearms are not allowed near WMA check stations.

e. Centerfire rifles and handguns larger than .22 caliber rimfire, shotgun slugs or shot larger than BB lead or F steel shot cannot be carried onto any WMA except during modern firearm deer season.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or hunting from designated roads, ATV trails or their rights-of-way is prohibited during the modern firearm and muzzleloader deer season.

5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drivers and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On Wildlife Management Areas the daily limit shall be one antlered deer and one antlerless deer (when legal) per day. Six per season (all segments included) by all methods of take.

c. Baiting or hunting over bait is prohibited on all WMAs (hogs included).

d. Hunters who kill deer on WMAs that require daily permits must have deer checked at the check station on same day of kill. Deer may not be skinned or have any external body parts removed including but not limited to feet, legs, tail, head or ears before being checked out.

e. Deer hunting on WMAs is restricted to still hunting only. No WMA will be open for deer during early still hunt season unless specified in the regulation pamphlet.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed. Permanent tree stands are any stands that use nails, screws, spikes, etc., to attach to trees are strictly prohibited. Portable deer stands (those that are designed to be routinely carried by one person) may not be left on WMAs unless the stands are removed from trees and left in a non-hunting position (a non-hunting position is one in which a hunter could not hunt from the stand in its present position). Also, all stands left must be legibly tagged with the user's name, address, phone number and big game hunting license number (or lifetime license number). No stand may be left on any WMA prior to the day before deer season opens on that WMA and all stands must be removed from the WMA within one day after the close of deer

hunting on that WMA. Free standing blinds must be disassembled when not in use. Stands left will not reserve hunting sites for the owner or user. All portable stands, blinds, tripods, etc. found unattended in a hunting position or untagged will be confiscated and disposed of by the Department of Wildlife and Fisheries. LDWF not be responsible for unattended stands left on an area.

g. Hunting from utility poles, high tension power lines, oil and gas exploration facilities or platforms is prohibited.

h. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting time each day. Blinds with frames of wood, plastic, metal poles, wire, mesh, webbing or other materials may be used but must be removed from the WMA within two hours after the end of legal shooting time each day. Blinds made solely of natural vegetation and not held together by nails or other metallic fasteners may be left in place but cannot be used to reserve hunting locations. All decoys must be removed from the WMA daily.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

j. Tree climbing spurs, spikes or screw-in steps are prohibited.

k. Unattended decoys will be confiscated and forfeited to the Department of Wildlife and Fisheries and disposed of by the department. This action is necessary to prevent preemption of hunting space.

l. Spot lighting (shining) from vehicles is prohibited on all WMAs.

m. Horses and mules may be ridden on Wildlife Management Areas except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified.

n. All hunters except waterfowl hunters and mourning dove hunters (including archers and small game hunters) on WMAs must display 400 square inches of "Hunter Orange" and wear a "Hunter Orange" cap during open gun season for deer. Hunters participating in special dog seasons for rabbit and squirrel are required to wear a minimum of a "Hunter Orange" cap. All other hunters and archers (while on the ground) also must wear a minimum of a "Hunter Orange" cap during special dog seasons for rabbit and squirrel. Also all persons afield during hunting seasons are encouraged to display "Hunter Orange".

o. Archery season for deer. The archery season on WMAs is the same as outside and is open for either-sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or handicapped hunts are in progress. Consult regulations pamphlet for specific seasons.

p. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

q. Muzzleloader season for deer. Either-sex unless otherwise specified. See WMA deer schedule.

6. Camping

a. Camping on WMAs, including trailers, houseboats, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed 16 consecutive days, regardless if the camp is attended or unattended. Houseboats shall not impede navigation. At the end of the 16-day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities.

b. Houseboats are prohibited from overnight mooring within WMAs except on stream banks adjacent to department-owned designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. On Atchafalaya Delta WMA and Pass-a-Loutre, houseboats may be moored in specially designated areas throughout the hunting season. At all other times of the year, mooring is limited to a period not to exceed 16 consecutive days. Permits are required for the mooring of houseboats on Pass-a-Loutre and Atchafalaya Delta WMAs. Permits must be obtained from the New Iberia office.

c. Discharge of human waste onto lands or waters of any WMA is strictly prohibited by state and federal law. In the event public restroom facilities are not available at a WMA, the following is required. Anyone camping on a WMA in a camper, trailer, or other unit (other than a houseboat or tent) shall have and shall utilize an operational disposal system attached to the unit. Tent campers shall have and shall utilize portable waste disposal units and shall remove all human waste from the WMA upon leaving. Houseboats moored on a WMA shall have a permit or letter of certification from the Health Unit (Department of Health and Hospitals) of the parish within which the WMA occurs verifying that it has an approved sewerage disposal system on board. Further, that system shall be utilized by occupants of the houseboats when on the WMA.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

h. Swimming is prohibited within 100 yards of boat launching ramps.

7. Restricted Areas

a. For your safety, ALL oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or unauthorized hunting in restricted areas or refuges.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting and bird dog training when allowed; see individual WMA season

listings for WMAs that allow dogs. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons.

9. Vehicles

a. An all-terrain vehicle is an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight 750 pounds, length 85", and width 48". ATV tires are restricted to those no larger than 25 x 12 with a maximum 1" lug height and a maximum allowable tire pressure of 7 psi, as indicated on the tire by the manufacturer. Use of all other ATVs or ATV tires are prohibited on a WMA.

b. Vehicles having wheels with a wheel-tire combination having a radius of 17 inches or more from the center of the hub (measured horizontal to ground) are prohibited.

c. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within wildlife management areas due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

d. Tractor or implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles.

e. Airboats, aircraft, personal water craft "mud crawling vessels" (commonly referred to as crawfish combines which use paddle wheels for locomotion) and hover craft are prohibited on all WMAs and refuges. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. Personal water craft allowed on designated areas of Alexander State Forest WMA.

f. No internal combustion engines allowed in certain Greentree reservoirs.

g. Driving or parking vehicles on food or cover plots and strips is prohibited.

h. Blocking the entrance to roads and trails is prohibited.

i. Licensed motorized vehicles (LMVs) legal for highway use, including motorcycles, are restricted entirely to designated roads as indicated on WMA maps. ATVs are restricted to marked ATV trails only, except when WMA roads are closed to LMVs. ATVs may then use those roads until they are reopened for LMV traffic. WMA maps available at all region offices. This restriction does not apply to bicycles.

NOTE: All ATV trails are marked with signs and/or paint, but not all ATV trails appear on WMA maps.

j. Use of special ATV trails for handicapped persons is restricted to special ATV handicapped permittees. Handicapped ATV permittees are restricted to handicapped ATV trails or other ATV trails only as indicated on WMA maps or as marked by sign and/or paint. Persons 60 years of age and older, with proof of age, are also allowed to use special handicapped trails and need not obtain a permit.

However, these persons must abide by all rules in place for these trails. Handicapped persons under the age of 60 must apply for and obtain a physically challenged hunter program permit from the department.

k. Entrances to ATV trails will be marked with peach colored paint. Entrances to handicapped-only ATV trails will be marked with blue colored paint. Entrances to ATV trails that are open all year long will be marked with purple paint. The end of all ATV trails will be marked by red paint. WMA maps serve only as a general guide to the route of most ATV trails, therefore all signage and paint marking as previously described will be used to determine compliance. Deviation from this will constitute a violation of WMA rules and regulations.

l. Roads and trails may be closed due to poor condition, construction or wet weather.

m. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 3 a.m., except raccoon hunters may use ATVs during nighttime raccoon take seasons only. ATVs are prohibited from March 1 through August 31 except certain trails may be open during this time period to provide access for fishing or other purposes and some ATV trails will be open all year long on certain WMAs.

n. Caution many department-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads.

o. Hunters over the age of 59 and those with a physically challenged hunter permit are allowed to retrieve their own downed deer and hogs with the aid of an ATV under the following conditions:

i. no firearms or archery equipment is in possession of the retrieval party or on the ATV;

ii. the retrieval party may consist of no more than one ATV and one helper;

iii. ATVs may not be used to locate or search for wounded game or for any other purpose than retrieval of deer and hogs once they have been legally harvested and located.

10. Commercial Activities

a. Hunting Guides/Outfitters. No person or group may act as a hunting guide, outfitter or in any other capacity for which they are paid or promised to be paid directly or indirectly by any other individual or individuals for services rendered to any other person or persons hunting on any Wildlife Management Area, regardless of whether such payment is for guiding, outfitting, lodging or club memberships.

b. Commercial activities prohibited without prior approval from Baton Rouge office or unless otherwise specified.

c. Commercial Fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines allowed on Dewey Wills WMA north of La. 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Three Rivers WMA. Commercial fishing is prohibited on Salvador/Timken, Ouachita and Pointe-aux-

Chenes WMAs except commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal and Wonder Lake. No commercial fishing activity shall impede navigation and no unattended vessels or barges will be allowed. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

11. Wildlife Management Areas Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

12. Resident Small Game (squirrel, rabbit, quail, mourning dove, woodcock, snipe, rail and gallinule). Consult regulations pamphlet. Unless otherwise specified under a specific WMA hunting schedule, the use of dogs for rabbit and squirrel hunting is prohibited.

13. Waterfowl (ducks, geese and coots). Consult regulations pamphlet. Hunting after 2 p.m. prohibited on all WMAs except for Atchafalaya Delta, Biloxi, Lake Boeuf, Pass-a-Loutre, Pointe-aux-Chenes, Salvador/Timken and Wisner WMAs. Consult specific WMA regulations for shooting hours on these WMAs.

14. Archery. Consult regulations pamphlet.

15. Hogs. Consult regulations pamphlet for specific WMA regulations. Unmarked hogs may be taken during any legal hunting season on designated WMAs by properly licensed hunters using only guns or bow and arrow legal for specified seasons in progress. Hunters may harvest hogs during the month of March on Pass-a-Loutre WMA only by using shotguns with shot no larger than BB lead or F steel, or .22 caliber rimfire firearms. Hogs may not be taken with the aid of dogs, except unmarked hogs may be taken with the aid of dogs on Pearl River and Red River WMAs (consult Pearl River and Red River WMAs regulations) by permit from either the Baton Rouge or Ferriday offices and all hogs must be killed immediately and may not be transported live under any conditions and hunters may use centerfire pistols in addition to using guns allowed for season in progress.

16. Outlaw Quadrupeds and Birds. Consult regulations pamphlet. During hunting seasons specified on WMAs, incidental take of outlaw quadrupeds and birds is allowed by properly licensed hunters and only with guns or bows and arrows legal for season in progress on WMA. However, crows, blackbirds, grackles and cowbirds may not be taken before September 1 or after January 2.

17. Wildlife Management Areas Hunting Schedule and Regulations

a. Acadiana Conservation Corridor

b. Alexander State Forest. From December through February all hunters must check daily with the Office of Forestry for scheduled burning activity. No hunting or other activity will be permitted in burn units the day of the burning. Call 318-487-5172 or 318-487-5058 for information on burning schedules. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreation areas.

c. Atchafalaya Delta. Water control structures are not to be tampered with or altered by anyone other than employees of the Department of Wildlife and Fisheries at any time. ATVs, ATCs and motorcycles prohibited except as permitted for authorized WMA trappers.

d. Attakapas

e. Bayou Macon. All night activities prohibited except as otherwise provided.

f. Bayou Pierre

g. Bens Creek

h. Big Colewa Bayou. All nighttime activities prohibited.

i. Big Lake

j. Biloxi

k. Bodcau

l. Boeuf

m. Boise-Vernon

n. Buckhorn

o. Camp Beauregard. Daily military clearance required for all recreational users. Registration for use of self-clearing permit required once per year. All game harvested must be reported. Retriever training allowed on selected portions of the WMA. Contact the region office for specific details.

p. Dewey W. Wills **C**Crawfish: 100 pounds per person per day.

q. Elbow Slough. Steel shot only for all hunting.

r. Elm Hall. No ATVs allowed.

s. Floy Ward McElroy

t. Fort Polk. Daily military clearance required to hunt or trap. Registration for use of self-clearing permit required once per year. New special regulations apply to ATV users.

u. Grassy Lake. Commercial Fishing: Permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor at Spring Bayou headquarters or Opelousas Region Office. No hunting in restricted area.

v. Jackson-Bienville. Beginning September 1, 2004, ATVs are allowed only on non-public maintained gravel roads and marked ATV trails.

w. Joyce. Swamp Walk: Adhere to all WMA rules and regulations. No firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.

x. Lake Boeuf. Hunting allowed until 12 noon on all game except during Youth Lottery Hunt. All nighttime activities prohibited.

y. Lake Ramsey. Foot traffic only **C**all vehicles restricted to Parish Roads.

z. Little River

aa. Loggy Bayou

bb. Manchac. Crabs: No crab traps allowed. Attended lift nets are allowed.

cc. Maurepas Swamp

dd. Ouachita. Waterfowl Refuge: North of La. Hwy. 15 closed to all hunting, fishing and trapping and ATV use during duck season including early teal season. Crawfish: 100 pounds per person per day limit. Night crawfishing prohibited. No traps or nets left overnight. Commercial

Fishing: Closed. All nighttime activities prohibited except as otherwise provided.

ee. Pass-a-Loutre. Commercial Fishing: Same as outside. Commercial mullet fishing open only in: South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay, Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the department Pass-a-Loutre WMA map. ATVs, ATCs and motorcycles prohibited on this area. Oyster harvesting is prohibited.

ff. Pearl River. All roads closed 8 p.m. to 4:30 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting will be closed when the river stage at Pearl River reaches 16.5 feet except waterfowl hunting south of Hwy. 90. No hunting in the vicinity of Nature Trail. Observe "No Hunting" signs. Rifle range open noon until 4 p.m. Friday, and 8 a.m. to 4:30 p.m. Saturday and Sunday with a fee.

gg. Peason Ridge. Daily military clearance required to hunt or trap. Registration for use of self-clearing permit required once per year. Special federal regulations apply to ATV users.

hh. Pointe-aux-Chenes. Hunting until 12 noon on all game, except for mourning dove hunting and youth lottery deer hunt as specified in regulation pamphlet. Point Farm: Gate will be open only on the first three Saturdays of the second split of mourning dove season and all weekends during month of February. No motorized vessels allowed in the drainage ditches. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) shall be allowed. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Oyster harvesting is prohibited. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. All boats powered by internal combustion engines having horsepower ratings above 25 h.p. are not allowed in the Grand Bayou, Montegut and Pointe-aux-Chenes water management units. Mudboats and boats powered by inboard engines, inboard/outboard engines, or air-cooled engines, larger than 25 h.p., are allowed only in oil company access canals, Cutoff Little Bayou Blue, Sulfur Mine, Bayou Bouillon, Wonder Lake, St. Louis Canal, Bayou Salle and Bayou Pointe-aux-Chenes. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue and Grand Bayou Blue unless authorized by the department. All other motorized vehicles, horses and mules are prohibited unless authorized by the department.

ii. Pomme de Terre. Commercial Fishing: permitted Monday through Friday, except closed during duck season. Commercial fishing permits available from area supervisor, Opelousas Region Office or Spring Bayou headquarters. Sport Fishing: Same as outside except allowed only after 2 p.m. only during waterfowl season. Crawfish: April 1-July 31, recreational only, 100 lbs. per boat or group daily.

jj. Red River. Recreational crawfishing allowed on Yakey Farms wetland restoration projects February 1-28, 100 pounds per person per day, maximum of five wire traps per person. No traps or nets left overnight. No motorized watercraft allowed.

kk. Russell Sage. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided.

NOTE: All season dates on Chauvin Tract (U.S. 165 North) same as outside, except still hunt only and except deer hunting restricted to archery only. Waterfowl hunting after 2 p.m. prohibited. All vehicles including ATVs prohibited.

ll. Sabine

mm. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east.

nn. Salvador/Timken. Hunting until 12 noon only for all game. All nighttime activities prohibited, including frogging. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none of the lines are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Boats powered by internal combustion engines having horsepower ratings above 25 h.p. are permitted only in oil company access canals, Louisiana Cypress Canal, the Netherlands Pond including the West Canal, Lakes - "Baie Des Chactas" and Baie du Cabanage" and the Rathborne Access ditch. Use of mudboats powered by internal combustion engines with four cylinders or less is permitted in interior ditches from first Saturday in September through January and may be further permitted. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. ATVs, ATCs and motorcycles prohibited on this area.

oo. Sandy Hollow. Bird Dog Training: Consult regulation pamphlet. Wild birds only (use of pen-raised birds prohibited). Bird Dog Field Trials: Permit required from Baton Rouge Region Office. Horseback Riding: Organized trail rides prohibited. Riding allowed only on designated roads and trails. Horses and mules are specifically prohibited during turkey and gun season for deer except as allowed for

bird dog field trials. No horses and mules on green planted areas. No motorized vehicles allowed off designated roads.

pp. Sherburne. Crawfishing **C**Recreational crawfishing only on the South Farm Complexes. Crawfish harvest limited to 100 pounds per vehicle or boat per day. No traps or nets left overnight. No motorized watercraft allowed on farm complex. Commercial crawfishing allowed on the remainder of the area. Permit is required. Retriever training allowed on selected portions of the WMA. Contact the region office for specific details. Vehicular traffic prohibited on east Atchafalaya River levee within Sherburne WMA boundaries. Rifle and pistol range open daily. Skeet ranges open by appointment only, contact Hunter Education Office. No trespassing in restricted area behind ranges. Note: Atchafalaya National Wildlife Refuge, and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area.

qq. Sicily Island Hills

rr. Soda Lake. No motorized vehicles allowed. Bicycles allowed. All trapping and hunting prohibited except archery hunting for deer and falconry.

ss. Spring Bayou. Commercial Fishing: permitted Monday through Friday except slat traps and hoop nets permitted any day. Permits available from area supervisor or Opelousas Region Office. Closed until after 2 p.m. during waterfowl season. Sport Fishing: same as outside except allowed only after 2 p.m. during waterfowl season. Crawfish: recreational only. No hunting allowed in headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and regulations posted at campsite. A fee is assessed for use of this campsite. Water skiing allowed only in Old River and Grand Lac.

tt. Tangipahoa Parish School Board. No horseback riding during gun season for deer or turkey. ATVs are not allowed.

uu. Thistlethwaite. No hunting or trapping in restricted area (see WMA map). All motorized vehicles restricted to improved roads only. All users must enter and leave through main gate only. No entry into restricted areas.

vv. Three Rivers

ww. Tunica Hills. All vehicles restricted to Parish roads. ATVs restricted to designated trails. Driving on food plots prohibited. Access to restricted areas is unauthorized. Refer to WMA map. Camping prohibited on area. North of Hwy. 66 (Angola Tract) closed to the general public March 1-September 30 except spring turkey hunting access allowed for those individuals drawn for special lottery hunt.

xx. Union. All nighttime activities prohibited except as otherwise provided.

yy. West Bay

zz. Wisner

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Public hearings will be held at the following locations: March 11, 6 p.m., LSU Agriculture Center, Lake Charles; March 14, 6 p.m., Ruston Civic Center, Ruston; March 14, 7 p.m., Houma Municipal Auditorium, Houma; March 15, 6 p.m., National Wetlands Research Center, Lafayette; March 15, 7 p.m., Bossier Civic Center, Bossier City; March 16, 7 p.m., SLU University Center, Hammond; March 17, 7 p.m., LDWF Headquarters Building, Louisiana Room, Baton Rouge; March 23, 6:30 p.m., Alexandria Convention Hall, Alexandria; and March 24, 7 p.m., Council on Aging Building, Winnsboro. Also comments will be accepted at regularly scheduled Wildlife and Fisheries Commission meetings from April through July. Interested persons may submit written comments relative to the proposed Rule until Thursday, May 5, 2005 to Mr. David Moreland, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Wayne J. Sagrera
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: General and Wildlife
Management Area Hunting**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This rule amends permanent rules and regulations for the state at large as well as Wildlife Management Areas. Establishment of hunting regulations is an annual process. The cost of implementing the proposed rules, aside from staff time, is the production and distribution of the regulation pamphlet. Cost of printing and distributing the 2004-2005 state hunting pamphlet was \$13,663 and no major increase in expenditures is anticipated. Local government units will not be impacted.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

State hunting license fee collections are between 9.0-10.0 million dollars annually. Additionally, hunting and related activities generate approximately \$25.3 million in state sales tax, \$5.1 million in state income tax and \$23 million in local sales tax revenues annually (IAFWA; Southwick Associates, 2002). Failure to adopt rule changes would result in no hunting season being established and a potential loss of some of these revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Over 275,000 hunters and numerous businesses that provide goods and services to hunters are directly affected by

this proposal. Hunting in Louisiana generates in excess of \$581 million annually through the sale of outdoor related equipment, associated items and trip related expenditures (IAFWA; Southwick Associates, 2002). Failure to adopt rule changes would result in no hunting seasons being established and a potential loss of commerce revenues associated with these activities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting in Louisiana provides 9,184 jobs (IAFWA; Southwick Associates, 2002). Not establishing hunting seasons might have a negative and direct impact on these jobs.

Janice A. Lansing
Undersecretary
0503#025

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Oyster Lessee Out-of-State Landing Program (LAC 76:VII.515)

The Wildlife and Fisheries Commission does hereby give notice of its intent to modify LAC 76:VII.515 relative to the Oyster Lessee Out-of-State Landing Program. Authority for adoption of this Rule is included in R.S. 56:6(10), R.S. 56:422, R.S. 56:424(B, G), and R.S. 56:425. Said Rule is attached and made a part of this Notice of Intent.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 5. Oysters

§515. Oyster Lessee Out-of-State Landing Program

A. Policy. The oyster lessee out-of-state landing permit is intended for the benefit of an oyster leaseholder, or his duly authorized designee, who desires to land oysters, from privately leased water bottoms only, outside the state of Louisiana, and to provide an effective method of regulating the transportation of oysters landed or off-loaded from a vessel outside of Louisiana. It is for use by Louisiana licensed oyster fishermen. Violation of any provision of the rules, regulations or statutes concerning the oyster out-of-state landing permit by the permittee, oyster harvester or vessel owner while operating under the permit shall result in the suspension and/or revocation of the permit in addition to any citations resulting from activities. The permit shall be valid for up to one calendar year beginning on January 1 and ending on December 31 of the same year. The cost per permit shall be \$100.

B. Permit Application and Procedures

1. Applications shall be available from the Louisiana Department of Wildlife and Fisheries (LDWF) licensing office in New Orleans at any time during regular business

hours. Completed applications, along with required documentation, will be accepted only by appointment at the LDWF Marine Fisheries Division in New Orleans. Applications shall only be accepted from the oyster leaseholder, or harvester operating on the leaseholder's behalf. All required information shall be provided before a permit is issued.

2. Applications shall include the following information:

a. applicant information including name, address, telephone number, social security number, and driver's license number. If applicable, commercial license numbers (vessel, oyster harvester, commercial fisherman) and vessel registration or U.S. Coast Guard (USCG) documentation;

b. leaseholder information including name, address, and leaseholder account identification number:

i. if name of leaseholder is a corporation, partnership, or other legal entity, the Louisiana Secretary of State Charter/Organization number must be provided;

ii. if the name of the leaseholder is different than the applicant, the applicant must provide valid permission from the leaseholder (also refer to Subparagraph B.2.i. below);

c. harvester information including name, address, telephone number, social security number, and driver's license number. If applicable, commercial license numbers (vessel, oyster harvester, commercial fisherman) may be required;

d. vessel owner information including name, address, telephone number, social security number, and driver's license number. If applicable, commercial license numbers (vessel, oyster harvester, commercial fisherman) may be required;

e. vessel information including name of vessel, vessel license number, USCG vessel documentation number, and/or vessel registration number, if applicable;

f. lease number(s) to be fished, and leaseholder name and identification number for each lease, while operating under the permit;

g. copies of vessel registration certificate(s) or U.S. Coast Guard vessel documentation certificate;

h. proof of lease ownership by supplying copies of certified lease plats and documents:

i. Corporation. If lessee name on plat is a corporation, provide the Louisiana Secretary of State Charter/Organization number. The applicant must be a registered director or agent of the corporation. If the applicant has been given permission to fish the lease(s) by the corporation, please refer to Subparagraph B.2.i. below;

ii. Power of Attorney. If lease(s) listed on the application are not listed under the applicant's account, the applicant shall provide documentation of power of attorney for the estate of the leaseholder. If the applicant has been given permission to fish the lease(s) by the estate of the leaseholder, please refer to Subparagraph B.2.i. below;

i. written, signed, notarized, and dated permission from the leaseholder to fish the lease(s), if applicable:

i. Corporation. The person granting permission must be a registered director or agent of the corporation which owns the lease(s) listed on the application;

ii. Power of Attorney. The person granting permission must provide documentation of power of

attorney for the estate of the leaseholder which owns the lease(s) listed on the application.

C. Operations. Permits are non-transferable and only the vessel listed on the permit can be used with the permit and only one vessel is allowed per permit. The vessel must maintain the original permit on board at all times while operating under the permit, including during times of fishing and transportation. Valid permission from the leaseholder must be present on the permitted vessel while operating under the permit. The complete original permit must be surrendered to the department in the event the permittee chooses to have the permit modified. Any change in leases fished shall require the permittee to submit a new application at no additional expense prior to fishing different leases. Any change in vessel shall require the permittee to submit a new application and permit fee. At no time while operating under the permit and transporting oysters out-of-state shall the permittee have on board the permitted vessel oysters taken from non-leased water bottoms of the state or from oyster leases not listed on the original permit. The permitted vessel shall display signs, visible from either side of the vessel and from the air, with the words "Oyster Permit" and the permit number shall be placed on these signs in letters at least 12 inches high.

D. Records, Reporting, and Severance Tax. The permittee shall maintain an up-to-date daily record of the number of sacks of oysters landed under the permit on forms provided by the department for that purpose. The permittee shall submit to the department a monthly record of the number of sacks of oysters landed under the permit and the name and Food and Drug Administration interstate certified shellfish shipper's number of the business to whom the oysters were sold no later than 15 days following the last day of the month on forms provided by the department for that purpose, even if no landings occurred. Failure to submit monthly records or incomplete records to the department before the reporting deadline shall result in suspension or revocation of the permit, at the discretion of the department. Payment of severance tax owed, as outlined in Louisiana Revised Statutes [R.S. 56:446(A)] must accompany the monthly report.

E. Monitoring. The vessel utilized under this permit shall have on-board and in working order an electronic vessel monitoring system as required by R.S. 56:424, as provided herein. Oyster vessels, the owner or operator of any vessel issued an oyster lessee out-of-state landing permit or a vessel that landed oysters from a private lease in Louisiana waters, at a location outside of Louisiana, or intends to land, or lands oysters out of state, must have an operable vessel monitoring system (VMS) unit installed on board that meets the requirements of LAC 76:VII.515. The VMS unit must be certified, installed on board and operable, and the department notified of the installation, before the vessel may begin dredging or transporting oysters.

F. VMS Requirements

1. Approved VMS Devices. Those devices approved by NOAA Fisheries or the Secretary of the Department of Wildlife and Fisheries for fisheries in the Gulf of Mexico and that meet the minimum performance criteria specified in Paragraph 2 of this Subsection. In the event that a VMS is deleted from the list, vessel owners that purchase a VMS

unit that is part of that VMS list prior to approval of the revised list will be considered to be in compliance with the requirement to have an approved unit, unless otherwise notified by the Department of Wildlife and Fisheries.

2. Minimum VMS Performance Criteria. The basic required features of the VMS are as follows.

a. The VMS shall be satellite-based and tamper proof, i.e., shall not permit the input of false positions; furthermore, satellite selection should be automatic to provide an optimal fix and should not be capable of being manually overridden by any person aboard a vessel or by the vessel owner.

b. The VMS shall be fully automatic and operational at all times, regardless of weather and environmental conditions, unless exempted under Paragraph 4 (Power Down Exemption) of this Subsection.

c. The VMS shall be capable of tracking vessels in all Louisiana coastal waters.

d. The VMS shall be capable of transmitting and storing information including vessel identification, date, time and latitude/longitude.

e. The VMS shall provide accurate hourly position transmissions every day of the year unless exempted under Paragraph 4 (Power Down Exemption) of this Subsection. In addition, the VMS shall allow polling of individual vessels or any set of vessels at any time and receive position reports in real time. For the purposes of this specification, "real time" shall constitute data that reflect a delay of 15 minutes or less between the displayed information and the vessel's actual position.

f. The VMS vendor shall be capable of transmitting position data to a Department of Wildlife and Fisheries designated computer system via a modem at a minimum speed of 9600 baud. Transmission shall be in a file format acceptable to the department.

g. The VMS shall be capable of providing vessel locations relative to state lines, DHH and LDWF designated growing areas/waters, public oyster seed grounds, unleased state water bottoms and lease lines.

h. The VMS vendor shall be capable of archiving vessel position histories for a minimum of three months and providing transmissions to the department of specified portions of archived data in response to department requests and in a variety of media (tape, compact disc, etc.).

3. Operating Requirements. Except as provided in Paragraph 4 (Power Down Exemption) of this Subsection, or unless otherwise required by law, all required VMS units must transmit a signal indicating the vessel's accurate position at least every hour, 24 hours a day, throughout the year.

4. Power Down Exemption. Any vessel required to have on board a fully operational VMS unit at all times, as specified in Paragraph 3 of this Subsection, is exempt from this requirement provided:

a. the vessel will be continuously out of the water for more than 72 consecutive hours; and

b. a valid letter of exemption obtained pursuant to Subparagraph 5.a of this Subsection has been issued to the vessel and is on board the vessel and the vessel is in compliance with all conditions and requirements of said letter.

5. Letter of Exemption

a. Application. A vessel owner may apply for a letter of exemption from the operating requirements specified in Paragraph 3 of this Subsection for his/her vessel by sending a written request to the Department of Wildlife and Fisheries and providing the following: sufficient information to determine that the vessel will be out of the water for more than 72 continuous hours; the location of the vessel during the time an exemption is sought; and the exact time period for which an exemption is needed (i.e., the time the VMS will be turned off and turned on again). Any VMS-equipped vessel with an out-of-state landing permit, unless required by other fishery regulations to have on board a fully operational VMS unit at all times, need not transmit a signal when the vessel is in home port.

b. Issuance. Upon receipt of an application, the Department of Wildlife and Fisheries may issue a letter of exemption to the vessel if it is determined that the vessel owner provided sufficient information as required under Subparagraph 5.a. of this Subsection and that the issuance of the letter of exemption will not jeopardize accurate monitoring of the vessel's position. Upon written request, the Department of Wildlife and Fisheries may change the time period for which the exemption was granted.

6. Presumption. If a VMS unit fails to transmit an hourly signal of a vessel's position, the vessel shall be deemed to have incurred a VMS violation, for as long as the unit fails to transmit a signal, unless a preponderance of evidence shows that the failure to transmit was due to an unavoidable malfunction or disruption of the transmission that occurred while the vessel was declared out of the oyster fishery, as applicable, or was not at sea.

7. Replacement. Should a VMS unit require replacement, a vessel owner must submit documentation to the Department of Wildlife and Fisheries, within three days of installation and prior to the vessel's next trip, verifying that the new VMS unit is an operational, approved system as described under Paragraph F.1. of this Section.

8. Access. As a condition to obtaining an out-of-state landing permit or transporting private lease oysters out-of-state, all vessel owners must allow the Department of Wildlife and Fisheries, and their authorized wildlife enforcement agents or designees access to the vessel's VMS data, if applicable, and location data obtained from its VMS unit, if required, at the time of or after its transmission to the vendor or receiver, as the case may be.

9. Tampering. Tampering with a VMS, a VMS unit, or a VMS signal, is prohibited. Tampering includes any activity that is likely to affect the unit's ability to operate properly, signal, or accuracy of computing the vessel's position fix.

10. Violation. Failure to abide by any regulation set forth regarding the use or operation of VMS, or failure to have VMS when required shall be deemed a violation of this Section. All oysters taken, possessed, or transported by an oyster vessel in violation shall be considered illegally taken, possessed, or transported. All persons aboard vessels with oysters on board located in the VMS demarcation area without complying with the requirements herein shall be in violation of the VMS regulations. No person shall possess, transport, sell, barter, trade, or exchange or attempt to sell, barter, trade, or exchange oysters taken from any waters of the state transported by vessel to any location outside of the

state without complying with the provisions of this Section. The provisions of this Section do no exempt any person from any other laws, rules, regulation, and license requirements for this or other states as they pertain to the interstate shipment of shellfish. Violations of this Section shall constitute a Class 2 violation.

11. Demarcation Line. The VMS demarcation area is defined by a line within one mile of the state territorial line prior to exiting the state of Louisiana (a copy of a map showing the line is available from the Department of Wildlife and Fisheries upon request).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56.6(10), R.S. 56:422, R.S. 56:424(B, G), and R.S. 56:425.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Fisheries, LR 22:120 (February 1996), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 31:

Interested parties may submit comments relative to the proposed Rule to Patrick D. Banks, Marine Fisheries Division, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000, prior to May 5, 2005.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its family impact statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out in R.S. 49:972(B).

Wayne J. Sagraera
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Oyster Lessee Out-of-State Landing Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Implementation of the proposed rule will be carried out using existing staff and funding levels. Aside from a slight increase in workload and paperwork associated with monitoring, downloading, and storing vessel monitoring system information, the first-year cost to the state of implementing the proposed rule is estimated to be \$11,200. Annual costs in subsequent years are estimated to be approximately \$7,760. Local governmental units will not be impacted.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

A decrease in state revenue collections from oyster lessee out-of-state landing permits may occur due to the costs associated with installing and operating a vessel monitoring system. Revenue collections of local governmental units will not be effected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will affect approximately thirty (30) commercial oyster harvesters who currently hold out-of-state oyster landing permits. They will be required to install an approved vessel monitoring system on each vessel used to land oysters harvested from privately owned leases in Louisiana at an out-of-state location. A one-time equipment purchase and installation fee will be incurred along with monthly communication fees and any necessary maintenance and repair costs. Five-year costs per vessel are estimated to range between \$1,720 and \$3,740. Costs incurred in subsequent years are estimated to be between \$420 and \$840 per year plus any

necessary maintenance and repair costs. Net income of oyster harvesters directly affected will be reduced by the initial equipment and installation costs and the continuous monthly communication, maintenance, and repair costs associated with the system.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have little or no effect on competition and employment in the public and private sectors.

Janice A. Lansing
Undersecretary
0503#027

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Resident Game Hunting Seasons
(LAC 76 XIX:101 and 103)

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

**Title 76
WILDLIFE AND FISHERIES**

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§101. General

A. The Resident Game Hunting Season, 2005-2006, 2006-2007 and 2007-2008 regulations are hereby adopted by the Wildlife and Fisheries Commission. A complete copy of the regulation pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004), LR 31:

§103. Resident Game Birds and Animals 2005-2006, 2006-2007, 2007-2008

A. Shooting Hours. One-half hour before sunrise to one-half hour after sunset.

B. Consult regulation pamphlet for seasons or specific regulations on Wildlife Management Areas or specific localities.

Species	2005-2006 Season Dates	Daily Bag Limit	Possession Limit
Quail	Nov. 19-Feb. 28	10	20
Rabbit	Oct. 1-Feb. 28	8	16
Squirrel	Oct. 1-Feb. 28	8	16
Deer	See Schedule	1 antlered and 1 antlerless (when legal)	6/season

Species	2006-2007 Season Dates	Daily Bag Limit	Possession Limit
Quail	Nov. 18-Feb. 28	10	20
Rabbit	Oct. 7-Feb. 28	8	16
Squirrel	Oct. 7-Feb. 28	8	16
Deer	See Schedule	1 antlered and 1 antlerless (when legal)	6/season

Species	2007-2008 Season Dates	Daily Bag Limit	Possession Limit
Quail	Nov. 17-Feb. 29	10	20
Rabbit	Oct. 6-Feb. 29	8	16
Squirrel	Oct. 6-Feb. 29	8	16
Deer	See Schedule	1 antlered and 1 antlerless (when legal)	6/season

C.1. 2005-2006 Deer Hunting Schedule

Area	Archery	Muzzleloader (All Either Sex Except as Noted)	Still Hunt (No Dogs Allowed)	With or Without Dogs
1	Oct. 1- Jan. 31	Nov. 12- Nov. 18 Jan. 23-Jan. 29	Nov. 19-Dec.9 Jan. 9-Jan.22	Dec.10- Jan. 8
2	Oct. 1- Jan. 31	Oct. 22-Oct. 28 Jan. 16-Jan. 22	Oct. 29-Dec.9	Dec.10- Jan.15
3	Sept.17-Jan.15	Oct. 8-Oct. 14 Nov. 28-Dec. 2	Oct.15-Nov.27 Dec. 3-Jan. 8	
4	Oct. 1- Jan. 31	Nov. 5-Nov. 11 Jan. 9-Jan. 18	Nov.12-Jan. 8	
5	Oct. 1- Jan. 31	Nov. 12- Nov. 18 Dec. 26-Jan. 1 Bucks Only	Nov.25- Dec.11	
6	Oct. 1- Oct. 15 Bucks Only; Oct. 16- Feb. 12 Either-Sex	Nov. 12- Nov. 18 Jan. 23-Jan. 30	Nov.19-Dec. 9	Dec.10- Jan.22
7	Oct. 1- Jan. 31	Oct. 8-Oct. 14 Nov. 5-Nov. 11	Oct.15-Nov. 4 Nov.12- Nov.27	Nov.28- Jan. 1
8	Sept.17- Jan. 15	Oct. 8-Oct. 14 Nov. 28-Dec. 2	Oct.15-Nov.27	Dec. 3- Jan. 8

2. 2006-2007 Deer Hunting Schedule

Area	Archery	Muzzleloader (All Either Sex Except as Noted)	Still Hunt (No Dogs Allowed)	With or Without Dogs
1	Oct. 1-Jan. 31	Nov. 11- Nov. 17 Jan. 22-Jan. 28	Nov. 18-Dec.8 Jan. 8-Jan.21	Dec. 9- Jan. 7
2	Oct. 1-Jan. 31	Oct. 21-Oct. 27 Jan. 15-Jan. 21	Oct. 28-Dec.8	Dec. 9- Jan.14
3	Sept.16-Jan. 15	Oct. 7-Oct. 13 Nov. 27-Dec. 1	Oct.14-Nov.26 Dec. 2-Jan. 7	
4	Oct. 1-Jan. 31	Nov. 4-Nov. 10 Jan. 8-Jan. 17	Nov.11-Jan. 7	
5	Oct. 1-Jan. 31	Nov. 11- Nov. 17 Dec. 26-Jan. 1 Bucks Only	Nov.24- Dec.10	

Area	Archery	Muzzleloader (All Either Sex Except as Noted)	Still Hunt (No Dogs Allowed)	With or Without Dogs
6	Oct. 1-Oct. 15 Bucks Only; Oct. 16-Feb. 11 Either-Sex	Nov. 11- Nov. 17 Jan. 22-Jan. 29	Nov.18-Dec. 8 Oct.14-Nov. 3	Dec. 9- Jan.21
7	Oct. 1-Jan. 31	Oct. 7-Oct. 13 Nov. 4-Nov. 10	Nov.11- Nov.26	Nov.27- Dec.31
8	Sept.16-Jan. 15	Oct. 7-Oct. 13 Nov. 27-Dec. 1	Oct.14-Nov.26	Dec. 2- Jan. 7

3. 2007-2008 Deer Hunting Schedule

Area	Archery	Muzzleloader (All Either Sex Except as Noted)	Still Hunt (No Dogs Allowed)	With or Without Dogs
1	Oct. 1-Jan. 31	Nov. 10- Nov. 16 Jan. 21-Jan. 27	Nov. 17- Dec.7 Jan. 7-Jan.20	Dec. 8- Jan. 6
2	Oct. 1-Jan. 31	Oct. 20- Oct. 26 Jan. 14-Jan. 20	Oct. 27- Dec.7	Dec. 8- Jan.13
3	Sept.15-Jan.15	Oct. 6-Oct. 12 Nov. 26-Nov.30	Oct.13- Nov.25 Dec. 1-Jan. 6	
4	Oct. 1-Jan. 31	Nov. 3-Nov. 9 Jan. 7-Jan. 16	Nov.10-Jan. 6	
5	Oct. 1-Jan. 31	Nov. 10- Nov. 16 Dec. 26-Jan. 1 Bucks Only	Nov.23- Dec. 9	
6	Oct. 1-Oct. 15 Bucks Only; Oct. 16-Feb. 10 Either-Sex	Nov. 10- Nov. 16 Jan. 21-Jan. 28	Nov.17-Dec. 7	Dec. 8- Jan.20
7	Oct. 1-Jan. 31	Oct. 6-Oct. 12 Nov. 3-Nov. 9	Oct.13-Nov. 2 Nov.10- Nov.25	Nov.26- Dec.30
8	Sept.15-Jan. 15	Oct. 6-Oct. 12 Nov. 26- Nov. 30	Oct.13- Nov.25	Dec. 1- Jan. 6

D. Modern Firearm Schedule (Either Sex Seasons)

Parish	Area	Modern Firearm Either-Sex Days
Acadia	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Allen	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Ascension	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Assumption	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Avoyelles	Area 2	Oct. 29-30, Nov. 19-20, 25-27, Dec. 10-11, 24-25, 31, Jan. 1
	Area 6	Nov. 19-20, 25-27, Dec. 3-4, 10-11
Beauregard	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
	Area 8	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Bienville	Area 2	Oct. 29-Nov. 6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Bossier	Area 2	Oct. 29-Nov. 6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Caddo	Area 2	Oct. 29-Nov. 6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Calcasieu	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4

Parish	Area	Modern Firearm Either-Sex Days
	Area 8	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Caldwell	Area 2	Oct. 29-30, Nov. 19-20, 25-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
Cameron	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Catahoula	Area 1	Nov. 19-20, 25-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
	Area 2	Oct. 29-30, Nov. 19-20, 25-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
Claiborne	Area 2	Oct. 29-Nov. 6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
		Nov. 19-20, 23-27,
Concordia	Area 1	Dec. 3-4, 10-11, 17-18, 24-25, 31, Jan. 1
		Oct. 29-Nov. 6, 12-13, 19-27,
DeSoto	Area 2	Dec. 10-11, 24-25, 31, Jan. 1
East Baton Rouge	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11
		Nov. 12-13, 19-20, 25-27, Dec. 3-4, 10-11, 17-18, east of mainline Mississippi River Levee and south and east of La. 877 from West Carroll Parish line to La. 580, south of La. 580 to U.S. 65, west of U.S. 65 to Madison Parish line.
East Carroll	Area 4 portion	
	Area 4	Nov. 12-13, 25-27, remainder of the parish
East Feliciana	Area 1	Nov. 19-20, 25-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
		Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Evangeline	Area 2	
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Franklin	Area 1	Nov. 19-20, 23-27, Dec. 10-11
Grant	Area 1	Nov. 19-20, 23-27, Dec. 10-11
		Oct. 29-30, Nov. 5-6, 12-13, 19-20, 25-27, Dec. 10- 11, 24-25, 31, Jan. 1
	Area 2	
Iberia	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
	Area 7	Oct. 15-16, Nov. 12-13, 19-20, 25-27, Dec. 3-4
Iberville	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
		Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Jackson	Area 2	
Jefferson	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Jefferson Davis	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
		Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
	Area 3	
		Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-20, 25-27, Dec. 3-4
Lafayette	Area 3	
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Lafourche	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
LaSalle	Area 1	Nov. 19-20, 25-27, Dec. 10-11
		Oct. 29-30, Nov. 19-20, 25-27, Dec. 10-11, 24-25, 31, Jan. 1
	Area 2	
Lincoln	Area 2	Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Livingston	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
		Nov. 19-20, 23-27, Dec. 3-4, 10-11, 17-18, 24-25, 31, Jan. 1
Madison	Area 1	
		Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Morehouse	Area 2	
	Area 4	Nov. 12-13, 19-20, 25-27, Dec. 24-25, 31, Jan. 1
		Oct. 29-30, Nov. 5-6, 12-13, 19-20, 25-27, Dec. 10- 11, 24-25, 31, Jan. 1
Natchitoches	Area 2	
Orleans		Closed to all deer hunting
		Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Ouachita	Area 2	
	Area 4	Nov. 12-13, 19-20, 25-27, Dec. 24-25, 31, Jan. 1
Plaquemines	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Pointe Coupee	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11, Dec. 24-25, 31, Jan. 1
Rapides	Area 1	Nov. 19-20, 23-27, Dec. 10-11
		Oct. 29-30, Nov. 5-6, 12-13, 19-20, 25-27, Dec. 10-11, 24-25, 31, Jan. 1
	Area 2	

Parish	Area	Modern Firearm Either-Sex Days
	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-20, 25-27, Dec. 3-4
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Red River	Area 2	Oct. 29-Nov. 6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Richland	Area 4	Nov. 12-13, 19-20, 25-27, Dec. 24-25, 31, Jan. 1
		Oct. 29-30, Nov. 5-6, 12-13, 19-20, 25-27, Dec. 10-11, 24-25, 31, Jan. 1
Sabine	Area 2	
St. Bernard	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
St. Charles	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
St. Helena	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11
St. James	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
St. John	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
St. Landry	Area 3	Oct. 15-16, Nov. 25-27, Dec. 3-4
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
St. Martin	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
St. Mary	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
	Area 7	Oct. 15-16, Nov. 12-13, 19-20, 25-27, Dec. 3-4
St. Tammany	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
Tangipahoa	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
		Nov. 19-20, 23-27, Dec. 3-4, 10-11, 17-18, 24-25, 31, Jan. 1
Tensas	Area 1	
Terrebonne	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11
		Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Union	Area 2	
		Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Vermilion	Area 3	
		Oct. 29-30, Nov. 5-6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Vernon	Area 2	
	Area 3	Oct. 15-16, 22-23, 29-30, Nov. 5-6, 12-13, 19-27, Dec. 3-4
Washington	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11
		Oct. 29-Nov. 6, 12-13, 19-27, Dec. 10-11, 24-25, 31, Jan. 1
Webster	Area 2	
West Baton Rouge	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
West Carroll	Area 5	Nov. 25-26
West Feliciana	Area 1	Nov. 19-20, 23-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
	Area 6	Nov. 19-20, 23-27, Dec. 3-4, 10-11, 24-25, 31, Jan. 1
		Oct. 29-30, Nov. 5-6, 12-13, 19-20, 25-27, Dec. 10-11, 24-25, 31, Jan. 1
Winn	Area 2	

E. Farm Raised White-tailed Deer on Supplemented Shooting Preserves

Archery	Modern Firearm	Either Sex
Oct. 1-Jan. 31 (Either Sex)	Nov. 1-Jan. 31	Nov. 1-7, Dec. 1-7, Jan. 1-7

F. Exotics on Supplemented Shooting Preserves: Either Sex, no closed season.

G. Promotional Hunting Days

1. The following dates are established as promotional hunting days:

- 2005 B 2006 Hunting Season: November 25-27, 2005;
- 2006 - 2007 Hunting Season: November 24-26, 2006; and
- 2007 B 2008 Hunting Season: November 23-25, 2007.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR

21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), 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), LR 30:1494 (July 2004), LR 31:

Family Impact Statement

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its family impact statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Public hearings will be held at the following locations: March 11, 6 p.m., LSU Agriculture Center, Lake Charles; March 14, 6 p.m., Ruston Civic Center, Ruston; March 14, 7 p.m., Houma Municipal Auditorium, Houma; March 15, 6 p.m., National Wetlands Research Center, Lafayette; March 15, 7 p.m., Bossier Civic Center, Bossier City; March 16, 7 p.m., SLU University Center, Hammond; March 17, 7 p.m., LDWF Headquarters Building, Louisiana Room, Baton Rouge; March 23, 6:30 p.m., Alexandria Convention Hall, Alexandria; and March 24, 7 p.m., Council on Aging Building, Winnsboro. Also comments will be accepted at regularly scheduled Wildlife and Fisheries Commission meetings from April through July. Interested persons may submit written comments relative to the proposed Rule until Thursday, May 5, 2005 to Mr. David Moreland, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000.

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of Intent and the final Rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Wayne J. Sagrera
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Resident Game Hunting Seasons**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Establishment of hunting regulations is an annual process. The cost of implementing the proposed rules, aside from staff time, is the production and distribution of the regulation pamphlet. Cost of printing and distributing the 2004-2005 state hunting pamphlet was \$13,663 and no major increase in expenditures is anticipated. Local government units will not be impacted.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

State hunting license fee collections are between 9.0-10.0 million dollars annually. Additionally, hunting and related activities generate approximately \$25.3 million in state sales tax, \$5.1 million in state income tax and \$23 million in local sales tax revenues annually (IAFWA; Southwick Associates, 2002). Failure to adopt rule changes would result in no hunting season being established and a potential loss of some of these revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Over 275,000 hunters and numerous businesses that provide goods and services to hunters are directly affected by this proposal. Hunting in Louisiana generates in excess of \$581,000,000 annually in retail sales of outdoor related equipment, associated items and trip related expenditures (IAFWA; Southwick Associates, 2002). Failure to adopt rule changes would result in no hunting seasons being established and a potential loss of commerce revenues associated with these activities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting in Louisiana provides 9,184 jobs (IAFWA; Southwick Associates, 2002). Not establishing hunting seasons may have a negative and direct impact on these jobs.

Janice A. Lansing
Undersecretary
0503#026

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

Potpourri

POTPOURRI

Department of Environmental Quality Office of Environmental Assessment

Addendum to 2004 State Implementation Plan (SIP) General Revisions

Under the authority of the Environmental Quality Act, R.S. 30:2051 et seq., the secretary gives notice of proposed general revisions to the air quality State Implementation Plan (SIP). This addendum to the 2004 SIP General Revisions notice (0502Pot1), which was published on page 603 of the February 20, 2005, *Louisiana Register*, includes additional revisions to Chapter 21 that were promulgated in previous years and that were inadvertently not included in previous SIP general revisions.

A public hearing will be held on March 29, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room C111, 602 N. Fifth Street, Baton Rouge, LA. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., Office of Environmental Assessment, Regulation Development Section, Box 4314, Baton Rouge, LA 70821-4314 or at (225) 219-3550. Free parking is available across the street in the Galvez parking garage when the parking ticket is validated by department personnel at the hearing.

The written comment period on the proposed 2004 SIP General Revisions has been extended. All interested persons are invited to submit written comments. Comments must be submitted no later than 4:30 p.m. on May 6, 2005. Comments should be mailed to Sandra Hilton, Office of Environmental Assessment, Air Quality Assessment Division, Box 4314, Baton Rouge, LA 70821-4314 or faxed to (225) 219-3582. Copies of this document can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. A check or money order is required in advance for each copy of the document.

A copy of the general revisions to the SIP may be viewed Monday through Friday, from 8 a.m. to 4:30 p.m., at the following DEQ locations: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.louisiana.gov/planning/regis/index.htm>.

Summary of Rules Promulgated in 2004			
LAC 33:III	Louisiana Register Citation	Description	Comments
§223	July 2004 LR 30:1475 AQ 243	Fee Rule	Adds a new fee number to differentiate between Title V and other facilities for criteria pollutant fees
§2121	August 2004 LR 30:1659 AQ 237	Fugitive Emission Control	Clarifies requirements for instrumentation systems and other changes to make state regulations more consistent with 40 CFR 63 fugitive rules
§2122	August 2004 LR 30:1659 AQ 237	Fugitive Emission Control In Nonattainment Area	Clarifies requirements for instrumentation systems and other changes to make state regulations more consistent with 40 CFR 63 fugitive rules
Addendum			
Additional Rules Promulgated in Previous Years			
§2104	November 1997 LR 23:1497 AQ 151	Control of Emissions of Organic Compounds	Applies to any oil and gas production facility that has a potential to emit more than 50 tons per year (TPY) of flash gas. Flash gas emitted to the atmosphere from tanks, reservoirs, process vessels, separators, or other containers is subject to this regulation.
§2103	August 2002 LR 28:1763 AQ 219A	Control of Emissions of Organic Compounds	Statewide change providing control requirements to Vapor Loss Control Systems to 90 percent of greater to systems installed on or before December 31, 1992 (continued 95 percent for newer systems). Planned routine maintenance provisions added.
§2104	August 2002 LR 28:1763 AQ 219A	Control of Emissions of Organic Compounds	Oil and gas production facility applicability and requirements in Calcasieu Parish were added to be identical to the requirements in the Baton Rouge nonattainment area. Calcasieu Parish compliance schedule was to be one year from rule promulgation.

Summary of Rules Promulgated in 2004			
§2115	August 2002 LR 28:1763 AQ 219A	Control of Emissions of Organic Compounds	Facilities in Calcasieu Parish with streams applicable to the waste gas rule and waste gas stream requirements were added to be identical to the requirements in the Baton Rouge nonattainment area. Calcasieu Parish compliance schedule was to be one year from rule promulgation.
§2122	August 2002 LR 28:1763 AQ 219A	Control of Emissions of Organic Compounds	Facilities in Calcasieu Parish with fugitive emissions and fugitive emission requirements were added to be identical to the requirements in the Baton Rouge nonattainment area. Calcasieu Parish facilities effective date was January 1, 2003.
§2123 §2125	August 2002 LR 28:1763 AQ 219A	Control of Emissions of Organic Compounds	Surface coating and vapor degreasers exemptions for facilities in Calcasieu Parish were added to be identical to the surface coating and vapor degreaser exemptions in the Baton Rouge nonattainment area.
§2143	August 2002 LR 28:1763 AQ 219A	Control of Emissions of Organic Compounds	Facilities in Calcasieu Parish with rotogravure and flexographic processes with applicability exemption were added to be identical to the requirements in the Baton Rouge nonattainment area.
§2153	August 2002 LR 28:1763 AQ 219A	Limiting VOC Emissions From Industrial Wastewater	Facilities in Calcasieu Parish with industrial wastewater streams were added to be identical to the requirements in the Baton Rouge nonattainment area.

Wilbert F. Jordan, Jr.
Assistant Secretary

0503#065

POTPOURRI

Department of Environmental Quality Office of Environmental Assessment

Risk/Cost Benefit Statement
Waste Tire Fees Amendments
(LAC 33:VII.Chapter 105)

Introduction

The Louisiana Department of Environmental Quality (LDEQ) is proposing amendments to the waste tire regulations that would assess the waste tire disposal fee on

the sale of new motor vehicles, retreaded tires, and used tires. These fees, designated for the Waste Tire Management Fund, are collected by retailers and remitted to the Department. The increase in fees was authorized by Act 846 of the 2004 Louisiana Legislature.

The fee increase will provide funding to address the proper collection, processing, and marketing of these tires. The Rule will affect all retailers selling new motor vehicles, retreaded tires, and used tires. The Rule will also affect those consumers who purchase these items.

This statement is prepared to satisfy the requirements of R.S. 30:2019(D) and R.S. 49:953(G) (Acts 600 and 642 of the 1995 Louisiana Legislature, respectively). However, this document is not a quantitative analysis of cost, risk, or economic benefit, although costs of implementation were identified to the extent practical. The statutes allow a qualitative analysis of economic and environmental benefit where a more quantitative analysis is not practical. The department asserts that the benefits of a Rule designed to support a legislatively-passed broadening of the waste tire program justify the costs associated with the fee increases.

Therefore, the qualitative approach is taken with this risk/cost benefit statement. As discussed further in this document, these amendments to the waste tire regulations provide environmental and economic benefits. Assessing dollar benefits of avoided environmental risk or economic benefits of this Rule is not practicable. In addition, the department asserts that the indirect and direct environmental and economic benefits to be derived from this Rule will, in the judgement of reasonable persons, outweigh the costs associated with the implementation of the Rule and that the Rule is the most cost-effective alternative to achieve these benefits.

Risks Addressed by the Rule

The fee portion of the Rule addresses the risks associated with the pollution caused by improper disposal of the tires mentioned above, to include unauthorized waste tire piles consisting of these types of tires. The Rule does this by bringing tires sold with new motor vehicles into the waste tire program with the addition of a fee. The fee will allow the department, through the Waste Tire Management Fund, to pay waste tire processors for the processing of these tires and the marketing of the resulting waste tire material.

Numerous risks are associated with the improper disposal of tires. Unprocessed tires hold water that provides a fertile breeding ground for mosquitoes, which provide an excellent vector for diseases. Unprocessed tires also provide shelter for vermin, such as rats, that are another vector for disease in addition to being a destructive pest. Tire piles may catch fire under certain circumstances. These fires are extremely difficult to extinguish, and they emit noxious gases and thick smoke. Lastly, individual tires or tire piles that litter the landscape are unsightly. Waste tires do not degrade, which provides a long-lasting hazard to the environment.

Environmental and Health Benefits of the Rule

The additional money collected through this Rule will provide an incentive for waste tire processors to continue to process and market waste tires. The removal, processing, and marketing of these tires will eliminate potential breeding places of disease-spreading insects and mammals. The removal of these tires would eliminate the possibility of tire pile fires.

Social and Economic Costs

This Rule is an amendment to implement fees on tire sales that are not currently assessed, and as such there are no significant costs to implement the Rule. The new fees will be assessed on the retail sale of new motor vehicles, used tires, and retreaded tires.

Persons purchasing new motor vehicles with passenger/light truck tires will now pay \$2 per tire (excluding the spare). Persons purchasing new motor vehicles with medium truck tires (those tires weighing more than 100 pounds) will pay \$5 per tire at the time of sale. Persons purchasing new off-road motor vehicles with tires weighing more than 100 pounds will pay \$10 per tire. There will be no charge for tires above 500 pounds or solid tires. These new fees will generate an estimated \$2,108,815 for the Waste Tire Management Fund.

Conclusion

The department believes that the benefits of enhanced environmental and public health protection, as well as other benefits, outweigh the costs of implementation of the Rule. Therefore, the Rule is obviously the most cost-effective alternative to achieve these benefits.

Wilbert F. Jordan, Jr.
Assistant Secretary

0503#066

POTPOURRI

Office of the Governor Oil Spill Coordinator's Office

Availability and Request for Comments on a
Draft Damage Assessment and Restoration
Plan/Environmental Assessment

September 22, 2002 Oil Spill at North Pass in the Mississippi River Delta, Plaquemines Parish, Louisiana; Availability and Request for Comments on a Draft Damage Assessment and Restoration Plan/Environmental Assessment.

Agencies:

Louisiana Oil Spill Coordinator's Office
Office of the Governor (LOSCO);
Louisiana Department of Environmental Quality (LDEQ);
Louisiana Department of Natural Resources (LDNR);
Louisiana Department of Wildlife and Fisheries (LDWF);
National Oceanic and Atmospheric Administration
(NOAA); and
United States Department of the Interior (USDOJ)
which is represented by the
U.S. Fish and Wildlife Service (USFWS).

Action:

Notice of availability of a Draft Damage Assessment and Restoration Plan/Environmental Assessment, and of a 30-day State and Federal period for public comment on the draft plan.

Summary:

Pursuant to 15 CFR §990.23 and 15 CFR §990.55(c) and LAC 43:XXIX.Chapter 1, notice is hereby given that a document entitled, "Draft Damage Assessment and Restoration Plan and Environmental Assessment, September 22, 2002 Oil Spill at North Pass in the Mississippi River

Delta, Plaquemines Parish, Louisiana" (Draft DARP/EA) will become available for public review and comment on March 21, 2005. This document is being prepared by the agencies listed above (the Trustees) to address injuries to natural resources and services, following the September 22, 2002 discharge of crude oil into the Mississippi River Delta, Louisiana (the Incident). This document presents the Trustees' assessment of injuries to natural resources and services attributable to this Incident, and their proposed plan to restore, replace, or acquire resources or services equivalent to those lost as a basis for compensating for the injuries to natural resources and services that occurred. The Trustees will consider comments received during the public comment period before finalizing the document. Public review of the Draft DARP/EA is consistent with all State and Federal laws and regulations that apply to the Natural Resource Damage Assessment (NRDA) process, including Section 1006 of the Oil Pollution Act (OPA), 33 USC §2706; the regulations for NRDA under OPA, 15 CFR Part 990; National Environmental Policy Act (NEPA), 42 USC §4321, et seq.; the regulations implementing NEPA, 40 C.F.R. §1500, et seq.; Section 3480 of the Louisiana Oil Spill Prevention and Response Act (OSPRA), L.R.S. 30:2480; and the regulations for NRDA under OSPRA, LAC 43:XXIX, Chapter 1.

Dates:

Comments must be submitted in writing on or before April 21, 2005.

For Further Information:

Contact Gina Muhs Saizan at 225-219-5800 or by email gina.saizan@la.gov.

Address:

Requests for copies of the Draft DARP/EA and written or digital comments on the Draft DARP/EA should be sent to:

Gina Muhs Saizan
Louisiana Oil Spill Coordinator's Office
150 Third Street, Suite 405
Baton Rouge, LA 70801
gina.saizan@la.gov

Supplementary Information:

On September 22, 2002, an estimated 300 barrels (12,600 gallons) of south Louisiana crude oil was discharged into the environment from an aboveground storage tank located at Ocean Energy's North Pass storage and transfer facility. Containment and cleanup operations were quickly initiated by the Responsible Party (RP) and its oil spill response contractor. However, operations were temporarily suspended due to the passing of Tropical Storm Isidore and Hurricane Lili.

The incident is subject to the authority of OPA, 33 USC §2701, et seq.; the Federal Water Pollution Control Act (FWPCA or Clean Water Act), 33 USC §1251, et seq.; and OSPRA, LRS 30:2451, et seq., NOAA, USDOJ/USFWS, LOSCO, LDEQ, LDNR, and LDWF are Trustees for natural resources pursuant to Section 2706 of OPA, 33 USC §2706; Section 311 of the Clean Water Act, 33 USC §1321; Subpart G of the National Contingency Plan, 40 CFR §§300.600-300.615; and, in the case of the Louisiana Trustees, OSPRA, LRS 30:2451, et seq., and in the case of the Federal Trustees, Executive Order 12777. As a designated Trustee, each agency is authorized to act on behalf of the public under state and/or federal law to assess injuries to natural resources and services, and to plan and implement actions to restore

and recover natural resources and services injured or lost as the result of an incident.

Pursuant to Section 1006 of OPA (33 USC §2706) and Section 2480 of OSPRA (LRS 30:2480), the designated Trustees have conducted a damage assessment for this Incident to evaluate injuries to natural resources and services, and to determine the need for, and scale of, restoration actions required. The Draft DARP/EA discusses the natural resources and services believed to be affected by the Incident, details the assessment procedures used, outlines the restoration alternative selection and scaling process, and identifies the preferred restoration alternatives to address injuries to natural resources and services. The Trustees determined that injured natural resources and services will fully return to baseline without requiring any further actions. However, the Trustees have determined that there have been interim losses to habitat services, birds, aquatic fauna, and recreational use that require compensatory restoration to make the environment and the public whole for these losses. The Trustees identified nine alternatives with a strong nexus to the injured resource (fresh marsh habitat). These projects were screened based on the criteria listed in Chapter 5 of the draft DARP/EA and a crevasse splay marsh creation project was selected as the preferred alternative for restoring injuries to natural resources and services. This type of marsh provides a high level of service, is cost effective, and has a high likelihood of success. In addition, the created habitat is expected to have an extended longevity (compared to marsh created using dredged material) and faster colonization of the area by native vegetation because natural processes continually transport and deposit sediment and seeds on and adjacent to the marsh surface. These actions will compensate the public for injuries to natural resources and services as a result of this Incident.

Interested members of the public are invited to request a copy of the Draft DARP/EA from, and to submit written comments to Gina Muhs Saizan at the address given above. All written comments will be considered by LOSCO, LDEQ, LDNR, LDWF, NOAA, and USDOJ/USFWS in finalizing the DARP/EA.

Roland J. Guidry
Oil Spill Coordinator

0503#030

POTPOURRI

**Department of Natural Resources
Office of the Secretary
Fishermen's Gear Compensation Fund**

Loran Coordinates

In accordance with the provisions of R.S. 56:700.1 et seq., notice is given that 19 claims in the amount of \$56,949.61 were received for payment during the period February 1, 2005 - February 28, 2005.

There were 16 claims paid and 3 claims denied.

Loran Coordinates of reported underwater obstructions are:

26707	46975	Cameron
27750	46880	Terrebonne
28307	46826	Lafourche
28331	46830	Lafourche

Latitude/Longitude Coordinates of reported underwater obstructions are:

2904.990	9053.730	Terrebonne
2913.239	9002.634	Jefferson
2917.329	8957.034	St Bernard
2919.577	8928.685	Plaquemines
2921.157	9128.074	St Mary
2924.338	9003.023	Jefferson
2928.470	8931.990	Plaquemines
2931.860	9008.800	Jefferson
2932.673	9203.477	Vermilion
2940.851	8926.408	St Bernard
2941.563	8914.794	St Bernard
2943.982	9151.304	St Mary
2945.503	8946.427	St Bernard
2951.348	8940.417	St Bernard
2956.872	8950.866	St Bernard

A list of claimants and amounts paid can be obtained from Verlie Wims, Administrator, Fishermen's Gear Compensation Fund, P.O. Box 44277, Baton Rouge, LA 70804 or you can call (225) 342-0122.

Scott A. Angelle
Secretary

0503#058

POTPOURRI

**Department of Social Services
Office of Community Services**

Social Services Block Grant Intended Use Report

The Department of Social Services (DSS) announces opportunities for public review of the state's pre-expenditure report on intended uses of Social Services Block Grant (SSBG) funds for the state fiscal year (SFY) beginning July 1, 2005, and ending June 30, 2006. The proposed SFY 2005-2006 SSBG Intended Use Report has been developed in compliance with the requirements of Section 2004 of the Social Security Act (SSA), as amended, and includes information on the types of activities to be supported and the categories or characteristics of individuals to be served through use of the state's allocation of SSBG funds. Section 2004 of the SSA further requires that the SSBG pre-expenditure report shall be "made public within the state in such manner as to facilitate comment by any person." The DSS as the designated state services agency will continue to administer programs funded under the SSBG in accordance with applicable statutory requirements and federal regulations. The DSS/Office of Community Services (OCS) will be responsible for provision of social services, by direct

delivery and vendor purchase, through use of federal SSBG funds. Estimated SSBG expenditures for SFY 2005-2006 total \$42,534,927.

Louisiana, through the DSS/OCS, will utilize its allotted funds to provide comprehensive social services on behalf of children and families in fulfillment of legislative mandates for child protection and child welfare programs. These mandated services, and certain other essential social services, are provided without regard to income (WRI) to individuals in need. Individuals to be served also include low-income persons as defined in the Intended Use Report who meet eligibility criteria for services provided through SSBG funding.

Services designated for provision through SSBG funding for SFY 2005-2006 are:

A. Adoption (pre-placement to termination of parental rights)

B. Child Protection (investigation of child abuse/neglect reports, assessment, evaluation, social work intervention, shelter care, counseling, referrals, and follow-up)

C. Day Care for Children (direct care for portion of the 24-hour day as follow-up to investigations of child abuse/neglect)

D. Family Services (social work intervention subsequent to validation of a report of child abuse/neglect, counseling to high risk groups)

E. Foster Care/Residential Habilitation Services (foster, residential care, and treatment on a 24-hour basis)

Definitions for the proposed services are set forth in the Intended Use Report.

Persons eligible for SSBG funded services include:

A. Persons WRI, who are in need of adoption services, child protection, family services, and foster care/residential habilitation services.

B. Individuals WRI who are recipients of Title IV-E adoption assistance.

C. Recipients of Supplemental Security Income and recipients of Temporary Assistance for Needy Families (TANF) and those persons whose needs were taken into account in determining the needs of TANF recipients.

D. Low-income persons (income eligibles) whose gross monthly income is not more than 125 percent of the poverty level. A family of four (4) with gross monthly income of not more than \$2,016 would qualify as income eligible for services.

E. Persons receiving Title XIX (Medicaid) benefits and certain Medicaid applicants identified in the proposed plan as group eligibles.

Post expenditure reports for the SSBG program for SFY 2001-2002 and 2002-2003 are included in the previous year's SSBG Intended Use Report for SFY 2004-2005. The report is available for public review at all OCS parish and regional offices, Monday through Friday from 8:30 a.m. to 4:00 p.m. Free copies are available by telephone request to

(225) 342-1553 or by writing to the Assistant Secretary, P. O. Box 3318, Baton Rouge, LA 70821.

Interested persons will have the opportunity to provide recommendations on the proposed SFY 2005 – 2006 SSBG Intended Use Report, at a public hearing scheduled for 10:00 a.m., Thursday, April 21, 2005, at the Office of Community Services, Commerce Building, 333 Laurel Street, Room 602, Baton Rouge, LA. Written comments should be directed to the Assistant Secretary of OCS at the above post office box address. Comments must be received by the close of business Friday, May 6, 2005.

Ann S. Williamson
Secretary

0503#049

POTPOURRI

Department of Social Services Office of Family Support

Support Enforcement Services Program
Suspension of Licenses
Judicial
Second Public Hearing

The Department of Social Services, Office of Family Support, under the authority of R.S. 9:315.30 through 315.35, P.L. 104-193, R.S. 9:315.36, gives notice of a proposed change in Title 67, Part III, Subpart 4, Support Enforcement Services, Section 2540(A)(3), Judicial Suspension of License(s) for Nonpayment of Child Support. The change is replacing the word "and" with "or" in Section 2540(A)(3) in order to make criteria for referral singular criteria, rather than a combination of criteria. This Section was previously promulgated in February 1996, and amended in June 1997.

Interested persons may submit written comments by April 19, 2005, to the following: Adren O. Wilson, Assistant Secretary, Office of Family Support, P.O. Box 94065, Baton Rouge, LA 70804-9065. He is responsible for responding to inquiries regarding this proposed change.

A public hearing on the proposed change will be held on April 19, 2005, at the Department of Social Services, A.Z. Young Building, Second Floor Auditorium, 755 Third Street, Baton Rouge, LA beginning at 9:00 a.m. All interested persons will be afforded an opportunity to submit date, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities or who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

Ann S. Williamson
Secretary

0503#048

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