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Executive Orders

EXECUTIVE ORDER BJ 08-01

Executive Branch—Ethical Standards

WHEREAS, Article I, Section I, of the Louisiana Constitution provides that "All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole";

WHEREAS, Louisiana has long suffered nationally from an image of public corruption and a lack of accountability for conflicts of interest for elected and appointed officials;

WHEREAS, this negative image has hampered efforts to attract business investment to the state;

WHEREAS, the citizens of this state loudly proclaimed their demands for ethics reform in the most recent elections;

WHEREAS, I will issue a call for an extraordinary legislative session in February to enact comprehensive ethics reform;

WHEREAS, to demonstrate my commitment to ethics reform, I shall impose ethical standards for my cabinet and staff in excess of those currently required by law; and

WHEREAS, I further shall require ethics training for all cabinet and other officials I appoint.

NOW THEREFORE, I, Bobby Jindal, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: I hereby instruct my cabinet members to comply with the gubernatorial financial disclosure requirements of Louisiana Revised Statute 42:1124, commencing on January 15 of the year following his or her commission.

SECTION 2: All cabinet and other officials appointed by the governor and departmental officers as provided in R.S. 36:5 shall participate in annual training and education on the Code of Governmental Ethics beginning in 2008. The ethics education shall be in conformity with the provisions of R.S. 42:1170 except for the commencement of such training.

SECTION 3: Resignation will be requested from any executive appointee who is indicted while in office.

SECTION 4: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 15th day of January, 2008.

Bobby Jindal
Governor

ATTEST BY
THE GOVERNOR
Jay Dardenne
Secretary of State
0802#053

EXECUTIVE ORDER BJ 08-02

Executive Department—Transparency

WHEREAS, all government originates with the people;

WHEREAS, Article VII, Section 12 of the Constitution of Louisiana requires that, except for returns of taxpayers, reports, and records of the collection, expenditure, investment, and use of state money are public records;

WHEREAS, Article XII, Section 3 of the Constitution of Louisiana provides that "no person shall be denied the right to observe the deliberations of public bodies and examine public documents, except in cases established by law";

WHEREAS, state government is the steward of taxpayer dollars that are to be spent for the common good;

WHEREAS, the public must have ready access to information as to how their dollars are spent. To do so requires transparency which allows the public to easily and clearly view where funds are allocated and expended. This transparency will foster accountability; and

WHEREAS, Louisiana has made strides to achieve accountability, but much work remains. Louisiana should follow the lead towards transparency and accountability being pursued in many other states.

NOW THEREFORE, I, Bobby Jindal, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: In order to assess the degree to which each agency is in compliance with the Louisiana Government Performance and Accountability Act (the Act) and the goals for transparency as set out in this Executive Order, I hereby direct the head of each department of the executive branch of state government to perform a survey and analysis of compliance with said act and goals.

SECTION 2: The commissioner of administration shall report the findings of the surveys and analysis to the governor. The commissioner shall at the same time submit to the governor recommendation to assure compliance with the Act and to attain the goals hereby established. The report and recommendations shall be submitted to the governor on or before April 15, 2008.

SECTION 3: To insure transparency and accountability in state government, I hereby establish the following goals:

1. Issue annual public reports online of all state grants and contracts by funding source, agency, parish, and type of service provided;
2. Improve public access to the current grant and contract databases to make it a state-of-the art, easy to navigate resource that provides full disclosure of grants, contracts, and bond allocations of the state;
3. Improve transparency of Louisiana's regulatory process;
4. Facilitate interoperable systems that enable Information Technology projects to expand among agencies;
5. Create an online state spending database;
6. Redesign Louisiana government's web site with a focus on transparency;

SECTION 4: The commissioner of administration is hereby directed to perform such actions to implement policies and to take such other actions required to accomplish these goals.

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 15th day of January, 2008.

Bobby Jindal
Governor

ATTEST BY
THE GOVERNOR
Jay Dardenne
Secretary of State
0802#054

EXECUTIVE ORDER BJ 08-03

Executive Department—Limited Hiring Freeze

WHEREAS, pursuant to R.S. 42:375, the governor may issue executive orders which prohibit or regulate the filling of any new or existing vacancies in positions of employment in the executive branch of state government (hereafter "hiring freeze");

WHEREAS, R.S. 39:84 provides authority to the governor to regulate and control personnel transactions; and

WHEREAS, to limit or control the growth in government positions, prudent fiscal management practices dictate that the best interests of the citizens of the state of Louisiana will be served by the implementation of a hiring freeze throughout the executive branch of state government

to achieve at least a state general fund dollar savings of twenty-five million dollars (\$25,000,000).

NOW THEREFORE, I, Bobby Jindal, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: No vacancy in an existing or new position of employment within the executive branch of state government, which exists on or occurs after January 15, 2008, shall be filled without the express written approval of the commissioner of administration.

A. After the effective date of this Order, employee transfers, promotions, re-allocations and the creation of any new positions of employment within the executive branch of state government shall not, in any manner, increase the aggregate number of positions or Full Time Equivalents (FTE) of employment within the department, budget unit, agency, office, board or commission within the executive branch of state government beyond the number filled as of the effective date of this Order unless otherwise authorized by the commissioner of administration or a mid-year budget adjustment in accordance with Section 8 of Act 18.

SECTION 2:

A. Each department, budget unit, agency, office, board or commission shall file a report with the commissioner of administration reflecting projected savings, by means of financing, that the department, budget unit, agency, office, board or commission will generate through the implementation of this Order. Unless otherwise modified by the commissioner of administration, the monthly reports shall be submitted on the 3rd working day after the last pay period of each month, beginning with the last pay period in February. The report shall reflect a full accounting of personnel changes within the department, budget unit, agency, office, board or commission for the reporting period covered.

B. The report requirement details shall be developed by the commissioner of administration.

SECTION 3:

A. The commissioner of administration is authorized to grant any department, budget unit, agency, office, board or commission in the executive branch of state government an exemption, on a case by case basis or by category, from all or a part of the prohibition set forth in Section 1 of this Order, as she deems necessary and appropriate. Such an exemption shall be express and in writing.

B. Requests for an exemption from all or a part of the prohibition set forth in Section 1 of this Order, on a case by case basis or by category, shall be submitted only by a statewide elected official, by the secretary or head of a department, or by the head of a budget unit, agency, office, board or commission which is not within a department. Each request for an exemption shall be in writing and shall contain a description of the type of exemption sought and full justification for the request.

C. The commissioner of administration may develop guidelines pertaining to requests for exemption from all or part of the prohibition set forth in Section 1 of this Order.

D. If necessary, the commissioner of administration may develop definitions for the terms and/or the descriptions used in this Order.

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

SECTION 5: The governor, in accordance with R.S. 42:375 D, may order the commissioner of administration to withhold allotments in the appropriate category of expenditures from which the salary or compensation of any employee employed in violation of this Order is paid in an amount equal to such compensation.

SECTION 6: This Order is effective upon signature and shall remain in effect through June 30, 2008, or 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 15th day of January, 2008.

Bobby Jindal
Governor

ATTEST BY
THE GOVERNOR
Jay Dardenne
Secretary of State
0802#055

EXECUTIVE ORDER BJ 08-04

Louisiana Recovery Authority

WHEREAS, the Louisiana Recovery Authority was created to coordinate programs and funding from federal, state, local, and private sources to achieve the most effective and efficient use of monetary, human, and organizational resources toward services related to recovery by the state of Louisiana from Hurricanes Katrina and Rita in 2005;

WHEREAS, the Louisiana Recovery Authority has acted as the coordinating body for disaster recovery programs over the past two years including overseeing the implementation of disaster recovery programs funded with more than \$13 Billion of Community Development Block Grant funds from the United States Department of Housing and Urban Development for housing, economic development, and infrastructure programs;

WHEREAS, in addition to the Community Development Block Grant funds, Louisiana also received disaster recovery assistance from the Federal Emergency Management Agency for the Public Assistance Program and the Hazard Mitigation Grant Program;

WHEREAS, the Public Assistance Program provides much needed financial resources to individual homeowners and state and local governmental units to help them recover from a natural disaster;

WHEREAS, the Hazard Mitigation Grant Program provides grants to state and local governments to implement

long-term hazard mitigation measures to reduce the loss of life and property due to natural disasters;

WHEREAS, the Governor's Office of Homeland Security and Emergency Preparedness has been tasked with the responsibility of administering the Public Assistance Program and the Hazard Mitigation Grant Program; and

WHEREAS, these programs and federal funds related to the devastation caused by Hurricanes Katrina and Rita administered by the Governor's Office of Homeland Security and Emergency Preparedness are within the jurisdiction of the Louisiana Recovery Authority and the integration of the recovery programs should be managed through one organization.

NOW THEREFORE, I, Bobby Jindal, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The Louisiana Recovery Authority shall set priorities and offer broad direction to the Governor's Office of Homeland Security and Emergency Preparedness relating to the use of funds made available to the state for recovery and redevelopment efforts through the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, and special congressional appropriations for the Public Assistance Program and the Hazard Mitigation Grant Program associated with Hurricanes Katrina and Rita.

SECTION 2: The Executive Director of the Louisiana Recovery Authority shall serve as the Governor's Authorized Representative for Louisiana's Public Assistance Program associated with Hurricanes Katrina and Rita. The Executive Director shall be afforded all duties and responsibilities conferred upon the Governor's Authorized Representative in the state's Public Assistance Administrative Plan.

SECTION 3: The Louisiana Recovery Authority shall serve as the State Hazard Mitigation Team for the recovery associated with Hurricanes Katrina and Rita for purposes of the Hazard Mitigation Grant Program.

SECTION 4: The Governor's Office of Homeland Security and Emergency Preparedness is authorized and directed to cooperate in the implementation of the provisions of this Order.

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

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 15th day of January, 2008.

Bobby Jindal
Governor

ATTEST BY
THE GOVERNOR
Jay Dardenne
Secretary of State
0802#056

EXECUTIVE ORDER BJ 08-05

Reassignment of Recreational Trails Program

WHEREAS, the Recreational Trails Program is a federally assisted program to help states provide and maintain recreational trails for both motorized and non-motorized use;

WHEREAS, the Recreational Trails Program is currently administered by the Office of Community Programs, within the Office of the Governor, pursuant to Executive Order No. MJF 99-14, as amended by Executive Order No. MJF 03-23;

WHEREAS, the Department of Culture, Recreation and Tourism, within the Office of the Lieutenant Governor, is responsible for planning, developing and implementing improved opportunities for the enjoyment of cultural and recreational activities by the people of Louisiana and for greater development of their cultural and physical potential (R.S. 36:109 et seq.);

WHEREAS, it is in the best interest of the citizens of the state to provide for the more efficient delivery of public services by streamlining related human, physical and financial resources; and

WHEREAS, it is in the best interest of the citizens of the state to place the Recreational Trails Program under the administration of the Department of Culture, Recreation and Tourism.

NOW THEREFORE, I, Bobby Jindal, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The Recreational Trails Program is hereby placed under the administration of the Department of Culture, Recreation and Tourism, within the Office of the Lieutenant Governor.

SECTION 2: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 18th day of January, 2008.

Bobby Jindal
Governor

ATTEST BY
THE GOVERNOR
Jay Dardenne
Secretary of State
0802#057

EXECUTIVE ORDER BJ 08-06

Reassignment of Troops to Teachers Program

WHEREAS, the mission of the Louisiana Troops to Teachers Program is to improve overall Louisiana education by providing motivated, experienced and dedicated teachers for the state's classrooms and to help relieve teacher shortages by certifying and employing veterans and former Department of Defense and Energy employees as teachers

and teachers' aides for service in Louisiana's public schools and, when military personnel are unavailable, qualified civilian teachers;

WHEREAS, the Louisiana Troops to Teachers Program is under the jurisdiction of the Office of the Governor;

WHEREAS, the Department of Veterans Affairs is responsible for performing the functions of the state relating to the welfare of veterans (R.S. 36:781 et seq);

WHEREAS, it is in the best interest of the citizens of the state to provide for the more efficient delivery of public services by streamlining related human, physical and financial resources; and

WHEREAS, it is in the best interest of the citizens of the state to place the Troops to Teacher Program under the administration of the Department of Veterans Affairs.

NOW THEREFORE, I, Bobby Jindal, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The Troops to Teachers Program is hereby placed under the administration of the Department of Veterans Affairs.

SECTION 2: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 18th day of January, 2008.

Bobby Jindal
Governor

ATTEST BY
THE GOVERNOR
Jay Dardenne
Secretary of State
0802#058

EXECUTIVE ORDER BJ 08-07

Activity and Permit Consistency with Louisiana's Comprehensive Master Plan for a Sustainable Coast

WHEREAS, Hurricanes Katrina and Rita exposed vulnerabilities in Louisiana's coastal and hurricane protection systems that resulted in loss of life, damage to property, destruction of coastal land and wetlands loss and major impacts to our state's economy;

WHEREAS, Louisiana continues to experience one of the fastest rates of coastal erosion in the world and portions of our state remain unprotected from future hurricane impacts;

WHEREAS, our state's coast is a "working coast" that provides employment opportunities for Louisianans and citizens from across the United States;

WHEREAS, coastal Louisiana is a national treasure that provides energy to power the nation's economy, puts seafood on America's dinner tables, is home to the country's top ports, serves as critical habitat to numerous endangered and threatened species and is one of the most productive ecosystems in the world;

WHEREAS, Louisiana's coastal master plan, entitled "Integrated Ecosystem Restoration and Hurricane Protection: Louisiana's Comprehensive Master Plan for a Sustainable Coast", (hereinafter "Master Plan"), is the state's conceptual plan for the integration of coastal protection and restoration based upon the best available science and engineering;

WHEREAS, the Master Plan was approved by the Coastal Protection and Restoration Authority at its April 12, 2007 meeting and thereafter unanimously approved by the Louisiana Legislature by passing Senate Concurrent Resolution No. 11 during the 2007 Regular Session;

WHEREAS, the Master Plan states a goal of integration of flood control projects and coastal restoration initiatives to help both human and natural communities survive and thrive over the long-term;

WHEREAS, the Master Plan recommends, among other things, improvements to land use planning, zoning and permitting to more effectively achieve its stated goals;

WHEREAS, beginning this year, billions of dollars in efforts to repair and improve Louisiana's hurricane and coastal protection systems will be carried out;

WHEREAS, state agencies must function in a manner that recognizes the vital importance of expediting hurricane and coastal protection and ensuring sustainable practices in our coastal zone;

WHEREAS, it is critical for all state agencies to work in a cooperative manner with acute awareness of the recommendations of the Master Plan in order to ensure the aggressive and orderly implementation of its stated goals.

WHEREAS, Louisiana Revised Statute 49:213 directs the Governor, through his executive assistant for coastal activities, to "coordinate and focus the functions of all state agencies as they relate to coastal protection, including hurricane protection and wetlands conservation and restoration"; and

WHEREAS, Louisiana Revised Statute 49:213 authorizes the Governor, through his executive assistant for coastal activities, to "review and modify proposed coastal use permits prior to issuance to the extent that such permits would authorize activities which significantly affect hurricane protection or wetlands conservation and restoration projects or which significantly diminish the benefits of projects intended to protect, conserve or enhance coastal areas and to require the issuance of permits for public or private wetlands enhancement projects or plans.";

NOW THEREFORE, I, Bobby Jindal, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: All state agencies shall administer their regulatory practices, programs, contracts, grants, and all other functions vested in them in a manner consistent with the Master Plan and public interest to the maximum extent possible.

SECTION 2: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of

Louisiana, at the Capitol, in the city of Baton Rouge, on this 23rd day of January, 2008.

Bobby Jindal
Governor

ATTEST BY
THE GOVERNOR
Jay Dardenne
Secretary of State
0802#059

EXECUTIVE ORDER BJ 08-08

Executive Branch—Green Government

WHEREAS, efficacy should apply to all areas of state government and state government should be a leader in energy efficiency and conservation and demonstrate the benefits of adopting such practices;

WHEREAS, Louisiana is blessed with abundant natural resources and state government must act as a steward of those gifts, in accordance with the Louisiana Constitution, Article IX, Section 1;

WHEREAS, energy efficiency and conservation are essential components of responsible fiscal management;

WHEREAS, the promotion and use of non-conventional and renewable energy sources will promote energy efficiency and conservation;

WHEREAS, efficient and effective waste management conserve tax dollars and natural resources, and reduction of waste and recycling of what would otherwise be waste are proven waste management strategies; and

WHEREAS, several steps toward a "greener" state government have already been taken, such as agency initiated office recycling programs, use of hybrid and alternative fuel vehicles, and design and construction of state office buildings to ensure energy efficiency;

NOW THEREFORE, I, Bobby Jindal, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The Division of Administration, in consultation with state agencies, shall set energy efficiency goals for state facilities, office buildings or complexes for Fiscal Years 2009, 2010 and 2011 by July 30, 2008. I further direct the Division of Administration and state agencies to use all existing statutory authority in implementing measures to achieve these energy goals.

SECTION 2: The Division of Administration, in consultation with state agencies, shall establish programs for energy analysis of state-owned buildings and identify opportunities for reduced energy use. In addition, any state agency responsible for state-owned facilities shall examine the feasibility of a performance contract for energy and operational cost savings under R.S. 39:1496. The Division of Administration will provide centralized reporting and coordination of comprehensive capital energy improvements.

SECTION 3: Each department of the executive branch of state government shall adopt a program to reduce solid waste, including but not limited to adopting paperless office programs. Likewise each department will adopt a

recycling program with emphasis on single stream recycling so as to increase compliance. The Division of Administration in consultation with state agencies shall establish waste reduction goals.

SECTION 4: The Division of Administration shall review its purchasing practices to ensure 100% compliance with existing state requirements related to energy conservation, to adopt best energy purchasing practices and to develop or increase standards for such products as appliances, light bulbs, smart chargers, and computers using Energy Star as a minimum standard.

SECTION 5: The Division of Administration, in consultation with state agencies, shall develop average fuel economy goals for the state automobile fleet and take necessary measures to assure that those goals are met by 2010. These measures should include expanding the number of hybrid and other fuel efficient vehicles as well as alternative fuel vehicles on the list of vehicles on state contract.

SECTION 6: Each state agency shall assign a lead person to work with the Division of Administration in the development of the sustainability and energy efficiency goals, the budget and management review, the purchasing of alternative and renewable energy, and the implementation of the sustainable building guidelines.

SECTION 7: The Commissioner of Administration in cooperation with the Department of Environmental Quality and the Department of Natural Resources shall create an information campaign to disseminate to other departments best methods and practices regarding energy efficiency and conservation and the benefits of adopting such practices. This campaign must be updated annually to include the latest innovations and best practices.

SECTION 8: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 30th day of January, 2008.

Bobby Jindal
Governor

ATTEST BY
THE GOVERNOR
Jay Dardenne
Secretary of State
0802#060

Emergency Rules

DECLARATION OF EMERGENCY

Student Financial Assistance Commission Office of Student Financial Assistance

Scholarship/Grant Programs
(LAC 28:IV.301, 507, 703 and 705)

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

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

This declaration of emergency is effective January 29, 2008, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act. (SG0893E)

Title 28 EDUCATION

Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs

Chapter 3. Definitions

§301. Definitions

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

Academic Year (College)—the two- and four-year college and university *academic year* begins with the fall term of the award year, includes the winter term, if applicable, and concludes with the completion of the spring term of the award year. Intersessions ending during the *academic year* are included in the academic year. The two- and four-year college and university academic year does not include summer sessions or intersessions that do not end during the academic year.

* * *

Application to Return from an Out-of-State College— A form that must be submitted by students who first enroll full time in an accredited out-of-state college or university and who then return to an eligible Louisiana college or university and want to apply for TOPS eligibility.

* * *

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:632 (April 1998),

amended LR 24:1898 (October 1998), LR 24:2237 (December 1998), LR 25:256 (February 1999), LR 25:654 (April 1999), LR 25:1458 and 1460 (August 1999), LR 25:1794 (October 1999), LR 26:65 (January 2000), LR 26:688 (April 2000), LR 26:1262 (June 2000), LR 26:1601 (August 2000), LR 26:1993, 1999 (September 2000), LR 26:2268 (October 2000), LR 26:2752 (December 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), LR 27:1219 (August 2001), repromulgated LR 27:1842 (November 2001), amended LR 27:1875 (November 2001), LR 28:45 (January 2002), LR 28:446 (March 2002), LR 28:772 (April 2002), LR 28:2330, 2331 (November 2002), LR 29:555 (April 2003), LR 29:879 (June 2003), LR 30:1159 (June 2004), LR 30:2015 (September 2004), LR 31:36 (January 2005), LR 31:3112 (December 2005), LR 33:86 (January 2007), LR 33:439 (March 2007), LR 33:1339 (July 2007), LR 33:2612 (December 2007), LR 34:

Chapter 5. Applications, Federal Grant Aid and ACT Test

§507. Final Deadline for Submitting Documentation of Eligibility

A. - B.2. ...

C. Returning Students

1 - 2. ...

3.a. Returning students, who enroll in an eligible college or university in academic year (college) 2005-2006 or academic year (college) 2006-2007, must submit documentation that establishes TOPS eligibility no later than the April 15th immediately following the July 1 immediately following the academic year (college) the student enrolls as a full-time student in an eligible college or university.

b. Returning students, who enroll in an eligible college or university in the fall semester of 2007 or later, must submit an application to return from an out-of-state college no later than July 1 immediately following the academic year (college) the student enrolls as a full-time student in an eligible college or university and must submit any supporting documentation required by the application no later than January 15 following the July 1 deadline.

c. Examples:

i. A returning student who enrolled in an eligible college or university in the fall semester of 2005 must submit the application to return from an out-of-state college no later than July 1, 2006, and any required supporting documentation such as college transcripts no later than April 15, 2007.

ii. A returning student who enrolled in an eligible college or university in the spring semester of 2007 must submit the application to return from an out-of-state college no later than July 1, 2007, and any required supporting documentation such as college transcripts no later than April 15, 2008.

iii. A returning student who enrolled in an eligible college or university in the fall semester of 2007 must submit the application to return from an out-of-state college no later than July 1, 2008, and any required supporting documentation such as college transcripts no later than January 15, 2009.

iv. A returning student who enrolled in an eligible college or university in the spring semester of 2008 must submit the application to return from an out-of-state college

no later than July 1, 2008, and any required supporting documentation such as college transcripts no later than January 15, 2009.

v. A returning student who enrolls in an eligible college or university in the fall semester of 2009 must submit the application to return from an out-of-state college no later than July 1, 2010, and any required supporting documentation such as college transcripts no later than January 15, 2011.

4.a. Beginning with the 2007-2008 academic year (college), all documentation and certifications necessary to establish a returning student's initial eligibility including, but not limited to, high school and/or college transcripts and certifications, copies of student aid reports, ACT and/or SAT scores, residency affidavits, proof of citizenship or permanent residency status and other documents that may be utilized in determining eligibility, must be received by LASFAC no later than January 15 immediately following the deadline for receipt of the student's FAFSA or on-line application.

b. Examples:

i. If a returning student enrolls full time in an eligible Louisiana college or university for the fall semester of 2007, his deadline to file the FAFSA or on-line application is July 1, 2008. If his initial FAFSA or on-line application is received no later than July 1, 2008, and if all the necessary supporting documentation relevant to establishing eligibility is in LASFAC's possession by January 15, 2009, the student will receive his TOPS award (reduced by the number of semesters/terms he enrolled out-of-state) retroactively beginning the fall semester of 2007.

ii. If a returning student enrolls full time in an eligible Louisiana college or university for the spring semester of 2008, his deadline to file the FAFSA or on-line application is July 1, 2008. If his initial FAFSA or on-line application is received no later than July 1, 2008, and if all the necessary supporting documentation relevant to establishing eligibility is in LASFAC's possession by January 15, 2009, the student will receive his TOPS award (reduced by the number of semesters/terms he enrolled out-of-state) retroactively beginning the spring semester of 2008.

iii. If a returning student enrolls full time in an eligible Louisiana college or university for the spring semester of 2008, his deadline to file the FAFSA or on-line application is July 1, 2008. If his initial FAFSA or on-line application is received after July 1, 2008, but no more than 120 days later, and if all the necessary supporting documentation relevant to establishing eligibility is in LASFAC's possession by January 15, 2009, the student will receive his TOPS award (reduced by the number of semesters/terms he enrolled out-of-state and further reduced by one additional semester if one to sixty days late or by two additional semesters if 61 to 120 days late) retroactively beginning the spring semester of 2008.

D. - D.3. ...

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:635 (April 1998), amended LR 24:1901 (October 1998), repromulgated LR 27:1847

(November 2001), amended LR 28:447 (March 2002), LR 30:1161 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 32:2238 (December 2006), LR 33:2357 (November 2007), LR 34:

Chapter 7. Tuition Opportunity Program for Students (TOPS) Opportunity, Performance, and Honors Awards

§703. Establishing Eligibility

A. - H.1.b. ...

c. he enrolled in an eligible college or university no later than the next semester or term, excluding summer sessions and intersessions, immediately following the last semester he was enrolled in the out-of state college or university.

H.2. - J.4.b.ii. ...

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:636 (April 1998), amended LR 24:1902 (October 1998), LR 24:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64, 67 (January 2000), LR 26:689 (April 2000), LR 26:1262 (June 2000), LR 26:1602 (August 2000), LR 26:1996, 1999, 2001 (September 2000), LR 26:2268 (October 2000), LR 26:2753 (December 2000), LR 27:36 (January 2001), LR 27:702 (May 2001), LR 27:1219, 1219 (August 2001), repromulgated LR 27:1850 (November 2001), amended LR 28:772 (April 2002), LR 28:2330, 2332 (November 2002), LR 29:125 (February 2003), LR 29:2372 (November 2003), LR 30:1162 (June 2004), LR 30:1471 (July 2004), LR 30:2019 (September 2004), LR 31:37 (January 2005), LR 31:2213 (September 2005), LR 31:3112 (December 2005), LR 32:2239 (December 2006), LR 33:435 (March 2007), LR 33:2357 (November 2007), LR 33:2612 (December 2007), LR 34:

§705. Maintaining Eligibility

A. - A.5. ...

6. minimum academic progress:

a. in an academic undergraduate program at an eligible college or university, by the end of each academic year (college), earn a total of at least 24 college credit hours as determined by totaling the earned hours reported by the institution for each semester or quarter in the academic year (college), including any hours earned during an intersession ending during the academic year. These hours shall include remedial course work required by the institution, but shall not include hours earned during qualified summer sessions, summer sessions or intersessions that do not end during the academic year or by advanced placement course credits. Unless granted an exception for cause by LASFAC, failure to earn the required number of hours will result in permanent cancellation of the recipient's eligibility; or

A.6.b. - E.3. ...

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:637 (April 1998), amended LR 24:1904 (October 1998), LR 25:257 (February 1999), LR 25:656 (April 1999), LR 25:1091 (June 1999), LR 26:67 (January 2000), LR 26:688 (April 2000), LR 26:1996 (September 2000), LR 26:2001 (September 2000), repromulgated LR 27:1853 (November 2001), amended LR 28:447 (March 2002), LR 28:772

(April 2002), LR 28:2332 (November 2002), LR 29:2373 (November 2003), LR 30:781 (April 2004), LR 30:1163 (June 2004), LR 30:2019 (September 2004), LR 31:3115 (December 2005), LR 33:437 (March 2007), LR 34:

George Badge Eldredge
General Counsel

0802#010

DECLARATION OF EMERGENCY

Office of the Governor Office of Financial Institutions

Banking Development Districts Program
(LAC 10:I.Chapter 17)

The Office of Financial Institutions, pursuant to the emergency provision of the Administrative Procedure Act, R.S. 49:953(B), adopts the following Emergency Rules of the Louisiana Banking Development Program as authorized by R.S. 51:3103. This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., shall become effective January 1, 2008, and shall remain in effect for the maximum period allowed under the Act or until adoption of the Rule, whichever occurs first.

The Office of Financial Institutions has found an immediate need to provide direction to local governments and banks located in Louisiana who are seeking to participate in the Louisiana Banking Development Program, which became effective August 15, 2007. Without these Emergency Rules the public welfare may be harmed as a result of the inability of Louisiana local governments and banks to encourage the establishment of branches of a financial institution in geographic areas where there is a demonstrated need for banking services. The failure to adopt these Rules may also impede opportunities for additional economic development in these selected geographic areas in Louisiana.

Title 10

FINANCIAL INSTITUTIONS, CONSUMER CREDIT, INVESTMENT SECURITIES AND UCC

Part I. Financial Institutions

Chapter 17. Louisiana Banking Development Districts Program

§1701. Description of Program

A. These rules establish the application requirements and criteria for the designation of banking development districts in geographic areas where there is a demonstrated need for banking services. This program was created by Act 255 of the 2007 Louisiana Legislature to encourage the establishment of new branches by any state or federally chartered bank, savings bank, savings and loan association, or trust company, which is operating in Louisiana with an existing branch or main office, in order to enhance consumer access to banking services and aid in the promotion of local economic development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:3103.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 34:

§1703. Definitions

A. The following terms shall have the meanings provided herein, unless the context clearly indicates otherwise.

Alternative Providers of Banking Services—licensed check cashiers, licensed money transmitters, licensed lenders and licensed residential mortgage lenders.

Bank—a state commercial bank or trust company, a national bank, savings bank, savings and loan association, federal savings and loan association or federal savings bank.

Banking Services—shall include, but not be limited to, deposit taking, check-cashing, sale of money orders, origination of residential or commercial mortgages, consumer loans, and commercial loans.

Branch—a full-service branch.

Commissioner—the Commissioner of the Office of Financial Institutions.

Financial Institution—any state or federally chartered bank, savings bank, savings and loan association, or trust company, which is operating in Louisiana with an existing branch, branches or main office.

Local Government—a municipality or parish governing authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:3103.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 34:

§1705. Application Requirements for Designation of a Proposed Banking Development District

A. A local government, in conjunction with a bank may submit an application to the commissioner for the designation of a proposed banking development district. The application shall include the following:

1. identification of the political subdivision within a Louisiana town, city, or village that shall constitute the proposed banking development district;

2. identification of the census tracts as well as street boundaries which shall constitute the proposed banking development district. A map should also be included with the proposed banking development district clearly designated;

3. evidence of the approval of the application by the governing board of the local government;

4. characterization of the proposed banking development district as urban or rural as such terms are defined by the United State Census Bureau;

5. the number of residents and a narrative description of the population demographics included within the proposed banking development district;

6. distribution of banking services: Provide, with regard to the following geographic areas:

a. within the proposed banking development district;

b. within the entire political subdivision if different from Subparagraph a; and

c. within one half mile from the proposed banking development district:

i. the identification and location of all full-service branches of all banking institutions;

ii. the identification and location of all alternative providers of banking services;

iii. the identification and location of deposit-taking ATMs (other than those located at full-service branches), if the information is available;

iv. the identification and location of non-deposit-taking ATMs (other than those located at full-service branches), if the information is available;

7. income measures, including, but not limited to, per capita annual income and median household annual income of the proposed banking development district utilizing either the most recent United States Census Bureau data or the most recent Department of Housing and Urban Development ("HUD") annual income estimates;

8. other economic indicators, where available, including, but not limited to, unemployment data, percentage of the population at or below the poverty level, and percentage of the population receiving public assistance within the proposed banking development district. Unemployment data may be submitted for a political subdivision in which the proposed banking development district is located;

9. a narrative description of the natural and man-made geographic barriers, if any, that may impede physical access to existing banking services;

10. a narrative description of the distances and travel times from the applicant's proposed site to banking institutions and alternative providers of banking services both within the proposed banking development district and within one half mile from the proposed banking development district;

11. affirmation by the applicant bank that it will not establish the proposed banking development district branch with the intention of closing or relocating any existing nearby branch or branches;

12. narrative establishing that a branch would be economically viable within the proposed banking development district if the statutory economic incentives are provided;

13. if applicable, a narrative description of significant recent local business developments, including, but not limited to, large corporate restructurings, plant closings, or recent or proposed business openings or expansions;

14. if applicable, indications of community support or opposition for the application, as evidenced by letters from entities such as local chambers of commerce, local businesses, community-based organizations, non-profit organizations, government officials, or community residents;

15. such other documents or information as the Commissioner, in his or her discretion, may deem necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:3103.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 34:

§1707. Optional Information that May Be Included in an Application for Designation of a Proposed Banking Development District

A. An application for designation of a banking development district may also (and if the commissioner shall deem such information necessary to a determination, such application shall) include the following:

1. a narrative description of the population demographics including, but not limited to, the following:

- a. percentage of population age 64 and over;
- b. percentage of population that is non-English speaking;
- c. percentage of population consisting of minorities; and
- d. percentage of population that is disabled;

2. a narrative description demonstrating coordination of plans for the establishment of the proposed banking development district with other community initiatives;

3. a narrative description of banking services which are available within the proposed banking development district or a reasonable distance as specified in §1705.6.c above;

4. a narrative description of banking services which are not available within the proposed banking development district or a reasonable distance as specified in §1705.6.c;

5. a narrative description of local commercial establishments, including, but not limited to, the number of small, medium, and large businesses located in the proposed banking development district;

6. a narrative description of significant recent local business developments, including, but not limited to, large corporate restructurings, plant closings, or recent or proposed business openings or expansions;

7. indications of community support or opposition for the application, as evidenced by letters from entities such as local chambers of commerce, local businesses, community-based organizations, non-profit organizations, government officials, or community residents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:3103.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 34:

§1709. Criteria for Approval

A. In determining whether to approve an application for the designation of a banking development district, the commissioner shall take into consideration the following criteria:

1. a report prepared by the Secretary of the Department of Economic Development which shall determine whether or not the proposed banking development district meets the following criteria:

- a. consumer needs for banking services in the proposed district;
- b. the economic viability and local credit needs of the community in the proposed district;
- c. the existing commercial development in the proposed district;
- d. the impact additional banking services would have on potential economic development in the proposed district;

2. the location, number, and proximity of sites where banking services are available in the proposed district;

3. the location, number, and proximity to applicant's proposed site of sites where banking services are available within one half mile of the proposed banking development district;

4. the physical size of the proposed banking development district;

5. the nature of the community to be served, including, but not limited to, the demographic and economic characteristics of the proposed banking development district;

6. the financial condition and managerial ability of the applicant bank as determined by the appropriate bank regulator or other reliable sources;

7. compliance with all other applicable branching statutes and regulations;

8. history of prolonged lack of service to the proposed banking development district;

9. such other criteria which the commissioner, in his or her discretion, shall identify as appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:3103.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 34:

§1711. Other Requirements

A. The requirements of this rule are in addition to any requirements established by the state of Louisiana [(R.S. 39:1211 to 39:1245) and (R.S. 49:315 to 49:327.2)] with respect to the deposit of public funds and the governing body of a local government with respect to real property tax exemptions that may be available to financial institutions within an approved banking development district.

B. In accordance with R.S. 51:3107, public funds or moneys must be deposited at the banking district depository branch located in the banking development district in order to earn a fixed interest rate allowed under the Louisiana Banking Development Districts Act.

C. The commissioner may request periodic "service" status reports from the local government and the bank that originally submitted the application for the designation of a banking development district in order to ensure that the needs of the community located in the banking development district are being met in an appropriate manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:3103.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Financial Institutions, LR 34:

John Ducrest, CPA
Commissioner

0802#014

DECLARATION OF EMERGENCY

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

Early and Periodic Screening, Diagnosis and Treatment Dental Program—Reimbursement Rate Increase (LAC 50:XV.6905)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to amend LAC 50:XV.6905 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing provides

coverage and reimbursement of dental services under the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program. Reimbursement for these services is a flat fee established by the bureau minus the amount that any third party coverage would pay (*Louisiana Register*, Volume 29, Number 2). Additional funds were allocated during the 2006 Regular Session of the Louisiana Legislature and the Bureau subsequently increased the reimbursement rate for certain dental procedures and established coverage for additional procedures (*Louisiana Register*, Volume 33, Number 6). As a result of the allocation of additional funds by the Legislature during the 2007 Regular Session, the Bureau amended the June 20, 2007 Rule to increase the reimbursement fees for certain dental services covered in the EPSDT Program (*Louisiana Register*, Volume 33, Number 10). This Emergency Rule is being promulgated to continue the provisions of the November 1, 2007 Emergency Rule.

This action is being taken to promote the health and welfare of Medicaid recipients and to maintain access to EPSDT dental services by encouraging the continued participation of dental providers in the Medicaid Program.

Effective March 1, 2008, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions governing the reimbursement fees for dental procedures covered in the EPSDT Program.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 5. Early and Periodic Screening, Diagnosis and Treatment

Chapter 69. Dental

§6905. Reimbursement

A. - A.2. ...

B. Effective for dates of service on and after November 1, 2007, the reimbursement fees for dental services are increased to 65 percent of the 2007 National Dental Advisory Service Comprehensive Fee Report 70th percentile rate unless otherwise stated in this Chapter.

1.-3. Repealed.

C. Designated procedures in the following dental services categories are excluded from the rate increase. The reimbursement fees for these procedures shall continue to be the fee on file in the EPSDT Dental Program Fee Schedule as of October 31, 2007.

1. diagnostic services;
2. preventive services;
3. restorative services;
4. endodontic services;
5. periodontic services;
6. removable and fixed prosthodontic services;
7. oral and maxillofacial surgery services;
8. orthodontic services; and
9. adjunctive general services.

10.-12. Repealed.

NOTE: The 47 dental procedures excluded from the rate increase are included in the EPSDT Dental Program Fee Schedule with the fee on file as of October 31, 2007.

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 33:1138 (June 2007), amended LR 33:

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

Alan Levine
Secretary

0802#031

DECLARATION OF EMERGENCY

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

Home Health Services—Extended Nursing Services Reimbursement Increase (LAC 50:XIII.701)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt LAC 50:XIII.701 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the 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 revised provisions governing extended and multiple daily nursing visits for recipients up to age 21 under the Home Health Program in LAC 50:XIII.305 (*Louisiana Register*, Volume 32, Number 3). The bureau, by Emergency Rule, increased the rates paid for extended nursing services in the Home Health Program (*Louisiana Register*, Volume 33, Number 7). This Emergency Rule is being promulgated to continue the provisions of the July 20, 2007 Emergency Rule.

This action is being taken to promote the health and well-being of recipients by assuring continued access to services through assisting providers to recruit and retain sufficient nursing staff. In addition, the proposed Rule will assure access to medically necessary services for Chisholm Class members and Early and Periodic Screening, Diagnosis and Treatment Program eligibles.

Effective for dates of service on or after March 18, 2008, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following provisions governing reimbursement rates paid to home health agencies for extended nursing services.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XIII. Home Health

Subpart 1. Home Health Services

Chapter 7. Reimbursement Methodology

§701. Nursing and Home Health Aide Services

A. Effective for dates of service on or after July, 20, 2007, the reimbursement rates for extended nursing services are increased as follows:

1. nurse care in home performed by a registered nurse (RN) is increased to \$34 per hour;

2. nurse care in home performed by a licensed practical nurse (LPN) is increased to \$32 per hour;

3. multiple visits—nurse care in home performed by an RN is increased to \$17 per hour; and

4. multiple visits—nurse care in home performed by an LPN is increased to \$16 per hour.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:

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

Alan Levine
Secretary

0802#032

DECLARATION OF EMERGENCY

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

Nursing Facilities—Evacuation and Temporary Sheltering Costs (LAC 50:VII.1319)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts LAC 50:VII.1319 as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the 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 to establish a prospective payment system for nursing facilities based on recipient care needs that incorporates acuity measurements as determined under the Resource Utilization Group III (RUG III) resident classification methodology (*Louisiana Register*, Volume 28, Number 8). The August 20, 2002 Rule was subsequently amended to adopt provisions governing a quarterly adjustment of individual nursing facility rates based on overall case mix and allow for the offset of installation costs for automatic fire sprinkler systems and two-hour rated walls in Medicaid-certified nursing facilities (*Louisiana Register*, Volume 32, Number 12).

Act 540 of the 2006 regular session of the Louisiana Legislature directed the department, in consultation with the Governor's Office of Homeland Security, to adopt provisions governing emergency preparedness requirements for nursing facilities, including facility-specific reimbursement for

documented and allowable evacuation and temporary sheltering costs of a Medicaid-certified nursing facility. In compliance with the directives of Act 540, the department by emergency rule adopted provisions governing the reimbursement methodology for nursing facilities to provide for the facility-specific reimbursement of evacuation and temporary sheltering costs of Medicaid-certified nursing facilities (*Louisiana Register*, Volume 33, Number 3). This Emergency Rule is being promulgated to continue the provisions of the March 20, 2006 Emergency Rule. This action is being taken to prevent imminent peril to the health and well-being of nursing facility residents who may be evacuated as a result of disasters or other emergencies.

Effective March 1, 2008, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions governing the reimbursement methodology for nursing facilities.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part VII. Long Term Care Services

Subpart 1. Nursing Facilities

Chapter 13. Reimbursement

§1319. Evacuation and Temporary Sheltering Costs

A. Nursing facilities required to participate in an evacuation, as directed by the appropriate parish or state official, or which act as a host shelter site may be entitled to reimbursement of its documented and allowable evacuation and temporary sheltering costs.

1. The expense incurred must be in excess of any existing or anticipated reimbursement from any other sources, including the Federal Emergency Management Agency (FEMA) or its successor.

2. Nursing facilities must first apply for evacuation or sheltering reimbursement from all other sources and request that the department apply for FEMA assistance on their behalf.

3. Nursing facilities must submit expense and reimbursement documentation directly related to the evacuation or temporary sheltering of Medicaid nursing home residents to the department.

B. Eligible Expenses. Expenses eligible for reimbursement must occur as a result of an evacuation and be reasonable, necessary, and proper. Eligible expenses are subject to audit at the department's discretion and may include the following.

1. Evacuation Expenses. Evacuation expenses include expenses from the date of evacuation to the date of arrival at a temporary shelter or another nursing facility. Evacuation expenses include:

- a. resident transportation and lodging expenses during travel;
- b. nursing staff expenses when accompanying residents, including:
 - i. transportation;
 - ii. lodging; and
 - iii. additional direct care expenses, when a direct care expense increase of 10 percent or more is documented:

(a). the direct care expense increase must be based on a comparison to the average of the previous two pay periods or other period comparisons determined acceptable by the department;

c. any additional allowable costs as defined in the CMS Publication 15-1 that are directly related to the evacuation and that would normally be allowed under the nursing facility case-mix rate.

2. Non-Nursing Facility Temporary Sheltering Expenses. Non-nursing facility temporary sheltering expenses include expenses from the date the Medicaid residents arrive at a non-nursing facility temporary shelter to the date all Medicaid residents leave the shelter. A non-nursing facility temporary shelter includes shelters that are not part of a licensed nursing facility and are not billing for the residents under the Medicaid case-mix reimbursement system or any other Medicaid reimbursement system. Non-nursing facility temporary sheltering expenses may include:

- a. additional nursing staff expenses including:
 - i. lodging; and
 - ii. additional direct care expenses, when a direct care expense increase of 10 percent or more is documented:

(a). the direct care expense increase must be based on a comparison to the average of the previous two pay periods or other period comparisons determined acceptable by the department;

b. care-related expenses as defined in the nursing facility case-mix rate system and incurred in excess of care-related expenses prior to the evacuation;

c. additional medically necessary equipment such as beds and portable ventilators that are not available from the evacuating nursing facility and are rented or purchased specifically for the temporary sheltered residents, and:

- i. these expenses will be capped at a daily rental fee not to exceed the total purchase price of the item;
- ii. the allowable daily rental fee will be determined by the department;

d. any additional allowable costs as defined in the CMS Publication 15-1 that are directly related to the temporary sheltering and that would normally be allowed under the nursing facility case-mix rate.

3. Host Nursing Facility Temporary Sheltering Expenses. Host nursing facility temporary sheltering expenses include expenses from the date the Medicaid residents are admitted to a licensed nursing facility to the date all temporary sheltered Medicaid residents are discharged from the nursing facility, not to exceed a six-month period.

a. The host nursing facility shall bill for the residents under Medicaid's case-mix reimbursement system.

b. Additional direct care expenses may be submitted when a direct care expense increase of 10 percent or more is documented.

i. The direct care expense increase must be based on a comparison to the average of the previous two pay periods or other period comparisons determined acceptable by the department.

C. Payment of Eligible Expenses

1. For payment purposes, total eligible Medicaid expenses will be the sum of non resident-specific eligible expenses multiplied by the facility's Medicaid occupancy percentage plus Medicaid resident-specific expenses.

a. If Medicaid occupancy is not easily verified using the evacuation resident listing, the Medicaid occupancy from the most recently filed cost report will be used.

2. Payments shall be made as quarterly lump-sum payments until all eligible expenses have been submitted and paid. Eligible expense documentation must be submitted to the department by the end of each calendar quarter.

3. All eligible expenses documented and allowed under §1319 will be removed from allowable expense when the nursing facility's Medicaid cost report is filed. These expenses will not be included in the allowable cost used to set case-mix reimbursement rates in future years.

a. Equipment purchases that are reimbursed on a rental rate under §1319.B.2.c may have their remaining basis included as allowable cost on future costs reports provided that the equipment is in the nursing facility and being used. If the remaining basis requires capitalization under CMS Publication 15-1 guidelines, then depreciation will be recognized.

4. Payments shall remain under the upper payment limit cap for nursing facilities.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:

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

Alan Levine
Secretary

0802#033

DECLARATION OF EMERGENCY

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

Targeted Case Management
Nurse Family Partnership Program
(LAC 50:XV.11101-11103)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends LAC 50.XV.11101-11103 under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the 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 clarified the provisions governing the Nurse Family Partnership (NFP) Program by adopting all existing Rules in codified format in Title 50 of the *Louisiana Administrative Code* (*Louisiana Register*, Volume 30, Number 5). The Nurse Family

Partnership Program provides case management services to a targeted population group composed of first-time mothers in certain Department of Health and Hospitals (DHH) administrative regions. The bureau amended the May 20, 2004 Rule to expand the DHH administrative regions served and to amend the eligibility criteria and staffing qualifications (*Louisiana Register*, Volume 31, Number 8). The U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) has provided clarification that eligibility for targeted case management services is not transferable between target groups. In compliance with the CMS directive, the bureau amended the August 20, 2005 Rule to clarify that the first-time mother continues to be the focus of the NFP Program after the birth of the child (*Louisiana Register*, Volume 32, Number 7). This Emergency Rule is being promulgated to continue the provisions of the July 20, 2006 Emergency Rule. This action is being taken to avoid federal sanctions.

Effective March 16, 2008, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the provisions of the August 20, 2005 Rule addressing the program description and recipient qualifications in the Nurse Family Partnership Program.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 7. Targeted Case Management

Chapter 111. Nurse Family Partnership Program

§11101. Introduction

A. Nurse Family Partnership (NFP) targeted case management is a prenatal program designed to improve the health and social functioning of Medicaid eligible first-time mothers and their babies.

B. ...

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

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

§11103. Recipient Qualifications

A. A Medicaid recipient must not be beyond the twenty-eighth week of pregnancy and must attest that she meets one of the following definitions of a first-time mother in order to receive NFP case management services. The recipient:

A.1. - B.3. ...

C. Nurse Family Partnership case management services to the mother may continue up to two years after the birth of the child.

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

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

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

Alan Levine
Secretary

0802#034

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Oyster Season Re-Opening—Sister Lake

In accordance with the emergency provisions of the Administrative Procedure Act, Louisiana Revised Statutes (R.S.) 49:953(B) and 967(D), and under the authority of R.S. 56:433 and R.S. 56:434, notice is hereby given that the Wildlife and Fisheries Commission reopens the Sister Lake Public Oyster Seed Reservation, as described in R.S. 56:434.E, effective at one-half hour before sunrise on February 11, 2008 until one-half hour after sunset on February 29, 2008 with the following provisions:

1. Any vessel from which any person(s) takes or attempts to take oysters from the Sister Lake Public Oyster Seed Reservation described above shall:

a. be limited to a daily take and possession limit not to exceed 50 sacks of oysters per vessel. A sack of oysters for the purposes of this Declaration of Emergency shall be defined as the size described in R.S. 56:440. The daily take and possession limit shall not apply to vessels harvesting seed oysters from the reservation for bedding purposes;

b. be limited to either harvesting oysters for direct sale (sacking) or harvesting seed oysters for bedding purposes on any one day and is specifically prohibited from doing both.

2. If any person on a vessel takes or attempts to take oysters from the public oyster seed reservation described above, all oysters contained on that vessel shall be deemed to have been taken from said reservation.

3. Any oysters taken for direct sale (sacking) from the public oyster seed reservation described above must be contained within properly tagged sacks prior to departing the public oyster seed reservation; and undersized oysters that do not meet the requirements set forth in R.S. 56:433(A) and non-living reef material shall be immediately replaced and scattered broadcast upon the public oyster seed reservation from which taken.

4. The 2004 cultch plant location within the following coordinates shall remain closed to all harvest:

29 degrees 13 minutes 36.49 seconds N
90 degrees 54 minutes 59.89 seconds W
29 degrees 13 minutes 32.29 seconds N
90 degrees 54 minutes 43.89 seconds W
29 degrees 13 minutes 15.72 seconds N
90 degrees 55 minutes 05.51 seconds W
29 degrees 13 minutes 12.58 seconds N
90 degrees 54 minutes 46.94 seconds W

All rules and regulations set forth by the Wildlife and Fisheries Commission through the Resolution and Declaration of Emergency passed on August 2, 2007 for other public oyster areas, and all statutes, remain in effect.

The Secretary of the Department of Wildlife and Fisheries is authorized to take emergency action as necessary to close or delay this season in areas if oyster mortalities are occurring, where significant spat catch has occurred with good probability of survival, where it is found that there are excessive amounts of non-living reef material in seed oyster loads, if oyster resources and/or reefs are being adversely impacted, or if enforcement problems are encountered.

The secretary is authorized to take emergency action to reopen areas previously closed if the threat to the resource has ended, or may open areas if substantial oyster resources are located.

Notice of any opening, delaying or closing of a season will be made by public notice at least 72 hours prior to such action unless such closure is ordered by the Louisiana Department of Health and Hospitals for public health concerns.

Patrick C. Morrow
Chairman

0802#026

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Reef Fish Harvest

The reef fish fishery in the Gulf of Mexico is cooperatively managed by the Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. Rules were established by NMFS to reduce the commercial and recreational vermilion snapper minimum size limit; eliminate the bag limit restriction for vermilion snapper with the existing 20-fish aggregate reef fish bag limit; eliminate the 40-day commercial closure for vermilion snapper, and modify Individual Fishing Quota (IFQ) requirements for the commercial red snapper fishery. NMFS typically requests consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In order to enact regulations in a timely manner so as to have compatible regulations in place in Louisiana water to coincide with the regulation set forth by NMFS, it is necessary that emergency rules be enacted.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, the Wildlife and Fisheries Commission hereby declares:

NMFS has clarified landing and offloading requirements for the red snapper Individual Fishing Quota (IFQ) program. Effective 6 a.m., February 8, 2008, IFQ fishermen can land their vessels anytime during the day and night, provided that a landing notification has been given 3 to 12 hours prior to landing; can only offload red snapper from 6 a.m. to 6 p.m.; and do not need to give a law enforcement an offloading notification for red snapper. For the purposes of these regulations, the term *landing* means tying a vessel to a dock. *Offloading* means removing red snapper from a vessel.

Effective March 5, 2008, the commercial and recreational vermilion snapper minimum size limit is reduced from 11 inches to 10 inches total length; the 10 fish recreational bag limit restriction for vermilion snapper within the existing 20-fish aggregate reef fish bag limit is eliminated; and the 40-day commercial closure for vermilion snapper is eliminated, which extended from April 22 through May 31 each year.

Patrick C. Morrow
Chairman

0802#025

Rules

RULE

Board of Elementary and Secondary Education

Nonpublic Bulletin 741—Louisiana Handbook for Nonpublic School Administrators (LAC 28:LXXIX.303, 2103, 2703, 3301, and 3303)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has adopted revisions to *Nonpublic Bulletin 741—Louisiana Handbook for Nonpublic School Administrators*. Nonpublic Bulletin 741 is being revised to clarify those areas where interpretations are required and may be potentially inconsistent.

Title 28 EDUCATION

Part LXXIX. Nonpublic Bulletin 741—Louisiana Handbook for Nonpublic School Administrators

Chapter 3. Certification of Personnel

§303. Instructional Staff

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

i. for teachers in self-contained classrooms in grades 1 through 8, the major shall be in elementary education;

c. earn 12 semester hours of Knowledge of the Learner and the Learning Environment. A beginning teacher shall have a three-year period in which to meet this 12-semester hour standard:

i. requirements provide the prospective teacher with a fundamental understanding of the learner and the teaching and learning process. Coursework should address the needs of the regular and the exceptional child, such as:

- (a). child/adolescent development/psychology;
- (b). educational psychology;
- (c). the learner with special needs;
- (d). classroom organization and management;
- (e). multicultural education.

3. ...

a. Teachers of grades 1 through 8 without an elementary education major shall also work towards a practitioner's license through an alternative program as outlined in Bulletin 746.

B. A secondary teacher may teach in areas other than the major field for a period of time that is less than one-half of the school day provided that he has earned at least 12 semester hours in each such area. (Exception may be made for teachers in trade and industrial education classes.) These teachers must hold a degree from a regionally accredited institution and have earned 12 semester hours of Knowledge of the Learner and the Learning Environment courses.

1. A graduate of a foreign university or college, notwithstanding his/her major in college, may teach a foreign language if that language is his/her native tongue. The teacher must also earn 12 semester hours of Knowledge of the Learner and the Learning Environment courses within a three-year period.

C. - G. ...

H. Credentials for graduates of foreign universities or colleges must be submitted to the American Association of Collegiate Registrars and Admissions Officers (AACRAO) or any agency approved by BESE, for evaluation according to the DOE procedures. After reviewing the evaluation, the local administrator shall determine if the applicant is qualified to teach according to the requirements of this Section. A copy of the evaluation shall be kept on file in the principal's office.

H.1. - I.1. ...

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 29:2344 (November 2003), amended LR 31:3075 (December 2005), LR 32:1417 (August 2006), LR 32:2237 (December 2006), LR 34:229 (February 2008).

Chapter 21. Curriculum and Instruction

Subchapter B. Elementary Program of Studies

§2103. Minimum Time Requirements

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

B. Elementary Schools

1. Nonpublic elementary schools shall devote no less than 50 percent of the school day to the skill subjects: reading, language arts, and mathematics. The remainder of the school day shall be devoted to social studies, science, health and physical education, and electives such as religion, foreign languages, and visual and performing arts.

2. The following elementary program of studies will be followed for nonpublic elementary schools.

Program of Studies for Nonpublic Elementary Schools Self-Contained Classrooms	
Subject	Percent of School Day
Reading	50% (minimum)
Language Arts	
Mathematics	
Social Studies	50% (maximum)
Science	
Health and Physical Education	
Visual and Performing Arts	
Religion and/or Electives	

3. - 5. ...

Departmental Classes 6-Period Day Option		
	Periods per Week	Recommended
Language Arts	5	55
Mathematics and Introduction to Algebra	5	55
Social Studies (LA Studies & Am. History)	5	55
Science	5	55
Health and Physical Education	5	30
Religion and Electives	5	80
330 minutes per day		

Departmental Classes 7-Period Day Option		
	Periods per Week	Recommended
Language Arts	5	50
Mathematics and Introduction to Algebra	5	50
Social Studies (LA Studies & Am. History)	5	50
Science	5	50
Health and Physical Education	5	30
Religion and Electives	10	100
330 minutes per day		

- 6. - 6.g. ...
- h. Visual Arts;
- i. ...
- j. Performing Arts;
- k. - m. ...

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 29:2349 (November 2003), amended LR 31:3080 (December 2005), LR 34:229 (February 2008).

Chapter 27. Summer Schools
Subchapter A. Elementary Summer Schools
§2703. Administration

- A. - E. ...

F. Summer schools may be subject to an on-site visit by personnel from the SDE to verify information submitted on the report.

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 29:2362 (November 2003), amended LR 31:3093 (December 2005), LR 34:230 (February 2008).

Chapter 33. Glossary
§3301. Abbreviations/Acronyms

- ADA—Americans with Disabilities Act
- AP—Advanced Placement
- BESE—Board of Elementary and Secondary Education
- CPR—Cardiopulmonary Resuscitation
- CTE—Career/Technical Education
- DOE—Department of Education
- GED—General Educational Development Test
- GEE—Graduation Exit Examination
- IDEA—Individuals with Disabilities Education Act; The Special Education Law
- IAP—Individualized Accommodation Program
- IB—International Baccalaureate
- IBC—Industry-Based Certification
- IEP—Individualized Education Program
- JROTC—Junior Reserve Officer Training Corps
- LEA—Local Education Agency
- LEAP—Louisiana Educational Assessment Program
- LHSAA—Louisiana High School Athletic Association
- LMA—Louisiana Montessori Association
- MPS—Minimum Proficiency Standards
- NAEP—National Assessment of Educational Progress
- NCLB—No Child Left Behind

SAPE—Substance Abuse Prevention Education
TOPS—Tuition Opportunity Program for Students
AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 34:230 (February 2008).

§3303. Definitions

Academically Able Student—a student who is functioning at grade level as determined by the local school system. For special education students identified in accordance with Bulletin 1508—Pupil Appraisal Handbook, the IEP Committee shall determine the student's eligibility to receive foreign language instruction, provided the student is performing at grade level.

Accommodation—any technique that alters the academic setting or environment. An accommodation generally does not change the information or amount of information learned. It enables students to show more accurately what they actually know.

Activity Class—any class such as band, theatre, or chorus for which a large class size is acceptable due to the nature of the instruction.

Adapted Physical Education—specially designed physical education for those exceptional students for whom significant deficits in the psychomotor domain have been identified according to Bulletin 1508—Pupil Appraisal Handbook, and who, if school-aged, are unable to participate in regular physical education programs on a full-time basis.

Adult Education—instruction below the college level for adults who have not been awarded a regular high school diploma and who are not currently required to be enrolled in school.

Advanced Placement Program the Advanced Placement Program of the College Board—gives students the opportunity to pursue college-level studies while still in secondary school and to receive advanced placement and/or credit upon entering college.

Alternative School/Program—an educational school/program that deviates from the standards stated in *Bulletin 741* in order to meet the specific needs of a particular segment of students within the community. There are two types of alternative schools/programs:

1. alternative within Regular Education: the curriculum addresses state standards; and upon graduation, students earn a state-approved diploma;
2. alternative to Regular Education: the curriculum does not address state standards; and upon graduation, students do not earn a state-approved high school diploma.

Alternative to Regular Placement—placement of students in programs that are not required to address BESE performance standards.

Annual School Approval—an approval classification, based on the analysis of the Annual School Report, which is granted by the State Department of Education to each school.

Annual School Report—the report of the implementation by a school of the standards/regulations of this bulletin. It is submitted annually to the DOE by each school.

Approved School—a public or nonpublic school that has an approval classification based upon a degree of compliance with standards/regulations prescribed by BESE.

Articulated Credit—promotes a smooth transition from secondary to postsecondary education. It serves as a vehicle

for high school students to earn postsecondary credit while enrolled in high school or upon entering postsecondary study.

Assessment—the act or process of gathering data in order to better understand the strengths and weaknesses of a student learning as by observation, testing, interviews, etc.

Attendance (Half-Day)—a student is considered to be in attendance for one-half day when he or she:

1. is physically present at a school site or is participating in an authorized school activity; and
2. is under the supervision of authorized personnel for more than 25 percent but more than half (26-50 percent) of the student's instructional day.

Attendance (Whole-Day)—a student is considered to be in attendance for a whole day when he or she:

1. is physically present at a school site or is participating in an authorized school activity; and
2. is under the supervision of authorized personnel for more than 50 percent (51-100 percent) of the student's instructional day.

BESE Policy—a comprehensive statement that has the force and effect of law and that has been adopted by BESE to govern and to bring uniformity in education throughout Louisiana.

Certification—a licensing process whereby qualified professionals become legally authorized to teach or to perform designated duties in the schools under the jurisdiction of the State Board of Elementary and Secondary Education (BESE).

Class Size—the maximum enrollment allowed in a class or section.

Co-Curricular Activities—those activities that are relevant and supportive, that are an integral part of the program of studies in which the student is enrolled, and that are under the supervision and/or coordination of the school instructional staff.

Cooperative Education—programs that provide opportunities for career and technical education students to receive on-the-job training and related classroom instruction in the areas of agriculture, business, health, family and consumer science, marketing, and trade and industrial education programs.

Credit Exam—an examination for the purpose of verifying a student has mastered a course taken under conditions that do meet the requirements for awarding Carnegie credit, such as teacher certification or time requirements.

Cultural Arts—that subject area that includes music, arts and crafts, and the fine arts.

Cumulative Record—a current record of academic, health, and other special types of information maintained for each student throughout his progress in school.

Education Records—

1. those records, files, documents, and other materials which:
 - a. contain information directly related to a student; and
 - b. are maintained by an educational agency or institution or by a person acting for such agency or institution;
2. the term education records does not include:
 - a. records of instructional, supervisory, and administrative personnel and educational personnel ancillary

thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute;

- b. records maintained by a law enforcement unit of the educational agency or institution that were created by that law enforcement unit for the purpose of law enforcement;

- c. in the case of persons who are employed by an educational agency or institution but who are not in attendance at such agency or institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose; or

- d. records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity, and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

Elementary School—a school composed of any span of grades kindergarten through the eighth grade.

Equivalent Day—the number of minutes that reflect the required number of school and/or instructional day. School days may equal 180 days or 59,400 minutes. Instructional days may equal 175 days or 57,750 minutes.

Equivalent Major—the number of credit hours awarded from a regionally accredited college or university to meet the required content hours needed to teach in a core content area.

Evaluation—the in-depth process of review, examination, and interpretation of intervention efforts, test results, interviews, observations, and other assessment information relative to predetermined criteria.

Exceptional Child—a child who is evaluated in accordance with §430-436 of Bulletin 1706, Regulations for Implementation of Exceptional Children's Act (R.S. 17:1941 et seq.) and who is determined according to Bulletin 1508, Pupil Appraisal Handbook, to have an exceptionality that adversely affects educational performance to the extent that special education is needed.

Extracurricular Activities—those activities which are not directly related to the Program of Studies, which are under the supervision and/or coordination of the school instructional staff, and which are considered valuable for the overall development of the student.

Fine Arts—those arts produced or intended primarily for beauty rather than utility, such as music, dance, drama, and the visual arts (i.e., drawing, painting, sculpture).

Gifted—children or youth who demonstrate abilities that give evidence of high performance in academic and intellectual aptitude.

Home Study Program (Approved)—program in which an approved curriculum can be implemented under the direction and control of a parent or a tutor (i.e., court appointed guardian under Louisiana law).

Individualized Education Program (IEP)—a written statement of specially designed instruction developed, reviewed and revised by a group of qualified education personnel and the parent/guardian for each student with a disability.

Industry-Based Certification—a portable, recognized credential (tangible evidence) that an individual has successfully demonstrated skill competencies on a core set of content and performance standards in a specific set of work related tasks, single occupational area, or a cluster of related occupational areas.

Instructional Time—shall include the scheduled time within the regular school day devoted to teaching courses outlined in the Program of Studies. Instructional time does not include such things as recess, lunch, change of class time, and parent-teacher conferences.

Internship—student internships are situations where students work for an employer for a specified period of time to learn about a particular industry or occupation. Students' workplace activities may include special projects, a sample of tasks from different jobs, or tasks from a single occupation. These may or may not include financial compensation.

Knowledge of the Learner and the Learning Environment—course requirements that provide the prospective teacher with a fundamental understanding of the learner and the teaching and learning process. Coursework should address the needs of the regular and the exceptional child, such as:

1. child/adolescent development/psychology;
2. educational psychology;
3. the learner with special needs;
4. classroom organization and management;
5. multicultural education.

Language Arts—a broad subject area which includes reading, literature, speaking, listening, oral and written composition, English grammar, and spelling. (Foreign language may be included as part of the language arts program.)

Least Restrictive Environment—the educational placement of an exceptional child in a manner consistent with the Least Restrictive Rules in 1448 of Bulletin 1706—Regulations for Implementation for the Exceptional Children's Act and R.S. 17:1941 et seq.

Locally Initiated Elective—an elective course developed by a school and submitted to the DOE for approval according to the standards in §2125.

Modification—any technique that alters the work product in some way that makes it different from the work required of other students in the same class. A modification generally does change the work format or amount of work required of students. It encourages and facilitates academic success.

Paraprofessional—a person who is at least 18 years of age, possesses a certificate of good health signed by a physician, possesses an appropriate permit, and assists in the delivery of special educational services under the supervision of a special education teacher or other professional who has the responsibility for the delivery of services to exceptional children.

Paraprofessional Training Unit—a setting that may be used for the self-help training (toilet-training, dressing skills, grooming skills, feeding skills, and pre-academic readiness activities) of severely and profoundly handicapped children or preschool children. A school-aged unit may be comprised of no more than six paraprofessionals. A preschool unit may be comprised of no more than four paraprofessionals. All units must be supervised directly by a certified special education teacher. Each paraprofessional must have a full quota of students (three) before an additional paraprofessional can be added to the unit. A paraprofessional training unit must be approved by the Office of Special Educational Services for the DOE in accordance with operational standards established by BESE.

Preschool—no more than one year younger than the age established for kindergarten.

Procedures—specific actions or steps developed and required by the DOE to implement standards or regulations of BESE.

Proficiency Exam—an examination taken by a student to demonstrate mastery of a course they have not taken.

Pupil Appraisal Personnel—professional personnel who meet the certification requirements for school personnel for such positions and who are responsible for delivery of pupil appraisal services included in §410-436 of Bulletin 1706—Regulations for Implementation of the Exceptional Children's Act, and R.S. 17:1941 et seq.

Qualified Teacher—a teacher is considered qualified to teach in nonpublic schools if all of the following criteria are met:

1. has a bachelor's degree from a regionally accredited institution;
2. has a college major or the equivalent in the area of his/her teaching assignment; and
3. has earned 12 semester hours of Knowledge of the Learner and the Learning Environment

School Building Level Committee—a committee of at least three school level staff members. It shall be comprised of at least the principal/designee, a classroom teacher, and the referring teacher. It is suggested that other persons be included, such as the school counselor, reading specialist, master teacher, nurse, parents, pupil appraisal personnel, etc. This committee is a decision-making group that meets on a scheduled basis to solve problems or address concerns from teachers, parents, or other professionals on individual students who are experiencing difficulty in school because of academic and/or behavior problems. In most cases, for enrolled students, it is only through the SBLC that a referral can be made to pupil appraisal services for an individual evaluation.

Special Education—specially designed instruction, at no cost to the parent, to meet the unique needs of the student with an exceptionality.

Talented—children or youth who give evidence of measurable abilities of unique talent in visual and/or performing arts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6; R.S. 17:7.

0802#003

Weegie Peabody
Executive Director

RULE

Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for
State Certification of School Personnel
Foreign Language Special Certificate PK-8
(LAC 28.CXXXI.311)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has adopted revisions to *Bulletin 746—Louisiana Standards for State Certification of School Personnel: §311.Foreign Language Special Certificate PK-8*. This revision in policy will allow an individual applying for a Foreign Language Special Certificate PK-8 to present a course-by-course evaluation from World Education Services (WES) for certification. Previously applicants were limited to one credentialing evaluation company; this change will give applicants an additional option to determine degree equivalency.

Title 28 EDUCATION

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

Chapter 3. Teaching Authorizations and Certifications

§311. Foreign Language Special Certificate PK-8

A. - C. ...

D. Eligibility guidelines:

1. a bachelor's degree in education or equivalent preparation in education from a foreign country. The status of this degree will be determined by the Louisiana Department of Education (LDE), Division of Student Standards and Assessments. If LDE staff cannot make a degree equivalent determination, the candidate's credentials must be evaluated by the American Association of Collegiate Registrars and Admissions Officers (AACRAO) or by World Education Services. In the case of an AACRAO or World Education Services evaluation, the determination must be on "safe script" paper and must include a course-by-course evaluation;

D.2. - E. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1800 (October 2006), amended LR 33:1618 (August 2007), LR 34:233 (February 2008).

Weegie Peabody
Executive Director

0802#004

RULE

Board of Elementary and Secondary Education

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

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted revisions to *Bulletin 746—Louisiana Standards for State Certification of School Personnel: §305.Professional Level Certificates*. This revision in policy will allow an individual coming from another country to present a course-by-course evaluation from World Education Services (WES) for Louisiana certification. Previously applicants were limited to one credentialing evaluation company; this change will give applicants an additional option to determine degree equivalency.

Title 28

EDUCATION

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

Chapter 3. Teaching Authorizations and Certifications

§305. Professional Level Certificates

A. - A1.b.ii.(c). ...

c. Foreign Applicant—(OS) Certificate

i. Eligibility requirements:

(a). bachelor's or higher level degree verified by a regionally accredited institution in the United States. If the institution is located in Louisiana, the dean of the College of Education must recommend the applicant for certification based upon Louisiana requirements. If the institution is located in another state/country, the guidelines prescribed for out-of-state applicants must be followed; or

(b). credentials may be submitted to the American Association of Collegiate Registrars and Admissions Officers (AACRAO), Office of International Education Services or World Education Services for evaluation. The original course-by-course evaluation from AACRAO and World Education Services must be submitted directly from those agencies and must include a statement verifying the comparability of the baccalaureate degree in the field of education.

d. Foreign Applicant—Level 1 Certificate

i. Eligibility requirements:

(a). bachelor's or higher level degree verified by a regionally accredited institution in the United States. If the institution is located in Louisiana, the dean of the College of Education must recommend the applicant for certification based upon Louisiana requirements. If the institution is located in another state/country, the guidelines prescribed for out-of-state applicants must be followed; or

(b). credentials may be submitted to the American Association of Collegiate Registrars and Admissions Officers (AACRAO), Office of International Education Services or World Education Services for evaluation. The original course-by-course evaluation for

certification must come directly from the evaluating agency and must include a statement verifying the comparability of the baccalaureate degree in the field of education; and

(c). present appropriate scores on the NTE core battery (common exams) or the corresponding Praxis exams (Pre-Professional Skills Tests in reading, writing, and mathematics); the Principles of Learning and Teaching (PLT) or other pedagogy exam required for the area(s) of certification; and the specialty area exam(s) in the certification area(s) in which the teacher preparation program was completed or in which the initial certificate was issued.

A.2. - E.3. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1797 (October 2006), amended LR 34:233 (February 2008).

Weegie Peabody
Executive Director

0802#005

RULE

Student Financial Assistance Commission Office of Student Financial Assistance

Scholarship/Grant Programs—Prevention of Financial Peril
(LAC 28:IV.301, 505, 1101, 1103, 1107,
1201-1213, 1301, 1401-1419, 1701)

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

This rulemaking clarifies the amount of the award and revises the application procedures and enrollment requirements for the Rockefeller Wildlife Scholarship Program; clarifies the initial eligibility requirements and provides alternative eligibility requirements for displaced students applying for a GO Grant; clarifies that participation in Leveraging Education Assistance Partnership (LEAP) is limited to degree seeking students; and, for the Dual Enrollment Program, provides alternative eligibility requirements for students who want to enroll in work skill courses and were prevented from taking the PLAN by natural disasters, clarifies who is a first time student, allows use of the SAT and requires the student to meet the postsecondary institution's pre-requisite requirements for an ACT or SAT to enroll in academic mathematics and English courses (SG0891R).

Title 28

EDUCATION

Part IV. Student Financial Assistance—Higher Education Scholarship and Grant Programs

Chapter 3. Definitions

§301. Definitions

A. Words and terms not otherwise defined in these rules shall have the meanings ascribed to such words and terms in this Section. Where the masculine is used in these rules, it

includes the feminine, and vice versa; where the singular is used, it includes the plural, and vice versa.

Louisiana Resident—

a. - g.iv. ...

h. For any dependent student graduating from an out-of-state high school during the 2006-2007 academic year (high school) whose parent or court-ordered custodian was a member of the United States armed forces who, in the year 2006, moved from Louisiana under permanent change of station orders and retired from the armed forces, and changed his military personnel records to reflect a change of his state of legal residence from Louisiana to another state, shall meet the requirements of this Item, provided that such parent or court-ordered custodian changes his military personnel records from the other state to reestablish Louisiana as his state of legal residence no later than July 1, 2007, and has filed a Louisiana state income tax return for the two years preceding the date of the dependent's graduation from high school.

Merit Ranking Formula—a mathematical equation incorporating selected merit factors that is used to rank eligible applicants in the priority by which initial competitive scholarships are to be awarded. As of July 1, 1997, the TOPS Teacher Award and Rockefeller State Wildlife Scholarship are the only programs in which applicants are competitively ranked. The following formulas for the merit ranking of scholarship applicants provide for the equating of scores for high school graduating seniors and college students.

a. Formula I—applies to applicants for the Rockefeller State Wildlife Scholarship with less than 24 hours of graded college credit and to applicants for the TOPS Teacher Award with less than 48 hours of graded college credit:

$$\text{Merit Score} = \left(\left(\frac{\text{HSGPA}}{4.00} \right) \times 60 \right) + \left(\left(\frac{\text{ACT}}{36} \right) \times 40 \right)$$

b. Formula IA—applies to applicants for the Rockefeller State Wildlife Scholarship who are qualified home study completers with less than 24 hours of graded college credit:

$$\text{Merit Score} = \left(\frac{\text{ACT}}{36} \right) \times 100$$

c. Formula II—applies to applicants for the Rockefeller State Wildlife Scholarship with 24 or more hours of graded college credit and to applicants for the TOPS Teacher Award with 48 or more hours of graded college credit:

$$\text{Merit Score} = \left(\left(\frac{\text{College GPA}}{4.00} \right) \times 90 \right) + \left(\left(\frac{\text{College Level}}{4} \right) \times 10 \right)$$

d. Formula III—applies to applicants for the TOPS Teacher Award. For those applicants majoring in math or chemistry, an additional 10 points are added to the merit score determined by Formula I or II, resulting in an adjusted merit score.

e. Applicants' merit scores are ranked in descending order with the applicant with the highest merit score ranked first. The number of applicants selected for award is dependent upon the amount of award funds available.

f. In the event of a tie, the eligible applicants will be ranked based on the following criteria in the order listed:

- i. the applicant with more college hours earned;
- or
- ii. the student with the highest ACT (or equivalent SAT) score.

* * *

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 24:2237 (December 1998), LR 25:256 (February 1999), LR 25:654 (April 1999), LR 25:1458 and 1460 (August 1999), LR 25:1794 (October 1999), LR 26:65 (January 2000), LR 26:688 (April 2000), LR 26:1262 (June 2000), LR 26:1601 (August 2000), LR 26:1993, 1999 (September 2000), LR 26:2268 (October 2000), LR 26:2752 (December 2000), LR 27:36 (January 2001), LR 27:284 (March 2001), LR 27:1219 (August 2001), repromulgated LR 27:1842 (November 2001), amended LR 27:1875 (November 2001), LR 28:45 (January 2002), LR 28:446 (March 2002), LR 28:772 (April 2002), LR 28:2330, 2331 (November 2002), LR 29:555 (April 2003), LR 29:879 (June 2003), LR 30:1159 (June 2004), LR 30:2015 (September 2004), LR 31:36 (January 2005), LR 31:3112 (December 2005), LR 33:86 (January 2007), LR 33:439 (March 2007), LR 33:1339 (July 2007), LR 33:2612 (December 2007), LR 34:234 (February 2008).

Chapter 5. Applications, Federal Grant Aid and ACT Test

§505. Application Deadlines for High School Graduates and Home Study Completers of 2004 and Later and Eligible Non-Graduates

A.1. - F.3.b. ...

4. All recipients of Louisiana Scholarship and Grant Programs other than TOPS and the Rockefeller Wildlife Scholarship Program must submit a renewal FAFSA for each academic year (college) the student enrolls.

G. ...

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:635 (April 1998), amended LR 24:1901 (October 1998), repromulgated LR 27:1847 (November 2001), amended LR 30:2017 (September 2004), LR 31:37 (January 2005), LR 32:2238 (December 2006), LR 33:83 (January 2007), LR 33:2357 (November 2007), LR 34:235 (February 2008).

Chapter 11. Rockefeller State Wildlife Scholarship

§1101. General Provisions

A.1. - C.2. ...

3. The award is disbursed:

- a. at postsecondary institutions using semesters at the rate of \$500 each fall and spring semester; or
- b. at postsecondary institutions using terms at the rate of \$333 for the fall and winter term and of \$334 for the spring term.

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:639 (April 1998), amended LR 24:1908 (October 1998), repromulgated LR 27:1859 (November 2001), amended LR 34:235 (February 2008).

1103. Establishing Eligibility

A. - A.2. ...

3.a. through the 2007-2008 academic year (college), submit the completed Free Application for Federal Student Aid (FAFSA) or the Renewal FAFSA, whichever is applicable to the student, so that it is received by the federal processor by the final deadline set forth in §501.C or §505.F; or

b. beginning with the 2008-2009 academic year (college):

i. to be eligible for the scholarship for both fall and spring semesters of the academic year (college), submit the completed Free Application for Federal Student Aid (FAFSA) or the Renewal FAFSA, whichever is applicable to the student, so that it is received by the federal processor and by LOSFA by the final deadline set forth in §501.C or §505.F;

ii. to be eligible for the scholarship, if funds are available, for the spring semester of the academic year (college), submit the completed Free Application for Federal Student Aid (FAFSA) or the Renewal FAFSA, whichever is applicable to the student, so that it is received by the federal processor by the final deadline set forth in §501.C or §505.F; and

4.a. through the 2007-2008 academic year (college), complete and submit such documentary evidence as may be required by LOSFA; or

b. beginning with the 2008-2009 academic year, complete and submit such documentary evidence as may be required by LOSFA so that it is received by LOSFA no later than July 1 preceding the academic year (college) for which the scholarship is sought; and

5. beginning with the 2008-2009 academic year:

a. to be eligible for the scholarship for both fall and spring semesters of the academic year (college), complete and submit the Rockefeller Wildlife Scholarship Application and a master promissory note so that they are received by LOSFA no later than July 1 preceding the fall semester for which the scholarship is sought; or

b. to be eligible for the scholarship, if funds are available for the spring semester of the academic year (college), complete and submit the Rockefeller Wildlife Scholarship Application and a master promissory note so that they are received by LOSFA no later than December 1 immediately preceding the spring semester for which the scholarship is sought; and

6. - 9.b. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 R.S. 17:3048.1 and R.S. 56:797.D(2).

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:639 (April 1998), amended LR 24:1908 (October 1998), LR 27:1220 (August 2001), repromulgated LR 27:1859 (November 2001), amended LR 28:774 (April 2002), LR 29:125 (February 2003), LR 30:2020 (September 2004), LR 33:87 (January 2007), LR 34:235 (February 2008).

§1107. Maintaining Eligibility

A. - A.3. ...

4. continue to enroll as a full time student each subsequent semester or quarter (excluding summer sessions and intersessions) at the same institution unless granted an

exception for cause and/or approval for transfer of the award by LASFAC; and

5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1, R.S. 17:3048.1 and R.S. 56:797.D(2).

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:640 (April 1998), amended LR 24:1909 (October 1998), repromulgated LR 27:1859 (November 2001), amended LR 31:2215 (September 2005), LR 34:235 (February 2008).

Chapter 12. Louisiana GO Grant

§1201. General Provisions

A. Authority

1. In accordance with the requirements of Act 695 of the 2004 Regular Session of the Legislature, the Board of Regents developed the GO Grant Program. The program was reviewed and approved by both the Senate Committee on Education and the House Committee on Education on April 12, 2007.

2. The Louisiana GO Grant Program is administered by the Louisiana Office of Student Financial Assistance in accordance with the approved program and a memorandum of understanding by and between the Louisiana Board of Regents and the Louisiana Student Financial Assistance Commission.

B. Description, History and Purpose. The Louisiana GO Grant assists those students who can demonstrate financial need to pay for the cost of postsecondary education. The GO Grant is used to pay a portion of the cost of attendance at an eligible Louisiana institution.

C. Maximum Award Amount

1. The maximum annual award for any student is \$2,000 per academic year.

2. The annual award amount for students who enroll less than full time shall be reduced based on the maximum amount for which the eligible Louisiana institution is authorized to submit a payment request in §1211.C.2.

3. The maximum total lifetime award amount for any student is \$10,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3023 and R.S. 17:3129.7.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2614 (December 2007), amended LR 34:236 (February 2008).

§1203. Definitions

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

Academic Year—the academic year begins with the fall semester or term of the award year, includes the winter term, if applicable, and concludes with the completion of the spring semester or term of the award year. Summer terms *may* be included in the academic year if the post-secondary institution provides students with Pell Grants or financial need grants during the summer session, in which case, the academic year culminates with the summer session.

Administering Agency—the Louisiana Student Financial Assistance Commission through the Louisiana Office of Student Financial Assistance or LOSFA.

Age—a student's age is calculated by subtracting his birth year from the academic begin year he begins college enrollment. For example, a student who is born in 1983 who enrolls in college during the fall semester of 2007 or the spring semester of 2008 is 24.

Cost of Attendance—the total cost for a student to attend a particular postsecondary institution, usually expressed as an academic year figure. This cost shall be determined by the postsecondary institution attended in compliance with Title IV of the Higher Education Act of 1965, as amended, and shall be annually updated and adopted by the institution.

Credit-bearing Course—a course in which postsecondary education credit is attempted.

Dependent Student—a student who does not qualify as an independent student and is deemed to be dependent on his parents for support and therefore is required to include parental information on the Free Application for Federal Student Aid (FAFSA) or renewal FAFSA.

Education Allowance—\$2,000 per academic year.

Education Cost Gap (ECG)—

a. for eligible Louisiana institutions, except a Louisiana public college that has been granted regional Candidacy Status and is eligible to participate in the Go Grant Program, the Louisiana Basic College Costs (LBCC) minus the federal Pell Grant amount for a full time student;

b. for a Louisiana public college that has been granted regional Candidacy Status and is eligible to participate in the Go Grant Program, the Louisiana Basic College Costs (LBCC) minus the financial need grant amount at that institution for a full time student.

Eligible Louisiana Institution—Louisiana public colleges or universities and regionally accredited independent colleges or universities in the state that are members of the Louisiana Association of Independent Colleges and Universities and a Louisiana public college that has been granted regional Candidacy Status, but is not yet eligible to participate in Title IV programs, may award students a GO Grant. Candidacy Status institutions must require students to complete a FAFSA and the institution must determine a student's eligibility in accordance with rules under this chapter.

Enrollment—registration in programs of study at a postsecondary institution.

Expected Family Contribution (EFC)—an amount, determined by a formula established by Congress, that indicates how much of a family's financial resources should be available to help pay for the student's cost of attendance. Factors such as taxable and nontaxable income, assets (such as savings and checking accounts), and benefits (for example, unemployment or Social Security) are all considered in this calculation.

Federal Pell Grant—the Pell Grant provided under Title IV of the Higher Education Act of 1965, as amended.

Financial Need—the student's cost of attendance minus the expected family contribution (EFC) minus any estimated financial assistance not received under Title IV of the Higher Education Act as amended.

Financial Need Grant—an institutional grant provided by the state for students with financial need as evidenced by

the data reported on the FAFSA at a Louisiana public college that has been granted regional candidacy status and is eligible to participate in the Go Grant Program.

First-Time Freshman—a student who, after high school graduation, has never attended any postsecondary institution, and those students enrolled in the fall term who attended college for the first time in the prior summer term after high school graduation and students who entered with advanced standing (college credits earned before graduation from high school).

Full Time—a student enrolled in an eligible Louisiana institution who is considered program full time by the school, or is enrolled in at least 12 semester credit hours, or 8 hours at a term school.

Go Grant Award Amount—the award amount actually paid during an academic year.

Half Time—a student enrolled in an eligible Louisiana institution who is not full time but is enrolled in at least six semester credit hours, or four hours at a term school.

Independent Student—a student who meets at least one of the criteria listed in Subparagraphs a-f or has been determined independent by a financial aid officer exercising professional judgment in accordance with applicable provisions of the Higher Education Act of 1965, as amended:

- a. reached 24 years of age prior to January of the year preceding the academic year for which the student is applying for aid;
- b. is currently serving on active duty for purposes other than training or is a veteran of the U.S. Armed Forces, including a student who was activated to serve in Operation Desert Storm;
- c. is an orphan or a ward of the court or was a ward of the court until age 18;
- d. has legal dependents other than a spouse;
- e. is a graduate or professional student;
- f. is married.

Less Than Half Time — A student enrolled in an eligible Louisiana institution who is not full time and is enrolled in less than six semester credit hours or four hours at a term school.

Louisiana Basic College Costs (LBCC)—

- a. for students enrolled at eligible Louisiana public institutions, the tuition and mandatory fees that are assessed a full time student for enrollment during the academic year at that institution, not including summer semesters or sessions, as approved on a yearly basis by the Louisiana Board of Regents, plus the education allowance;
- b. for students enrolled at regionally accredited independent colleges or universities in the state that are members of the Louisiana Association of Independent Colleges and Universities, the average tuition and mandatory fees for full time students at the four year eligible Louisiana public institutions, plus the education allowance.

Louisiana Resident—

- a. a dependent or independent student whose true, fixed, and permanent home of residence is Louisiana as reported on the Free Application for Federal Student Aid (FAFSA);
- b. a dependent student whose non-custodial parent completes a residency affidavit in subparagraph e below that establishes Louisiana residency;

- c. a dependent student whose parent is transferred out of Louisiana temporarily by his/her employer and that parent completes a residency affidavit in subparagraph e below that establishes Louisiana residency;

- d. a dependent student whose parent is on active duty in the Armed Forces and who is stationed in Louisiana under permanent change of station orders, or an independent student who is on active duty military status in the Armed Forces and is stationed in Louisiana under permanent change of station orders;

- e. if the dependent or independent student does not report Louisiana as his true, fixed, and permanent home of residence as Louisiana on the FAFSA, the administering agency may require an independent student applicant or the parent of a dependent student applicant to show proof of residency. Residency may be established by completion of a standard affidavit developed by the administering agency. Such affidavits must be completed in their entirety by the independent student applicant or by at least one parent of the dependent student applicant and be sworn to and notarized by a licensed notary public. Further, the affiant shall be required to submit records in support of the affidavit to include the following records and such other records as may be required by the administering agency:

- i. if registered to vote, a Louisiana voter registration card; and
- ii. if licensed to drive a motor vehicle, a Louisiana driver's license; and
- iii. if owning a motor vehicle located in Louisiana, a Louisiana registration for that vehicle; and
- iv. if earning a reportable income, a Louisiana tax return;

- f.i. a displaced student who has been certified by the principal or headmaster to have graduated during the 2006-2007 school year from an out-of-state high school that meets the criteria of an eligible out-of-state high school as provided in §1701.A.4 and 5 and receives a Louisiana Distance Diploma from the Board of Elementary and Secondary Education is a *Louisiana Resident* for the purposes of this Chapter if:

- (a). such dependent or independent student actually resided in Louisiana during his entire 10th grade year of high school and was enrolled for such time in an eligible Louisiana high school; or

- (b). such dependent student has a parent or court-ordered custodian who actually resided in a parish listed in Subclause f.ii.(a). below for at least the 12 months prior to August 26, 2005, or in a parish listed in Subclause f.ii.(b). below for at least the 12 months prior to September 20, 2005;

- ii. for the purposes of this Subsection, *displaced student* means:

- (a). a student who on August 26, 2005, was actually residing in Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Tammany, Tangipahoa, or Washington Parish; and

- (i). was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

- (ii). was enrolled in a home study program approved by the State Board of Elementary and Secondary Education; or

(b). a student who on September 20, 2005, was actually residing in Acadia, Allen, Beauregard, Calcasieu, Cameron, Iberia, Jefferson Davis, St. Mary, Terrebonne, or Vermilion Parish; and

(i). was enrolled in an eligible Louisiana high school as provided in §1701.A.1, 2 and 3; or

(ii). was enrolled in a home study program approved by the State Board of Elementary and Secondary Education.

Over Award—an over award occurs when a student receives financial aid in excess of his financial need or the cost of attendance of an award under state programs to which the student was not entitled.

Postsecondary Institution—an institution which has as its sole purpose or one of its primary missions the provision of postsecondary education. Postsecondary education is the provision of a formal instructional program whose curriculum is designed primarily for students beyond the compulsory age for high school. This includes programs whose purpose is academic, vocational, and continuing professional education, and excludes adult basic education programs.

Program Full Time—a student is enrolled in a degree program at an eligible Louisiana institution that the institution defines full-time as less than 12 hours per semester or eight hours per term.

Satisfactory Academic Progress—a standard established in accordance with the Higher Education Act of 1965, as amended, by the institution at which a GO Grant recipient is enrolled for measuring a student's progress in his or her educational program.

Undergraduate Program—a program of study that is designed to lead to a certificate or undergraduate degree.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3023 and R.S. 17:3129.7.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2615 (December 2007), amended LR 34:236 (February 2008).

§1205. Application and Initial Eligibility

A. Application. A student must complete the Free Application for Federal Student Aid for the year during which he intends to enroll in college.

B. Initial Eligibility. In order to be eligible for a Louisiana GO Grant, a student must:

1. be a Louisiana resident; and
2. receive a federal Pell Grant or a financial need grant; and
3. have an Education Cost Gap (ECG) greater than \$0; and
- 4.a. be a first time freshman who entered college during the 2007-2008 academic year or later; or
- b. have entered college as a first time freshman during the 2007-2008 academic year or later and have become eligible for a federal Pell Grant or a financial need grant after the freshman year; or
- c. be age 25 or older and have entered college as a first time freshman before the 2007-2008 academic year and have had a break in enrollment of at least two consecutive semesters, not including a summer semester or term,

immediately preceding the period of enrollment for which the student is being considered for receipt of a grant under this Chapter.

C. In order to receive a grant under this Chapter, an eligible student must be enrolled in an undergraduate program at an eligible Louisiana institution through the 14th class day (9th class day at quarter and term schools).

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3023 and R.S. 17:3129.7.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2616 (December 2007), amended LR 34:238 (February 2008).

§1207. Continuing Eligibility

A. Application. A student must complete the Free Application for Federal Student Aid or the Renewal Application for each year he enrolls in college to be considered for a Pell Grant and the Go Grant.

B. A student's eligibility will be reevaluated on the same schedule as eligibility for a federal Pell Grant or a financial need grant is determined at the institution, but at least once annually.

1. The student must continue to receive the federal Pell Grant or a financial need grant.

2. The student must still have an education cost gap greater than \$0 as determined using the ECG formula.

3. The student must have maintained satisfactory academic progress as defined by the institution in which he is enrolled in accordance with the Higher Education Act of 1965.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3023 and R.S. 17:3129.7.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2616 (December 2007), amended LR 34:238 (February 2008).

§1209. Eligibility of Louisiana Postsecondary Institutions

A. Eligible Louisiana Institutions

1. Eligible public Louisiana institutions that provide undergraduate programs.

2. Regionally accredited private colleges and universities that are members of the Louisiana Association of Independent Colleges and Universities, Inc. (LAICU). As of July 2007, LAICU membership included Centenary College, Dillard University, Louisiana College, Loyola University, New Orleans Baptist Theological Seminary, Our Lady of the Lake College, Our Lady of Holy Cross College, St. Joseph Seminary College, Tulane Medical Center, Tulane University and Xavier University.

B. Audits

1. Eligible Louisiana institutions that participate in the Louisiana GO Grant program grant LOSFA and the Louisiana legislative auditor the right to inspect records and perform on-site audits of each institution's administration of the program for the purpose of determining the institution's compliance with state law and applicable rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3023 and R.S. 17:3129.7.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2616 (December 2007), amended LR 34:238 (February 2008).

§1211. Responsibilities of Eligible Louisiana Institutions

A. Initial Eligibility

1.a. Eligible Louisiana institutions must determine whether the student meets the criterion in Subparagraph a of the definition of *Louisiana Resident* in §1203.

b. If this criterion is not met, the student may request that LOSFA make a determination of residency under Subparagraph e of the definition of *Louisiana Resident* in §1203.

2. Eligible Louisiana institutions must determine whether a student meets the initial eligibility criteria enumerated in §1205.B.2-4.

B. Continuing Eligibility. Eligible Louisiana institutions must determine whether a student meets the continuing eligibility criteria enumerated in §1207 on the same schedule as eligibility for a Pell Grant or a financial need grant is determined at the institution, but at least once annually.

C. Submission of Payment Requests. Each semester or term, eligible Louisiana institutions shall submit a payment request to LOSFA for students enrolled at the institution who have been determined eligible for a Louisiana GO Grant as follows:

1. for each student eligible for a Louisiana GO Grant who is enrolled at the end of the 14th class day for semester schools, or the 9th class day for quarter and term schools, or for any qualifying summer sessions, at the end of the last day to drop and receive a full refund for the full summer session;

2. payment request amount:

a. \$1,000 per semester for a student enrolled full time after the 14th class day in an eligible Louisiana institution that operates on a semester basis or \$667 (\$666 for the final term of the award year) per term for a student enrolled full time after the 9th class day in an eligible Louisiana institution that operates on a term basis;

b. \$500 per semester for a student enrolled half time after the 14th class day in an eligible Louisiana institution that operates on a semester basis or \$333 (\$334 for the final term) per term for a student enrolled half time after the 9th class day in an eligible Louisiana institution that operates on a term basis;

c. \$250 per semester for a student enrolled less than half time after the 14th class day in an eligible Louisiana institution that operates on a semester basis or \$167 (or \$166 for the final term) per term for a student enrolled less than half time after the 9th class day in an eligible Louisiana institution that operates on a term basis;

d. for summer sessions, the difference between what the student was paid during the preceding fall semester or term, winter term, if applicable, and spring semester or term and the student's maximum annual award amount; provided the award for the summer session shall not exceed \$1,000;

3. the payment request shall include the social security number, college code, term, date, hours attempted, award amount, education cost gap and amount requested for each student;

4. for students who are enrolled in more than one eligible Louisiana institution, the home school (school paying the Pell Grant or a financial need grant) is responsible for submitting a payment request for the GO Grant based on the total hours enrolled at all institutions.

D. Over Payments

1. No institution shall submit a payment request for GO Grant funds which would result in a student receiving an annual total of more than is authorized in §1201.C.

2. Eligible Louisiana institutions certify by submitting a payment request for a GO Grant that the institution will reimburse LOSFA for any award funds that are disbursed to ineligible students, in excess of the maximum annual award or in excess of the maximum lifetime award.

E. Over Award. In the event the student's total aid, including vocational rehabilitation awards, exceeds his financial need or the cost of attendance, any federal loan aid included in the total aid package shall be reduced, then institutional and other aid in accordance with institutional practice, then the Louisiana GO Grant, then a TOPS Award, if applicable, shall be reduced by the amount of any remaining over award.

F. Records Retention. Records pertaining to the payment requests for Louisiana GO Grants are subject to audit as required by LASFAC, the Louisiana Board of Regents, and the Louisiana Legislative Auditor. Eligible Louisiana institutions shall maintain all records for a minimum of three years from creation. All such records shall be made available upon request by LASFAC, the Louisiana Board of Regents and/or the Louisiana Legislative Auditor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3023 and R.S. 17:3129.7.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2617 (December 2007), amended LR 34:239 (February 2008).

§1213. Responsibilities of LOSFA

A. LOSFA shall pay each eligible Louisiana institution an amount equal to that amount in a payment request by the eligible Louisiana institution in accordance with the provisions of §1211.C.

B. LOSFA shall determine the residency of students who do not meet the criteria enumerated in Subparagraph a of the definition of *Louisiana Resident* in §1203 and notify eligible Louisiana institutions of its determination(s).

C. LOSFA shall maintain a database of all students who have received the GO Grant, including social security number, college code, term, date, hours attempted, award amount, education cost gap amount, annual amount received, and aggregate amount received. In the event LOSFA receives a payment request for a student in an amount that would exceed the student's eligibility, LOSFA will pay only that amount that will not exceed the student's eligibility.

D. Adequacy of Funding

1. After the receipt of fall semester or term payment requests, but no later than October 15 of each year, LOSFA shall determine whether sufficient funds are available to pay all anticipated awards for subsequent semesters, terms and sessions of the academic year.

2. In the event projections indicate sufficient funds are not available, LOSFA shall notify the Board of Regents.

3. In the event additional funds are not allocated for payment of all anticipated awards for subsequent semesters, terms and sessions during the academic year, the Board of Regents shall develop, approve and deliver a plan to LOSFA to address the shortfall.

E. LOSFA shall audit eligible Louisiana institutions to ensure compliance with these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3023 and R.S. 17:3129.7.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2617 (December 2007), amended LR 34:239 (February 2008).

Chapter 13. Leveraging Educational Assistance Partnership (LEAP)

§1301. General Provisions

A. - D. ...

E.1. Allocation of Funds. Annually, funds are allocated to post-secondary institutions based on school type, the school's prior year first-time, full-time enrollment of matriculating students and the amount of the prior year's allocation that was expended. Initial funds, for first-time recipients, are computed as a percentage of all participating institutions first-time, full-time enrollment as of October 10 of the prior fiscal year. A student's enrollment in an undergraduate degree granting school which is a component of a state supported medical center, shall be a first-time, full-time freshman for the purpose of this program. Continuation funds for students who had previously received LEAP are computed as a percentage of the allocated funds used during the previous year. The continuation formula applies 60 percent for four-year schools and 40 percent for two-year schools. For the purpose of this paragraph "matriculating student" means a degree seeking student.

E.2 - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:641 (April 1998), amended LR 24:1910 (October 1998), LR 25:1458 (August 1999), repromulgated LR 27:1860 (November 2001), amended LR 28:2332 (November 2002), LR 32:2239 (December 2006), LR 33:440 (March 2007), LR 34:240 (February 2008).

Chapter 14. Dual Enrollment Program

§1401. General Provisions

A. The Dual Enrollment Program is administered by the Louisiana Office of Student Financial Assistance (LOSFA) in accordance with a memorandum of understanding by and between the Louisiana Board of Regents and the Louisiana Student Financial Assistance Commission (LASFAC).

B. Description, History and Purpose. The Dual Enrollment Program is established to provide funding to Louisiana public postsecondary institutions that enroll eligible 11th and 12th grade Louisiana public high school students in college degree, developmental, or work skills courses. The purpose of the Dual Enrollment Program is to provide an incentive for qualified Louisiana public high school students to prepare for a postsecondary education or career.

C. Effective Date. Dual Enrollment Program payments shall be made beginning with the 2007-2008 award year to

postsecondary institutions for 11th and 12th grade students meeting the eligibility criteria set forth in this Chapter.

D. Eligible Semesters/Terms. The Dual Enrollment Program will pay for enrollment in each college course during each semester or term of the academic year. Dual Enrollment Program will not pay for summer semesters or sessions.

E. Award Amount. The Dual Enrollment Program will pay postsecondary institutions \$100 per college credit hour, not to exceed \$300 per course, for each course in which the student is eligible to enroll.

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2609 (December 2007), amended LR 34:240 (February 2008).

§1403. Definitions

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

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

College Degree Course—a course in an academic subject at a Louisiana postsecondary institution that generates postsecondary institutional credit and appears on the current Board of Regents' Statewide General Education Course Articulation Matrix.

Enrichment/Developmental Course—an English or mathematics course at a Louisiana postsecondary institution that generates postsecondary institutional credit, but not degree credit, and is designed to prepare the student for college-level instruction.

Postsecondary Institution—Louisiana public colleges or universities.

Work Skills Course—a course at a Louisiana postsecondary institution in a skill or occupational training area that is designed to lead to an industry-based certificate.

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2610 (December 2007), amended LR 34:240 (February 2008).

§1405. Establishing Eligibility

A. To establish eligibility for the Dual Enrollment Program, all student applicants must meet the following criteria:

1. be in the 11th or 12th grade in a Louisiana public high school;

2. be working towards and on track to complete the Regents/TOPS core curriculum by high school graduation;

3.a. have taken either the PLAN[®] or ACT assessment (or SAT) and those scores are on file at the high school; or

b. for §1405.D only, students who do not have an ACT (or SAT) score and have been accepted by the postsecondary institution based on its written determination that a student was unable to take the PLAN[®] due to a natural disaster.

4. have completed and submitted a Dual Enrollment Program application to the high school in which the student is enrolled;

5. be approved by the high school in which the student is enrolled to participate in the program and to enroll in the course or courses; and

6. be enrolled in a course for which both high school and college credit is available and is for which a Dual Enrollment Program payment is made.

B. Enrollment in a College Degree Course. In addition to the eligibility criteria in Paragraphs A.1-6, a student must have a PLAN[®] or ACT (or an equivalent SAT):

1. composite score of at least 17 to enroll in a college degree course;

2. English sub-score of at least 18 or meet the postsecondary institution's pre-requisite requirement to enroll in an entry level English college degree course;

3. mathematics sub-score of at least 18 or meet the postsecondary institution's pre-requisite requirement to enroll in an entry level mathematics college degree course.

C. Enrollment in an Enrichment/Developmental Course. In addition to the eligibility criteria in Paragraphs A.1-6, a student must have a PLAN[®] or ACT (or an equivalent SAT):

1. composite score of at least 12 to enroll in an enrichment/developmental course;

2. English sub-score of at least 12 to enroll in an English enrichment/developmental course;

3. mathematics sub-score of at least 12 to enroll in a mathematics enrichment/developmental course.

D. Enrollment in a Work Skills Course. In addition to the eligibility criteria in Paragraphs A.1-6, a student must have:

1. a PLAN[®] or ACT Composite score (or an equivalent SAT score) of at least 12; or

2. have no ACT or SAT score and have been accepted by the postsecondary institution based on its written determination that a student was unable to take the PLAN[®] due to a natural disaster.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3023 and R.S. 17:3129.7.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2610 (December 2007), amended LR 34:240 (February 2008).

§1407. Continuing Enrollment

A. To continue enrollment in subsequent semesters/terms in the Dual Enrollment Program, the student must:

1. have successfully completed and earned credit in the last course(s) in which a student enrolled through the Dual Enrollment Program. If the student resigns or withdraws from a course, the student must receive permission from both the high school and college to continue enrollment in subsequent semesters/terms;

2. be in good standing at the postsecondary institution;

3. continue to meet eligibility requirements in §1405.

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2610 (December 2007), amended LR 34:241 (February 2008).

§1409. Responsibilities of High Schools and School Boards

A. The student's high school shall:

1. determine whether the student meets the initial eligibility criteria provided in §1405.A;

2. approve or disapprove the student's participation in the program;

3. approve the course or courses in which the student will enroll;

4. provide to the postsecondary institution at which the student will be dually enrolled:

a. the student's approved application; and

b. the student's PLAN and/or ACT test scores, including sub-scores on those tests required to enroll in specific courses as provided in §1405.B-D.

B. By forwarding the student's application to the postsecondary institution, the student's high school certifies that it has determined that the student has met all criteria in §1405.A to participate in the Dual Enrollment Program and has approved the student's participation in the program and the course or courses in which the student will be enrolled.

C. Upon completion of the course, the high school shall include the high school course, units attempted, units earned, and course grade on the student's permanent high school transcript.

D. At the end of each semester or term of participation in the program, the student's high school shall determine whether the student has met the criterion in §1407.A.1 for continued enrollment in the Dual Enrollment Program. If the student is determined eligible and the high school approves the student's continued participation in the program, it shall so notify the postsecondary institution and provide the course or courses approved for enrollment.

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2610 (December 2007), amended LR 34:241 (February 2008).

§1413. Responsibilities of Louisiana Public Postsecondary Institutions

A. Each Louisiana public postsecondary institution that participates in the Dual Enrollment Program shall:

1. be responsible for determining that the student meets the PLAN or ACT eligibility criteria provided in §1405.B-D;

2. reserve Dual Enrollment Program funds when the student is accepted and enrolled in an appropriate course;

3. submit a payment request to LOSFA for students enrolled at the institution for whom a reservation was made as follows:

a. for each student eligible for the Dual Enrollment Program who is enrolled at the end of the 14th class day or later for semester schools, or the 9th class day or later for quarter and term schools;

b. payment request amount. Each semester or term, the postsecondary institution in which a student is dually enrolled shall submit a payment request to LOSFA in the amount of \$100 per credit hour in which the student is enrolled, not to exceed \$300 for each college course;

c. the postsecondary institution may not charge the student any mandatory institutional and tuition fees for enrollment in a course paid for by the Dual Enrollment Program;

d. the payment request shall include the social security number, college code, high school code, term, date, college course type, hours attempted, and amount requested for each student;

4. for students who have been previously enrolled in the Dual Enrollment Program, determine whether the student is in good standing at that institution;

5. by submitting a payment request to LOSFA, the postsecondary institution certifies that:

a. the student meets the eligibility criteria provided in 1405.B-D for the college course in which the student is dually enrolled;

b. the student was enrolled at the end of the 14th class day or later for semester schools, or the 9th class day or later for quarter and term schools;

c. the student's high school has provided notice that the student is eligible for and has been approved to continue participation in the program; and

d. the student's high school has provided notice of the course or courses approved for enrollment;

e. the student is in good standing at the institution;

6. upon completion of the course, the postsecondary institution shall include the college course, credit attempted, credit earned, and course grade on the student's permanent postsecondary education transcript.

B. Records Retention

1. Records pertaining to the Dual Enrollment Program are subject to audit as required by LOSFA, LASFAC, the Louisiana Board of Regents, and the Louisiana Legislative Auditor. Postsecondary institutions shall maintain all records for a minimum of three years. All such records shall be made available upon request by LOSFA, LASFAC, the Louisiana Board of Regents and the Louisiana Legislative Auditor.

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2611 (December 2007), amended LR 34:241 (February 2008).

§1415. Responsibilities of the Board of Regents

A. The Board of Regents shall provide a student application to participate in the Dual Enrollment Program.

B. The Board of Regents shall maintain a Statewide General Education Course Articulation Matrix.

C. In the event that the funds appropriated for the Dual Enrollment Program are insufficient to pay for all eligible students, the Board of Regents shall develop, approve and deliver a plan to LOSFA to address the shortfall.

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2611 (December 2007), amended LR 34:242 (February 2008).

§1417. Responsibilities of LOSFA

A. Upon receipt of payment requests from institutions submitted in accordance with §1413.A, LOSFA shall pay the institution for each eligible student in accordance with §1413.

B. LOSFA shall conduct audits of the participating Louisiana public postsecondary institutions to ensure compliance with program requirements.

C. LOSFA shall provide the information necessary to fully inform Louisiana public high school students and their parents on the requirements of and procedures for applying for and maintaining eligibility for the Dual Enrollment Program.

D. LOSFA shall audit high schools and postsecondary institutions to ensure compliance with these rules.

E. LOSFA shall maintain a database of all students who have participated in the Dual Enrollment Program, including social security number, college code, high school code, term, date, college course type, hours attempted, payment amount, and aggregate amount paid.

F.1. After the receipt of fall semester or term payment requests, but no later than October 15 of each year, LOSFA shall determine whether sufficient funds are available for all anticipated program payments for subsequent semesters and terms of the academic year.

2. In the event projections indicate sufficient funds are not available, LOSFA shall notify the Board of Regents.

3. In the event additional funds are not allocated for all program payments anticipated for subsequent semesters and terms during the academic year, the Board of Regents shall develop, approve and deliver a plan to LOSFA to address the shortfall.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3023 and R.S. 17:3129.7.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2611 (December 2007), amended LR 34:242 (February 2008).

§1419. Responsibilities of LASFAC

A. LASFAC shall promulgate administrative rules in accordance with the Administrative Procedure Act, in consultation with the Louisiana Board of Regents and in accordance with a memorandum of understanding entered into by and between LASFAC and the Louisiana Board of Regents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3023 and R.S. 17:3129.7.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 33:2610 (December 2007), amended LR 34:242 (February 2008).

Chapter 17. Responsibilities of High Schools, School Boards, Special School Governing Boards, the Louisiana Department of Education and LASFAC on Behalf of Eligible Non-Louisiana High Schools

§1701. Eligibility of Graduates Based upon the High School Attended

A. - A.4.a. ...

i. graduates of out-of-state high schools are eligible to participate in the Rockefeller State Wildlife Scholarship and the Leveraging Educational Assistance Partnership Program;

A.4.a.ii. - B. ...

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 22:338 (May 1996), repromulgated LR 24:642 (April 1998), amended LR 24:1911 (October 1998), LR 25:849 (May 1999), LR 26:67 (January 2000), LR 26:1997 (September 2000), repromulgated LR 27:1862 (November 2001), amended LR 30:784 (April 2004), LR 30:1165 (June 2004), LR 34:242 (February 2008).

George Badge Eldredge
General Counsel

0802#015

RULE

Department of Environmental Quality Office of the Secretary

National Source Tracking System Reporting Dates (LAC 33:XV.493)(RP047ft)

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 Radiation Protection regulations, LAC 33:XV.493 (Log #RP047ft).

This Rule is identical to federal regulations found in 10 CFR 20.2207, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the Rule. This Rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This Rule will update the state radiation regulations to coincide with a change in the federal regulations. As part of the National Source Tracking System (NSTS), reporting requirements for nationally tracked sources are listed in 10 CFR 20.2207. This Rule changes the compliance dates for reporting transactions involving Category 1 and Category 2 sources from November 15, 2007 and November 30, 2007, respectively, both to January 31, 2009. The National Source Tracking System rule requires licensees to report information on the manufacture, transfer, receipt, disassembly, and disposal of nationally tracked sources. This information will be entered into a computerized data base. The compliance dates for licensees to report initial source inventories was November 15, 2007, for Category 1 sources and November 30, 2007, for Category 2 sources. These were also the dates to start reporting source transactions for entry into the system. The NRC anticipated that system development and testing would be complete and the National Source Tracking System would be operational by November 2007. However, system development has taken longer than anticipated, and the system was not ready to accept data by November 2007. Therefore, the NRC is revising the compliance dates for which reporting is to start. The requirements for both Category 1 and 2 nationally tracked sources will now be implemented by January 31, 2009. This means that by this date any licensee that possesses a Category 1 or 2 level source must have reported its initial inventory and must begin reporting all transactions involving Category 1 and 2 sources to the National Source

Tracking System. Requirements regarding compatibility are published under the Agreement State program. This change to the state regulations is needed to comply with the program. The basis and rationale for this Rule are to mirror the federal regulations and maintain an adequate Agreement State program. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part XV. Radiation Protection

Chapter 4. Standards for Protection against Radiation

Subchapter J. Reports

§493. Reports of Transactions Involving Nationally Tracked Sources

A. - H. ...

I. Each licensee who possesses Category 1 nationally tracked sources shall report the initial inventory of the licensee's Category 1 nationally tracked sources to the national source tracking system by January 31, 2009. Each licensee who possesses Category 2 nationally tracked sources shall report the initial inventory of the licensee's Category 2 nationally tracked sources to the national source tracking system by January 31, 2009. The information may be submitted by using any of the methods specified in Paragraphs G.1-4 of this Section. The initial inventory report must include the following information:

1. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 33:2361 (November 2007), amended LR 34:243 (February 2008).

Herman Robinson, CPM
Executive Counsel

0802#011

RULE

Department of Health and Hospitals Board of Medical Examiners

Physician Assistants Licensing, Certification and Practice (LAC 46:XLV.151, 1503, 1508, 1509, 1510, 1517, 1519, 4501, 4507, and 4509)

In accordance with the Louisiana Administrative Procedure Act, R.S. 49:950, et seq., and the Louisiana State Board of Medical Examiners (board) by the Louisiana Medical Practice Act, R.S. 37:1261-1292, the Physician Assistants Practice Act, R.S. 37:1360.21-1360.38, and the Louisiana State Board of Medical Examiners has amended LAC 46:XLV, Subpart 1 (General), Chapter 1, §151, Subpart 2 (Licensure and Certification), Chapter 15, §§1503, 1508, 1509, 1510, 1517 and 1519, and Subpart 3 (Practice), Chapter 45, §§4501, 4507 and 4509, of its physician assistant rules. The amendments are set forth below.

Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS
Part XLV. Medical Professions
Subpart 1. General

Chapter 1. Fees and Costs

Subchapter E. Physicians Assistants Fees

§151. Locum Tenens Application

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, 37:1281 and 37:1360.24.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 10:907 (November 1984), repealed by the Department of Health and Hospitals, Board of Medical Examiners, LR 34:244 (February 2008).

Subpart 2. Licensure and Certification

Chapter 15. Physician Assistants

§1503. Definitions

A. As used in this Chapter, the following terms shall have the meanings specified.

* * *

Locum Tenens Physician—a supervising physician approved and registered with the board under this Chapter, who assumes the obligations and responsibilities of a primary supervising physician.

* * *

Multiple Supervising Physicians—two or more supervising physicians practicing in any professional or clinical setting.

* * *

Primary Supervising Physician—a supervising physician, approved and registered with the board as such under this Chapter.

* * *

Supervising Physician—a physician approved by and registered with the board under this Chapter, as a primary supervising physician or a locum tenens physician, to provide supervision to one or more physician assistants.

Supervision—responsible direction and control, with the supervising physician assuming responsibility for the services rendered by a physician assistant in the course and scope of the physician assistant's employment, with respect to patients for whose care, or aspect of care, the physician is responsible. Supervision shall not be construed in every case to require the physical presence of the supervising physician. However, the supervising physician and physician assistant must have the capability to be in contact with each other by either telephone or other telecommunications device. Supervision shall exist when the supervising physician responsible for the care, or aspect of care of the patient, gives informed concurrence of the actions of the physician assistant, whether given prior to or after the action, and when a medical treatment plan or action is made in accordance with written clinical practice guidelines or protocols set forth by the supervising physician. Such guidelines or protocols shall require that the physician assistant contact the supervising physician when there is a question or uncertainty as to what should be done in a given case or when an approved protocol does not address the clinical situation presented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:109 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1102 (November 1991), LR 22:201 (March 1996), LR 25:27 (January 1999), LR 31:73 (January 2005), LR 34:244 (February 2008).

§1508. Qualifications for Registration as Supervising Physician

A. To be eligible for approval and registration under this Chapter, a proposed primary supervising physician or locum tenens physician shall, as of the date of the application:

1. ...

2. have been in the active practice of medicine for not less than three years following the date on which the physician was awarded a doctor of medicine or doctor of osteopathy degree and not currently be engaged in a medical residency or other post graduate training program. The board may, in its discretion, grant an exception to the requirement for completion of all post graduate training on a case-by-case basis where the supervising physician applicant is enrolled in fellowship or other advanced training and it has been shown to the board's satisfaction that the applicant has completed all training relevant to his or her designated area of practice; and

3. not be employed by or serve as an independent contractor to a physician assistant or be a party to any other or similar employment, contractual or financial relationship. The board may, in its discretion, grant an exception to this requirement on a case-by-case basis where it has been shown to its satisfaction that such relationship is structured so as to prohibit interference or intrusion into the physician's relationship with patients, his exercise of independent medical judgment and satisfaction of the obligations and responsibilities imposed by law and the board's rules on a supervising physician.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(b)(6), R.S. 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:202 (March 1996), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 25:29 (January 1999), LR 34:244 (February 2008).

§1509. Application for Licensure; Procedure

A. Application for licensure as a physician assistant must be made in a format approved by the board and must include:

1. ...

2. certification of the truthfulness and authenticity of all information, representations and documents contained in or submitted with the completed application;

A.3. - B.2. ...

C. The board may reject or refuse to consider any application which is not complete in every detail. The board may in its discretion require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1281, R.S. 37:1360.23, R.S. 37:1360.24.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 4:110 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1103 (November

1991), LR 22:202 (March 1996), LR 25:29 (January 1999), LR 30:238 (February 2004), LR 34:244 (February 2008).

§1510. Application for Registration as Supervising Physician; Procedure

A. A physician seeking to supervise a physician assistant, as either primary supervising physician or as locum tenens physician, shall first register with and be approved by the board as a supervising physician for the physician assistant. Application for approval and registration as either a primary supervising physician or locum tenens physician must be made in a format approved by the board and must include:

1. - 2. ...

3. a statement that the physician will exercise supervision over the physician assistant in accordance with any rules and regulations adopted by the board and that the physician will retain professional responsibility for the services provided by the physician assistant to any patient for whose care, or aspect of care, the physician is responsible;

4. certification of the truthfulness and authenticity of all information, representations and documents contained in or submitted with the completed application;

5. ...

6. such other information and documentation as the board may require; provided, however, that criminal history record information is not required for registration as a supervising physician.

B. - B.2. ...

C. The board may reject or refuse to consider any application which is not complete in every detail. The board may in its discretion require a more detailed or complete response to any request for information set forth in the application form as a condition to consideration of an application.

D. Prerequisite to consideration of an application for locum tenens physician, the physician assistant sought to be supervised shall have at least one primary supervising physician registered with and approved by the board.

E. An application completed to the satisfaction of the board may be deemed approved as of the date received by the board, subject to final approval at the next board meeting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 22:202 (March 1996), amended LR 25:29 (January 1999), LR 34:245 (February 2008).

§1517. Expiration of Licensure; Renewals; Modification; Notification of Intent to Practice

A. ...

B. Every license issued by the board under this Chapter shall be renewed annually on or before the first day of the month in which the licensee was born, by submitting to the board an application for renewal in a format approved by the board, together with:

1. satisfactory verification of current certification by the National Commission on Certificate of Physician Assistants;

2. the applicable fee as provided in Chapter 1 of these rules; and

3. a list of all currently registered supervising physicians (primary and locum tenens).

C. A physician assistant licensed in this state, prior to initiating practice, shall submit in a format approved by the board notification of such intent to practice. Such notification may be deemed effective as of the date received by the board, subject to final approval at the next board meeting and shall include:

1. the name, business address, and telephone number of the supervising physicians (primary and any locum tenens physicians);

2. the name, business address, and telephone number of the physician assistant; and

3. certification that the physician assistant has notified all other primary supervising physicians of intent to practice with one or more additional supervising physician.

D. ...

1. the physician assistant ceases to practice as a physician assistant until such time as he enters into a supervision relationship with another primary supervising physician registered with the board; and

D.2. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270, R.S. 37:1281, R.S. 37:1360.23, R.S. 37:1360.24.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 4:111 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1104 (November 1991), LR 22:203 (March 1996), LR 24:1498 (August 1998), LR 25:31 (January 1999), LR 30:238 (February 2004), LR 34:245 (February 2008).

§1519. Transfer of Certification

A. A physician assistant previously certified by the board whose certification has terminated pursuant to §1517.D by virtue of the cessation or termination of an employment relationship with his or her approved supervising physician may apply to the board for transfer of certification to a new supervising physician pursuant to the provisions of this Section.

B. Application for transfer of certification to a new supervising physician shall include:

1. the information prescribed by §1510 hereof with respect to the proposed new supervising physician, along with an application for registration of prescriptive authority if such is to be delegated, in accordance with §§1525 and 1527; and

2. a report from the applicant's current or former supervising physician, if such physician is not deceased at the time of the application, describing the circumstances under which the physician's assistant's employment relationship was, or is proposed to be, terminated.

C. If the requirements and procedures of this Section are met to the satisfaction of the board, and the applicant and supervising physician demonstrate that the proposed new supervising physician satisfies the qualifications for approval as a supervising physician prescribed by this Chapter, transfer of the applicant's certification to the proposed new supervising physician may be deemed approved as of the date the application for transfer is received by the board, subject to final approval at the next board meeting.

D. Approval of transfer of certification shall not be deemed to qualify a physician assistant eligible for registration of prescriptive authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), 37:1360.23(D) and (F), 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 4:111 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1104 (November 1991), LR 31:75 (January 2005), LR 34:245 (February 2008).

Subpart 3. Practice

Chapter 45. Physician Assistants

§4501. Supervision by Multiple Supervising Physicians

A. A physician assistant may be supervised by two or more supervising physicians practicing in any professional or clinical setting provided that:

1. any physician providing supervision meets and satisfies all of the qualifications, procedures and other requirements of Chapter 15 of this Part and is registered with the board as either a primary supervising physician or locum tenens physician for such physician assistant; and

2. all supervising physicians are identified in the physician assistant's notice of intent to practice as provided in Section 1517 of this Part.

B. If the physician assistant to be supervised is registered with the board to prescribe medication or medical devices a supervising physician shall:

1. meet the qualifications prescribed by §1523 of this Part and shall be registered with the board pursuant to §1527 for delegation of prescriptive authority; or

2. not supervise a physician assistant with respect to the exercise of prescriptive authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F), R.S. 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:111 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1105 (November 1991), LR 22:204 (March 1996), LR 25:31 (January 1999), LR 31:78 (January 2005), LR 34:246 (February 2008).

§4507. Authority and Limitations of Supervising Physician

A. ...

B. A supervising physician may not serve as primary supervising physician for more than two physician assistants at the same time; provided, however, that a physician may be approved to act as a locum tenens physician for any number of physician assistants in addition to the physician assistants for whom he or she is the primary supervising physician, provided that such physician shall not act as supervising physician for more than four physician assistants at any one time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F), R.S. 37:1360.31(B)(8).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Medical Examiners, LR 4:112 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1106 (November 1991), LR 22:205 (March 1996), LR 25:32 (January 1999), LR 34:246 (February 2008).

§4509. Designation of Locum Tenens Physician

A. A physician qualified, registered and approved under this Part, who is not registered as a physician assistant's primary supervising physician, shall be designated as locum tenens physician for such physician assistant.

B. If the physician assistant to be supervised is registered with the board to prescribe medication or medical devices, a locum tenens physician shall:

1. meet the qualifications prescribed by §1523 of this Part and be registered with the board pursuant to §1527 for delegation of prescriptive authority; or

2. shall not supervise a physician assistant with respect to the exercise of prescriptive authority.

C. The board may, in its discretion, refuse to approve the use of a locum tenens, or it may restrict or otherwise modify the specified circumstances under which the locum tenens would be authorized to act.

D. While acting under the direction and supervision of an approved locum tenens physician a physician assistant may attend or otherwise provide any services for or with respect to any patient for whose care, or aspect of care, the locum tenens physician is responsible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1270(B)(6), R.S. 37:1360.23(D) and (F).

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Medical Examiners, LR 4:112 (April 1978), amended by the Department of Health and Hospitals, Board of Medical Examiners, LR 17:1106 (November 1991), LR 22:205 (March 1996), LR 25:33 (January 1999), LR 34:246 (February 2008).

Robert L. Marier, M.D.
Executive Director

0802#013

RULE

Department of Health and Hospitals Board of Social Work Examiners

Social Work (LAC 46:XXV.Chapters 1-7)

The Louisiana Board of Social Work Examiners intends to amend *Rules, Standards and Procedures* adopted in February 2000, which implement the Louisiana Social Work Practice Act, R.S. 37:2701-2721. The amendments will apply to all credentialed social workers and amend §113, Social Work Relationships, §117, Conduct, §307, Administration of Examination, §309, Application Procedure, §311, Renewals and Cancellations, §313, Fees, §315, Board Members, §317, Continuing Education Requirements, §701, Impaired Professional Program, §505, The GSW Not Receiving BACS Supervision or the Provisional GSW Not Eligible for BACS Supervision.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXV. Certified Social Workers

Chapter 1. Standards of Practice

§113. Social Work Relationships

A. - B.2. ...

3. Sexual Intimacy or Contact with a Client, Supervisee or Student. A social worker shall not engage in or request sexual intimacy or contact as defined in §113.B.5, with a client, a client's spouse or former spouse, any member of the client's immediate family or with any person with

whom the client has a sexual relationship. The prohibition of this rule extends to supervisees and students during such times and under such circumstances where the social worker is in a supervisory or teaching relationship. This rule also expressly prohibits social workers from engaging in any behavior which a reasonable person would find sexually stimulating, seductive or sexually demeaning when such behavior is either directed toward or exhibited in the presence of any person with whom sexual contact is otherwise prohibited by this rule. Social workers shall not sexually harass a client, supervisee or student.

4. **Sexual Intimacy or Contact with a Former Client.** A social worker who has provided clinical/therapeutic social work services, such as counseling or the diagnosis or treatment of mental and emotional disorders with individuals, couples, families, or treatment groups, shall not engage in or request sexual intimacy or contacts as defined in §113.B.5, is prohibited from engaging in or requesting sexual intimacy or contacts with a former client within five years from documented termination. Any social worker who engages in sexual intimacy or contacts as defined in §113.B.5 with a former client within five years of documented termination of services shall be subject to disciplinary action for violations under R.S. 37:2717(A)(4) and (7).

a. A social worker who engages in such sexual intimacy or contacts as defined in §113.B.5 after five years from the documented termination of services without first obtaining a consultation from an independent and unrelated LCSW, documenting the assessment of no exploitative potential or harm as required by this rule, shall be subject to disciplinary action for violations under R.S. 37:2717(A)(4) and (7). The consultation shall assess and document the lack of exploitative potential or harm from such sexual intimacy after considering the relevant factors and include the following:

- i. the amount of time that has passed since therapy terminated;
 - ii. the nature, duration, and intensity of the therapy;
 - iii. the circumstances of termination;
 - iv. the client's personal history;
 - v. the client's current mental status;
 - vi. the likelihood of adverse impact on the client;
- and
- vii. any statements or actions made by the therapist during the course of therapy suggesting or inviting the possibility of a posttermination sexual or romantic relationship with the client.

b. A social worker who has provided nonclinical services to a client, such as resource/service brokerage, referral, consultation, training/skill development, or other services that are brief or indirect in nature, shall not enter into a sexual relationship with a former client upon the documented termination of services when a reasonable, prudent social worker would conclude after appropriate assessment that such would pose an unacceptable risk of harm to the client.

5. **Sexual Intimacy or Contact Defined.** Sexual intimacy or contact is defined as any contact or any other conduct which reasonably could lead to sexual arousal, whether verbal or nonverbal, including, but not limited to, sexual touching, sexual intercourse (i.e. genital, anal or oral), masturbation, whether clothed or unclothed, by either the social worker or the client. Sexual intimacy also includes phone sex, cyber-sex and other electronic or printed communication which reasonably could lead to sexual arousal.

6. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:297 (February 2000), amended LR 29:2381 (November 2003), LR 34:246 (February 2008).

Chapter 3. General Provisions

§301. Definitions

Board Approved Supervision Workshop—this workshop shall be pre-approved by the board. At least six and 1/2 (6.5) clock hours required for workshop to be acceptable and shall deal with supervision models, the theory and techniques of supervision, record keeping, ethics and multicultural issues.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:300 (February 2000), amended LR 34:247 (February 2008).

§311. Renewals and Cancellation

A. Renewal notices are mailed on or before July 1 of each year. The renewal fee must be postmarked on or before August 31.

B. Licensed Clinical Social Workers must list those Graduate Social Workers under their supervision for licensure requirements and agency setting on their renewal form.

C. Twenty clock hours of continuing education in programs approved by the board shall be obtained prior to June 30 of each year. (See Rule No. 317 for rules on acceptable continuing education.)

D. A lapsed license, certificate or registration may be renewed without the lapsed fee between September 1 and November 30. Payment must be postmarked on or before November 30.

E. A lapsed license fee may be paid between December 1, and February 28, of each year and the license, certificate or registration will be renewed. The lapsed fee equals twice the amount of the renewal fee.

F. Without payment of the lapsed fee, the license, certification or registration is canceled after February 28, and a certified notice of cancellation is mailed. Payment must be postmarked on or before February 28.

G. It is the social workers responsibility to keep the board informed of his/her current mailing address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:304 (February 2000), amended LR 29:2384 (November 2003), LR 34:247 (February 2008).

§313. Fees

A. ...

* * *	
Lapsed Renewal Fee for LCSW (postmarked after November 30)	150
Lapsed Renewal Fee for GSW (postmarked after November 30)	100
Lapsed Renewal Fee for RSW (postmarked after November 30)	50
* * *	

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:304 (February 2000), amended LR 29:2384 (November 2003), LR 34:248 (February 2008).

§315. Board Members

A. - B. ...

C. Meetings

1. The board shall schedule meetings for the following calendar year at the last meeting of the current year.

C.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:304 (February 2000), amended LR 29:2385 (November 2003), LR 34:248 (February 2008).

§317. Continuing Education Requirements

A. - A.2. ...

3. assisting the professional to expand his/her professional resource network.

B. - L.1.a. ...

b. ten clock hours each year shall be clinical content, including diagnosis and treatment;

c. to maintain the board approved clinical supervisor status, obtain three clock hours of continuing education in clinical supervision every two years, beginning July 1, 2008. These hours must be pre-approved by a LABSWE-designated pre-approval organization.

M. The following learning forums are approved for continuing education and must contain content applicable to social work practice:

1. educational offerings sponsored by or approved by social work licensing bodies, state and national professional social work organizations, and schools accredited by the Council on Social Work Education;

2. should the individual social worker make the determination that an education offering which is not pre-approved by one of the approval organizations has content applicable to social work practice, the *Guide for Assessment of Continuing Education* (§317.P) must be used. This document, as well as all the relevant course materials, and the certificate of completion should be maintained in the event you are audited;

3. distance learning (teleconferences, telecourses, home-study courses and internet courses) sponsored by entities listed in §317.M.1, or pre-approved by a LABSWE-authorized pre-approval organization cannot exceed a total of 10 clock hours of the required 20 clock hours of

continuing education required annually for renewal of social work credentials;

4. continuing education activities or academic courses provided by accredited schools of social work. Academic course work counts per actual class hour;

5. presentations of content applicable to social work practice at professional conferences, staff development meetings, and other appropriate forums in which you are the primary presenter. These presentations count 1.5 times the actual time of the presentation, in order to give credit for preparation time. (Example: You prepare a presentation on Holiday Stress that lasts one hour. You will receive 1.5 hours continuing education credit for this presentation.) Presentation and preparation time may only be counted once for each topic. Academic preparation and teaching of social work content (undergraduate or graduate) may be counted once in the same manner, unless the course has been revised to include substantially new content and text books. Please be prepared to provide the exact nature of the content and presentation;

6. attendance at staff development presentations with content applicable to social work practice (such as staff meeting with a formal and in-depth presentation on working with clients who present borderline symptoms, etc.). Please be prepared to provide the presenter's name, credentials, date of presentation and nature of the content covered. Case based staffing meetings are not included as appropriate continuing education experiences;

7. attendance at professional social work meetings, Association of Social Work Boards (ASWB) item writing workshops, symposiums, panel discussions, or conferences sponsored by the professional associations suggested in §317.M.1. Please be prepared to provide the dates and nature of content or consultation covered;

8. formal study groups of three or more participants. Must submit name, address, telephone number and credentials of group members to the board office. Study groups should maintain records of topics, attendance, meeting times, and presenters for audit purposes;

9. contracted professional consultation which the credentialed social worker receives. Must provide the paid consultant's name, address, telephone number, credentials, and the dates and focus of the consultation;

10. preparation of substantial written material with content applicable to social work practice which requires literature search, research, and explication of social work content (such as writing a social work article or book for publication, or a major grant application). Please provide specific information about the nature of the written work, the effort required, and the publisher or funding agency. These activities may be counted for no more than five hours continuing education;

11. social workers should be doing consistent independent study. However, such study does not meet the goal of increasing professional relationships and networks. Consequently independent study must receive pre-approval from the board.

N. - O.4. ...

5. A continuing education offering that rates a zero in any category of the Guide for Assessment of Continuing Education.

P. Guide for Assessment of Continuing Education. As continuing education events vary across the categories listed below, the appropriateness of considering them as acceptable continuing education also varies. An event must receive a total score (combination of all three sections) of 10 to be "clearly acceptable" for continuing education to renew a social work credential. If a category (Program Content, Program Presenter or Program Audience) rates a zero, the education offering is not acceptable for social work continuing education.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.(C) and (G) and 37:2714.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:305 (February 2000), amended LR 29:2385 (November 2003), LR 34:248 (February 2008).

§319. Reciprocity and Endorsement

A. - C.2. ...

3. The applicant has passed the advanced generalist, clinical, or masters examination of the Association of Social Work Boards, or equivalent examination, in order to secure current social work license or certification in the state of Louisiana. The applicant shall request that the ASWB forward the official score report to the Louisiana board.

4. The jurisdiction from which the application for a license or certificate comes, accords similar privilege for licensure or certification without examination to holders of licenses or certificates.

5. The applicant submits the required fees.

6. The applicant submits the completed application for endorsement.

7. The verification of license in other state form is completed by any jurisdiction in which the applicant has or has held a social work credential and submitted to the Louisiana board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:306 (February 2000), amended LR 34:249 (February 2008).

Chapter 5. Minimum Supervision Requirements **§505. The GSW Not Receiving BACS Supervision or the Provisional GSW Not Eligible for BACS Supervision**

A. The GSW who is not receiving BACS supervision or the Provisional GSW not eligible for BACS supervision, may deliver those clinical services which constitute psychotherapy only under the supervision of a LCSW. Supervision under these circumstances does not require that the supervising LCSW have the Board Approved Clinical Supervisor (BACS) designation.

B. Regardless of the time spent in clinical practice, the GSW or Provisional GSW must be supervised in accordance with the following rules.

C. The employing agency ultimately is responsible and accountable for services rendered by the GSW or Provisional GSW; therefore, the agency may provide access to LCSW supervision to ensure quality of services. The GSW or Provisional GSW may independently secure LCSW supervision.

D. - E. ...

F. Supervision for GSWs or Provisional GSW rendering clinical services constituting psychotherapy shall total a minimum of two hours per month, counted in increments of no fewer than 30 minutes, for the duration of the time that the GSW or Provisional GSW is rendering psychotherapeutic services.

G. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:307 (February 2000), amended LR 34:249 (February 2008).

§507. Board-Approved Clinical Supervisor

A. - A.3. ...

4. complete a board orientation workshop;

5. complete a board approved supervision workshop on the theory and techniques of supervision as well as procedures used in supervision toward licensure ;

A.6. - B.2 ...

3. Complete three clock hours of continuing education in clinical supervision every two years beginning July 1, 2008. These hours must be pre-approved by a LABSWE-designated approval organization.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:308 (February 2000), amended LR 29:2388 (November 2003), LR 34:249 (February 2008).

Chapter 7. Impaired Professional Program Authority **§701. Authority**

A. - B. ...

C. Therefore, in order to ensure a quality program with professional oversight, the Louisiana State Board of Social Work Examiners establishes the Impaired Professional Program Committee. The committee structure and function is directed by the Board's Chairperson.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:2389 (November 2003), amended LR 34:249 (February 2008).

§703. Purpose and Scope

A. ...

B. A social worker who meets the requirements of R.S. 37:2706, 2707 or 2708 may enter the program subsequent to voluntary disclosure of impairment via an initial or renewal application for a credential. Entrance into the program may also occur by determination of the board, following involuntary disclosure of impairment in accordance with R.S. 37:2717(A)(2) or R.S. 37:2717(B)(4), or by other circumstances deemed appropriate by the board. Participation in the program may hence be required as a prerequisite to continued social work practice in accordance with the conditions of any consent order, compliance or adjudication hearing. A social worker who enters the program may be allowed to maintain his/her social work credential while in compliance with the requirements of their program.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:2389 (November 2003), amended LR 34:249 (February 2008).

§705. Program Implementation

A. ...

1. The program participant is required to submit to an assessment relative to the impairment;

a. - b.iv. ...

c. The assessment will be forwarded to the board or its designee by the professional completing the assessment, to be received no later than 30 days following the board's determination of the participant's potential eligibility or requirement to participate in the program.

2. ...

a. The beginning date of the monitoring period will be the date upon which a consent order or participation agreement is formally signed by the social worker and the board, or the date of the board's official decision to require program participation in the event of an adjudication hearing.

3. ...

a. The interval, timing and details of the required screening will be directed by the IPP Manager.

b. Results and reports of all screens will be submitted to the board or its designee before the final business day of the month following the date of the screen.

4. Receipt of any positive, unexplained substance abuse/drug screen or reports of non-compliance or complications relative to the impairment during the monitoring period may result in suspension, or other appropriate action pertaining to the social worker's credential, or exclusion from the IPP, as determined appropriate by the board.

5. When the impairment is substance related, the social worker may be required to attend Twelve Step, or other appropriate support group, meetings on a regular basis.

a. A pre-approved monthly log must be submitted to and received by the board or its designee before the final business day of the month following completion of the required meetings. It is the social worker's responsibility to ensure that these logs are properly completed and received by the board by the designated date.

b. - c. Repealed.

6. - 10. ...

a. - c. Repealed.

11. - 12. ...

13. The social worker must submit to the board an appropriately notarized participation agreement indicating acceptance of the required conditions of participation in the *Social Work Impaired Professional Program* as mandated by the board, along with all initial (or updated) releases or authorizations for the board or its designees to obtain information concerning the social worker's participation and progress in the program. This statement and the required releases and authorizations must be submitted prior to the issuance of any initial credential or re-issuance of a renewal of a credential.

14. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners,

LR 29:2389 (November 2003), amended LR 34:250 (February 2008).

Richard N. Burt
Administrator

0802#017

RULE

**Department of Health and Hospitals
Office for Citizens with Developmental Disabilities**

Home and Community-Based Services Waivers—Children's Choice—Direct Support Professionals Wage Enhancement (LAC 50:XXI.12101)

The Department of Health and Hospitals, Office for Citizens with Developmental Disabilities has amended LAC 50:XXI.12101 under 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.

Title 50

PUBLIC HEALTH-MEDICAL ASSISTANCE

Part XXI. Home and Community-Based

Services Waivers

Subpart 9. Children's Choice

Chapter 121. Reimbursement

§12101. Reimbursement Methodology

A. - B.3. ...

4. Direct Support Professionals Wage Enhancement.

a. Effective February 9, 2007, an hourly wage enhancement payment in the amount of \$2 will be reimbursed to providers for full-time equivalent (FTE) direct support professionals who provide Family Support services to Children's Choice recipients.

b. Effective May 20, 2007, an hourly wage enhancement payment in the amount of \$2 will be reimbursed to providers for full-time equivalent (FTE) direct support professionals who provide Center-Based Respite services to Children's Choice recipients.

c. At least 75 percent of the wage enhancement shall be paid in the aggregate to direct support workers as wages. If less than 100 percent of the enhancement is paid in wages, the remainder, up to 25 percent shall be used to pay employer-related taxes, insurance and employee benefits.

d. Effective September 20, 2007, the minimum hourly rate paid to direct support professionals shall be the federal minimum wage in effect on February 20, 2007 plus 75 percent of the wage enhancement or the current federal minimum wage, whichever is higher.

e. Providers shall be required to submit a certified wage register to the department verifying the direct support professionals' gross wages for the quarter ending June 30, 2005. The wage register will be used to establish a payroll baseline for each provider. It shall include the following information:

i. gross wage paid to the direct support professional(s);

ii. total number of direct support hours worked; and

iii. the amount paid in employee benefits.

f. A separate report shall be submitted for paid overtime.

g. The provider shall submit quarterly wage reports that verify that the 75 percent wage enhancement has been paid to the appropriate staff.

h. The provider shall submit a report, according to the department's specifications, that will be used to measure the effectiveness of the wage enhancement.

i. The wage enhancement payments reimbursed to providers shall be subject to audit by the department.

j. Noncompliance or failure to demonstrate that the wage enhancement was paid directly to direct support professionals may result in:

i. forfeiture of eligibility for wage enhancement payments;

ii. recoupment of previous wage enhancement payments;

iii. Medicaid fraud charges; and

iv. disenrollment in the Medicaid Program.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 28:1987 (September 2002), amended by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 34:250 (February 2008).

Alan Levine
Secretary

0802#044

RULE

Department of Health and Hospitals Office of Aging and Adult Services

Home and Community-Based Services Waiver—Adult Day Health Care—Direct Service Professionals Wage Enhancement (LAC 50:XXI.3109)

The Department of Health and Hospitals, Office of Aging and Adult Services has amended LAC 50:XXI.3109 under 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.

Title 50

PUBLIC HEALTH-MEDICAL ASSISTANCE Part XXI. Home and Community Based Services Waivers

Subpart 3. Adult Day Health Care

Chapter 31. Reimbursement

§3109. Provider Reimbursement

A. - B.7.a. ...

i. For dates of service on or after February 9, 2007, the facility-specific direct care price will be increased by \$1.11 to include a direct care service worker wage enhancement. It is the intent that this wage enhancement be paid to the direct care service workers.

B.7.b. - B.8.b ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health

Services Financing, LR 30:2048 (September 2004), amended by the Department of Health and Hospitals, Office of Aging and Adult Services, LR 34:251 (February 2008).

Alan Levine
Secretary

0802#045

RULE

Department of Health and Hospitals Office of Aging and Adult Services

Home and Community-Based Services Waivers—Elderly and Disabled Adults Waiver—Direct Service Professionals Wage Enhancement (LAC 50:XXI.Chapter 91)

The Department of Health and Hospitals, Office of Aging and Adult Services has adopted LAC 50:XXI.Chapter 91 under 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.

Title 50

PUBLIC HEALTH-MEDICAL ASSISTANCE Part XXI. Home and Community Based Services Waivers

Subpart 7. Elderly and Disabled Adults Waiver

Chapter 91. Reimbursement

§9101. Reimbursement Methodology

A. Reimbursement for EDA Waiver services shall be a prospective flat rate for each approved unit of service provided to the recipient.

B. Direct Support Professionals Wage Enhancement.

1. Effective February 9, 2007, an hourly wage enhancement payment in the amount of \$2 will be reimbursed to providers for full-time equivalent (FTE) direct support professionals who provide home and community-based waiver services to Medicaid recipients. Direct support professionals are persons who deliver direct care services such as assistance with the activities of daily living.

a. At least 75 percent of the wage enhancement shall be paid in the aggregate to the direct support professionals as wages. If less than 100 percent of the enhancement is paid in wages, the remainder, up to 25 percent shall be used to pay employer-related taxes, insurance and employee benefits.

2. Effective September 20, 2007, the minimum hourly rate paid to direct support professionals shall be the federal minimum wage in effect on February 20, 2007 plus 75 percent of the wage enhancement or the current federal minimum wage, whichever is higher.

3. Providers shall be required to submit a certified wage register to the department verifying the direct support professionals' gross wages for the quarter ending June 30, 2005. The wage register will be used to establish a payroll baseline for each provider. It shall include the following information:

a. gross wage paid to the direct support professional(s);

b. total number of direct support hours worked; and

c. the amount paid in employee benefits.

4. A separate report shall be submitted for paid overtime.

5. The provider shall submit quarterly wage reports that verify that the 75 percent wage enhancement has been paid to the appropriate staff.

6. The provider shall submit a report, according to the department's specifications, that will be used to measure the effectiveness of the wage enhancement.

7. The wage enhancement payments reimbursed to providers are subject to audit by the department.

8. Noncompliance or failure to demonstrate that the wage enhancement was paid directly to direct support professionals may result in:

a. forfeiture of eligibility for wage enhancement payments;

b. recoupment of previous wage enhancement payments;

c. Medicaid fraud charges; and

d. disenrollment in the Medicaid Program.

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

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

Alan Levine
Secretary

0802#046

RULE

Department of Health and Hospitals Office for Citizens with Developmental Disabilities

Home and Community-Based Services Waivers

New Opportunities Waiver

Direct Support Professionals Wage Enhancement

(LAC 50:XXI.14301)

The Department of Health and Hospitals, Office for Citizens with Developmental Disabilities has amended LAC 50:XXI.14301 under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXI. Home and Community Based Services

Waivers

Subpart 11. New Opportunities Waiver

Chapter 143. Reimbursement

§14301. Reimbursement Methodology

A. - E. ...

F. Direct Support Professionals Wage Enhancement

1. Effective February 9, 2007, an hourly wage enhancement payment in the amount of \$2 will be reimbursed to providers for full-time equivalent (FTE) direct support professionals who provide individual and family support services to New Opportunities Waiver recipients.

2. Effective May 20, 2007, an hourly wage enhancement payment in the amount of \$2 will be reimbursed to providers for full-time equivalent (FTE) direct support professionals who provide the following services to New Opportunities Waiver recipients:

a. day habilitation;

b. supported employment;

c. employment-related training; and

d. center-based respite.

3. At least 75 percent of the wage enhancement shall be paid in the aggregate to direct support workers as wages. If less than 100 percent of the enhancement is paid in wages, the remainder, up to 25 percent, shall be used to pay employer-related taxes, insurance and employee benefits.

4. Effective September 20, 2007, the minimum hourly rate paid to direct support professionals shall be the federal minimum wage in effect on February 20, 2007 plus 75 percent of the wage enhancement or the current federal minimum wage, whichever is higher.

5. Providers shall be required to submit a certified wage register to the department verifying the direct support professionals' gross wages for the quarter ending June 30, 2005. The wage register will be used to establish a payroll baseline for each provider. It shall include the following information:

a. gross wage paid to the direct support professional(s);

b. total number of direct support hours worked; and

c. the amount paid in employee benefits.

6. A separate report shall be submitted for paid overtime.

7. The provider shall submit quarterly wage reports that verify that the 75 percent wage enhancement has been paid to the appropriate staff.

8. The provider shall submit a report, according to the department's specifications, that will be used to measure the effectiveness of the wage enhancement.

9. The wage enhancement payments reimbursed to providers shall be subject to audit by the department.

10. Noncompliance or failure to demonstrate that the wage enhancement was paid directly to direct support professionals may result in:

a. forfeiture of eligibility for wage enhancement payments;

b. recoupment of previous wage enhancement payments;

c. Medicaid fraud charges; and

d. disenrollment in the Medicaid Program.

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

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

Alan Levine
Secretary

0802#047

RULE

**Department of Health and Hospitals
Office of Aging and Adult Services**

Personal Care Services—Long Term
Personal Care Workers Wage Enhancement
(LAC 50:XV.12917)

The Department of Health and Hospitals, Office of Aging and Adult Services has amended LAC 50:XV.12917 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XV. Services for Special Populations

Subpart 9. Personal Care Services

Chapter 129. Long Term Care

§12917. Reimbursement Methodology

A. ...

B. Personal Care Workers Wage Enhancement.

1. Effective February 9, 2007, an hourly wage enhancement payment in the amount of \$2 will be reimbursed to providers for full-time equivalent (FTE) personal care workers who provide services to Medicaid recipients.

a. At least 75 percent of the wage enhancement shall be paid in the aggregate to personal care workers as wages. If less than 100 percent of the enhancement is paid in wages, the remainder, up to 25 percent shall be used to pay employer-related taxes, insurance and employee benefits.

2. Effective September 20, 2007, the minimum hourly rate paid to personal care workers shall be the federal minimum wage in effect on February 20, 2007 plus 75 percent of the wage enhancement or the current federal minimum wage, whichever is higher.

3. Providers shall be required to submit a certified wage register to the department verifying the personal care workers' gross wages for the quarter ending June 30, 2005. The wage register will be used to establish a payroll baseline for each provider. It shall include the following information:

- a. gross wage paid to the personal care worker(s);
- b. total number of personal care hours worked; and
- c. the amount paid in employee benefits.

4. A separate report shall be submitted for paid overtime.

5. The provider shall submit quarterly wage reports that verify that the 75 percent wage enhancement has been paid to the appropriate staff.

6. The provider shall submit a report, according to the department's specifications, that will be used to measure the effectiveness of the wage enhancement.

7. The wage enhancement payments reimbursed to providers shall be subject to audit by the department.

8. Noncompliance or failure to demonstrate that the wage enhancement was paid directly to personal care workers may result in:

- a. forfeiture of eligibility for wage enhancement payments;

b. recoupment of previous wage enhancement payments;

c. Medicaid fraud charges; and

d. disenrollment in the Medicaid Program.

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

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

Alan Levine
Secretary

0802#048

RULE

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

Twelve-Months Continuous Eligibility
(LAC 50:III.2525)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing has adopted LAC 50:III.2525 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 3. Eligibility Groups and Factors

Chapter 25. Eligibility Factors

§2525. Twelve-Month Continuous Eligibility

A. Act 128 of the First Extraordinary Session of the 1998 Louisiana Legislature authorized the department to adopt the guaranteed eligibility option for children, pursuant to §4731 of the Balanced Budget Act (BBA) of 1997. These provisions allow states to guarantee Medicaid eligibility for children, under age 19, for up to 12 months from the date of determination.

B. Children who are under age 19 and certified in a child-related or family-related category of assistance are entitled to 12 months of continuous Medicaid eligibility as long as eligibility does not extend beyond the child's nineteenth birthday.

C. Twelve months of continuous eligibility is not available to children who are:

- 1. eligible for an SSI-related category of assistance;
- 2. eligible for the Medically Needy Program; or
- 3. certified under fraudulent or misleading circumstances.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:253 (February 2008).

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.

Alan Levine
Secretary

0802#049

RULE

Department of Natural Resources Office of Mineral Resources

Mineral Resources, Wind Energy Leasing,
and Bohemia Spillways
(LAC 43.I.Chapters 9, 10, 13 and V.Chapters 1 and 3)

Pursuant to power delegated under the laws of the state of Louisiana and particularly Title 30 of the Louisiana Revised Statute of 1950, as amended, and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Secretary of the Department of Natural Resources has amended Geophysical and Geological Surveys, LAC 43:V.Chapter 1, Fees and Other Charges, LAC 43:V.Chapter 3, amended Mineral Leasing Policy and Royalty Crude Oil LAC 43:I.Chapter 9, promulgated Leasing State Lands and Water Bottoms for Exploration, Development and Production of Wind Energy, LAC 43:I.Chapter 10, and has repealed Bohemia Spillways, LAC 43:I.Chapter 13.

The purpose of the geophysical and geological surveys regulation is to allow the Office of Mineral Resources to provide additional parties with the data collected under the authority of Acts 2006, No. 520. The fees and other charges has been amended to update the regulation authority because current authority as promulgated has legislatively been repealed. Amendment to the mineral leasing policy sets forth additional requirements as to who is required to sign a bid and what occurs when there is a discrepancy in the bid. The regulation relative to wind energy details the procedure to be utilized to administer the leasing of state water bottoms for the exploration, development and production of wind energy, allowed for by R.S. 41:1731 et seq. The repeal of the Section relative to Bohemia Spillways is appropriate as the date for filing claims for the return of lands was June 30, 2007 per Acts 2005, No. 130.

Title 43

NATURAL RESOURCES

Part I. Office of the Secretary

Subpart 1. General

Chapter 9. Mineral Resources

Subchapter A. Mineral Leasing Policy

§901. Nomination

A. All parties desiring to nominate state owned land and waterbottom acreage or land owned by a state agency for which the State Mineral Board is being requested to issue a mineral lease must be registered with the Office of Mineral Resources on a one-time basis and have received an applicant ID number prior to submitting application for nomination.

B. The State Mineral Board has the authority to lease state owned lands and waterbottoms (see R.S. 30:124) and state agency owned land when requested to do so (see R.S. 30:153).

C. Application for nomination generally must include a diskette or CD-ROM containing a .dxf format of the proposed nominated tract polygon and a word.doc legal description of the same proposed nominated tract which must exactly match the tract polygon exploded from the .dxf as to X,Y coordinates along the polygon outline based on the Lambert Coordinate System; a paper copy of the plat and the legal description which each must match the .dxf exploded polygon and the word.doc; an electronic .pdf file of the plat; a letter of application completely and accurately filled out and a non-refundable check in the amount of the nomination fee as set forth in R.S. 9:301(2) (presently \$400). More detailed requirements and certain exceptions are contained in the Leasing Manual available on the Department of Natural Resources (DNR) website at <http://dnr.louisiana.gov/min/petlan/leasing.asp>.

D. Nominated acreage for one nomination cannot exceed 2,500 acres of state owned lands and waterbottoms, in the aggregate, nor can the polygon outline of the nominated tract exceed 3 1/2 miles on a side, generally speaking, and must be given, where possible, in Lambert (X,Y) Coordinates at critical points along the boundary of the nomination polygon together with meets and bounds. Certain exceptions to this rule may be found in the leasing manual available on the DNR website as hereinabove set forth.

E. Advertising of nominations cannot occur more than 60 days prior to the date on which sealed bids are to be opened and must be done in the official state journal and the official parish journal wherein the nomination lies. The advertisement must contain a description of the land nominated, the time and place where the sealed bids shall be received and opened (which must be a state owned building in the state capital), a statement that the bid may be for the whole or any particularly described portion of the advertised land and may contain any other information deemed necessary by the mineral board [R.S. 30:126(A)]. The Office of Mineral Resources also publishes a notice book each month of tracts available for bidding at the next month's mineral lease sale which is available to the public for a yearly subscription price of \$120. A copy of the notice book is available for viewing on the DNR website.

F. A nomination may be withdrawn at the request of the applicant prior to its being advertised for lease; thereafter, the request for withdrawal must be reviewed by the State Mineral Board and approved for withdrawal at the regularly scheduled monthly State Mineral Board meeting.

G. For more detailed information on nominations abutting or enclosing existing, active state mineral leases, abutting the 3 mile boundary between state and federal waters, abutting neighboring states, nominations of particular tract kinds—such as wildlife management areas under the jurisdiction of the Department of Wildlife and Fisheries, Sixteenth Section lands, vacant state lands, school indemnity lands, state agency lands, tax adjudicated lands and other specialized types of acreage requiring type specific handling, see the leasing manual available on the DNR website as set forth hereinabove.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:354.A.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:254 (February 2008).

§902. Bidding

A. Bids for state mineral leases shall only be accepted from those parties who are registered prospective leaseholders (having a registration form containing current information regarding the bidder and a current certificate of good standing from the Secretary of State's office indicating prospective bidder is authorized to do business in the state of Louisiana) with the Office of Mineral Resources. Prospective leaseholders must maintain current their registration by notifying the Office of Mineral Resources of any change of information provided on the registration form and prior to January 31 of each year, if applicable, furnishing the Office of Mineral Resources with a copy of a certificate from the Secretary of State's Office indicating the party is in good standing and remains authorized to do business in the state of Louisiana.

B. Bids for state mineral leases shall be accepted at the place named in the advertisement no later than 12 noon on the Tuesday immediately preceding the Wednesday State Mineral Board meeting (unless specially noticed due to holidays).

C. Bids must be in a sealed envelope with the tract number for which the bid is being submitted legibly typed or written on the outside of the envelope. The bid packet shall contain the official state of Louisiana bid form as secured from the website form file, completely and accurately filled out and signed by an authorized agent of the bidder, a cashier's or certified check, or money order made out to the Office of Mineral Resources for the total amount of the cash bonus being bid (which must match exactly the cash bonus written in on the bid form submitted), a check made out to the Office of Mineral Resources for the sum equaling 10 percent of the total cash bonus bid, a check made out to the Office of Mineral Resources for a sum equaling \$20 multiplied times the total number of acres being bid on (if bid is on entire tract, then multiply \$20 times total tract acreage), a "hard" paper copy of the plat and legal description of a portion bid and a diskette or CD-ROM containing a .dxf file and a word.doc file describing the portion bid (which must match each other and the "hard" copies) and an electronic .pdf file of the plat. Failure to sign the bid form, or a discrepancy between the amount of the cash bonus set forth on the check presented and, if less than, the amount written in on the accompanying bid form, shall invalidate the bid, rendering it unacceptable to the State Mineral Board. Bids once submitted shall not be returned prior to the State Mineral Board meeting for which they were submitted, and then only by permission of the State Mineral Board or if the bid is rejected.

D. Bids shall be opened on the date, and at the time and place specified in the advertisement. If a nominated tract is withdrawn from a particular mineral lease sale by the State Mineral Board for any reason, any bids received on the withdrawn tract shall be returned unopened at the end of the State Mineral Board meeting from which the tract was withdrawn.

E. All bids opened shall be evaluated by the staff of the State Mineral Board and recommendations made as to whether each bid should, or should not, be accepted. The State Mineral Board may then award leases on those bids it deems acceptable—usually at the meeting when the corresponding bids are opened. All bids not accepted shall be returned to the unsuccessful bidder at the end of the meeting at which the bids were opened.

F. Awarded leases are prepared by the staff of the Office of Mineral Resources and sent to the new lessee for signature and recordation in the parish records of the parish(s) in which the lease acreage is located. A fully signed and executed copy of the lease, with recording information, shall then be returned to the Office of Mineral Resources within 20 days of receipt therefrom (failure to so return may result in forfeiture of lease) and shall be filed in the lease records of that office.

G. More particular information with regards to the bidding procedure may be obtained from the Leasing Manual located on the DNR website as set forth hereinabove.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:354.A.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:255 (February 2008).

§903. Assignments and Other Transfers of Interest

A. Any assignment or other transfer of an interest in a state mineral lease must be approved by the State Mineral Board and failure to so obtain approval shall render the assignment or transfer null and void (R.S. 30:128).

B. Before any assignment or other transfer of an interest in a state mineral lease is approved, any and all of the assignees must be currently registered prospective leaseholders with the Office of Mineral Resources.

C. Any assignment must clearly show that a working interest in a state mineral lease is being transferred (no net revenue interest, override royalty, well bore interest, or other similar non-working interest transfer will be approved by the State Mineral Board), contain a clear description of the working interest (including legal description of lease portion if applicable) being transferred, not show a greater interest being transferred than is owned by the assignor and be accompanied by a Form B (see the DNR website for file) which shows the decimal working interest of all parties before and after the transfer. The assignment or other transfer must be signed by all assignors requisite to the transfer of the interest being assigned, witnessed and duly notarized (by witness attestation if necessary) in a form legally acceptable in the venue in which the assignment or other transfer is completed.

D. Each assignment or other transfer (more than one lease interest may be assigned or transferred in one assignment document) shall be accompanied by a check for the non-refundable fee as set in the fee schedule of the Office of Mineral Resources (LAC 43, Part V, §301); presently set at \$100.

E. The assignment or other transfer, once approved by the State Mineral Board, shall be filed in the lease records of the Office of Mineral Resources in the file record of the applicable lease(s).

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:354.A.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:255 (February 2008).

§904. Laws and Instructions

A. The general statutory provisions applicable to mineral leases from the state of Louisiana on state owned lands and waterbottoms are located in R.S. 30:121-221. The general, applicable provisions of the Constitution of the State of Louisiana of 1974, as amended, are Article IX, §§1-5.

B. Instructions regarding obtaining and transferring interests in state mineral leases may be found in the leasing manual located on the Department of Natural Resources (DNR) website at <http://dnr.louisiana.gov/min/petlan/leasing.asp>.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:354.A.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:256 (February 2008).

§905. Mineral Board Policy

A. Mineral Board Policy regarding matters of mineral leasing and transfers of mineral lease interests may be obtained on request by telephoning the Office of Mineral Resources at (225) 342-4606.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:354.A.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:256 (February 2008).

§907. Information Availability

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:354.A.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 4:210 (May 1978), repealed by the Department of Natural Resources, Office of the Secretary, LR 34:256 (February 2008).

§909. Policy Waiver

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:354.A.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 4:210 (May 1978), repealed by the Department of Natural Resources, Office of the Secretary, LR 34:256 (February 2008).

§911. Lease Proposal Evaluation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:354.A.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 4:210 (May 1978), repealed by the Department of Natural Resources, Office of the Secretary, LR 34:256 (February 2008).

Subchapter C. Royalty Crude Oil

§925. Purpose

A. It is the purpose of these regulations, and in the best interest of the state, to establish a program to provide a mechanism for taking state royalty oil volumes in kind and for the disposition by sales or processing contracts, in a fair and equitable manner, of available supplies of such state royalty oil to eligible refiners within the state, with the intent thereby to increase the supplies of gasoline, diesel or other fuel products available to Louisiana citizens.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:142.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:133 (March 1980), amended by the Department of Natural Resources, Office of Mineral Resources, LR 34:256 (February 2008).

§927. Definitions

Affiliates—any business concerns affiliated with each other where either directly or indirectly one concern controls or has the power to control the other or a third party controls or has the power to control both.

Contract—a contract for the disposition of state royalty oil.

Lessee—the owner or owners of the working interest under a state lease.

Lessor—the state of Louisiana acting through the State Mineral Board.

Louisiana Refiner—an applicant who is certified by the mineral board.

Refiner—a qualified applicant who contracts for state royalty oil pursuant to the policies and procedures established by the State Mineral Board and these regulations.

Royalty Oil—the state's royalty portion of crude oil or condensate produced from or allocated to state leases.

Seller—the State Mineral Board acting on behalf of the state of Louisiana in a contract to sell royalty oil.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:143.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:133 (March 1980), amended by the Department of Natural Resources, Office of Mineral Resources, LR 34:256 (February 2008).

§929. Policies and Procedures of the State Mineral Board

A. Royalty oil available through exercise of the state's right to take in kind shall be disposed of pursuant to policies and procedures approved by the State Mineral Board, which shall be consistent with the intent and purpose of R.S. 30:143 and these regulations.

B. Prior to the execution of any contracts by the State Mineral Board, and pending a determination of available supplies, the Office of Mineral Resources, under the direction of the Secretary of the Department of Natural Resources, shall prepare for board consideration recommendations for the disposition of available state royalty oil. Such recommendations shall address the sale and accounting of royalty oil; processing and accounting for royalty oil; and public bidding and accounting for royalty oil.

C. The Office of Mineral Resources shall prepare a projection of the costs of administering the program as well as a recommendation to the board of the amount of administrative fee, not to exceed \$0.20 per barrel, necessary to cover such costs, and if applicable, the minimum volume of royalty oil which must be included in each type of transaction to be cost efficient.

D. In accomplishing the purposes of the Section, the Office of Mineral Resources shall be authorized to consult with such industry, government and professional persons as may be necessary. Within the limitations of its budget, or utilizing funds made available for that purpose, the office may contract for any professional services necessary, subject

to the approval of the Secretary of the Department of Natural Resources.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:143.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:133 (March 1980), amended by the Department of Natural Resources, Office of Mineral Resources, LR 34:256 (February 2008).

§931. Inventory; Delivery Points; Objections

A. For each lease, division order or other legal instrument pursuant to the terms of which the state has a royalty oil interest susceptible of taking in kind, the Office of Mineral Resources shall determine the volumes and prices applicable to such royalty.

B. The Office of Mineral Resources shall notify each of the state's lessees of the state's interest in taking in kind the volume of state royalty oil attributable to the production of each such lessee, requesting the designation, within 30 days, of proposed delivery points therefore, and notice of any perceived impediments, objections or hardships with regard to such taking under a particular lease or other legal instrument.

C. Impediments or objections which cannot be resolved within 60 days of notice, by informal conference with the State Mineral Board, shall be referred to the Secretary of the Department of Natural Resources for his review and disposition by such procedures as he may deem appropriate and in the best interest of the state.

D. The lease volumes, prices and proposed delivery points for all state royalty oil for which there is no unresolved impediment or objection to taking in kind, shall be compiled by the Office of Mineral Resources for submission to the State Mineral Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:143.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:134 (March 1980), amended by the Department of Natural Resources, Office of Mineral Resources, LR 34:257 (February 2008).

§933. Louisiana Refiner Criteria

A. To be eligible to purchase or process state royalty crude oil an applicant therefore must be certified by the State Mineral Board as a Louisiana refiner.

B. To qualify as a Louisiana refiner, an applicant to purchase or process state royalty crude shall meet all of the following criteria.

1. Applicant shall be a Louisiana business entity having its principal place of business in the state of Louisiana. In applying this criterium, principal place of business shall mean:

a. 51 percent of the applicant's and all affiliates' total refining capacity is located in Louisiana; or

b. Louisiana is the applicant's state of incorporation;

or
c. applicant's headquarters or corporate offices and at least 51 percent of its officers and employees are located in Louisiana.

2. Applicant shall have facilities in the state with available capacity for refining or processing crude oil or condensate into fuel products and/or the capability for the distillation of methanol or ethanol suitable for blending with gasoline to produce a motor fuel.

3. Applicant must have adequate facilities to receive crude oil and own or have contractual rights to use facilities for storage of royalty crude oil and for storage or products refined therefrom.

4. Applicant must be able to:

a. legally condition the sale of products refined from the state royalty oil upon the right of the state to exercise a right of first refusal to any such products; and

b. to give first priority to Louisiana customers in the usual course of sale of such products.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:143.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:134 (March 1980), amended by the Department of Natural Resources, Office of Mineral Resources, LR 34:257 (February 2008).

§935. Application Requirements

A. A refiner desiring to purchase or process state royalty oil shall file an application with the Office of Mineral Resources with an original and 10 copies containing the following information:

1. the full name and address of the applicant;

2. a detailed statement showing the applicant's qualifications to be certified a Louisiana refiner pursuant to §933 of these regulations, attested to by affidavit;

3. the capacity of the refinery to be supplied;

4. a tabulation for each of the last 12 months of operation, or since start-up date if less than 12 months, or projection for the next 12 months, of refining capability, of the amount of the thru-put capacity, the source and grades of crude oil refined or refinable, and the kind, amount and percentage of the principle fuel products produced;

5. if applicable, the amount and source of methanol and ethanol production available to applicant including identification of the sources of agricultural products used to produce such methanol and ethanol;

6. a plan of procedure setting forth in detail the mechanisms proposed to be employed to dispose of refined products in the state and to accommodate the state in the event that it exercises its rights of first refusal, together with any approvals from the federal government which may be necessary to carry out such disposition;

7. a complete disclosure of applicant's affiliation, and the nature thereof, with any other producer and refiner;

8. the minimum amount of royalty oil requested and the state lease or leases applicant believes offer a potential source of royalty oil, if known;

9. a list of all customers to whom products were sold in the current and previous year and all customers required to be supplied pursuant to federal law or regulations, including such customer's address and type of products purchased;

10. a contingency plan for handling of the state's royalty crude in the event that a force majeure event occurs disrupting normal operations;

11. such other information as the State Mineral Board may by appropriate notice require for such applications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:143.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:134 (March 1980), amended by the Department of Natural Resources, Office of Mineral Resources, LR 34:257 (February 2008).

§937. Disposition; Approval; Priority

A. Royalty crude shall normally be made available to qualified applicants based upon each qualified applicant receiving an equal proportionate share of the total royalty crude oil available. The State Mineral Board may establish policies and procedures for alternate methods of disposition of royalty crude not otherwise subject to public bid, and for public bidding for royalty crude not subject to price controls when the board deems such alternate methods are appropriate. In either case the board may establish such conditions as it deems necessary, in addition to the conditions set forth in these regulations, to protect the interests of the state and to provide, to the extent practicable, for fair and equitable allocation.

B. Prior to implementing procedures for public bidding, and prior to disposing of royalty crude by a contract, for the sale or processing thereof, the board shall present such procedures, and each such contract, to the House and Senate Committees on Natural Resources, meeting jointly, for approval thereof.

C. The board shall incorporate in its policies and procedures mechanisms which give first priority to eligible refiners with capability to refine typical south Louisiana, light sweet type crude and refiners with operable facilities for the distillation of methanol or ethanol suitable for blending with gasoline to produce a motor fuel. The board shall develop procedures for ranking refiners with facilities for the distillation of methanol or ethanol according to the percentage of Louisiana agricultural products used in such refiners' distillation process, with those refiners deriving ethanol or methanol by using 50 percent or more of Louisiana agricultural products ranked first. Refiners using less than 10 percent Louisiana agricultural products shall not be entitled to ranking in this first priority.

D. No refiner shall be entitled to receive more than 7,500 barrels per day of state royalty crude.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:143.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:134 (March 1980), amended by the Department of Natural Resources, Office of Mineral Resources, LR 34:258 (February 2008).

§939. Contract Term; Renewal; Minimum Requirements

A. The term of any contract entered into by the board with a qualified refiner for the purchase or processing of state royalty crude oil shall have a maximum primary term of no more than three years. Such contract shall be renewable upon timely application of the same conditions, or such additional conditions as may be deemed necessary to serve the best interest of the state, at the sole discretion of the board.

B. Intention of the refiner to seek renewal of a contract shall be evidenced by written application filed no later than 60 days prior to the expiration date of the contract then in effect.

C. If the board does not receive written application for renewal within the time set forth in Subsection B, the board may readvertise the availability of the volume of royalty crude oil committed under such contract and enter into a new contract with a qualified refiner effective upon the expiration date of the unrenewed contract, or make such

other disposition of the royalty oil as it determines to be in the best interest of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:143.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:135 (March 1980), amended by the Department of Natural Resources, Office of Mineral Resources, LR 34:258 (February 2008).

§941. Transportation; Delivery; Storage; Transportation Costs; Minimum Requirements

A. In any contract, the refiner shall be responsible to arrange with the state's lessee for the delivery and receipt of all royalty oil.

B. The point of delivery for royalty oil under any contract shall be the field where produced or a site as near as possible to the point of delivery normally utilized by the state's lessee for delivery of crude oil when state's royalty share is not taken in kind.

C. The refiner shall promptly reimburse state's lessee for the cost of transporting crude oil to the point of delivery at the rate set by the applicable state lease for deductions from royalties for the costs of transportation. If no such rate for deductions is set by the applicable state lease, the refiner shall reimburse the lessee at a rate to be approved by the State Mineral Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:143.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:135 (March 1980), amended by the Department of Natural Resources, Office of Mineral Resources, LR 34:258 (February 2008).

§943. Price; Deductions; Method of Payment; Reports; Taxes; Administrative Fee

A. The price to be paid by a refiner pursuant to any contract for the purchase of royalty crude oil shall be the maximum price allowed pursuant to the applicable and controlling federal or state law on the effective date of the contract. In the event that such price controls are terminated during the term of a contract, the price to be paid by a refiner shall be the fair market value of the state's royalty oil, which condition shall be effective at any time while the contract is in effect.

B. In calculating the payments for royalty crude oil purchased, the refiner may deduct from the price that portion of the transportation costs reimbursed to the state's lessee which represents the actual cost of transportation to the agreed upon point of delivery utilized. Any additional cost of transportation for delivery to a more distant point shall be borne solely by the refiner.

C. Payments due under any contract shall be made monthly, such payments to be consistent with the volume of royalty oil received by the refiner during such preceding month.

D. The refiner shall be required to file monthly reports with the Office of Mineral Resources setting forth by lease and delivery point all volumes of crude oil received.

E. The state shall assume responsibility for all severance taxes due on its royalty production in effect on the contract date. The refiner shall be liable for all other taxes and any additional or increased taxes which become effective following the date of the contract. The board may require the refiner to advance or remit to the appropriate state lessee all severance taxes paid by such lessee which are attributable to

the volume of royalty oil acquired by the refiner. In such event the refiner shall be entitled to deduct such taxes on a monthly basis from payments due the state and remit same to the appropriate state lessee.

F. In addition to all other prices, fees, and charges otherwise authorized in these regulations, the board may assess a fee not in excess of \$0.20 per barrel of royalty oil delivered to cover the cost of administration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:143.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:135 (March 1980), amended by the Department of Natural Resources, Office of Mineral Resources, LR 34:258 (February 2008).

§945. Utilization; Right of First Refusal; Assignment; Resale

A. Refiner shall not resell any royalty crude oil without the prior written consent of the mineral board.

B. All royalty crude oil sold or processed under any contract, or other crude oil received in lieu of royalty crude oil under an exchange agreement, shall be utilized at refiner's facilities in the state and shall not be used for resale in kind except as authorized by the provisions of this Section. To the extent permitted by controlling federal law or regulations no gasoline or diesel end product refined from state royalty crude under any contract shall be sold for the ultimate purpose of retail sale outside of the state of Louisiana.

C. The resale or exchange of royalty crude oil in violation of the provisions of this Section shall be punishable by a fine of not less than \$10,000 per day for each day of violation.

D. Any contract for the sale or processing of state royalty oil shall be conditioned upon the right of the state to exercise a right of first refusal to any product refined from the royalty crude.

E. Any contract for the sale or processing of state royalty oil shall also require that first priority be given to Louisiana customers in the usual course of sale of end products.

F. Refiner shall be required to furnish the board copies of all contracts entered into between refiner and third parties reflecting delivery, receipt, handling, transporting, sale and use of crude oil covered by a contract with the board, or refined products derived therefrom.

G. No contract shall be assignable without the prior written consent of the board.

H. Refiner shall not enter into any exchange agreement whereby other crude oil in lieu of the state's royalty crude oil is delivered to refiner without the prior written consent of the mineral board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:143.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:135 (March 1980), amended by the Department of Natural Resources, Office of Mineral Resources, LR 34:259 (February 2008).

§947. Penalties; Liability; Bond

A. The board shall provide for the assessment of a late charge at the rate of 7 percent per annum on any payments received from the refiner after the date such payments are due as otherwise provided in these regulations.

B. In any contract for the disposition of royalty crude oil, the board shall assure that the state is held free and harmless from any liability, cost or expense arising from the execution of such contract or from the delivery of any crude oil pursuant thereto. The refiner shall assume all liability for the actions of itself, its agents and employees, and of the state's lessee, its agent and employees in receiving delivery, handling, transporting and refining of royalty oil.

C. Prior to the disposition of any royalty crude oil as provided herein, the board shall require each refiner to furnish to the state a letter of credit from an established and recognized bank within the state, or an acceptable surety bond, in an amount equal to the price and administrative fee for 45 days volume of crude oil to be delivered under any contract, or \$500,000, whichever amount is less, guaranteeing good and faithful performance of the terms and conditions of these regulations and any contract. The full amount of such letter of credit or bond, or any portion thereof, may be applied to any sums or damages due the state as a result of the breach of any condition of the contract or violation of these regulations. Such right shall be in addition to any other legal rights and remedies available to the state. The board shall reserve the right to require the increase in the amount of this security when necessary to protect the interest of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:143.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:135 (March 1980), amended by the Department of Natural Resources, Office of Mineral Resources, LR 34:259 (February 2008).

§949. Warranties; Governmental Regulations

A. In any contract the board shall not warrant the crude oil delivered as being merchantable or suitable for refiner's purpose and the board shall not be liable for the quality of the crude oil or the content thereof. The board shall not warrant to refiner that there are available sufficient quantities of royalty crude oil from any state lease(s) dedicated to a contract to meet refiner's requirements.

B. All contracts shall be subject to applicable state, local and federal laws, rules and regulations. Refiner shall be required to secure all licenses, permits, orders, or waivers necessary for the performance of the contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:143.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:136 (March 1980), amended by the Department of Natural Resources, Office of Mineral Resources, LR 34:259 (February 2008).

§951. Additional Procedural Rules

A. The board may from time to time adopt such additional policies and rules of procedures as are deemed necessary to fully effectuate and administer the regulations set forth herein.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:143.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 6:136 (March 1980), amended by the Department of Natural Resources, Office of Mineral Resources, LR 34:259 (February 2008).

Chapter 10. Leasing State Lands and Water Bottoms for the Exploration, Development and Production of Wind Energy

§1001. Authority

A. These rules and regulations are promulgated by the Secretary of the Department of Natural Resources pursuant to the Administrative Procedure Act as authorized by R.S. 41:1734.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1734.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:260 (February 2008).

§1003. Purpose

A. These rules and regulations are promulgated for the following purposes:

1. to implement the provisions of and accomplish the intent of the legislature as set forth in Chapter 14-A of Title 41 of the Louisiana Revised Statutes of 1950;

2. to establish procedures for state wind lease acquisition, transfer, release, operations, electric power production royalty payment and reporting, and decommissioning;

3. to institute reasonable fees for services performed by the Department of Natural Resources.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1734.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:260 (February 2008).

§1005. Overview of the State Wind Lease Acquisition Process

A. Leases for the exploration, development and production of wind energy on state lands and water bottoms under Chapter 14-A of Title 41 of the Louisiana Revised Statutes of 1950 shall be acquired from the State Mineral Board in conjunction with the Secretary of the Department of Natural Resources, through the Office of Mineral Resources, through a public bid process as set forth in this Chapter. There are nine general steps in the state wind lease acquisition process as outlined below. Each general step has its own set of procedures which are outlined in detail in separate Sections of this Chapter:

1. registration;
2. pre-nomination research;
3. nomination of state lands and water bottoms for wind lease;
4. examination and evaluation of nomination for state wind lease;
5. advertisement of state tract offered for wind lease and request for bids;
6. submission of bids on state tract offered for wind lease;
7. examination and evaluation of bids for state wind lease;
8. award of state wind lease;
9. issuance and execution of state wind lease contract.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1734.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:260 (February 2008).

§1007. Registration

A. Applicant Registration. Any party who wants to apply for a state wind lease shall register certain information with the Office of Mineral Resources on a one-time basis prior to submitting an application. Registration consists of completing and submitting an official Applicant Registration Form.

1. Prospective Leaseholder Registration. All prospective leaseholders of state wind leases shall register certain information and proof of current authorization to do business in the state of Louisiana with the Office of Mineral Resources and thereafter renew their registration annually by January 31. Only those bidders who are registered as prospective leaseholders with the Office of Mineral Resources shall be allowed to bid on tracts for the purpose of obtaining a state wind lease. Transfers or assignments of state wind leases shall not be granted to prospective leaseholders that are not currently registered as a prospective leaseholder with the Office of Mineral Resources.

a. Registration consists of submitting a completed official prospective leaseholder registration form (obtainable from the Office of Mineral Resources) and an appropriate certificate from the Louisiana Secretary of State to the Office of Mineral Resources as follows:

- i. individual/sole proprietorship—no certificate required;
- ii. corporation—good standing certificate;
- iii. limited liability company—good standing certificate; and
- iv. partnership—existence certificate.

b. If a current record state wind lessee fails to maintain his Prospective Leaseholder Registration with the Office of Mineral Resources, the State Mineral Board may levy liquidated damages of \$100 per day until the unregistered lessee is properly registered.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1734.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:260 (February 2008).

§1009. Pre-Nomination Research

A. A party seeking to nominate state lands or water bottoms for wind lease shall conduct research prior to nomination to determine and confirm whether the state lands or water bottoms fall under one of the following six categories and comply with any category requirements.

1. Louisiana Wildlife and Fisheries Commission/Louisiana Department of Wildlife and Fisheries Property. The lands and water bottoms in this category are under the jurisdiction of the Wildlife and Fisheries Commission or the Department of Wildlife and Fisheries, including but not limited to, wildlife management areas and refuges. Questions concerning these lands and water bottoms should be directed to the Louisiana Department of Wildlife and Fisheries, Office of Wildlife, Fur and Refuge Division.

2. School Indemnity Lands
3. Tax Adjudicated Lands
4. Vacant State Lands
5. White Lake
6. Legal Areas. Title to certain state lands or water bottoms may have been established by compromise without

litigation, compromise during the course of litigation, or adjudication in a court of law. For state wind leasing purposes, state lands or water bottoms subject to such compromise or adjudication are viewed as a "Legal Area." Determine whether the state lands or water bottoms to be nominated include a legal area. If they do, the nominating party shall provide a copy of the compromise instrument(s) or judgment(s) that establish(es) the state ownership interest.

Questions concerning categories 2 through 6 should be directed to the State Land Office, Division of Administration.

B. A party seeking to nominate state lands or water bottoms for wind lease shall conduct research prior to nomination to determine and confirm that the state lands or water bottoms are available for wind lease. The following are some conditions indicating availability.

1. The State Mineral Board has not taken the state lands and water bottoms out of commerce for the purpose of wind leasing.

2. The state lands and water bottoms are subject to an active or non-released land use agreement granted by the state of Louisiana and the user under such an agreement has been notified of the proposed wind leasing.

a. The nominating party shall provide proof of notification consisting of a complete list of the users of the state lands and water bottoms to be nominated for wind lease, the official name and/or number of the governing land use agreement, the official name of the state entity that granted the governing land use agreement, along with an affidavit sworn to by the nominating party, in the presence of a notary and two witnesses, confirming that the party has notified each of the listed users of the state lands and water bottoms of the proposed wind leasing. The nominating party shall follow the notarization requirements of R.S. 35:12.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1734.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:260 (February 2008).

§1011. Nomination of State Lands and Water Bottoms for Wind Lease

A. Interested, registered parties shall nominate state lands and water bottoms for wind lease by scheduling a pre-nomination meeting with and submitting proposals (called "nominations") by application to the Office of Mineral Resources in the form it requires. Each application shall include a description of the land, including a map, on both paper and diskette or CD-ROM, and be accompanied by submission of a nonrefundable \$400 processing fee made payable to the Office of Mineral Resources, as well as any other documentation and information required.

B. Only those parties who are registered applicants with the Office of Mineral Resources as set forth under §1007.A shall be allowed to nominate state lands and water bottoms for wind lease.

C. A party interested in nominating state lands and water bottoms for wind lease shall observe the following restrictions.

1. Use bearing, distance and X-Y coordinates based on the Louisiana Coordinate System of 1927, North or South Zone (as applicable), to accurately and clearly describe the nominated acreage. Determine whether the acreage to be nominated falls in the North Zone or the South Zone of the Louisiana Coordinate System of 1927 and provide this information in the nomination packet. A single nomination may contain acreage that falls partially in the North Zone and partially in the South Zone. However, allocate the nominated acreage to the zone wherein the majority of the acreage falls and use that zone's coordinates. See R.S. 50:1.

a. A nominating party is excepted from using the Louisiana Coordinate System of 1927 only if the acreage to be nominated is not susceptible of or has another type legal description not translatable into a description using bearing, distance and X-Y coordinates based on the Louisiana Coordinate System of 1927. If the acreage to be nominated falls under this exception, the nominating party is allowed to provide the legal description of the property as provided in the title deed wherein the state acquired its ownership interest in the property.

2. Nominate 5,000 acres or less of state lands and water bottoms for state wind lease in a single nomination.

3. Delineate the nominated acreage by a square or rectangle only, no side of which shall be greater than 3 1/2 half miles 18,480.00 feet in length.

a. A nominating party is excepted from delineating the nominated acreage by a square or rectangle when the nominated acreage abuts the Three Mile Line as decreed by the United States Supreme Court in *United States v. State of Louisiana et al.* In this situation, use a polygon as close in shape to a square or rectangle as is practical.

D. A party interested in nominating state lands and water bottoms for wind lease shall schedule a pre-nomination meeting with the Office of Mineral Resources, at which meeting the party shall submit a nomination packet that includes one copy (unless required otherwise) of the following items:

1. an official letter of application for a state wind lease available from the Office of Mineral Resources. Provide three originally signed paper copies and no electronic copy;

2. any title documentation obtained pursuant to §1009.A.6;

3. any proof of notification documentation obtained pursuant to §1009.B.2;

4. a written property description of the nominated acreage, fully justified, using Microsoft Word. Provide three original paper copies and one electronic copy as a Word .doc file on the nomination diskette or CD-ROM. Include:

a. a designated point of beginning using X-Y coordinates based on the Louisiana Coordinate System of 1927, North or South Zone (as applicable), then going clockwise fully write out (no abbreviations or symbols) bearing and distance to the next X-Y coordinates for each corner back to the point of beginning;

b. the gross acreage amount of state lands and water bottoms, inclusive of Louisiana Wildlife and Fisheries Commission/Louisiana Department of Wildlife and Fisheries Property, contained within the nomination area;

c. the net acreage amount of state lands and water bottoms, exclusive of Louisiana Wildlife and Fisheries Commission/Louisiana Department of Wildlife and Fisheries property, contained within the nomination area; and

d. the net acreage amount of Louisiana Wildlife and Fisheries Commission/Louisiana Department of Wildlife and Fisheries property contained within the nomination area;

5. a plat of the nominated acreage, using the most recent background imagery. Use X-Y coordinates based on the Louisiana Coordinate System of 1927, North or South Zone (as applicable). Provide three original paper copies and one electronic copy as a .pdf file on the nomination diskette or CD-ROM. Include:

a. an outline of the nominated acreage with a designated point of beginning and corners using X-Y coordinates that exactly match the X-Y coordinates for the point of beginning and corners provided in the written property description, clearly labeled therein;

b. an outline of the state lands and water bottoms falling in the nomination area, clearly labeled along with the acreage amount contained therein;

c. an outline of any Louisiana Wildlife and Fisheries Commission/Louisiana Department of Wildlife and Fisheries property, school indemnity lands, tax adjudicated lands, vacant state lands, White Lake, and legal areas, falling in the nomination area, clearly labeled along with the acreage amount contained in each;

d. an outline of each active or non-released land use agreement granted by the state of Louisiana including, but not limited to, a state wind lease, state mineral lease, state operating agreement, state exclusive geophysical agreement, state non-exclusive seismic permit, state right of way, and/or state surface/subsurface agreement, as well as any nomination tract approved for advertisement or advertised as offered for state mineral lease, state operating agreement, or state exclusive geophysical agreement abutting, adjacent to, intersecting, and partially/wholly enclosed in the nomination area, clearly labeled with its official number along with the acreage amount contained therein;

e. an outline of any lands and water bottoms not belonging to the state of Louisiana falling in the nomination area, clearly labeled "Not State Owned" along with the acreage amount contained therein;

f. all water bodies, clearly labeled;

g. the block system (if applicable), with block names and numbers;

h. section, township, range information (if applicable);

i. parish name(s); and

j. the name and date of the background imagery used;

6. a .dxf file that contains only the boundary of the nominated acreage, provided on the nomination diskette or CD-ROM. The boundary shall be a single line with no additional lines, labels, text, or graphics, and shall be constructed of individual line segments between vertices. The X-Y coordinates in the .dxf file must exactly match those in the written property description and the plat;

7. a nomination diskette or CD-ROM clearly labeled "State Wind Lease Nomination Diskette" that shall have the applicant and project names affixed thereon and contain the

written property description as a Word .doc file, the plat as a .pdf file, and the .dxf file;

8. a summary of the environmental issues including, but not limited to, avian and baseline noise levels, the environmental impact of the placement of wind turbines and other equipment necessary for the exploration, development and production of wind energy, and the steps proposed to minimize the environmental impact, along with any supporting environmental impact documentation;

9. a list of governmental entities including each federal, state, parish and local governmental entity that has jurisdiction in the nomination area and for each, the contact person name, title, office address, telephone and fax numbers, and email, as well as the type of legal authority, if any, acquired or to be acquired from the governmental entity;

10. a nomination fee payment in the amount of \$400 made payable to the Office of Mineral Resources as a non-refundable fee to satisfy the cost of processing an application for a state wind lease. A personal or business check is acceptable;

11. any other information and documentation required by the Office of Mineral Resources.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1734.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:261 (February 2008).

§1013. Examination and Evaluation of Nomination for Wind Lease

A. If the Office of Mineral Resources determines that the state wind lease nomination complies with legal, procedural and technical requirements, as well as with any current policies and practices, it shall:

1. place the state wind lease nomination tract on the State Mineral Board's Tract Evaluation Committee agenda for the next regular board meeting;

2. take the area out of commerce for the purpose of wind leasing while the nomination is being evaluated;

3. transmit a copy of the letter of application for a State Wind Lease, written property description, and plat to the State Land Office and to the Louisiana Department of Wildlife and Fisheries, who shall review the proposed location of the state wind lease, certify to the State Mineral Board whether or not there are other leases of any kind at the proposed lease location and if so, provide copies to the State Mineral Board of the other leases as an attachment to the other leases certification; and

4. transmit the nomination packet and the other leases certifications to the Secretary of the Department of Natural Resources for evaluation.

B. The Secretary of the Department of Natural Resources shall evaluate the wind lease nomination pursuant to R.S. 41:1733.B and determine whether the proposed wind lease is appropriate. If so, he shall recommend to the State Mineral Board that it conduct a public bid process and if not, he shall recommend to the State Mineral Board that it not conduct a public bid process. The State Mineral Board, through the Office of Mineral Resources, shall notify the applicant of the secretary's determination via a bid process determination letter.

C. If an applicant wants to withdraw a nomination during the examination and evaluation process, prior to the tract being officially advertised for a state wind lease, he shall submit a letter requesting withdrawal of the nomination to Office of Mineral Resources, Attention: Leasing Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1734.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:262 (February 2008).

§1015. Advertisement of State Tract Offered for Wind Lease and Request for Bids

A. The State Mineral Board, through the Office of Mineral Resources, shall publish an advertisement of the state tract offered for wind lease and request for bids in the official journal of the state and official journal(s) of the parish(es) where the lands are located, and otherwise at its discretion, not more than 120 days and not less than 60 days prior to the date for the public opening of bids (generally the lease sale date). The advertisement shall contain a description of the land proposed to be leased and its official tract number, any notes pertaining to the nominated tract, the date, time and place where sealed bids shall be received and publicly opened, a statement that a bid shall only be for the whole of the land advertised and no portion bids will be accepted, the minimum dollar amount (bonus) and minimum electric power production royalty to be demanded, and any other information the board may consider necessary. This advertisement and any other published by the board shall constitute judicial advertisement and legal notice within the contemplation of R.S. Title 43, Chapter 5.

B. The advertisement shall also provide notice of the following.

1. A party shall bid on the whole of the land advertised. A portion bid shall not be accepted.

2. A wind lease on state lands and water bottoms shall have a primary term of five years.

3. The dollar amount (bonus) with regard to any wind lease on state lands and water bottoms shall be no less than the minimum amount set by the State Mineral Board. The dollar amount shall be provided on the official bid form as a total amount and as an amount per acre (which is equal to the dollar amount divided by the acreage bid on). The dollar amount (bonus) bid shall be due within 24 hours of state wind lease award. Payment shall be made to the Office of Mineral Resources via certified funds or wire transfer. If payment is not made the State Mineral Board may not execute the lease and may rescind it.

4. The annual rental with regard to any wind lease on state lands and water bottoms shall not be for less than one-half of the dollar amount (bonus).

5. The electric power production royalty with regard to any wind lease on state lands and water bottoms shall be no less than the minimum amount set by the State Mineral Board of the lessee's gross revenues. The state may elect, at its option, to take in kind all or any of the portion due it as royalty.

6. A bidder for a state wind lease may offer additional consideration.

7. When two or more parties submit a joint bid, the parties shall designate the undivided percent interest of each party on the official bid form. The interests so designated shall be stipulated in any lease that may be awarded. Failure

to designate the undivided percent interest of each joint bidder shall result in the State Mineral Board assigning equal interests to each bidder.

8. When two or more parties submit a joint bid, the parties shall designate the party who shall be the principal state wind lessee, authorized to act on behalf of all co-lessees, on the official bid form. Additionally, each party shall submit a designation of principal state wind lessee and operator form with the joint bid. The principal state wind lessee and operator so designated shall be stipulated in any lease that may be awarded.

9. A state wind lease shall not be for more than 5,000 acres.

10. The State Mineral Board is authorized to collect an administrative fee for leasing state lands and water bottoms for the exploration, development and production of wind energy in the amount of 10 percent of the total dollar amount (bonus) bid for a state wind lease. This 10 percent administrative fee shall be in addition to the total dollar amount bid and is due within 24 hours of state wind lease award. Payment shall be made to the Office of Mineral Resources via certified funds or wire transfer. If payment is not made the State Mineral Board may not execute the lease and may rescind it.

11. A bid for a state wind lease shall exclude all rights not specifically granted in any wind lease awarded.

12. Once a bid is submitted, it may not thereafter be withdrawn or cancelled. The State Mineral Board does not obligate itself to accept any bid. Bid acceptance or rejection is at the sole discretion of the State Mineral Board which reserves the right to reject any and all bids or to grant a wind lease on any portion of the state tract advertised and to withdraw the remainder of the tract.

13. If examination of the successful bid acreage amount reveals that there is more or less state acreage than the amount bid on, then the dollar amount (bonus) and annual rental shall be adjusted accordingly.

14. The successful bidder(s) to whom a state wind lease is awarded has 20 days from receipt of the lease contract, properly executed by the State Mineral Board, to execute and return the lease contract to the Office of Mineral Resources. Failure to return the lease contract, properly executed, within 20 days may result in forfeiture of the state wind lease including the dollar amount (bonus) and 10 percent administrative fee.

15. All state wind leases shall be executed upon the terms and conditions provided in the current official state wind lease form with any attached rider(s).

16. Notwithstanding any provisions to the contrary in any state wind lease awarded or in any rider attached thereto, the lease awarded shall be granted and accepted without any warranty of title and without any recourse against the lessor whatsoever, either expressed or implied. Further, lessor shall not be required to return any payments received under the state wind lease awarded or be otherwise responsible to the state wind lessee therefor.

17. Some tracts available for wind leasing may be situated in the Louisiana Coastal Zone as defined in R.S. 49:214.21 et seq., and may be subject to guidelines and regulations promulgated by the Louisiana Department of Natural Resources, Office of Coastal Restoration and

Management, Coastal Management Division, for operations in the Louisiana Coastal Zone.

18. Lessor excepts and reserves the full use of the leased premises and all rights with respect to its surface and subsurface for any and all purposes except for those granted to the state wind lessee, including the use of the leased premises for the exploration, production and development of oil, gas and other minerals by the lessor, its mineral lessees, grantees or permittees. Co-users of the leased premises shall agree to coordinate plans and cooperate on activities to minimize interference with other operations to the extent possible.

19. Any and all wind data collected by the state wind lessee during the primary term of the lease shall become public record at the end of the primary term.

20. Any contract entered into for the lease of state lands for any purpose shall require that access by the public to public waterways through the state lands covered by the lease shall be maintained and preserved for the public by the lessee. This provision shall not prohibit the secretary of the agency having control over the property from restricting access to public waterways if he determines that a danger to the public welfare exists. This provision shall not apply in cases involving title disputes.

21. Prior to commencing construction, each state wind lessee and state wind lease operator shall have a general liability insurance policy in a form acceptable to the State Mineral Board as set forth in §1029.A.2.

22. Prior to commencing construction, each state wind lessee and state wind lease operator shall provide financial security in a form acceptable to the State Mineral Board as set forth in §1029.A.3.

23. The state wind lessee and state wind lease operator shall be required, in the state wind lease contract, to take measures to reduce risk to the state, including but not limited to, effecting compliance with any and all wind energy standards established by the American National Standards Institute (ANSI), the American Wind Energy Association (AWEA), the International Electrotechnical Commission (IEC), and any other entity responsible for establishing wind industry consensus standards. Standards for wind energy development/operations include, but are not limited to:

- a. wind turbine safety and design;
- b. power performance;
- c. noise/acoustic measurement;
- d. mechanical load measurements;
- e. blade structural testing;
- f. power quality; and
- g. siting.

C. A party may request proof that a tract was advertised in the official state and parish journals using the official Request for Proof of Publication form published by the Office of Mineral Resources. Proof of publication consists of certified copies of the affidavits from the official state and parish journals attesting to publication. There is a fee of \$20 for providing proof of publication for a tract.

D. If an applicant wants to withdraw a nomination after the tract has been advertised for state wind lease, he shall submit a letter requesting withdrawal of the nomination to the State Mineral Board. No withdrawal shall be allowed unless approved by the State Mineral Board. If the State

Mineral Board approves the request, the nomination fee payment shall not be refunded.

E. If a party wants to protest the State Mineral Board wind leasing a state tract, he shall submit a formal letter of protest to the State Mineral Board at least seven days prior to the meeting of the State Mineral Board to receive bids on the tract (generally the lease sale date). The letter of protest shall reference the appropriate tract number, parish, and state mineral lease sale date, as well as set forth the source and nature of the title claimed, how and when acquired, and by what legal process.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1734.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:263 (February 2008).

§1017. Submission of Bids on State Tract Offered for Wind Lease

A. Interested, registered parties shall submit sealed bids on the entirety of a state tract advertised as offered for state wind lease to the Office of Mineral Resources in the form it requires by the bid submission deadline (generally no later than 12 noon CT on the Tuesday immediately prior to the Wednesday lease sale at which the tracts are offered unless otherwise noticed). Each bid shall be accompanied by any other documentation and information required.

B. Only those bidders who are registered prospective leaseholders with the Office of Mineral Resources as set forth under §1007.B shall be allowed to bid on tracts for the purpose of obtaining a wind lease from the state of Louisiana.

C. A party interested in bidding on a state tract for wind lease shall prepare a bid packet that includes the items listed below. The bidder shall place all of the items required to be included in the bid packet in an envelope, completely seal the envelope, write the official tract number on the outside of the envelope, and notate on the outside of the envelope that "Sealed Bid for State Wind Lease is Enclosed." If a bidding party is submitting multiple bids then he may place the individual sealed bid packet envelopes into a larger envelope, completely seal the envelope, and notate on the outside of the envelope that "Sealed Bids for State Wind Lease are Enclosed."

1. An official bid form available from the Office of Mineral Resources. Provide one originally signed paper copies and no electronic copy.

2. A summary of experience that shall include, at a minimum, the number of years experience in the exploration, development and production of wind energy and project descriptions. Experience with wind energy projects involving government lands and water bottoms shall be so specified.

3. A proposed plan of operations that shall set forth the following:

a. a summary of the overall business plan of the proposed wind energy development including size of operation, development costs, marketing of the site, market prices, and status of acquiring a power purchase agreement;

b. a summary of the overall wind project including status of site control (progress with leasing other properties within the entire wind project boundaries), wind data reviews, and application process with the transmission

provider, as well as a time frame for the project to be operational;

c. summary of the wind development (include plat) proposed on the state lands and water bottoms sought to be leased including layout of wind power and transmission facilities, proposed wind tower information (size, location, number), which towers will be affixed to existing platforms, which towers will necessitate newly constructed platforms, turbine make, type, nameplate power production capacity, and selection criteria used, and supporting infrastructure;

d. the status and timeline of the major milestones in the wind project exploration, development, production, and decommissioning;

e. the name of the company that will operate the wind project and the linkage, if any, to the applicant;

f. a summary of the expected revenue and cash flow for the wind project on state lands and water bottoms, including a detailed list of assumptions;

g. the measures proposed to reduce risk to the state, including but not limited to, a summary of compliance with any and all wind energy standards established by the American National Standards Institute (ANSI), the American Wind Energy Association (AWEA), the International Electrotechnical Commission (IEC), and any other entity responsible for establishing wind industry consensus standards. Standards for wind energy development/operations include, but are not limited to, wind turbine safety and design, power performance, noise/acoustic measurement, mechanical load measurements, blade structural testing, power quality, and siting;

h. a summary of how the wind energy project will ensure the viability of the state's natural resources, provide a continuing energy source for the citizens and businesses of Louisiana, promote economic development through job retention and creation in the state of Louisiana, and promote a clean and lasting environment;

i. a summary of how the use of the state land and water bottoms for the exploration, development and production of wind energy will be coordinated with other users of the state lands and water bottoms.

4. A summary of the environmental issues including, but not limited to, avian and baseline noise levels, the environmental impact of the placement of wind turbines and other equipment necessary for the exploration, development and production of wind energy, and the steps proposed to minimize the environmental impact, along with any supporting environmental impact documentation.

5. A list of project participants who are or will be participating in the planning, predevelopment, construction, operation, maintenance, remediation, and/or decommission phases of the proposed project, and a brief description of their role. This list shall be supplemented for each new project participant.

6. A summary of project financing which shall include, at a minimum, identification of the sources of financing and a discussion of such financing.

7. A list of governmental entities including each federal, state, parish and local governmental entity that has jurisdiction in the nomination area and for each, the contact person name, title, office address, telephone and fax

numbers, and email, as well as the type of legal authority, if any, acquired or to be acquired from the governmental entity.

8. If two or more parties are submitting a joint bid, each party shall submit a Designation of Principal State Wind Lessee and Operator Form with the joint bid.

D. The sealed bid packet may be hand-delivered or mailed to the Office of Mineral Resources. However, whether hand-delivered or mailed, the sealed bid packet shall be physically in the hands of appropriate Office of Mineral Resources personnel by the bid submission deadline (generally no later than 12 p.m. CT on the Tuesday immediately prior to the Wednesday lease sale at which the tracts are offered unless otherwise noticed). A receipt is generated in the name of and provided to the party delivering the bid. Any bid received after the deadline shall not be accepted. Further, no bid, once submitted, shall be thereafter withdrawn or canceled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1734.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:264 (February 2008).

§1019. Examination and Evaluation of Bids for State Wind Lease

A. Sealed bids for state wind lease shall be publicly opened and read aloud on the date advertised for the public opening of bids (generally the lease sale date at which the tract is offered) in the LaBelle Room, also known as the Conservation and Mineral Resources Hearing Room, located on the First Floor of the LaSalle Building at 617 North Third Street, Baton Rouge, LA. The State Mineral Board shall defer action on the bids for state wind lease until at least the next regular board meeting, but no later than 100 days, pending examination and evaluation of the bids by its staff. The State Mineral Board staff shall examine and evaluate the bids to confirm compliance with legal, procedural and technical requirements, as well as with any current policies and practices, based on available data and analyses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1734.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:265 (February 2008).

§1021. Award of State Wind Lease

A. At the next regular board meeting following conclusion of the staff's examination and evaluation of the bids for state wind lease, after the staff has technically briefed the board in executive session as to the merit of the bids, the State Mineral Board shall reconvene in open session at the lease sale (generally held the same day as the regular board meeting). The Office of Mineral Resources' designee shall publicly announce the staff's recommendations to the board as to which bids should be accepted and which bids should be rejected, providing the reasons for rejection. The State Mineral Board shall announce its state wind lease award decision at the lease sale.

B. Information as to bids on and awards of state wind leases shall be published in SONRIS, the Department of Natural Resources' Strategic Online Natural Resources Information System.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1734.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:265 (February 2008).

§1023. Issuance and Execution of State Wind Lease Contract

A. The Office of Mineral Resources collects the entire dollar amount (bonus) and 10 percent administrative fee within 24 hours of state wind lease award, assigns a state wind lease number to each bid accepted by the State Mineral Board, prepares the state wind lease contract as awarded, and circulates the final contract of lease for execution, proper recordation in the appropriate parish public records, and timely return within 20 days for filing in the official state wind lease files.

B. Payment of the entire dollar amount (bonus) and 10 percent administrative fee shall be due within 24 hours of state wind lease award. Payment of both sums may be made in one payment and shall be made to the Office of Mineral Resources via certified funds or wire transfer and all proceeds shall be negotiated and transmitted for processing in accordance with law. The lease contract shall not be mailed out to the wind lessee until the entire dollar amount (bonus) and 10 percent administrative fee are received by the Office of Mineral Resources.

C. After the Office of Mineral Resources receives the entire dollar amount (bonus) and 10 percent administrative fee, personnel shall mail at least three original state wind lease contracts, properly executed by the State Mineral Board, to the state wind lessee per the bidder name and contact information provided in the official bid form via certified USPS mail return receipt requested.

D. Upon receipt of the lease packet via certified mail, the state wind lessee has 20 days from the date on the certified mail receipt or, if no date is affixed thereon, from the date the Office of Mineral Resources receives the certified mail receipt, to return one fully executed original lease contract and the recordation information from each parish wherein it is recorded to the Office of Mineral Resources. Failure to return one fully executed original lease contract and the recordation information from each parish wherein it is recorded to the Office of Mineral Resources within 20 days may result in forfeiture of the lease including the dollar amount (bonus) and 10 percent administrative fee. Further, failure to follow the notarization requirements of R.S. 35:12 shall cause the lease to be rejected.

E. A party may request proof that a particular state wind lease granted by the State Mineral Board was timely executed by using the official form available from the Office of Mineral Resources. Proof of timely execution of lease consists of a certificate issued by the Office of Mineral Resources certifying that the lease was received in the Office of Mineral Resources, duly executed by the lessee, within the allotted 20 day period. There is a fee of \$5 for providing proof of timely execution of lease.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1734.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:266 (February 2008).

§1025. Transfer of Interest in or Assignment of a State Wind Lease

A. Prior to execution and recordation of a transfer of interest in or assignment of a state wind lease, a prospective transferee or assignee of a state wind lease shall schedule a pre-transfer meeting with and submit a transfer packet to the Office of Mineral Resources no later than the State Mineral Board regular meeting for the month prior to the State Mineral Board regular meeting at which the item is to appear on the State Mineral Board docket for approval.

B. The transfer or assignment shall be docketed for State Mineral Board approval. No transfer or assignment in relation to any state wind lease shall be valid unless approved by the State Mineral Board. Failure to obtain State Mineral Board approval of any transfer or assignment of a state wind lease prior to transfer or assignment shall subject the transferor or assignor and the transferee or assignee, jointly, severally and in solido, to liquidated damages of \$100 per day beginning on the first day following the execution of the transfer or assignment.

C. All parties to transfers or assignments in relation to any state wind lease shall be registered prospective leaseholders with the Office of Mineral Resources. Transfers or assignments shall not be granted to prospective leaseholders that are not currently registered with the Office of Mineral Resources as set forth under forth under §1007.B.

D. The transfer packet shall contain the following items:

1. two original, unexecuted, unrecorded transfer or assignment instruments:

a. provide the marital status of the assignor if the assignor is an individual and, if applicable, the spouse's name and space for the spouse's signature to be affixed thereon;

b. designate the operator and the party who shall be the principal state wind lessee authorized to act on behalf of all co-lessees and attach proof of such agency;

c. after State Mineral Board approval, the transfer or assignment instrument must be executed by both assignor and assignee (and spouse(s), if appropriate), with each signature duly witnessed and a notarized witness acknowledgement provided for each, or the assignee (and spouse, if appropriate) shall execute an acceptance by assignee form, with the signature duly witnessed and notarized, and a copy attached to each of the transfer instruments;

2. a designation of principal state wind lessee and operator form completed by each prospective leaseholder;

3. a separate statement of conveyance—wind lease form completed for each state wind lease impacted by the transfer and reflect only the gross working interest in the lease existing before and after the conveyance (no net revenue interests are to be considered or reported);

4. a proposed plan of operations that includes all the items set forth in §1017.C.3.a-i;

5. any environmental impact documentation supplementing and updating §1011.C.8;

6. a list of project participants who are or will be participating in the planning, predevelopment, construction, operation, maintenance, remediation, and/or decommission

phases of the proposed project, and a brief description of their role. This list shall be supplemented for each new project participant;

7. a summary of project financing which shall include, at a minimum, identification of the sources of financing and a discussion of such financing;

8. a list of governmental entities including each federal, state, parish and local governmental entity that has jurisdiction in the nomination area and for each, the contact person name, title, office address, telephone and fax numbers, and email, as well as the type of legal authority, if any, acquired or to be acquired from the governmental entity;

9. if state wind lease operations have commenced, general liability insurance in a form acceptable to the State Mineral Board as set forth in §1029.A.2 and financial security in a form acceptable to the State Mineral Board as set forth in §1029.A.3;

10. a docket fee payment in the amount of \$100 made payable to the Office of Mineral Resources to cover the cost of preparing and docketing transfers or assignments of state wind leases. A personal or business check is acceptable;

11. any other information and documentation required by the Office of Mineral Resources.

E. After receiving State Mineral Board approval of the transfer or assignment, record the approved transfer instrument and the approval resolution in the appropriate parish(es) per the approval resolution and furnish the Office of Mineral Resources with the recordation information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1734.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:266 (February 2008).

§1027. Partial or Full Release of a State Wind Lease

A. Upon expiration or termination of a state wind lease, in whole or in part, for any reason, the principle state wind lessee shall execute and record an appropriate instrument of release within 90 days of such expiration or termination in each parish wherein the leased premises are located and shall provide the State Mineral Board through the Office of Mineral Resources with a copy of the recorded instrument of release from each parish wherein it is recorded properly certified by the recorder for that parish. In the event the principle state wind lessee fails to comply, all the state wind lessees currently of record jointly, severally and in solido shall be subject to liquidated damages of \$100 per day beginning on the ninety-first day after expiration or termination, as well as reasonable attorney fees and costs incurred should suit be brought for lease cancellation.

B. The release instrument shall provide the state wind lease number and be signed by the principle state wind lessee, with the signature duly witnessed and notarized. Failure to follow the notarization requirements of R.S. 35:12 shall be grounds for the release instrument to be rejected.

C. If a party wants to release only a portion of the leased acreage, he shall contain the whole of the retained acreage, including the buffer acreage within the boundaries set forth in §1029.C.1.a-c, within a single contiguous block of acreage. For a partial release only, the party shall also provide the following items.

1. A written property description, fully justified, using Microsoft Word. The first part shall describe and provide the amount of state owned acreage released. The second part shall describe and provide the amount of state owned acreage retained. Use X-Y Coordinates based on the Louisiana Coordinate System of 1927, North or South Zone (as applicable), starting with an X-Y point of beginning and using distance and bearings to each X-Y corner or turning point. Use calculations, closures and ties to existing state wind leases that comply with generally accepted surveying standards. Provide one original paper copy and one electronic copy as a Word .doc file named "released.doc" on the release diskette.

2. A plat that clearly delineates the boundaries of and sets forth the state owned acreage amount released and the state owned acreage amount retained. Use an 8 1/2 x 11 copy of the most recent edition of the 7 1/2 minute USGS Quadrangle Map (scale 1" = 2000' or 1" = 3000'; or the block system of 1" = 4000', if applicable). Use X-Y Coordinates based on the Louisiana Coordinate System of 1927, North or South Zone (as applicable), starting with an X-Y point of beginning and using distance and bearings to each X-Y corner or turning point. Use calculations, closures and ties to existing state wind leases that comply with generally accepted surveying standards. Provide one original paper copy and one electronic copy included as a .pdf file named "released.pdf" on the release diskette.

3. A .dxf file that contains only the boundary of the acreage portion to be released, named "released.dxf" and provided on the release diskette. This boundary shall be a single line with no additional lines, labels, text, or graphics, and shall be constructed of individual line segments between vertices. The X-Y coordinates in the .dxf file must exactly match those in the written property description and the plat.

4. A release diskette clearly labeled "State Wind Lease Release Diskette" that shall have the principal state wind lessee and project names affixed thereon and contain the written property description as a Word .doc file, the plat as a .pdf file, and the .dxf file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1734.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:267 (February 2008).

§1029. State Wind Lease Operations

A. The state wind lessee and state wind lease operator shall schedule a pre-operations meeting with and submit an operations packet to the Office of Mineral Resources at least 30 days prior to commencement of construction. The operations packet shall contain the following items:

1. notice of beginning of wind lease operations form;

2. proof of general liability insurance for the leased premises in the amount of at least \$1,000,000 issued by an insurer to whom A.M. Best Company has given not less than an A rating, specifically covering all damages, and name as insured the state of Louisiana and its departments, agencies and boards:

a. subsequent to the commencement of construction, an updated proof of general liability insurance is required to be submitted by January 31 of each year. Failure to submit updated proof of general liability insurance may cause the Office of Mineral Resources to levy

liquidated damages of \$100 per day until such proof is received;

3. financial security in a form acceptable to the State Mineral Board. The financial security amount for individual turbines shall be, at a minimum, \$150,000 per turbine for turbines in one location. Blanket financial security for lessees and operators with wind leases in more than one area shall be calculated at a minimum of \$150,000 per turbine divided by the number of different wind farm locations. Compliance with this financial security requirement shall be provided by any of the following or a combination thereof:

a. a certificate of deposit issued in sole favor of the Louisiana Department of Natural Resources in a form prescribed by the board from a financial institution acceptable to the board; or

b. a performance bond in sole favor of the Louisiana Department of Natural Resources in a form prescribed by the board issued by an appropriate institution authorized to do business in the state of Louisiana; or

c. a letter of credit in sole favor of the Louisiana Department of Natural Resources in a form prescribed by the board issued by a financial institution acceptable to the board;

4. an updated plan of operations that includes all the items set forth in §1017.C.3.a-I;

5. any updated environmental impact documentation supporting §1011.D.8;

6. an updated list of project participants as set forth in §1017.C.5;

7. any other information and documentation required by the Office of Mineral Resources.

B. At the expiration of the primary term, production of wind generated electric power shall be required to maintain the lease in force. If the lessee is producing wind generated electric power, the lease shall continue in force so long as production of wind generated electric power continues without lapse of more than 180 days. Any lapse in production of wind generated electric power greater than 180 days shall result in automatic termination of the lease.

C. On or before five years after the lessee commences the production of wind generated electric power on the lease, or five years from the end of the primary term, whichever is sooner (said date being the "Undeveloped Acreage Release Date"), the lessee shall release undeveloped acreage pursuant to the requirements of this Subpart, as well as those set forth in §1027.

1. Lessee shall survey the exact locations of any physical improvements that it has made upon the property including, but not limited to, turbines, towers, controller boxes, foundations, guy wires, roads, overhead and underground electrical wires, communication lines, poles and cross members, and substations and transmission facilities, and shall further show on such survey the areas of land containing the improvements with the following boundaries:

a. approximately 50 feet from the closest point on which a meteorological tower, road, guy wire, or transmission line is located;

b. approximately 150 feet from the perimeter of any substation; and

c. approximately 400 feet from the axis of horizontal rotation of any turbine.

2. Lessee shall contain the whole of the retained acreage, including the buffer acreage within the boundaries set forth in Subparagraphs 1.a-c, within a single contiguous block of acreage.

D. Any and all wind data collected during the primary term of the lease by the state wind lessee shall be released to public record at the end of the primary term.

E. The Office of Mineral Resources may require periodic reporting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1734.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:267 (February 2008).

§1031. State Wind Lease Electric Power Production Royalty Payment and Reporting

A. A state wind lease shall contain a provision permitting the state, at its option, to take in kind all or any part of the portion due it as royalty of any wind generated electric power produced from the leased premises. Unless the state elects to exercise this in kind option, which option is expressly reserved by the state and which is to be exercised by written notice by the state to the state wind lessee ("lessee") at any time and from time to time while a state wind lease is in effect and either prior or subsequent to acceptance by the state of royalties other than in kind, it being understood that nothing contained in a state wind lease shall ever be interpreted as limiting or waiving this option, the lessee shall pay to the state as electric power production royalty an amount that shall be no less than the minimum amount set by the State Mineral Board of the lessee's gross revenues. For the purposes of a state wind lease, *gross revenues* shall mean and include:

1. all gross receipts of lessee from the sale of electricity generated by lessee on the leased premises; provided, however, that if electricity is sold to a subsidiary or affiliate of lessee, then, and only then, the gross receipts from the sale of electricity under such contract shall be calculated using a sale price of not less than the arithmetical average of the prices paid by any purchaser or purchasers (including lessee or any subsidiary or affiliate of lessee) for electricity produced in Louisiana during the calendar year immediately preceding the year in which such electricity production from the leased premises occurs; plus

2. the greater of the gross proceeds received by either lessee or any subsidiary or affiliate of lessee from the sale of any credits, credit certificates or similar items such as those for greenhouse gas reduction, or the generation of green power, renewable energy or alternative energy, created by any governmental authority and generated by wind energy development on the lease; but specifically excluding any and all federal production tax credits, investment tax credits and any other tax credits which are or will be generated by wind energy development on the lease; plus

3. the greater of gross proceeds or other cash benefits received by either lessee or any subsidiary or affiliate of lessee in connection with or under or derived from any agreement, compromise, settlement, judgment or arrangement for or relating to the sale, use or other disposition of electricity generated or capable of being generated from the lease; plus

4. anything of value received by the state wind lessee in return for electricity.

B. All royalties accruing under a state wind lease (including those paid in kind) shall be without deduction for the cost of producing, interconnecting, transporting and otherwise making electric production available for sale or use at the delivery side of the substation.

C. Prior to the first royalty payment, lessee shall complete a payor notification form available from the Office of Mineral Resources. If the payor attributable to a state wind lease changes between payment dates without notification to the Office of Mineral Resources of the change and without submission of the current mailing address, telephone number, and email address for the new payor prior to the next payment, the new payor shall be subject to liquidated damages of \$1,000. The State Mineral Board may waive all or any part of the liquidated damages based on a consideration of all factors bearing on the issue.

D. The first payment of royalty shall be made within 120 days following commencement of production of wind generated electric power from the leased premises. Thereafter, royalty shall be paid by the twenty-fifth of the second month following that in which wind generated electric power is produced. In the event any royalty payment is not correctly or timely made, lessee shall pay legal interest, until paid, on royalty owing under the terms of this lease commencing the date such royalty is due and payable, along with damages, attorney fees, and costs. The state may also seek dissolution of the lease.

E. A state wind lessee shall report royalty payments on the official royalty reporting form available from the Office of Mineral Resources. Payment shall accompany the official royalty reporting form. Payments equal to or less than \$9,999 may be made by personal or business check. Payments greater than \$9,999 shall be made by electronic wire transfer. In all cases, the payee shall be the Office of Mineral Resources.

F. A state wind lessee shall keep true, accurate and complete books, records, accounts, contracts and data sufficient to support and verify the calculation of all amounts due under the lease. The state or any representative of the state shall have the right at all reasonable times and upon the provision of reasonable notice, to inspect the books, accounts, contracts, records, and any other relevant data, in possession or control of lessee and pertaining to the production, transportation or sale of electricity produced from the lease premises, including, without limitation, statements, documents, records or other data, from third parties which verify price, value or quantity of electricity generated on the lease premises. Any such inspection and review shall take place at the office of lessee, unless another location is otherwise agreed to by the state and lessee.

G. Should a state wind lessee contest royalty payment or any form of payment under a state wind lease, including requests for recoupment of any alleged overpayment of royalty, or present any claim, dispute or question pertaining to the terms, conditions, obligations, and duties expressed or implied in a state wind lease, the Office of Mineral Resources may collect a fee of \$35 per hour for each hour or portion thereof spent in verification of any such contest, claim, dispute, or question.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1734.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:268 (February 2008).

§1033. State Wind Lease Decommissioning

A. Definitions to be used in this Section:

Decommissioning—ending wind energy operations and returning the lease to a condition that meets the requirements of the Minerals Management Service, U.S. Department of the Interior, as required by R.S. 41:1732.C, as well as the requirements of the Louisiana Department of Natural Resources, State Mineral Board and Office of Mineral Resources, and the requirements of any other agencies that have jurisdiction over decommissioning activities.

Facility—any installation used for wind energy activities that is permanently or temporarily attached to state lands or water bottoms. Facilities may include obstructions.

Obstructions—structures, equipment or objects that were used in wind energy operations that, if left in place, would hinder other users of the state lands or water bottoms. Obstructions may include, but are not limited to, wind turbines, towers, pads, platforms, templates, pilings, shell mounds, overhead and underground electrical transmission and communications lines, electric transformers, energy storage facilities, telecommunications equipment, power generation facilities, roads, meteorological towers and wind measurement equipment, control buildings, maintenance yards, transmission towers, wires, cables, substations, and related facilities and equipment.

B. Lessees and owners of operating rights are jointly and severally responsible for meeting decommissioning obligations for facilities and obstructions on leases, as the obligations accrue and until each obligation is met. In this Section, the terms *you* or *I* refer to lessees and owners of operating rights, as to facilities installed under the authority of a lease.

C. You accrue decommissioning obligations when you install a facility, create an obstruction to other users of the state lands and water bottoms, are or become a lessee or the owner of operating rights of a lease on which there is a facility or an obstruction, or re-enter a facility or an obstruction that was previously abandoned.

D. When your facilities are no longer useful for operations, you shall get approval from the Office of Mineral Resources before decommissioning facilities and then permanently remove all facilities and obstructions created by your lease operations in a manner that is safe, does not unreasonably interfere with other users of the state lands or water bottoms, and does not cause undue or serious harm or damage to the human, wildlife, aquatic, or coastal environment.

E. You shall submit decommissioning applications and receive approval and submit subsequent reports according to the table in this Subpart.

Decommissioning Applications and Reports Table		
Decommissioning Applications and Reports	When to Submit	Instructions
1. Final removal application for a facility	Before removing a facility	Include information required under Subpart G
2. Post-removal report for a facility	Within 30 days after you remove a facility	Include information required under Subpart I

Decommissioning Applications and Reports Table		
Decommissioning Applications and Reports	When to Submit	Instructions
3. Site clearance report for a facility	Within 30 days after you complete site clearance verification activities	Include information required under Subpart N

F. You shall remove all facilities within one year after the lease terminates unless you receive approval to maintain a facility to conduct other activities. Before you may remove a facility, you shall submit a final removal application to the Office of Mineral Resources for approval and include the information listed in Subsection G. You shall remove a facility according to the approved application. You shall notify the Office of Mineral Resources at least 48 hours before you begin the removal operations.

G. You shall submit a final removal application to remove a facility to the Office of Mineral Resources for approval. Provide one paper copy and one electronic copy of the final removal application. The final removal application shall include the following, as applicable:

1. applicant identification including lease operator, address, contact person and telephone number, and shore base;

2. facility identification including facility name/ID number, location (lease, area, X-Y coordinates based on the Louisiana Coordinate System of 1927, block name and number), year installed, proposed date of removal (month/year), and water depth;

3. description of the facility you are removing including configuration (attach a photograph or a diagram), size, brief description of soil composition and condition, the maximum removal lift weight and estimated number of main lifts to remove the facility, and any other pertinent information;

4. a description, including anchor pattern, of the vessel(s) you will use to remove any facility from state water bottoms;

5. identification of the purpose, including lease expiration date and reason for removing the facility;

6. a description of the removal method, including a brief description of the method you will use. If you are using explosives, the type of explosives, number and sizes of charges, whether you are using a single shot or multiple shots, if multiple shots, the sequence and timing of detonations, whether you are using a bulk or shaped charge, depth of detonation below ground level or mud line (as applicable), whether you are placing the explosives inside or outside of the facility, and a statement whether or not you will use transducers to measure the pressure and impulse of the detonations;

7. if removing a facility from state water bottoms, whether you will use divers or acoustic devices to conduct a pre-removal survey to detect the presence of aquatic life and a description of the proposed detection method;

8. your plans for transportation and disposal (including as an artificial reef) or salvage of the removed facility;

9. if available, the results of any recent biological surveys conducted in the vicinity of the structure and recent observations of wildlife or aquatic life at the facility site;

10. your plans to protect archaeological and sensitive biological features during removal operations, including a brief assessment of the environmental impacts of the removal operations and procedures and mitigation measures you will take to minimize such impacts;

11. your plans to return and restore the state lands or water bottoms to a condition as nearly equivalent to that which existed before said operations were conducted and/or facility was constructed;

12. if removing a facility from state water bottoms, a statement whether or not you will use divers to survey the area after removal to determine any effects on aquatic life.

H. Unless the Office of Mineral Resources approves an alternate depth under Paragraph 2 of this Subpart, you shall remove all facilities on state water bottoms to at least 15' below mud line and you shall remove all facilities on state lands to at least 2' below plow depth. The Office of Mineral Resources may approve an alternate removal depth if:

1. the remaining facility or part thereof would not become an obstruction to other users of the state lands and water bottoms, and geotechnical and other information you provide demonstrate that erosional processes capable of exposing the obstructions are not expected; or

2. if removing a facility from state water bottoms, you determine, and the Office of Mineral Resources concurs, that you must use divers and the seafloor sediment stability poses safety concerns.

I. Within 30 days after you remove a facility, you shall submit a post-removal report to the Office of Mineral Resources that includes the following:

1. a summary of the removal operation including the date it was completed;

2. a description of any mitigation measures you took; and

3. a. statement signed by your authorized representative that certifies that the types and amount of explosives you used in removing the facility were consistent with those set forth in the approved final removal application.

J. The Office of Mineral Resources may grant a departure from the requirement to remove a facility by approving partial facility removal or toppling in place for conversion to an artificial reef or other use if you meet the following conditions:

1. the structure becomes part of a state artificial reef program, and the responsible state agency acquires a permit from the U.S. Army Corps of Engineers and accepts title and liability for the facility; and

2. you satisfy any U.S. Coast Guard (USCG) navigational requirements for the facility.

K. Within 60 days after you remove a facility from state water bottoms, you shall verify that a site is clear of obstructions by using one of the following methods.

1. For a facility site in water depths less than 300 feet, you shall drag a trawl over the site.

2. For a facility site in water depths 300 feet or more, you shall drag a trawl over the site, scan across the site using sonar equipment or use another method approved by the Office of Mineral Resources if the particular site conditions warrant.

L. If you drag a trawl across the site, you shall comply with the following.

1. Drag the trawl in a grid-like pattern across a 1,320 foot radius circle centered on the location of the facility.
2. Trawl 100 percent of the limits, described in Subparagraph 1 above, in two directions.
3. Mark the area to be cleared as a hazard to navigation according to USCG requirements until you complete the site clearance procedures.
4. Use a trawling vessel equipped with a calibrated navigational positioning system capable of providing position accuracy of +/-30 feet.
5. Use a trawling net that is representative of those used in the commercial fishing industry (one that has a net strength equal or greater than that provided by No. 18 twine).
6. Ensure that you trawl no closer than 300 feet from a shipwreck, and 500 feet from a sensitive biological feature.
7. If you trawl near an active pipeline, you must meet the requirements in the following table.

For-	You Must Trawl-	And You Must-
1. Buried active pipelines		First contact the pipeline owner or operator to determine the condition of the pipeline before trawling over the buried pipeline.
2. Unburied active pipelines that are 8 inches in diameter or larger	no closer than 100 feet to the either side of the pipeline	Trawl parallel to the pipeline. Do not trawl across the pipeline.
3. Unburied smaller diameter active pipelines in the trawl area that have obstructions (e.g., pipeline valves) present	no closer than 100 feet to either side of the pipeline	Trawl parallel to the pipeline. Do not trawl across.
4. Unburied active pipelines in the trawl area that are smaller than 8 inches in diameter and have no obstructions present.	parallel to the pipeline	

8. Ensure that any trawling contractor you may use has no corporate or other financial ties to you and has a valid commercial trawling license for both the vessel and its captain.

M. If you do not trawl a state water bottom site, you can verify that the site is clear of obstructions by using any of the methods shown in the following table.

If You Use-	You Must-	And You Must-
1. Sonar	Cover 100 percent of the appropriate grid area.	Use a sonar signal with a frequency of at least 500 kHz.
2. A diver	Ensure that the diver visually inspects 100 percent of the appropriate grid area.	Ensure that the diver uses a search pattern of concentric circles or parallel lines spaced no more than 10 feet apart.
3. An ROV (remotely operated vehicle)	Ensure that the ROV camera records videotape over 100 percent of the appropriate grid area.	Ensure that the ROV uses a pattern of concentric circles or parallel lines spaced no more than 10 feet apart.

N. Within 60 days after you remove a facility from state lands other than water bottoms, you shall verify that you have returned and restored the state lands to a condition as nearly equivalent to that which existed before said operations were conducted and/or facility was constructed.

O. You shall submit a site clearance report to the Office of Mineral Resources within 30 days after you complete the verification activities. The site clearance report shall include the following:

1. a letter signed by an authorized company official certifying that the facility site area is cleared of all obstructions and that a company representative witnessed the verification activities;
2. a letter signed by an authorized official of the company that performed the verification work for you certifying that they cleared the facility site area of all obstructions;
3. the date the verification work was performed and if applicable, the vessel used;
4. the extent of the area surveyed;
5. the survey method used;
6. the results of the survey, including a list of any debris removed or, if applicable, a statement from the trawling contractor that no objects were recovered; and
7. a post-trawling job plot or map showing the trawled area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 41:1734.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 34:269 (February 2008).

Chapter 13. Bohemia Spillways

§1301. Definitions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 233 of 1984.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 11:40 (January 1985), repealed by the Department of Natural Resources, Office of Mineral Resources, LR 34:271 (February 2008).

§1303. Notification, Application Forms

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 233 of 1984.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 11:40 (January 1985), repealed by the Department of Natural Resources, Office of Mineral Resources, LR 34:271 (February 2008).

§1305. Application Processing and Certification

Repealed.

AUTHORITY NOTE: Promulgated in accordance with Act 644 of 1987, Act 233 of 1984 and Act 819 of 1985.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 11:40 (January 1985), amended LR 13:583 (October 1987), LR 14:799 (November 1988), LR 16:414 (May 1990), repealed by the Department of Natural Resources, Office of Mineral Resources, LR 34:271 (February 2008).

Part V. Office of Mineral Resources

Chapter 1. Geophysical and Geological Surveys

§101. Non-Exclusive Geophysical and Geological Surveys

A. Permits for geophysical and geological surveys under Title 30, Chapter 3, Sections 211 through 216 of the

Louisiana Revised Statutes of 1950 shall be obtained from the State Mineral Board (SMB) through the Office of Mineral Resources (OMR). A properly completed application for a permit for such exploration must be filed in duplicate, addressed to the Assistant Secretary of the Office of Mineral Resources, and should be received by OMR at least 15 days prior to the requested effective date of the permit. Each such completed application for a permit must be accompanied by supporting documents as described in the application, and listed as follows.

1. If the permittee is a shooting company, i.e., a company whose primary business enterprise is the physical, "on-ground" acquisition of seismic and geophysical data and the transferal of said acquired data, in either raw or processed form, exclusively to one or more cost underwriting parties or by sale or licensing agreements on the open market, it shall give the name of the client(s) for whom the seismic is being shot under the permit. If permittee is not a shooting company, it shall give the name, address, and telephone number of the shooting company which will do the physical, "on-ground" acquisition of the seismic or geophysical data under the permit. The name and relevant information of the applicant's Contact that can be reached at all times by the OMR must be included.

2. The type of work planned, such as 3-D, 2-D, reflection, refraction, geochemical, gravity meter, and/or any other recognized methods of acquiring seismic, geophysical or geological data should be indicated.

3. Information pertaining to the state lands and water bottoms, including the property under the jurisdiction of the Wildlife and Fisheries Commission/Department of Wildlife and Fisheries (WFC/DWF), within the permit area must be supplied on the application.

4. Base maps, such as a Tobin or USGS quadrangle with the proposed survey area outlined, with X, Y's indicated for each corner of the outline, using State Plane Coordinate System / North American Datum 27, Louisiana North or South (SPCS/NAD 27, La. N. or S.). Maps must be properly labeled and exhibit sections, townships, and ranges. Active state lease boundaries should be clearly depicted with state lease numbers and acreage within the survey indicated. All state lands and water bottoms should be clearly outlined, with acreage depicted as well. For assistance with state lands or water bottoms within the survey outline contact the State Land Office (SLO). Property under the jurisdiction of the WFC/DWF should also be similarly depicted. For assistance with Wildlife and Fisheries questions contact the WFC/DWF.

5. Accompanying the hard copy base map(s) must be a computer disk/diskette containing a .dxf file that when constructed contains only the boundary of the proposed survey. X, Y's on the .dxf file should match the X, Y's from the hard copy map, and there should be no additional lines, labels, text or graphics included within the boundary.

6. A seismic permit will only be issued to an applicant upon the receipt and approval of a properly completed application. The applicant is requested not to include any payment when filing the application. The seismic permit fee will be calculated by the OMR staff, and an invoice will then be issued to the applicant. Once the applicant receives the invoice from the OMR, the applicant should then return the invoice along with payment for the seismic fee. Upon receipt

of payment by the OMR, the application will then be fully processed for final approval, and a seismic permit will be issued to the applicant.

B. No permit issued hereunder shall cover, nor shall any project for which the permit is secured include acreage covered by a valid state mineral lease which is in full force and effect at the time the permit is secured. However, if the permit applicant secures the appropriate consent from the state mineral lessee to conduct the type of seismic operations contemplated under the permit application over the state mineral lease acreage included within the prospective project area, the permittee shall have the right under the applied-for permit to conduct the type of seismic operations set forth in the permit application over the state mineral lease acreage without the necessity of securing an addendum thereto or an additional permit. Upon the expiration, lapse, or termination of any state mineral leases, the acreage of which falls within a project area delineated in a seismic permit issued hereunder (during the term in which the said seismic permit is in full force and effect) permittee shall have the right to conduct operations on said acreage of the terminated prior agreement subject to the following:

1. if permittee has already entered into an agreement with the prior agreement party before termination and paid for the right to conduct operations across the acreage subject to the prior agreement, permittee shall not be required to pay permittor any further fee to conduct operations on said acreage once the prior agreement has terminated, either totally or in part; but

2. if the permittee has not entered into an agreement with the prior agreement party, then permittee shall pay permittor an additional fee stipulated as the per acre seismic fee paid for in the permit, multiplied by the number of terminated acres of the prior agreement. Permits issued are limited to a term of one year from date of issuance, unless revoked for cause. The state may lease acreage within the seismic permitted area during the one year term of the non-exclusive seismic permit, however, the lessee shall allow the prior seismic permittee to conduct seismic operations over the leased area. Seismic permits may also be issued to other parties within the survey area during the same one year term of the non-exclusive. The permit is subject to any prior seismic permit or other agreement already in existence on the acreage at the time said non-exclusive seismic permit is issued.

C. A permit to conduct seismic, geophysical and/or geological surveying of any kind upon state of Louisiana lands or water bottoms over which the SMB through the OMR has jurisdiction shall be subject to the following terms.

1. The permit shall be valid for a period of one year from date of issuance.

2. The exercise of operations under the permit shall be limited only to the project area set forth in the application.

3. Any and all rights exercised under a valid seismic permit issued hereunder shall be exclusive only to the named permittee or, if the permittee is not a shooting company, the company named in the permit application as the entity to actually do the physical, "on ground" seismic project and the permit shall include location plat, written description, and total acreage of state owned land and/or water bottoms in the project area, covered by the permit, and the date of commencement of the permitted activity.

4. No permit issued hereunder shall be transferable.

5. The permittee shall pay a fee to the OMR for the seismic permit by a check, made payable to "Office of Mineral Resources." The fee shall be as determined by the SMB in its most recent resolution on seismic permit fees. If the area is surveyed using a technique other than 2D or 3D (e.g., refraction, geochemical, gravity or magnetics, etc.) then the fee will be determined by the SMB at the time of the application.

6. The permittee shall retain ownership of the seismic data gathered and shall not be required to submit a copy of the seismic data to the OMR. However, the SMB or its employees, OMR, shall be allowed to review any and all geophysical or geological data acquired under the permit, all in a format acceptable to the OMR, at a facility designated by OMR. Permittee may, but shall not be required to, voluntarily agree to make available to OMR the fully migrated and processed data derived from the seismic project under the issued permit. Except for information included in a seismic permit, including the plat showing the outline of the area in which the seismic is to be shot, all data secured or reviewed by OMR shall be deemed confidential and not subject to the public records doctrine; but shall be for the use of the OMR staff only.

D. In order to accommodate proper administration of seismic permits issued hereunder and orderly operations conducted under said permits, the applicant shall submit to the OMR notice of the date of commencement of any seismic operations authorized by the permit, and a map acceptable to the staff of the OMR reasonably identifying the particular geophysical layout for the area in which operations are to be conducted. For purposes of this Section, date of commencement of operations is defined as the date upon which surveying crews and equipment are moved into the area to be worked for purposes of preliminary line placement surveying prior to the beginning of acquisition of data.

E. Violation by the permittee of any of the terms specified in this schedule as promulgated, or which may be written on the permit form, shall be deemed to be a permit violation by the OMR which may, at the sole discretion of the OMR, subject permittee to the cancellation of his permit and forfeiture of his permit fee.

F. Pursuant to R.S. 30:214 any and all rights exercised by any permittee pursuant to a permit issued hereunder shall be in compliance with any and all applicable rules and regulations which have been promulgated, and which may be further promulgated from time to time, by the Department of Wildlife and Fisheries governing the conduct of seismic exploration on land and/or water for the protection of oysters, fish, and wildlife. Further, all wildlife and waterfowl refuges, game and fish preserves, or oyster seed ground reservations, the mineral rights over which the Department of Wildlife and Fisheries exercises direct control, shall not be included in any project area covered by any permit issued hereunder unless written permission is secured from said agency.

G. The approval of the State Mineral Board is granted subject to the rules which may be adopted by the State Mineral Board from time to time.

AUTHORITY NOTE: Promulgated in accordance with Act 13, First Extraordinary Session, 1988, R.S. 30:136(A)(2) and 30:142(A), as amended by Acts 1017 and 1018 of 1990, R.S.

30:209 and 209.1, as amended by Acts 530 and 531 of 1997, and R.S. 30:211 through 216.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 26:1060 (May 2000), amended LR 34:271 (February 2008).

§103. Exclusive Geophysical Agreements

A. Exclusive geophysical agreements authorized under Title 30, Chapter 3, Sections 208 through 216 of the Louisiana Revised Statutes of 1950 may be obtained from the State Mineral Board (SMB), through the Office of Mineral Resources (OMR).

B. There are three types of Exclusive Geophysical Agreements (EGA) which may be secured from the OMR, namely: EGA Type I, EGA Type II, and EGA Type III. The following shall apply to all EGA's secured hereunder.

1. A party desiring to apply for an EGA must first meet with the OMR staff to review the applicant's objectives. The purpose of this meeting with the OMR staff is so that the applicant can present the area of interest and the type of EGA being requested to the staff for review. The staff will determine if an EGA should be granted in the area of interest and will also decide under what special conditions, if any, the EGA should be considered. The applicant should present at this meeting an acceptable base map, such as a Tobin or USGS quadrangle with the proposed survey area outlined, with the description set forth in X/Y Lambert coordinates using State Plane Coordinate System/North American Datum 27, Louisiana North or South (SPCS/NAD 27, La. N. or S.). Active state leases boundaries should be clearly depicted with state lease numbers and acreage within the survey indicated. State lands and water bottoms should be clearly outlined, with acreage depicted as well. Property under the jurisdiction of the Wildlife and Fisheries Commission/Department of Wildlife and Fisheries (WFC/DWF) should also be depicted.

2. After the area of interest and the type of EGA has been presented to the OMR staff for review, the area will be evaluated in order to set the minimum terms. The interested party will then be provided with this information. If accepted by the party, then these minimums will be recommended to the SMB for its approval.

3. Upon SMB approval, the area to be covered by the exclusive geophysical agreement shall be nominated just as a lease. The applicant should then apply to the OMR Leasing Section to nominate the area for the designated monthly mineral lease sale. A nomination letter, including plat and legal description of the area, with an application fee of \$400 must be submitted according to the date schedule set by the OMR Leasing Section.

4. The nominated acreage will then be advertised on the same delay basis and in the same manner as lease nominations; which advertisement will state a property description of the geographical area over which the EGA is to be awarded, the type of EGA sought and the minimum per acre seismic fee acceptable to the SMB as a bid, and the day, date, time, place of the next State Mineral Lease Sale at which bids will be accepted.

5. The term of the EGA shall be 18 months with an option for an additional six months, which option period shall be granted only upon written request by the bid winner made prior to the end of the original 18 month term and upon payment to the Office of Mineral Resources in the manner set forth as acceptable herein above of a sum of

money equal to one-half of the original total fee bid and paid for the seismic agreement.

6. EGA agreements are awarded by public bid.

7. The EGA awarded shall be subject to, and shall not supersede, any existing seismic permits, leases, or other agreements of any kind with the state of Louisiana in the nominated area at the time awarded, of which all parties are hereby deemed to have notice.

8. The staff of the OMR will be provided access to any and all geophysical or geological data including, but not limited to, 2-D, 3D seismic, gravity (air or surface), and magnetic (air or surface) acquired under the EGA, in a format acceptable to the OMR at the facilities of the entity conducting the seismic operations under the EGA or at facilities designated by the OMR, during all phases of the seismic operations.

9. The EGA shall be available for the purpose of conducting geophysical or geological surveys of any kind for the term and area specified in the permit. In the case of 3D seismic, all EGA's require full fold 3D coverage over the entirety of the nominated state acreage to the fullest extent possible.

10. It shall be the responsibility of the grantee to keep OMR informed, in a timely manner, of all phases of ongoing operations, including the commencement and completion of data acquisition, processing, reprocessing, and other schedules of activity affecting the final processed seismic data.

11. Should any said prior agreement terminate as to all depths, either fully or partially, before the end of the primary term, or the option term, grantee shall have the right to conduct 3D geophysical operations on said acreage of the terminated prior agreement subject to the following:

a. if grantee has already entered into an agreement with the prior agreement party before termination and paid for the right to conduct geophysical surveying across the acreage subject to the prior agreement, grantee shall not be required to pay grantor any further fee to conduct geophysical surveying on said acreage once prior agreement has terminated, either totally or in part; but

b. if grantee has not entered into an agreement with the prior agreement party, then grantee shall pay grantor an additional fee stipulated as the per acre seismic fee at the rate bid for in the EGA.

C. In addition to §103.B above, the following shall apply to the Exclusive Geophysical Agreement (EGA) Type I:

1. The SMB shall not grant any new seismic agreements or permits in the nominated area during the primary term of the EGA, or the option term if activated, but does reserve the right to accept nominations for and grant new mineral leases within the nominated area of the exclusive geophysical agreement. Any new mineral leases granted within the nominated area of the EGA during its primary term, or option term if activated, shall be subject to the rights granted under the EGA and the grantee shall not be required to deal with the state mineral lessee in order to conduct seismic operations over the new lease acreage.

D. In addition to §103.B above, the following shall apply to the Exclusive Geophysical Agreement (EGA) Type II.

1. The SMB shall not grant any new seismic agreements or permits, or any new leases in the EGA area from the time it is nominated, during the primary term of the

EGA, or the option term if activated. However, a buffer zone of 1/2 mile will be established around existing leases or operating agreements within the area of the EGA. Only the grantee of the EGA and lessee of any existing lease or operating agreement shall have the right, concurrent with, but separate from the right of the other, to nominate acreage for a state mineral lease within that buffer zone during the primary term of the EGA, or the option term if activated. The leases may then go up for public bid at the regular monthly state mineral lease sale.

2. The EGA grantee only shall have the right to nominate acreage within the EGA area for a state mineral lease during the primary term of the EGA, or the option term if activated, except as to the buffer zone around existing leases, which lease nominations shall not exceed 1,500 acres each and shall not in aggregate amount exceed one-third of the entire acreage of the EGA, unless agreed to by the SMB.

E. In addition to §103.B. above, the following shall apply to the Exclusive Geophysical Agreement (EGA) Type III.

1. The state will not grant any new seismic permits or agreements on, or lease the nominated acreage, or any part thereof, during the primary term of the EGA, or the option term if activated, except that a buffer zone of 1/2 mile will be established around existing leases or operating agreements within the nominated area of the EGA. Only the grantee of the EGA and lessee of the existing lease or operating agreement shall have the right, concurrent with, but separate from the right of the other, to nominate acreage for a state mineral lease within that buffer zone during the primary term of the EGA, or the option term if activated. The leases may then go up for public bid at the regular monthly state mineral lease sale.

2. The EGA III grantee shall have the exclusive right, within the primary term of the EGA, or the option term if activated, to select for mineral leases tracts within the EGA area, not to exceed 1500 acres each or one third in the aggregate of the entire state acreage within the nominated EGA area unless agreed to by the SMB.

3. The grantee of an EGA III shall have the exclusive right to enter into lease agreement with the state on each tract for the consideration originally bid and under the terms of the Louisiana State Lease Form, Revised 1981, as amended. Each selection made, thereby creating a state lease, will incur, in addition to the per acre bonus and royalty as advertised and bid during the acquisition of the EGA, a 10 percent administrative fee. Also, a \$15 per acre fee shall be collected from the mineral lessees and deposited into the Louisiana Wildlife and Fisheries Conservation Fund, as well as, an additional \$5 per acre fee shall be collected from the mineral lessees and deposited into the Oil and Gas Regulatory Fund.

F. The State Mineral Board, through the Office of Mineral Resources, agrees, except for the information included in a seismic permit to hold all information, maps, data of any and all kinds provided to the state under R.S. 30:213 or as a result of the terms of the exclusive geophysical agreements confidential and same shall not be available for view or use except by certain members of the staff of the Office of Mineral Resources in connection with the administration of state owned lands and water bottoms, and the state mineral leases thereon unless ordered by a

court of proper jurisdiction to do so, or with the granted written permission of, and under the strict limitations imposed by, the owner having authority to license said data. Said information shall be kept under lock and key, except during the course of actual examination by the staff of the Office of Mineral Resources. Any violation of these requirements is hereby declared cause for preemptory removal from office or discharge from employment in addition to the penalties provided under R.S. 30:213.

AUTHORITY NOTE: Promulgated in accordance with Act 13, First Extraordinary Session, 1988, R.S. 30:136(A)(2) and 30:142(A), as amended by Acts 1017 and 1018 of 1990, R.S. 30:209 and 209.1, as amended by Acts 530 and 531 of 1997, and R.S. 30:211 through 216.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 26:1061 (May 2000), amended LR 34:273 (February 2008).

Chapter 3. Fees and Other Charges

§301. Fees and Other Charges

A. The Department of Natural Resources, Office of Mineral Resources, pursuant to the authority of Act 106 of the 2002 First Extraordinary Session of the Louisiana Legislature authorizing and setting fees and charges, has adopted the following fees and charges commensurate with costs incurred in the application for and administration of state oil, gas and mineral leases and operating agreements on state-owned lands and water bottoms. These fees and charges shall be periodically reviewed under applicable statutory authority and may be increased, subject to caps and guidelines within that authority, to maintain fiscal parity with economic conditions on an ongoing basis. The fees currently being charged and the amount thereof are as follows.

1. Pursuant to R.S. 30:124, a fee from the successful bidder for obtaining a new mineral lease equal to 10 percent of the total cash bonus amount bid, in additions to the cash bonus paid, and paid by the successful bidder for the lease to cover the cost of the bid awarding process. A check or money order for this fee shall be contained in the sealed bid packet accompanying the cash bonus and bid form.

2. Pursuant to R.S. 30:125, a non-refundable fee, presently in the amount of \$400, submitted as a check or money order by the party nominating state owned lands and water bottoms accompanying said nominating application to cover the cost of processing and advertising the nomination.

3. Pursuant to R.S. 30:126(A), a fee, presently in the amount of \$20, to cover costs of providing on request a certified proof of publication showing that nominated tracts have been properly advertised.

4. Pursuant to R.S. 30:126(B), fees in the present amount shown below for hard copies of items listed below:

a. yearly subscription for notice of publication—\$120 per year;

b. copies of tract maps north of the thirty-first parallel—\$10 per month;

c. copies of tract maps south of the thirty-first parallel—\$20 per month;

d. certified proofs of no conflict or overlap—\$5 each;

e. certified proofs of tracts within 3 mile limit of Louisiana coastline—\$5 each.

5. If any item is requested in electronic form the fee shall be a yearly subscription payment presently in the amount of \$200.

6. Pursuant to R.S. 30:127(C), fee, presently in the amount of \$5 each, to cover the cost of furnishing certified proof of the existence of a particular lease.

7. Pursuant to R.S. 30:128(A), fee, presently in the amount of \$100 each, to cover the cost of preparing and docketing transfers or assignments of leases or other mineral rights.

8. Pursuant to R.S. 30:129(A), following fees, presently in the amounts listed below, for particular administration of leases:

a. fee of \$500 to cover the cost of advertising and docketing of each instrument related to the administration of leases having to do with pooling and unitization;

b. fee of \$50 per hour for each hour or portion thereof spent by staff to verify claims, disputes, or questions pertaining to the terms, conditions, obligations and duties expressed or implied in the state mineral leases.

9. Pursuant to R.S. 30:130, fee, presently in the amount of \$1 per copy, to cover the cost of certification of records.

10. Pursuant to R.S. 30:143(C), fee, presently in the amount of \$100, collected together with a bond for applications to transfer interest in a solid mineral lease to cover investigation by the state of the transfer.

11. Pursuant to R.S. 30:148.3, fee deducted from \$50 advance payment for application to secure a lease to erect transportation and/or storage facilities (including underground storage facilities) to cover cost of advertising for the said lease.

12. Pursuant to R.S. 30:126(B)(2)(g), a fee, presently in the amount of \$1 per page, to transmit by facsimile mail or in any other electronic form any documents when requested to do so to cover the cost of such facsimile transmittal.

13. Pursuant to R.S. 30:126(B)(2)(g), a fee presently in the amount of \$0.25 per page, to physically copy or print any document which it oversees upon request to cover the actual cost of copying same, as well as a fee, presently in the amount of \$5, to copy any map or plat in a form no larger than 11 1/2' x 17' at customer request.

14. Pursuant to R.S. 30:215(A), fee for obtaining a non-exclusive geophysical permit on state owned lands and water bottoms as authorized between a maximum of \$30 per acre and a minimum of \$5 per acre, and set by the most recent resolution of the State Mineral Board of record and on file in the Office of Mineral Resources, multiplied times the number of state owned land and/or water bottom acres located within the geographic boundary of the permitted area.

15. Pursuant to R.S. 30:216, fee for exclusive geophysical agreements over state owned lands and water bottoms comprised of the per acre bid price, over the minimum per acre acceptable price set by the State Mineral Board, made by the successful bidder for the geophysical agreement multiplied times the number of state owned acres.

B. Other charges in the form of liquidated damages or penalties assessed pursuant to contractual or applicable statutory authority.

1. Pursuant to R.S. 30:125(B), liquidated damage penalty of \$100 per day levied against each current record lease holder of state mineral lease who does not maintain as current his authorization to do business in the state of Louisiana as evidenced by receipt in the Office of Mineral Resources of a copy of the renewed authorization to do business in the state of Louisiana. This liquidated damage penalty shall accrue until receipt by the Office of Mineral Resources of the appropriate copy of the said certificate of renewal of authorization. The State Mineral Board may waive all or any portion of this liquidated damage penalty.

2. Pursuant to contractual agreement in the state mineral lease form document, liquidated damage assessed jointly and severally against state lessees of a terminated state mineral lease in the amount of \$100 per day beginning on the ninety-first day following lease termination for failure to execute and record an appropriate release of the state mineral lease. This liquidated damage shall continue to accrue until the appropriately executed release is recorded in the proper parish(s) in which the terminated lease is located. The State Mineral Board may waive all or any portion of this liquidated damage.

3. Pursuant to R.S. 30:128(B)(1), penalty of \$100 per day, up to a maximum of \$1,000, accruing on a daily basis from the sixty-first day following execution of the transfer or assignment of an interest in a state mineral lease for failure to obtain State Mineral Board approval within 60 days of execution.

4. Pursuant to R.S. 30:136(A)(1)(c), liquidated damage penalty of \$1,000 assessed against new payor for failure to notify the Office of Mineral Resources of payor change to new payor for a lease unit well code (LUW) and provide necessary information on new payor prior to date new payor makes payment due.

5. Pursuant to R.S. 30:136(B)(1), liquidated damage penalty of 5 percent of total sum due or paid, not to exceed \$500, for incorrectly completing any part of any form required by the Department of Natural Resources or the Office of Mineral Resources to be filed in conjunction with payments of any sum, other than bonuses, rentals or shut-in payments, owing to the state from the day after due date of payment made, unless corrected prior to due date. The State Mineral Board may waive all or any portion of this liquidated damage penalty.

6. Pursuant to R.S. 30:136(B)(1), liquidated damage specified as such in any contract entered into by the state of Louisiana, through the State Mineral Board, including, but not limited to, mineral leases, operating agreements, etc., the purpose of which is to facilitate the exploration, drilling, development and production of minerals from state owned lands and water bottoms which shall, as between the contracting parties, specify the agreed upon amount of damage, including cost of recovery, which would be incurred by the state as a result of a violation of the terms of the contractual agreement.

7. Pursuant to R.S. 30:136(B)(2), liquidated damage penalty of 10 percent of total of any sum due, not to exceed \$1,000, for underpayment of that said sum due, other than

bonus, rentals or shut-in payments, collectable on the day after the sum was due. The State Mineral Board may waive all or any portion of this liquidated damage penalty.

8. Pursuant to R.S. 30:136(B)(3), penalty of additional 2 percent of total sum due if incorrectly completed form which necessarily accompanies a payment due, is not corrected within 60 days following payment due date, or sum due—other than cash bonus, rental or shut-in payment—is either not paid or underpaid by due date; penalty begins accruing on sixty-first day following failure to correct an incorrectly completed form or day following due date on failed payment or under payment of sum due and accrues on each 30 day period thereafter, or fraction thereof, up to a maximum of 24 percent. Penalty shall be levied on principal and accrued interest each 30 day period. The State Mineral Board may waive all or any portion of this penalty.

9. Pursuant to R.S. 30:209(2), monetary revenues derived from the sale of production, less reasonable costs of drilling, equipping and operating wells, from or allocated to state owned lands and water bottoms which are not under a state mineral lease.

10. Pursuant to R.S. 30:209(4)(b), monetary revenues equal to 25 percent of the value of production payments derived from operating agreements entered into by the state of Louisiana after August 15, 1997.

AUTHORITY NOTE: Promulgated in accordance with Act No. 106 of the first Extraordinary Session of the 2002 Louisiana Legislature.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Mineral Resources, LR 26:1063 (May 2000), amended LR 34:275 (February 2008).

Marjorie A. McKeithen
Assistant Secretary

0802#008

RULE

Department of Social Services Office of Family Support

TANF—General Educational Development (GED) Testing Program (LAC 67:III.5595)

In accordance with R.S.49:950 et seq., the Administrative Procedure Act, the Department of Social Services, Office of Family Support, adopted LAC 67:III, Supbpart 15, General Educational Development (GED) Testing Program as a new TANF Initiative.

Pursuant to Act 18 of the 2007 Regular Session of the Louisiana Legislature, the agency adopted the GED Testing Program to support and enhance the educational and job readiness skills of identified students at risk of dropping out or engaging in negative behaviors that can lead to dependency, out-of-wedlock pregnancies, imprisonment, etc. In addition the program encourages building stable families by promoting GED attainment, leading to improved opportunities for employment. The program provides GED

adult literacy services to prepare students for passage of the GED Test. Students' increased literacy levels may lead to the attainment of a Louisiana High School Equivalency Diploma upon passage of the GED, and possible entry into postsecondary education or employment opportunities including vocational skill trainings.

This Rule was affected October 17, 2007, by a Declaration of Emergency published in the November 2007 issue of the *Louisiana Register*.

Title 67
SOCIAL SERVICES

Part III. Office of Family Support

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

Chapter 55. TANF Initiatives

§5595. GED Testing Program

A. Effective October 17, 2007, the Office of Family Support shall enter into a Memorandum of Understanding with the Department of Education for the General Educational Development (GED) Testing Program.

B. The services provided consist of GED adult literacy services which prepare students for passage of the GED Test. The GED adult literacy services will address all levels of entering students such as Adult Basic Education (ABE) which will be directed toward students with literacy skills in the range of grades 0-6; Pre-GED directed toward students with literacy skills in the range of grades 7-8; and Adult Secondary Education (ASE) directed toward students with literacy skills in the range of grades 9-12.

C. These services will be provided to 16-21 year olds. These services meet TANF goal 3, to prevent and reduce the incidence of out-of-wedlock pregnancies. TANF goal 3 will be met by supporting and enhancing the educational and job readiness skills of youth at risk of dropping out of school and those who have already dropped out of school and are at risk of engaging in negative behaviors that can lead to out-of-wedlock pregnancies. These services will also be provided to custodial and non-custodial parents who are 22 years old and older with a minor child. These services meet TANF goal 4, to encourage the formation and maintenance of a two parent families. TANF goal 4 will be met by building stable families by promoting GED attainment which will lead to improved opportunities for employment.

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

E. Services are considered non-assistance in that they are not considered to meet an on-going need.

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 34:277 (February 2008).

Ann Silverberg Williamson
Secretary

0802#050

RULE

**Department of Social Services
Office of Family Support**

TANF—Nurse Family Partnership (NFP) Program
(LAC 67:III.5593)

In accordance with R.S.49: 950 et seq., the Administrative Procedure Act, the Department of Social Services, Office of Family Support, adopted LAC 67:III, Subpart 15, Nurse Family Partnership (NFP) Program as a new TANF Initiative.

Pursuant to Act 18 of the 2007 Regular Session of the Louisiana Legislature, the agency adopted the Nurse Family Partnership (NFP) Program to serve low-income, first-time mothers by providing nurse home visitation services beginning early in pregnancy and continuing through the first two years of the child's life. First time mothers may enroll as early as possible during their pregnancy, through week 28 of their pregnancy. The goals of the program include but are not limited to improving the child's health and development and increasing the economic self-sufficiency for eligible participants. Examples of the activities used to achieve these goals include, but are not limited to, engaging in activities centered on child development, parenting skills, developing a plan to continue the mother's education, and assisting the mother in finding employment.

This Rule was affected October 1, 2007, by a Declaration of Emergency published in the October 2007 issue of the *Louisiana Register*.

Title 67
SOCIAL SERVICES

Part III. Office of Family Support

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

Chapter 55. TANF Initiatives

§5593. Nurse Family Partnership (NFP) Program

A. Effective October 1, 2007, the Office of Family Support shall enter into a Memorandum of Understanding with the Louisiana Office of Public Health, Maternal and Child Health Program to serve low-income, first-time mothers by providing nurse home visitation services beginning early in pregnancy and continuing through the first two years of the child's life. First time mothers may enroll as early as possible during their pregnancy, through week 28 of their pregnancy. The goals of the program include, but are not limited to, improving child health and development and increasing the economic self-sufficiency for eligible participants. Examples of the activities used to achieve these goals include, but are not limited to, engaging in activities centered on child development, parenting skills, developing a plan to continue the mother's education, and assisting the mother in finding employment.

B. These services meet TANF Goals 1 thru 4:

1. Goal 1—to provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;

2. Goal 2—to end dependence of needy parents on government benefits by promoting job preparation, work, and marriage;

3. Goal 3—to prevent and reduce the incidence of out-of-wedlock pregnancies; and

4. Goal 4—to encourage the formation and maintenance of two-parent families.

C. Eligibility for services is limited to needy first time mothers. Eligible participants in the NFP Program shall be first-time mothers who are no more than 28 weeks pregnant at the time of enrollment and who are at or below 200 percent of federal poverty.

D. Services are considered non-assistance by the agency in that they are not considered to meet an on-going basic need.

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

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 34:277 (February 2008).

Ann Silverberg Williamson
Secretary

0802#030

Notices of Intent

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

RCRA XVI Authorization Package (LAC 33:V.105, 109, 199, 303, 305, 311, 321, 322, 513, 529, 530, 535, 536, 537, 1107, 1109, 1113, 1501, 1516, 1529, 1799, 1802, 1907, 2001, 2299, 2603, 2805, 2903, 3001, 3005, 3007, 3105, 3115, 3315, 3319, 3517, 3523, 3719, 4001, 4003, 4005, 4045, 4067, 4301, 4357, 4367, 4379, 4381, 4401, 4439, 4457, 4497, 4507, 4512, 4513, 4701, 4703, 4901, 4903, 4909, 4911, 4913, and 4915)(HW095ft)

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 Hazardous Waste regulations, LAC 33:V.105, 109, 199, 303, 305, 311, 321, 322, 513, 529, 530, 535, 536, 537, 1107, 1109, 1113, 1501, 1516, 1529, 1799, 1802, 1907, 2001, 2299, 2603, 2805, 2903, 3001, 3005, 3007, 3105, 3115, 3315, 3319, 3517, 3523, 3719, 4001, 4003, 4005, 4045, 4067, 4301, 4357, 4367, 4379, 4381, 4401, 4439, 4457, 4497, 4507, 4512, 4513, 4701, 4703, 4901, 4903, 4909, 4911, 4913, and 4915 (Log #HW095ft).

This proposed rule is identical to federal regulations found in 40 CFR 260.10, 260.40, 260.41, 261.3, 261.4, 261.21, 261.31, 261.33, 261.38, 261.39, 261.40, 261.41, 261 App. VII and VIII, 262.20, 262.33, 262.53, 262.56, 262.58, 262 Appendix, 264.1, 264.18, 264.72, 264.97, 264.99, 264.116, 264.118, 264.151, 264.193, 264.221, 264.340, 264.552, 264.573, 264.1101, 264 App. I, 265.1, 265.72, 265.90, 265.111, 265.112, 265.140, 265.142, 265.194, 265.228, 265.301, 265.302, 265.314, 265.340, 265.443, 265.1100, 265.1101, 265 App. I, V, and VI, 266.100, 266.102, 266.103, 266 Subpart N, 268.40, 268.48, 270.1, 270.10, 270.11, 270.19, 270.22, 270.24, 270.25, 270.32, 270.42, 270.62, 270.66, 270.235, 270 App. I, 279.1, 279.10, 279.11, 279.52, and 279.63, which are applicable in Louisiana. For more information regarding the federal requirement, contact the Regulation Development Section at (225) 219-3550 or Box 4302, Baton Rouge, LA 70821-4302. No fiscal or economic impact will result from the proposed rule. This rule will be promulgated in accordance with the procedures in R.S. 49:953(F)(3) and (4).

This proposed rule contains specific amendments required by EPA for the state to request further authorization for the hazardous waste program. The amendments, made in the *Federal Register* and incorporated into the CFR, affect the following issues: manifest rule correction (70 FR 35034-35041, June 16, 2005), headworks exemption (70 FR 57769-57785, October 4, 2005), hazardous waste combustors regarding Phase I final replacement standards (70 FR 59402-59579, October 12, 2005), CFR corrections rule (71 FR 40254-40280, July 14, 2006), and cathode ray tube (CRT)

exclusion (71 FR 42928-42949, July 28, 2006). The structure of LAC 33:V.199 has been changed to include an additional appendix. This rule is required for the state to continue its authorization process for the hazardous waste program. The basis and rationale for this rule are to maintain equivalency with the federal regulations for the hazardous waste program. This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials Subpart 1. Department of Environmental Quality— Hazardous Waste

Chapter 1. General Provisions and Definitions §105. Program Scope

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to the denial of a permit for the active life of a hazardous waste management facility or TSD unit under LAC 33:V.706. Definitions appropriate to these rules and regulations, including *solid waste* and *hazardous waste*, appear in LAC 33:V.109. Wastes that are excluded from regulation are found in this Section.

A. - D.1.u.iii.(e). ...

(f). all laboratory analytical results used to determine compliance with the contaminant limits specified in this Subparagraph;

v. used cathode ray tubes (CRTs) meeting the following requirements:

i. *used, intact CRTs* as defined in LAC 33:V.109.*Cathode Ray Tube or CRT*, unless they are disposed, or unless they are *accumulated speculatively* as defined in LAC 33:V.109 by CRT collectors or glass processors;

ii. *used, intact CRTs* that are exported for recycling provided that they meet the requirements of LAC 33:V.4913;

iii. *used, broken CRTs* as defined in LAC 33:V.109.*Cathode Ray Tube or CRT* that meet the requirements of LAC 33:V.4911;

iv. glass removed from CRTs, provided that it meets the requirements of LAC 33:V.4911.

D.2. - K.2.b. ...

L. Additional Regulation of Certain Hazardous Waste Recycling Activities on a Case-by-Case Basis

1. Additional Regulation of Certain Hazardous Waste Recycling Activities on a Case-by-Case Basis. The administrative authority may decide on a case-by-case basis that persons accumulating or storing the recyclable materials described in LAC 33:V.4143 should be regulated under LAC 33:V.4105.B and C. The basis for this decision is that the materials are being accumulated or stored in a manner that does not protect human health and the environment because

the materials or their toxic constituents have not been adequately contained, or because the materials being accumulated or stored together are incompatible. In making this decision, the administrative authority will consider the following factors:

a. - e. ...

2. Procedures for Case-by-Case Regulation of Hazardous Waste Recycling Activities. The administrative authority will use the following procedures when determining whether to regulate hazardous waste recycling activities described in LAC 33:V.4143 under the provisions of LAC 33:V.4105.B and C, rather than under the provisions of LAC 33:V.4143:

L.2.a. - P.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq., and in particular, 2186(A)(2).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217, LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362, 368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813, 831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:564, 567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687, 1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:2464 (November 2000), LR 27:291 (March 2001), LR 27:706 (May 2001), LR 29:317 (March 2003), LR 30:1680 (August 2004), amended by the Office of Environmental Assessment, LR 30:2463 (November 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2451 (October 2005), LR 32:605 (April 2006), LR 32:821 (May 2006), LR 33:450 (March 2007), LR 33:2097 (October 2007), LR 34:

§109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

Cathode Ray Tube or CRT—a vacuum tube, composed primarily of glass, that is the visual or video display component of an electronic device. A *used, intact CRT* means a CRT whose vacuum has not been released. A *used, broken CRT* means a CRT that has had the glass removed from its housing or casing and whose vacuum has been released.

CRT Collector—a person who receives used, intact CRTs for recycling, repair, resale, or donation.

Glass Manufacturer—an operation or part of an operation that uses a furnace to manufacture CRT glass.

CRT Glass Manufacturing Facility—repealed.

CRT Processing—conducting any of the following activities:

1. receiving broken or intact CRTs;
2. intentionally breaking intact CRTs or further breaking or separating broken CRTs; or
3. sorting or otherwise managing glass removed from CRTs.
4. repealed.

Hazardous Waste—a *solid waste*, as defined in this Section, is a hazardous waste if:

1. - 2.b....

c. it is a mixture of solid waste and one or more hazardous wastes listed in LAC 33:V.4901 and has not been excluded from Paragraph 2 or Subparagraphs 4.e and f of this definition under LAC 33:V.105.D and M; however, the following mixtures of solid wastes and hazardous wastes listed in LAC 33:V.4901 are not hazardous wastes (except by application of Subparagraph 2.a or b of this definition) if the generator can demonstrate that the mixture consists of wastewater, the discharge of which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act (including wastewater at facilities that have eliminated the discharge of wastewater) and:

i. one or more of the following spent solvents listed in LAC 33:V.4901.B—benzene, carbon tetrachloride, tetrachloroethylene, trichloroethylene, or scrubber waters derived from the combustion of these spent solvents—provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million, or the total measured concentration of these solvents entering the headworks of the facility's wastewater treatment system (at facilities subject to regulation under the Clean Air Act as amended, at 40 CFR Part 60, 61, or 63, as incorporated by reference at LAC 33:III.3003, 5116, and 5122, respectively, or at facilities subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 1 part per million on an average weekly basis. Any facility that uses benzene as a solvent and claims this exemption must use an aerated biological wastewater treatment system and must use only lined surface impoundments or tanks prior to secondary clarification in the wastewater treatment system. Facilities that choose to measure concentration levels must file a copy of their sampling and analysis plan with the administrative authority. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the administrative authority. The administrative authority may reject the sampling and analysis plan if it finds that the sampling and analysis plan fails to include the above information, or the plan parameters would not enable the facility to calculate the weekly average concentration of

these chemicals accurately. If the administrative authority rejects the sampling and analysis plan or if the administrative authority finds that the facility is not following the sampling and analysis plan, the administrative authority shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or

ii. one or more of the following spent solvents listed in LAC 33:V.4901.B—methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents, 2-ethoxyethanol, or the scrubber waters derived from the combustion of these spent solvents—provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million, or the total measured concentration of these solvents entering the headworks of the facility's wastewater treatment system (at facilities subject to regulation under the Clean Air Act as amended, at 40 CFR Part 60, 61, or 63, as incorporated by reference at LAC 33:III.3003, 5116, and 5122, respectively, or at facilities subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 25 parts per million on an average weekly basis. Facilities that choose to measure concentration levels must file a copy of their sampling and analysis plan with the administrative authority. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the administrative authority. The administrative authority may reject the sampling and analysis plan if it finds that the sampling and analysis plan fails to include the above information, or the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the administrative authority rejects the sampling and analysis plan or if the administrative authority finds that the facility is not following the sampling and analysis plan, the administrative authority shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or

iii. ...

iv. a discarded hazardous waste, commercial chemical product, or chemical intermediate listed in LAC 33:V.4901.A, B.1-2, and C-F arising from de minimis losses of these materials. For purposes of this Clause, de minimis losses are inadvertent releases to a wastewater treatment system, including those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals;

sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers rendered empty by that rinsing. Any manufacturing facility that claims an exemption for de minimis quantities of wastes listed in LAC 33:V.4901.B and C, or any nonmanufacturing facility that claims an exemption for de minimis quantities of wastes listed in LAC 33:V.Chapter 49, must either have eliminated the discharge of wastewaters or have included in its Clean Water Act permit application or submission to its pretreatment control authority the constituents for which each waste was listed in LAC 33:V.4901.G and the constituents in LAC 33:V.2299.Table 2, Treatment Standards for Hazardous Wastes, for which each waste has a treatment standard (i.e., Land Disposal Restriction constituents). A facility is eligible to claim the exemption once the administrative authority has been notified of possible de minimis releases via the Clean Water Act permit application or the pretreatment control authority submission. A copy of the Clean Water Act permit application or the submission to the pretreatment control authority must be placed in the facility's on-site files; or

v. ...

vi. one or more of the following wastes listed in LAC 33:V.4901.C—wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste Number K157)—provided that the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine (including all amounts that cannot be demonstrated to be reacted in the process, destroyed through treatment, or recovered, i.e., what is discharged or volatilized) divided by the average weekly flow of process wastewater prior to any dilution into the headworks of the facility's wastewater treatment system does not exceed a total of 5 parts per million by weight, or the total measured concentration of these chemicals entering the headworks of the facility's wastewater treatment system (at facilities subject to regulation under the Clean Air Act as amended, at 40 CFR Part 60, 61, or 63, as incorporated by reference at LAC 33:III.3003, 5116, and 5122, respectively, or at facilities subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 5 parts per million on an average weekly basis. Facilities that choose to measure concentration levels must file a copy of their sampling and analysis plan with the administrative authority. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the administrative authority. The administrative authority may reject the sampling and analysis plan if it finds that the sampling and analysis plan fails to include the above information, or the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the administrative authority rejects the sampling and analysis plan or if the administrative authority finds that the facility is not following the sampling and analysis plan, the

administrative authority shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; or

vii. wastewaters derived from the treatment of one or more of the following wastes listed in LAC 33:V.4901.C—organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste Number K156)—provided that the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 milligrams per liter, or the total measured concentration of these chemicals entering the headworks of the facility's wastewater treatment system (at facilities subject to regulation under the Clean Air Act as amended, at 40 CFR Part 60, 61, or 63, as incorporated by reference at LAC 33:III.3003, 5116, and 5122, respectively, or at facilities subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions) does not exceed 5 milligrams per liter on an average weekly basis. Facilities that choose to measure concentration levels must file a copy of their sampling and analysis plan with the administrative authority. A facility must file a copy of a revised sampling and analysis plan only if the initial plan is rendered inaccurate by changes in the facility's operations. The sampling and analysis plan must include the monitoring point location (headworks), the sampling frequency and methodology, and a list of constituents to be monitored. A facility is eligible for the direct monitoring option once it receives confirmation that the sampling and analysis plan has been received by the administrative authority. The administrative authority may reject the sampling and analysis plan if it finds that the sampling and analysis plan fails to include the above information, or the plan parameters would not enable the facility to calculate the weekly average concentration of these chemicals accurately. If the administrative authority rejects the sampling and analysis plan or if the administrative authority finds that the facility is not following the sampling and analysis plan, the administrative authority shall notify the facility to cease the use of the direct monitoring option until such time as the bases for rejection are corrected; and

2.d. - 6.b. ...

Holocene—the most recent epoch of the quaternary period, extending from the end of the Pleistocene to the present.

Incompatible Waste—a hazardous waste that is unsuitable for placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls), or that is unsuitable for commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure; fire or explosion; violent reaction; toxic dusts, mists, fumes, or gases; or flammable fumes or gases. For examples of potentially incompatible wastes, see LAC 33:V.199.Appendix B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790, 791 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:218, 220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:2465 (November 2000), LR 27:291 (March 2001), LR 27:708 (May 2001), LR 28:999 (May 2002), LR 28:1191 (June 2002), LR 29:318 (March 2003); amended by the Office of the Secretary, Legal Affairs Division, LR 31:2452 (October 2005), LR 31:3116 (December 2005), LR 32:606 (April 2006), LR 32:822 (May 2006), LR 33:1625 (August 2007), LR 33:2098 (October 2007), LR 34:71 (January 2008), LR 34:

§199. Appendices—Appendices A and B

A. Appendix A—Equations for the Development of Soil and Groundwater Standards

[See prior text in Appendix A]

B. Appendix B—Examples of Potentially Incompatible Waste¹

1. Many hazardous wastes, when mixed with other waste or materials at a hazardous waste facility, can produce effects that are harmful to human health and the environment, such as:

- a. heat or pressure;
- b. fire or explosion;
- c. violent reaction;
- d. toxic dusts, mists, fumes, or gases; or
- e. flammable fumes or gases.

2. Paragraph 5 of this Appendix contains examples of potentially incompatible wastes, waste components, and materials, along with the harmful consequences that result from mixing materials in one group with materials in another group. Paragraph 5 is intended as a guide to owners or operators of treatment, storage, and disposal facilities, and to enforcement and permit-granting officials, to indicate the need for special precautions when managing these potentially incompatible waste materials or components.

3. The tables in Paragraph 5 are not intended to be exhaustive. An owner or operator must, as the regulations require, adequately analyze his wastes so that he can avoid creating uncontrolled substances or reactions of the types listed in Paragraph 5, whether they are listed in Paragraph 5 or not.

4. It is possible for potentially incompatible wastes to be mixed in a way that precludes a reaction (e.g., adding acid to water rather than water to acid) or that neutralizes them (e.g., a strong acid mixed with a strong base), or that controls substances produced (e.g., by generating flammable gases in a closed tank equipped so that ignition cannot occur, and burning the gases in an incinerator).

5. In the tables below, the mixing of a Group A material with a Group B material may have the potential consequence as noted.

Group 1 Materials	
Group 1-A:	
Acetylene sludge	
Alkaline caustic liquids	
Alkaline cleaner	
Alkaline corrosive liquids	
Alkaline corrosive battery fluid	
Caustic wastewater	
Lime sludge and other corrosive alkalis	
Lime wastewater	
Lime and water	
Spent caustic	
Group 1-B:	
Acid sludge	
Acid and water	
Battery acid	
Chemical cleaners	
Electrolyte, acid	
Etching acid liquid or solvent	
Pickling liquor and other corrosive acids	
Spent acid	
Spent mixed acid	
Spent sulfuric acid	
Potential Consequences:	
Heat generation or violent reaction	

Group 2 Materials	
Group 2-A:	
Aluminum	
Beryllium	
Calcium	
Lithium	
Magnesium	
Potassium	
Sodium	
Zinc powder	
Other reactive metals and metal hydrides	
Group 2-B:	
Any waste in Group 1-A or 1-B	
Potential Consequences:	
Fire or explosion; generation of flammable hydrogen gas	

Group 3 Materials	
Group 3-A:	
Alcohols	
Water	
Group 3-B:	
Any concentrated waste in Group 1-A or 1-B	
Calcium	
Lithium	
Metal hydrides	
Potassium	
SO ₂ Cl ₂ , SOCl ₂ , PCl ₃ , CH ₃ SiCl ₃	
Other water-reactive waste	
Potential Consequences:	
Fire, explosion, or heat generation; generation of flammable or toxic gases	

Group 4 Materials	
Group 4-A:	
Alcohols	
Aldehydes	
Halogenated hydrocarbons	
Nitrated hydrocarbons	
Unsaturated hydrocarbons	
Other reactive organic compounds and solvents	

Group 4 Materials	
Group 4-B:	
Concentrated Group 1-A or 1-B wastes	
Group 2-A wastes	
Potential Consequences:	
Fire, explosion, or violent reaction	

Group 5 Materials	
Group 5-A:	
Spent cyanide and sulfide solutions	
Group 5-B:	
Group 1-B wastes	
Potential Consequences:	
Generation of toxic hydrogen cyanide or hydrogen sulfide gas	

Group 6 Materials	
Group 6-A:	
Chlorates	
Chlorine	
Chlorites	
Chromic acid	
Hypochlorites	
Nitrates	
Nitric acid, fuming	
Perchlorates	
Permanganates	
Peroxides	
Other strong oxidizers	
Group 6-B:	
Acetic acid and other organic acids	
Concentrated mineral acids	
Group 2-A wastes	
Group 4-A wastes	
Other flammable and combustible wastes	
Potential Consequences:	
Fire, explosion, or violent reaction	

¹Source: "Law, Regulations, and Guidelines for Handling of Hazardous Waste." California Department of Health, February 1975.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq. and, in particular, 2186(A)(2).

HISTORICAL NOTE: Promulgated by the Office of the Secretary, Legal Affairs Division, LR 33:452 (March 2007), amended LR 34:

Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits §303. Overview of the Permit Program

A. - P.2. ...

Q. Other Information. The administrative authority may require a permittee or an applicant to submit relevant information in order to establish permit conditions under LAC 33:V.311.E-F and 315.

R. If the administrative authority concludes, based on one or more of the factors listed in Paragraphs R.1-9 of this Section, that compliance with the standards of 40 CFR Part 63, Subpart EEE, as incorporated by reference at LAC 33:III.5122, alone may not be protective of human health or the environment, the administrative authority shall require the additional information or assessment necessary to determine whether additional controls are necessary to ensure protection of human health and the environment. This includes information necessary to evaluate the potential risk to human health and/or the environment resulting from both direct and indirect exposure pathways. The administrative authority may also require a permittee or applicant to provide information necessary to determine whether such an

assessment should be required. The administrative authority shall base the evaluation of whether compliance with the standards of 40 CFR Part 63, Subpart EEE, as incorporated by reference at LAC 33:III.5122, alone is protective of human health or the environment on factors relevant to the potential risk from a hazardous waste combustion unit, including, as appropriate, any of the following factors:

1. particular site-specific considerations such as proximity to receptors (such as schools, hospitals, nursing homes, day care centers, parks, community activity centers, or other potentially sensitive receptors), unique dispersion patterns, etc.;

2. identities and quantities of emissions of persistent, bioaccumulative, or toxic pollutants considering enforceable controls in place to limit those pollutants;

3. identities and quantities of nondioxin products of incomplete combustion most likely to be emitted and to pose significant risk based on known toxicities (confirmation of which should be made through emissions testing);

4. identities and quantities of other off-site sources of pollutants in proximity to the facility that significantly influence interpretation of a facility-specific risk assessment;

5. presence of significant ecological considerations, such as the proximity of a particularly sensitive ecological area;

6. volume and types of wastes, for example wastes containing highly toxic constituents;

7. other on-site sources of hazardous air pollutants that significantly influence interpretation of the risk posed by the operation of the source in question;

8. the adequacy of any previously conducted risk assessment, given any subsequent changes in conditions likely to affect risk; and

9. such other factors as may be appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 14:790 (November 1988), LR 16:220 (March 1990), LR 17:478 (May 1991), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 21:564 (June 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2466 (November 2000), LR 27:708 (May 2001), amended by the Office of Environmental Assessment, LR 30:2023 (September 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2453 (October 2005), LR 33:2099 (October 2007), LR 34:

§305. Scope of the Permit

A. - C.12. ...

13. a person, not required to obtain a RCRA permit for treatment or containment activities taken during immediate response to any of the following situations:

C.13.a. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 23:567 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1105 (June 1998), LR 24:1690, 1759 (September

1998), LR 25:435 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:708 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3116 (December 2005), LR 33:1625 (August 2007), LR 34:

§311. Establishing Permit Conditions

A. - E. ...

F. RCRA Permits for Hazardous Waste Combustion Units. If, as the result of an assessment or other information, the administrative authority determines that conditions are necessary in addition to those required under 40 CFR Part 63, Subpart EEE, as incorporated by reference at LAC 33:III.5122, or LAC 33:V.Chapters 11, 15, 17, 19, 21, 22, 23, 25, 27, 28, 29, 30, 31, 32, 33, 35, 37, and 41, to ensure protection of human health and the environment, the administrative authority shall include those conditions in a RCRA permit for a hazardous waste combustion unit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:280 (April 1984), LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

§321. Modification of Permits

A. - C.9. ...

10. Combustion Facility Changes to Meet 40 CFR Part 63 Maximum Achievable Control Technology (MACT) Standards, as Incorporated by Reference at LAC 33:III.5122. The following procedures apply to hazardous waste combustion facility permit modifications requested under LAC 33:V.322.L.9.

a. Facility owners or operators must have complied with the Notification of Intent to Comply (NIC) requirements of 40 CFR 63.1210 that were in effect prior to October 11, 2000 (see 40 CFR 63.1200-1499, revised as of July 1, 2000) in order to request a permit modification under this Section for the purpose of technology changes needed to meet the standards under 40 CFR 63.1203-1205.

b. Facility owners or operators must comply with the NIC requirements of 40 CFR 63.1210(b) and 63.1212(a) before a permit modification can be requested under this Section for the purpose of technology changes needed to meet the 40 CFR 63.1215-1221 standards promulgated on October 12, 2005.

c. If the administrative authority does not approve or deny the request within 90 days of receiving it, the request shall be deemed approved. The administrative authority may, at his or her discretion, extend this 90-day deadline one time for up to 30 days by notifying the facility owner or operator.

11. Waiver of RCRA Permit Conditions in Support of Transition to the 40 CFR Part 63 MACT Standards, as Incorporated by Reference at LAC 33:III.5122

a. Facility owners or operators may request to have specific RCRA operating and emissions limits waived by submitting a Class 1 permit modification request under the requirements of this Section and LAC 33:V.322.L.10. As part of this request, the facility owner or operator must:

i. identify the specific RCRA permit operating and emissions limits which the facility owner or operator is requesting to waive;

- ii. provide an explanation of why the changes are necessary in order to minimize or eliminate conflicts between the RCRA permit and MACT compliance; and
- iii. provide an explanation of how the revised provisions will be sufficiently protective.

b. The administrative authority shall approve or deny the request within 30 days of receipt of the request. The administrative authority may extend, at his or her discretion, this 30-day deadline one time for up to 30 days by notifying the facility owner or operator.

c. The facility owner or operator may request this modification in conjunction with MACT performance testing where permit limits may only be waived during actual test events and pretesting, as defined in 40 CFR 63.1207(h)(2)(i) and (ii), for an aggregate time not to exceed 720 hours of operation (renewable at the discretion of the administrative authority). The modification request shall be submitted to the administrative authority at the same time that the test plans are submitted. The administrative authority may elect to approve or deny this request contingent upon approval of the test plans.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 15:378 (May 1989), LR 16:614 (July 1990), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1691 (September 1998), LR 25:435 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2466 (November 2000), LR 28:1000 (May 2002), LR 29:319 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2430, 2454 (October 2005), LR 33:2100 (October 2007), LR 34:

§322. Classification of Permit Modifications

The following is a listing of classifications of permit modifications made at the request of the permittee.

Modifications	Class
*** [See Prior Text in A. - C.3.]	
4. Changes in point of compliance	2
*** [See Prior Text in C.5. - L.9.]	
10. Changes to RCRA permit provisions needed to support transition to 40 CFR Part 63, Subpart EEE, as incorporated by reference at LAC 33:III.5122, provided the procedures of LAC 33:V.321.C.11 are followed	1 ¹
*** [See Prior Text in M. - N.3.]	
¹ Class 1 modifications requiring prior administrative authority approval.	

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 16:614 (July 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:815 (September 1996), amended by the Office of the Secretary, LR 24:2245 (December 1998), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:436 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:270 (February 2000), LR

27:292 (March 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Chapter 5. Permit Application Contents
Subchapter B. Signatories to Permit Applications and Reports, Changes of Authorizations, and Certifications

§513. Certification

A.1. - Certification. ...

2. For remedial action plans (RAPs) under LAC 33:V.Chapter 5.Subchapter G, if the operator certifies according to Paragraph A.1 of this Section, then the owner may choose to make the following certification instead of the certification in Paragraph A.1 of this Section.

"Based on my knowledge of the conditions of the property described in the RAP and my inquiry of the person or persons who manage the system referenced in the operator's certification, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

B.1. - B.2.Statement. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:271 (February 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Subchapter E. Specific Information Requirements

§529. Specific Part II Information Requirements for Incinerators

Except as LAC 33:V.Chapter 31 and Subsection F of this Section provide otherwise, owners and operators of facilities that incinerate hazardous waste must fulfill the requirements of Subsection A, B, or C of this Section:

A. - E.3. ...

F. when an owner or operator of a hazardous waste incineration unit becomes subject to RCRA permit requirements after October 12, 2005, or when an owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the air emission standards and limitations in 40 CFR Part 63, Subpart EEE, as incorporated by reference at LAC 33:III.5122 (i.e., by conducting a comprehensive performance test and submitting a notification of compliance in accordance with 40 CFR 63.1207(j) and 63.1210(d), documenting compliance with all applicable requirements of 40 CFR Part 63, Subpart EEE), the requirements of this Section do not apply, except those provisions the administrative authority determines are necessary to ensure compliance with LAC 33:V.3117.A and C if the owner or operator elects to comply with LAC 33:V.2001.A.1.a to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the administrative authority may apply the provisions of this Section, on a case-by-case basis, for purposes of information collection in accordance with LAC 33:V.303.Q-R and 311.E-F.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011(D)(24)(a) and 2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste,

Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:280 (April 1984), LR 22:817 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:2199 (November 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:292 (March 2001), LR 29:319 (March 2003), amended by the Office of Environmental Assessment, LR 31:1571 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

§530. Specific Part II Information Requirements for Process Vents

Except as otherwise provided in LAC 33:V.1501, owners and operators of facilities that have process vents to which LAC 33:V.Chapter 17.Subchapter A applies must provide the following additional information.

A. - D.2. ...

3. a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions," as incorporated by reference at LAC 33:V.110, or other engineering texts acceptable to the administrative authority that present basic control device information. The design analysis shall address the vent stream characteristics and control device operation parameters as specified in LAC 33:V.1713.B.4.c;

4. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended LR 18:1256 (November 1992), LR 22:817 (September 1996), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

§535. Specific Part II Information Requirements for Boilers and Industrial Furnaces Burning Hazardous Waste for Energy or Material Recovery and Not for Destruction

A. - F. ...

G. When an owner or operator of a cement or lightweight aggregate kiln, solid fuel or liquid fuel boiler, or hydrochloric acid production furnace becomes subject to RCRA permit requirements after October 12, 2005, or when an owner or operator of an existing cement or lightweight aggregate kiln, solid fuel or liquid fuel boiler, or hydrochloric acid production furnace demonstrates compliance with the air emission standards and limitations in 40 CFR Part 63, Subpart EEE, as incorporated by reference at LAC 33:III.5122 (i.e., by conducting a comprehensive performance test and submitting a notification of compliance in accordance with 40 CFR 63.1207(j) and 63.1210(d), documenting compliance with all applicable requirements of 40 CFR Part 63, Subpart EEE), the requirements of this Section do not apply. However, the requirements of this Section do apply if:

1. the administrative authority determines that certain provisions of this Section are necessary to ensure compliance with LAC 33:V.3005.E.1 and 2.c if the owner or operator elects to comply with LAC 33:V.2001.A.1.a to minimize emissions of toxic compounds from startup, shutdown, and malfunction events;

2. the facility is an *area source* as defined in LAC 33:III.5103 and the owner or operator elects to comply with the standards and associated requirements in LAC 33:V.3011, 3013, and 3015 for particulate matter, non-mercury metals, and hydrogen chloride and chlorine gas; or

3. the administrative authority determines that certain provisions of this Section apply, on a case-by-case basis, for purposes of information collection in accordance with LAC 33:V.303.Q-R and 311.E-F.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:737 (September 1989), amended LR 18:1375 (December 1992), LR 21:266 (March 1995), LR 22:817 (September 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:292 (March 2001), LR 29:319 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

§536. Specific Part II Information Requirements for Equipment

Except as otherwise provided in LAC 33:V.1501, owners and operators of facilities that have equipment to which LAC 33:V.Chapter 17.Subchapter B applies must provide the following additional information.

A. - E.2. ...

3. a design analysis, specifications, drawings, schematics, and piping and instrumentation diagrams based on the appropriate sections of "APTI Course 415: Control of Gaseous Emissions," as incorporated by reference at LAC 33:V.110, or other engineering texts acceptable to the administrative authority that present basic control device information. The design analysis shall address the vent stream characteristics and control device operation parameters as specified in LAC 33:V.1713.B.4.c;

4. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended LR 18:1256 (November 1992), LR 22:817 (September 1996), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Subchapter F. Special Forms of Permits

§537. Permits for Boiler and Industrial Furnaces Burning Hazardous Waste for Recycling Purposes Only (Boilers and industrial furnaces burning hazardous waste for destruction are subject to permit requirements for incinerators.)

A. - C.2. ...

D. When an owner or operator of a cement or lightweight aggregate kiln, solid fuel or liquid fuel boiler, or hydrochloric acid production furnace becomes subject to RCRA permit requirements after October 12, 2005, or when an owner or operator of an existing cement or lightweight aggregate kiln, solid fuel or liquid fuel boiler, or hydrochloric acid production furnace demonstrates compliance with the air emission standards and limitations in 40 CFR Part 63, Subpart EEE, as incorporated by reference at LAC 33:III.5122 (i.e., by conducting a comprehensive performance test and submitting a notification of compliance in accordance with 40 CFR 63.1207(j) and 63.1210(d), documenting compliance with all applicable requirements of 40 CFR Part 63, Subpart EEE), the requirements of this Section do not apply. However, the requirements of this Section do apply if:

1. the administrative authority determines that certain provisions of this Section are necessary to ensure compliance with LAC 33:V.3005.E.1 and 2.c if the owner or

operator elects to comply with LAC 33:V.2001.A.1.a to minimize emissions of toxic compounds from startup, shutdown, and malfunction events;

2. the facility is an *area source* as defined in LAC 33:III.5103 and the owner or operator elects to comply with the standards and associated requirements in LAC 33:V.3011, 3013, and 3015 for particulate matter, non-mercury metals, and hydrogen chloride and chlorine gas; or

3. the administrative authority determines that certain provisions of this Section apply, on a case-by-case basis, for purposes of information collection in accordance with LAC 33:V.303.Q-R and 311.E-F.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:737 (September 1989), amended LR 18:1375 (December 1992), LR 21:266 (March 1995), LR 22:818, 832 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:657 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2468 (November 2000), LR 27:292 (March 2001), LR 29:320 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2455 (October 2005), LR 33:2101 (October 2007), LR 34:

Chapter 11. Generators

Subchapter A. General

§1107. The Manifest System

A. - B.1.e. ...

2. The certification that appears on the manifest must be read, signed, and dated by the generator as follows.

"I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packaged, marked, and labeled/placarded, and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. If this is an export shipment and I am the primary exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent."

C. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 12:319 (May 1986), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:1256 (November 1992), LR 20:1109 (October 1994), LR 21:266, 267 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), LR 27:42 (January 2001), LR 27:709 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:823 (May 2006), LR 33:89 (January 2007), repromulgated LR 33:281 (February 2007), amended LR 33:2101 (October 2007), LR 34:

§1109. Pre-Transport Requirements

A. - C, Manifest Tracking Number. ...

D. Placarding. Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must placard, or offer the initial transporter the appropriate placards for, the shipment according to Department of Public Safety regulations for hazardous materials under LAC 33:V.Subpart 2.Chapter 105.

E. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 16:47 (January 1990), LR 16:220 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:277 (February 2000), LR 26:2470 (November 2000), LR 27:293 (March 2001), LR 27:709, 716 (May 2001), LR 27:1014 (July 2001), LR 30:1673 (August 2004), amended by the Office of Environmental Assessment, LR 31:1571 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:823 (May 2006), LR 33:2102 (October 2007), LR 34:

§1113. Exports of Hazardous Waste

A. - D.1.b.viii. ...

2. Notification shall be sent to the Office of Environmental Services, with "Attention: Notification to Export" prominently displayed on the front of the envelope.

[NOTE: This does not relieve the regulated community from the requirement of submitting notification to the Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460, as required by 40 CFR 262.53(b) and LAC 33:V.1113.D.1.]

D.3. - I.1. ...

a. For the purposes of these regulations the designated OECD countries consist of Australia, Austria, Belgium, the Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Slovak Republic, South Korea, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.

1.b. - 2....

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 22:20 (January 1996), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:661 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2471 (November 2000), LR 27:710 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 32:824 (May 2006), LR 33:2102 (October 2007), LR 34:72 (January 2008), LR 34:

Chapter 15. Treatment, Storage, and Disposal Facilities

§1501. Applicability

A. - C.1. ...

2. the owner or operator of a facility managing recycled material described in LAC 33:V.4105.A (except to the extent they are referred to in LAC 33:V.Chapter 30 or 40 or LAC 33:V.4139, 4141, 4143, or 4145);

C.3. - H.13. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 18:1256 (November 1992), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 23:565, 568 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1106 (June 1998), LR 24:1694, 1759 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:277 (February 2000), LR 27:711 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:3117 (December 2005), LR 32:606 (April 2006), LR 34:

§1516. Manifest System for Treatment, Storage, and Disposal (TSD) Facilities

A. - C.5.a.iii. ...

iv. Copy the manifest tracking number in Item 4 of the new manifest to the manifest reference number line in the Discrepancy block of the old manifest (Item 18a).

C.5.a.v. - D.7.Comment....

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 32:825 (May 2006), amended LR 33:2104 (October 2007), LR 34:

§1529. Operating Record and Reporting Requirements

A. - B.2. ...

3. record the estimated or manifest-reported weight, or volume and density, where applicable, in one of the units of measure specified in Table 1:

Unit of Measure	Code ¹
*** [See Prior Text in Gallons – Btu's per Hour]	
Pounds	P
Short tons	T
Kilograms	K
Tons	M

¹ Single digit symbols are used here for data processing purposes.

4. the method(s) [by handling code(s) as specified in Table 2] and date(s) of treatment, storage, or disposal:

Enter the handling code(s) listed below that most closely represents the technique(s) used at the facility to treat, store, or dispose of each quantity of hazardous waste received.	
Storage	
*** [See Prior Text in S01 – S99]	
Treatment	
Thermal Treatment	
*** [See Prior Text in T06 – T18]	
Chemical Treatment	
*** [See Prior Text in T19 – T34]	
Physical Treatment	
Separation of Components:	
*** [See Prior Text in T35 – T47]	

Removal of Specific Components:	
*** [See Prior Text in T48 – T66]	
Biological Treatment	
*** [See Prior Text in T67 – T74]	
T75	Trickling filter
*** [See Prior Text in T76 – T79]	
Boilers and Industrial Furnaces	
*** [See Prior Text in T80 – T93]	
Other Treatment	
*** [See Prior Text in T94]	
Disposal	
*** [See Prior Text in D79 – D99]	
Miscellaneous (Chapter 32)	
*** [See Prior Text in X01 – X99]	

B.5. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 15:378 (May 1989), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:832 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1695 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), LR 26:278 (February 2000), LR 26:2473 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 32:827 (May 2006), LR 33:2104 (October 2007), LR 34:

Chapter 17. Air Emission Standards
Subchapter C. Air Emission Standards for Tanks, Surface Impoundments, and Containers
§1799. Appendix—Table 1, Compounds with Henry's Law Constant Less than 0.1 Y/X [At 25°C]

Compound Name	CAS Number
*** [See Prior Text in Acetaldol – 3,4-Dichlorotetrahydrofuran]	
Dichlorvos (DDVP)	62-73-7
*** [See Prior Text in Diethanolamine – Ethylene glycol monophenyl ether (phenyl Cellosolve)]	
Ethylene glycol monopropyl ether (propyl Cellosolve)	2807-30-9
Ethylene thiourea (2-imidazolidinethione)	96-45-7
*** [See Prior Text in 4-Ethylmorpholine – beta-Naphthylamine]	
Neopentyl glycol (dimethylpropane)	126-30-7
*** [See Prior Text in Niacinamide – 3,4-Xylenol (3,4-dimethylphenol)]	

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste

Division, LR 24:1721 (September 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Chapter 18. Containment Buildings

§1802. Design and Operating Standards

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

c. the secondary containment system must be constructed of materials that are chemically resistant to the waste and liquids managed in the containment building and of sufficient strength and thickness to prevent collapse under the pressure exerted by overlaying materials and by any equipment used in the containment building (Containment buildings can serve as secondary containment systems for tanks placed within the building under certain conditions. A containment building can serve as an external liner system for a tank, provided it meets the requirements of LAC 33:V.1907.E.1. In addition, the containment building must meet the requirements of LAC 33:V.1907.B and C.1 and 2 to be considered an acceptable secondary containment system for a tank.);

B.4. - C.3. ...

a. upon detection of a condition that has led to a release of hazardous waste (e.g., upon detection of leakage from the primary barrier) the owner or operator must:

3.a.i. - 4. ...

D. For a containment building that contains both areas with and without secondary containment, the owner or operator must:

D.1. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2475 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2106 (October 2007), LR 34:

Chapter 19. Tanks

§1907. Containment and Detection of Releases

A. - C.3. ...

4. sloped or otherwise designed or operated to drain and remove liquids resulting from leaks, spills, or precipitation. Spilled or leaked waste and accumulated precipitation must be removed from the secondary containment system within 24 hours, or in as timely a manner as is possible to prevent harm to human health and the environment, if the owner or operator can demonstrate to the administrative authority that removal of the released waste or accumulated precipitation cannot be accomplished within 24 hours.

[NOTE: If the collected material is a *hazardous waste* as defined in LAC 33:V.109, it is subject to management as a hazardous waste in accordance with all applicable requirements of LAC 33:V.Chapters 11, 13, 15, 17, 19, 21, 23, 25, 27, 28, 29, 31, 33, 35, 37, and 43. If the collected material is discharged through a point source to waters of the United States, it is subject to the requirements of Sections 301, 304, and 402 of the Clean Water Act, as amended. If discharged to a Publicly Owned Treatment Works (POTW), it is subject to the requirements of Section 307 of the Clean Water Act, as amended. If the collected material is released to the environment, it may be subject to the reporting requirements of 40 CFR Part 302.]

D. - E.2.e.i. ...

ii. meets the definition of reactive waste under LAC 33:V.4903.D, and may form an ignitable or explosive vapor; and

E.2.f. - I.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 14:790 (November 1988), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2475 (November 2000), amended by the Office of Environmental Assessment, LR 31:1572 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2107 (October 2007), LR 34:

Chapter 20. Integration with Maximum Achievable Control Technology (MACT) Standards

§2001. Options for Incinerators, Cement and Lightweight Aggregate Kilns, Solid Fuel and Liquid Fuel Boilers, and Hydrochloric Acid Production Furnaces to Minimize Emissions from Startup, Shutdown, and Malfunction Events

[NOTE: This Chapter is written in a special format to make it easier to understand the regulatory requirements. Like other department regulations, this establishes enforceable legal requirements. For this Chapter, "I" and "you" refer to the owner/operator.]

A. Facilities with Existing Permits

1. Revisions to Permit Conditions after Documenting Compliance with MACT. The owner or operator of a RCRA-permitted incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace may request that the administrative authority address permit conditions that minimize emissions from startup, shutdown, and malfunction events under any of the following options when requesting removal of permit conditions that are no longer applicable according to LAC 33:V.3105.B and LAC 33:V.3001.B.

a. - c.ii. ...

2. Addressing Permit Conditions upon Permit Reissuance. The owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that has conducted a comprehensive performance test and submitted to the administrator a Notification of Compliance documenting compliance with the standards of 40 CFR Part 63, Subpart EEE, as incorporated by reference at LAC 33:III.5122, may request in the application to reissue the permit for the combustion unit that the administrative authority control emissions from startup, shutdown, and malfunction events under any of the following options.

a. - c.ii. ...

B. Interim Status Facilities

1. Interim Status Operations. In compliance with LAC 33:V.4513 and LAC 33:V.3001.B, the owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that is operating under the interim status standards of LAC 33:V.Chapters 30 and 43 may control emissions of toxic compounds during startup, shutdown, and malfunction events under either of the following options after conducting

a comprehensive performance test and submitting to the administrator a Notification of Compliance documenting compliance with the standards of 40 CFR Part 63, Subpart EEE, as incorporated by reference at LAC 33:III.5122.

a. - b. ...

2. Operations under a Subsequent RCRA Permit. When an owner or operator of an incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, or hydrochloric acid production furnace that is operating under the interim status standards of LAC 33:V.Chapters 30 and 43 submits a RCRA permit application, the owner or operator may request that the administrative authority control emissions from startup, shutdown, and malfunction events under any of the options provided by Subparagraph A.2.a, b, or c of this Section.

C. New Units. Hazardous waste incinerator, cement kiln, lightweight aggregate kiln, solid fuel boiler, liquid fuel boiler, and hydrochloric acid production furnace units that become subject to RCRA permit requirements after October 12, 2005, must control emissions of toxic compounds during

startup, shutdown, and malfunction events under either of the following options:

1. comply with the requirements specified in 40 CFR 63.1206(c)(2); or

2. request to include in the RCRA permit, conditions that ensure emissions of toxic compounds are minimized from startup, shutdown, and malfunction events, including releases from emergency safety vents, based on review of information, including the source's startup, shutdown, and malfunction plan and design. The administrative authority will specify that these permit conditions apply only when the facility is operating under its startup, shutdown, and malfunction plan.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 29:320 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

§2299. Appendix—Tables 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

Table 2. Treatment Standards for Hazardous Wastes					
Waste Code	Waste Description and Treatment/Regulatory Subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Non-Wastewaters
		Common Name	CAS ² Number	Concentration ³ in mg/L; or Technology Code ⁴	Concentration ⁵ in mg/kg unless noted as "mg/L TCLP"; or Technology Code ⁴
*** [See Prior Text in D001 – K048]					
K049	Slop oil emulsion solids from the petroleum refining industry.	Anthracene	120-12-7	0.059	3.4
		Benzene	71-43-2	0.14	10
		Benzo(a)pyrene	50-32-8	0.061	3.4
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		Carbon disulfide	75-15-0	3.8	NA
		Chrysene	218-01-9	0.059	3.4
		2,4-Dimethylphenol	105-67-9	0.036	NA
		Ethylbenzene	100-41-4	0.057	10
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyrene	129-00-0	0.067	8.2
		Toluene	108-88-3	0.080	10
		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Cyanides (Total) ⁷	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/L TCLP		
Lead	7439-92-1	0.69	NA		
Nickel	7440-02-0	NA	11 mg/L TCLP		
*** [See Prior Text in K050]					
K051	API separator sludge from the petroleum refining industry.	Acenaphthene	83-32-9	0.059	NA
		Anthracene	120-12-7	0.059	3.4
		Benz(a)anthracene	56-55-3	0.059	3.4
		Benzene	71-43-2	0.14	10
		Benzo(a)pyrene	50-32-8	0.061	3.4
		bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
		Chrysene	218-01-9	0.059	3.4
		Di-n-butyl phthalate	105-67-9	0.057	28
		Ethylbenzene	100-41-4	0.057	10
		Fluorene	86-73-7	0.059	NA
		Naphthalene	91-20-3	0.059	5.6
		Phenanthrene	85-01-8	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyrene	129-00-0	0.067	8.2
		Toluene	108-88-3	0.08	10

		Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
		Cyanides (Total) ⁷	57-12-5	1.2	590
		Chromium (Total)	7440-47-3	2.77	0.60 mg/L TCLP
		Lead	7439-92-1	0.69	NA
		Nickel	7440-02-0	NA	11 mg/L TCLP
* * *					
[See Prior Text in K052 – K087]					
K088	Spent potliners from primary aluminum reduction.	Acenaphthene	83-32-9	0.059	3.4
		Anthracene	120-12-7	0.059	3.4
		Benzo(a)anthracene	56-55-3	0.059	3.4
		Benzo(a)pyrene	50-32-8	0.061	3.4
		Benzo(b)fluoranthene	205-99-2	0.11	6.8
		Benzo(k)fluoranthene	207-08-9	0.11	6.8
		Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
		Chrysene	218-01-9	0.059	3.4
		Dibenz(a,h)anthracene	53-70-3	0.055	8.2
		Fluoranthene	206-44-0	0.068	3.4
		Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
		Phenanthrene	85-01-8	0.059	5.6
		Pyrene	129-00-0	0.067	8.2
		Antimony	7440-36-0	1.9	1.15 mg/L TCLP
		Arsenic	7440-38-2	1.4	26.1
		Barium	7440-39-3	1.2	21 mg/L TCLP
		Beryllium	7440-41-7	0.82	1.22 mg/L TCLP
		Cadmium	7440-43-9	0.69	0.11 mg/L TCLP
		Chromium (Total)	7440-47-3	2.77	0.60 mg/L TCLP
		Lead	7439-92-1	0.69	0.75 mg/L TCLP
Mercury	7439-97-6	0.15	0.025 mg/L TCLP		
Nickel	7440-02-0	3.98	11 mg/L TCLP		
Selenium	7782-49-2	0.82	5.7 mg/L TCLP		
Silver	7440-22-4	0.43	0.14 mg/L TCLP		
Cyanide (Total) ⁷	57-12-5	1.2	590		
Cyanide (Amenable) ⁷	57-12-5	0.86	30		
Fluoride	16984-48-8	35	NA		
* * *					
[See Prior Text in K093 – K110]					
K111	Product washwaters from the production of dinitrotoluene via nitration of toluene	2,4-Dinitrotoluene	121-14-2	0.32	140
		2,6-Dinitrotoluene	606-20-2	0.55	28
* * *					
[See Prior Text in K112 – K151]					
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. ¹⁰	Acetonitrile	75-05-8	5.6	1.8
		Acetophenone	98-86-2	0.010	9.7
		Aniline	62-53-3	0.81	14
		Benomyl	17804-35-2	0.056	1.4
		Benzene	71-43-2	0.14	10
		Carbaryl	63-25-2	0.006	0.14
		Carbazadim	10605-21-7	0.056	1.4
		Carbofuran	1563-66-2	0.006	0.14
		Carbosulfan	55285-14-8	0.028	1.4
		Chlorobenzene	108-90-7	0.057	6.0
		Chloroform	67-66-3	0.046	6.0
		o-Dichlorobenzene	95-50-1	0.088	6.0
		Methomyl	16752-77-5	0.028	0.14
		Methylene chloride	75-09-2	0.089	30
		Methyl ethyl ketone	78-93-3	0.28	36
		Naphthalene	91-20-3	0.059	5.6
		Phenol	108-95-2	0.039	6.2
		Pyridine	110-86-1	0.014	16
Toluene	108-88-3	0.080	10		
Triethylamine	121-44-8	0.081	1.5		
* * *					
[See Prior Text in K157 – U133]					
U134	Hydrogen fluoride	Fluoride (measured in wastewaters only)	7664-39-3	35	ADGAS fb NEUTR; or NEUTR
* * *					
[See Prior Text in U135 – U136]					
U137	Indeno(1,2,3-cd)pyrene	Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
* * *					
[See Prior Text in U138 – U411]					

Footnote 1 – Footnote 12 ...
[Note: NA means Not Applicable.]

Table 7. Universal Treatment Standards			
Regulated Constituent–Common Name	CAS ¹ Number	Wastewater Standard Concentration ² in mg/L	Nonwastewater Standard Concentration ³ in mg/kg unless noted as "mg/L TCLP"
Organic Constituents			
* * *			
[See Prior Text in Acenaphthylene – Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)]			
Inorganic Constituents			
* * *			
[See Prior Text in Antimony – Zinc]			

Footnote 1. ...

²Concentration standards for wastewaters are expressed in mg/L and are based on analysis of composite samples.

Footnote 3. – Footnote 8. ...

[Note: NA means Not Applicable.]

Table 8. - Table 12. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:1057 (December 1990), amended LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), LR 22:834 (September 1996), LR 23:566 (May 1997), LR 24:301 (February 1998), LR 24:670 (April 1998), LR 24:1732 (September 1998), LR 25:451 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:282 (February 2000), LR 27:295 (March 2001), LR 29:322 (March 2003), LR 30:1682 (August 2004), amended by the Office of the Secretary, Legal Affairs Division, LR 32:828 (May 2006), LR 32:1843 (October 2006), LR 34:

Chapter 26. Corrective Action Management Units and Special Provisions for Cleanup

§2603. Corrective Action Management Units (CAMUs)

A. - E.6.c.iv. ...

v. hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential or actual releases; and

E.6.c.vi. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 28:1192 (June 2002), amended LR 29:323 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Chapter 28. Drip Pads

§2805. Design and Operating Requirements

Owners and operators of drip pads must ensure that the pads are designed, installed, and operated in accordance with Subsection A or C of this Section.

A. - A.3. ...

4. have a hydraulic conductivity of less than or equal to 1×10^{-7} centimeters per second, e.g., existing concrete drip pads must be sealed, coated, or covered with a surface material with a hydraulic conductivity of less than or equal to 1×10^{-7} centimeters per second such that the entire surface on which drippage occurs or across which it may run is capable of containing such drippage and mixtures of drippage and precipitation, materials, or other wastes while being routed to an associated collection system. This surface material must be maintained free of cracks and gaps that could adversely affect its hydraulic conductivity, and the material must be chemically compatible with the

preservatives that contact the drip pad. The requirements of this provision apply only to existing drip pads and those drip pads for which the owner or operator elects to comply with LAC 33:V.2805 (except LAC 33:V.2805.C), 2807, and 2809 instead of LAC 33:V.2805 (except LAC 33:V.2805.A.4 and B), 2807, and 2809; and

A.5. - B. ...

C. If an owner or operator elects to comply with all of the requirements of LAC 33:V.2805 (except LAC 33:V.2805.A.4 and B), 2807 and 2809 instead of LAC 33:V.2805 (except LAC 33:V.2805.C), 2807, and 2809, the drip pad must have:

C.1. - P. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2482 (November 2000), LR 30:1674 (August 2004), amended by the Office of the

Secretary, Legal Affairs Division, LR 31:2462 (October 2005), LR 33:2113 (October 2007), LR 34:

Chapter 29. Surface Impoundments

§2903. Design and Operating Requirements

[Comment: The permit applicant must submit detailed plans and specifications accompanied by an engineering report that must collectively include the information itemized and address the following in addition to the design and operating requirements:

(1) a description of the proposed maintenance and repair procedures;

(2) a description of the operating procedures that will ensure compliance with this Section; and

(3) a certification by a qualified engineer that states that the facilities comply with the applicable design requirements in this Section. The owner or operator of a new facility must submit a statement by a qualified engineer that he will provide such a certification upon completion of construction in accordance with the plans and specifications.]

A. - L. ...

1. The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents which would render the wastes hazardous for reasons other than the toxicity characteristic in LAC 33:V.4903.E.

2. - 2.b....

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:220 (March 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266, 267 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2482 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2462 (October 2005), LR 33:2113 (October 2007), LR 34:

Chapter 30. Hazardous Waste Burned in Boilers and Industrial Furnaces

§3001. Applicability

A. ...

B. Integration of the MACT Standards

1. Except as provided by Paragraphs B.2-4 of this Section, the standards of this Chapter do not apply to a new hazardous waste boiler or industrial furnace unit that becomes subject to RCRA permit requirements after October 12, 2005, and no longer apply when an owner or operator of an existing hazardous waste boiler or industrial furnace unit demonstrates compliance with the maximum achievable control technology (MACT) requirements of 40 CFR Part 63, Subpart EEE, as incorporated by reference at LAC 33:III.5122, by conducting a comprehensive performance test and submitting to the administrative authority a notification of compliance under 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with the requirements of 40 CFR Part 63, Subpart EEE. Nevertheless, even after this demonstration of compliance with the MACT standards, RCRA permit conditions that were based on the standards of this Chapter will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.

2. - 2.e. ...

3. The owner or operator of a boiler or hydrochloric acid production furnace that is an *area source* as defined in LAC 33:III.5103.A that elects not to comply with the emission standards of 40 CFR 63.1216-1218 for particulate

matter, semivolatile and low volatile metals, and total chlorine, also remains subject to:

a. LAC 33:V.3011—Standards to Control Particulate Matter;

b. LAC 33:V.3013—Standards to Control Metals Emissions, except for mercury; and

c. LAC 33:V.3015—Standards to Control Hydrogen Chloride (HCl) and Chlorine Gas (Cl₂) Emissions.

4. The particulate matter standard of LAC 33:V.3011 remains in effect for boilers that elect to comply with the alternative to the particulate matter standard under 40 CFR 63.1216(e) and 63.1217(e).

C. - D.3. ...

a. The hazardous wastes listed in 40 CFR 266, Appendices XI, XII, and XIII, as adopted and amended at LAC 33:V.3099.Appendices J, K, and L, and baghouse bags used to capture metallic dusts emitted by steel manufacturing are exempt from the requirements of Paragraph D.1 of this Section, provided that:

i. a waste listed in 40 CFR 266, Appendix XI, as adopted at LAC 33:V.3099.Appendix J, contains recoverable levels of lead; a waste listed in 40 CFR 266, Appendix XII, as adopted and amended at LAC 33:V.3099.Appendix K, contains recoverable levels of nickel or chromium; a waste listed in 40 CFR 266, Appendix XIII, as adopted and amended at LAC 33:V.3099.Appendix L, contains recoverable levels of mercury and less than 500 ppm of LAC 33:V.3105, Table 1 organic constituents; and baghouse bags used to capture metallic dusts emitted by steel manufacturing contain recoverable levels of metal;

D.3.a.ii. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:821, 835 (September 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 27:297 (March 2001), LR 27:712 (May 2001), LR 29:323 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 32:607 (April 2006), LR 34:

§3005. Permit Standards for Burners

A. - A.2.e. ...

f. releases from solid waste management units, LAC 33:V.3301 and 3322;

A.2.g. - E.5.a.iv. ...

v. such other operating requirements as are necessary to ensure that the particulate standard in LAC 33:V.3011.A is met.

5.b. - 6.b.ii.(a). ...

(b). the rolling average for the selected averaging period is defined as the arithmetic mean of one-hour block averages for the averaging period. A one-hour block average is the arithmetic mean of the one-minute averages recorded during the 60-minute period beginning at one minute after the beginning of the preceding clock hour; and

E.6.b.iii. - I. ...

[NOTE: Repealed.]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992),

amended LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:822 (September 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2483 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2463 (October 2005), LR 33:2113 (October 2007), LR 34:

§3007. Interim Status Standards for Burners

A. - B.5.b. ...

i. The feed rate of each metal shall be limited at any time to 10 times the feed rate that would be allowed on an hourly rolling average basis.

B.5.b.ii. - C.1.g. ...

h. maximum flue gas temperature entering a particulate matter control device (unless complying with Tier I or Adjusted Tier I metals feed rate screening limits under LAC 33:V.3013.B or E and the total chlorine and chloride feed rate screening limits under LAC 33:V.3015.B.1 or E);

i. for systems using wet scrubbers, including wet ionizing scrubbers (unless complying with the Tier I or Adjusted Tier I metals feed rate screening limits under LAC 33:V.3013.B or E and the total chlorine and chloride feed rate screening limits under LAC 33:V.3015.B.1 or E):

1.i.i. - 4.d.iii. ...

(a). the feed rate of each metal shall be limited at any time to 10 times the feed rate that would be allowed on an hourly rolling average basis;

C.4.d.iii.(b). - L. ...

[NOTE: Repealed.]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 22:822 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1740 (September 1998), amended by the Office of

Environmental Assessment, Environmental Planning Division, LR 26:2483 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2463 (October 2005), LR 33:2114 (October 2007), LR 34:

Chapter 31. Incinerators

§3105. Applicability

A. ...

B. Integration of the MACT Standards

1. Except as provided by Paragraphs B.2-5 of this Section, the standards of this Subsection do not apply to a new hazardous waste incineration unit that becomes subject to RCRA permit requirements after October 12, 2005, and no longer apply when an owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the maximum achievable control technology (MACT) requirements of 40 CFR Part 63, Subpart EEE, as incorporated by reference at LAC 33:III.5122, by conducting a comprehensive performance test and submitting to the administrative authority a notification of compliance under 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with the requirements of 40 CFR Part 63, Subpart EEE. Nevertheless, even after this demonstration of compliance with the MACT standards, RCRA permit conditions that were based on the standards of LAC 33:V.Chapters 15, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 35, and 37 will continue to be in effect until they are removed from the permit or the permit is terminated or revoked, unless the permit expressly provides otherwise.

2. ...

3. The particulate matter standard of LAC 33:V.3111.A.4 remains in effect for incinerators that elect to comply with the alternative to the particulate matter standard of 40 CFR 63.1206(b)(14) and 63.1219(e).

B.4. - E. ...

Table 1. Hazardous Constituents			
Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
*** [See Prior Text in A2213 – Allyl alcohol]			
Allyl chloride	1-Propene, 3-chloro	107-05-1	P005
*** [See Prior Text in Aluminum phosphide – Benzenearsonic acid]			
Benzidine	[1,1'-Biphenyl]-4,4'-diamine	92-87-5	U021
*** [See Prior Text in Benzo[b]fluoranthene – 1,1-Dichloroethylene]			
1,2-Dichloroethylene	Ethene, 1,2-dichloro-, (E)-	156-60-5	U079
*** [See Prior Text in Dichloroethyl ether – Kepone]			
Lasiocarpine	2-Butenoic acid, 2-methyl-, 7-[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[1alpha(Z),7(2S*,3R*),7aalpha]]-	303-34-4	U143
*** [See Prior Text in Lead – 2-Nitropropane]			
Nitrosamines, N.O.S. ¹		35576-91-1	
*** [See Prior Text in N-Nitrosodi-n-butylamine – Ziram]			

Footnote 1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR

11:1139 (December 1985), LR 13:433 (August 1987), LR 14:424 (July 1988), LR 15:737 (September 1989), LR 16:399 (May 1990), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:944 (September 1995), LR 22:835 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:318 (February 1998),

LR 24:681 (April 1998), LR 24:1741 (September 1998), LR 25:479 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:301 (March 2001), LR 28:1004 (May 2002), LR 29:323 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 32:830 (May 2006), LR 34:

§3115. Incinerator Permits for New or Modified Facilities

A. - D. ...

E. When an owner or operator of a hazardous waste incineration unit becomes subject to RCRA permit requirements after October 12, 2005, or when an owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the air emission standards and limitations in 40 CFR Part 63, Subpart EEE, as incorporated by reference at LAC 33:III.5122 (i.e., by conducting a comprehensive performance test and submitting a notification of compliance under 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with all applicable requirements of 40 CFR Part 63, Subpart EEE), the requirements of this Section do not apply, except those provisions the administrative authority determines are necessary to ensure compliance with LAC 33:V.3117.A and C if the owner or operator elects to comply with LAC 33:V.2001.A.1.a to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the administrative authority may apply the provisions of this Section, on a case-by-case basis, for purposes of information collection in accordance with LAC 33:V.303.Q-R and 311.E-F.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:614 (July 1990), LR 18:1256 (November 1992), LR 22:828, 835 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:683 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2484 (November 2000), LR 27:302 (March 2001), LR 29:324 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2464 (October 2005), LR 33:2115 (October 2007), LR 34:

Chapter 33. Groundwater Protection

§3315. General Groundwater Monitoring Requirements

The owner or operator must comply with the following requirements for any ground water monitoring program developed to satisfy LAC 33:V.3317, 3319, or 3321.

A. The groundwater monitoring system must consist of a sufficient number of wells, installed at appropriate locations and depths, to yield groundwater samples from the uppermost aquifer that fulfill the following requirements.

1. The samples must represent the quality of background groundwater that has not been affected by leakage from a regulated unit. A determination of background groundwater quality may include sampling of wells that are not hydraulically upgradient of the waste management area where:

A.1.a. - K. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste,

Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:614 (July 1990), amended by the Office of the Secretary, Legal Affairs Division LR 34:

§3319. Compliance Monitoring Program

An owner or operator required to establish a compliance monitoring program under this Chapter must, at a minimum, discharge the following responsibilities.

A. - H.1. ...

2. submit to the Office of Environmental Services an application for a permit modification to establish a corrective action program meeting the requirements of LAC 33:V.3321 within 180 days, or within 90 days if an engineering feasibility study has been previously submitted to the administrative authority under LAC 33:V.3317.G.5. The application must at a minimum include the following information:

H.2.a. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:399 (May 1990), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2485 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2464 (October 2005), LR 33:2115 (October 2007), LR 34:

Chapter 35. Closure and Post-Closure

Subchapter A. Closure Requirements

§3517. Certification of Closure

A. ...

B. Survey Plat. No later than the submission of the certification of closure of each hazardous waste disposal unit, the owner or operator must submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the Office of Environmental Services a survey plat indicating the location and dimensions of landfill cells or other hazardous waste disposal units with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the local zoning authority, or the authority with jurisdiction over local land use, must contain a note, prominently displayed, that states the owner's or operator's obligation to restrict disturbance of the hazardous waste disposal unit in accordance with the applicable regulations of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2487 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2466 (October 2005), LR 33:2117 (October 2007), LR 34:

Subchapter B. Post-Closure Requirements

§3523. Post-Closure Plan, Amendment of Plan

A. - B.4. ...

C. Until final closure of the facility, a copy of the approved post-closure plan must be furnished to the administrative authority upon request, including request by mail. After final closure has been certified, the person or office specified in Paragraph B.3 of this Section must keep

the approved post-closure plan during the remainder of the post-closure period.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 14:791 (November 1988), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 18:1256 (November 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:480 (March 1999), repromulgated LR 25:856 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2487 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2466 (October 2005), LR 33:2117 (October 2007), LR 34:

Chapter 37. Financial Requirements

Subchapter F. Financial and Insurance Instruments

§3719. Wording of the Instruments

A. - G.PART A.ALTERNATIVE II, 10. ...

[Fill in Part B if you are using the financial test to demonstrate assurance of both liability coverage and closure or post-closure care.]

PART B. CLOSURE OR POST-CLOSURE CARE AND LIABILITY COVERAGE

[Fill in Alternative I if the first criteria of LAC 33:V.3707.F.1, 3711.F.1, and 3715.F.1, or if the first criteria of LAC 33:V.4403.E.1 or 4407.E.1 and 4411.F.1, are used. Fill in Alternative II if the second criteria of LAC 33:V.3707.F.1, 3711.F.1, and 3715.F.1, or if the second criteria of LAC 33:V.4403.E.1 or 4407.E.1 and 4411.F.1, are used.]

ALTERNATIVE I

[See Prior Text in 1 - 9]

*10. The sum of net income plus depreciation, depletion, and amortization: \$ _____

[See Prior Text in 11 - 19]

G.PART B.ALTERNATIVE II. - M.1.Section 8.b. ...

c. to register any securities held in the Fund in its own name or in the name of a nominee and to hold any security in bearer form or in book entry, or to combine certificates representing such securities with certificates of the same issue held by the Trustee in other fiduciary capacities, or to deposit or arrange for the deposit of such securities in a qualified central depository even though, when so deposited, such securities may be merged and held in bulk in the name of the nominee of such depository with other securities deposited therein by another person, or to deposit or arrange for the deposit of any securities issued by the United States Government, or any agency or instrumentality thereof, with a Federal Reserve bank, but the books and records of the Trustee shall at all times show that all such securities are part of the Fund;

M.1.Section 8.d. - N.1.Section 3.e.ii. ...

iii. property loaned by [insert Grantor];

N.1.Section 3.e.iv. - N.2.Certification. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:686 (July 1985), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 16:47 (January 1990), LR 18:723 (July 1992), LR 21:266 (March 1995), LR 22:835 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1514 (November 1997), repromulgated LR 23:1684 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2493 (November 2000), amended by the Office of

Environmental Assessment, LR 30:2023 (September 2004), LR 31:1573 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2472 (October 2005), LR 33:1626 (August 2007), LR 33:2123 (October 2007), LR 34:

Chapter 40. Used Oil

§4001. Definitions

Terms that are defined in LAC 33:V.109 have the same meanings when used in this Chapter.

Petroleum Refining Facility—an establishment primarily engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, and lubricants, through fractionation, straight distillation of crude oil, redistillation of unfinished petroleum derivatives, cracking, or other processes (i.e., facilities classified as SIC 2911).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended LR 22:836 (September 1996), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Subchapter A. Materials Regulated as Used Oil

§4003. Applicability

This Section identifies those materials that are subject to regulation as used oil under this Chapter. This Section also identifies some materials that are not subject to regulation as used oil under this Chapter and indicates whether these materials may be subject to regulation as hazardous waste under this Subpart.

A. ...

B. Mixtures of Used Oil and Hazardous Waste

1. Listed Hazardous Waste

a. Mixtures of used oil and hazardous waste that are listed in LAC 33:V.4901 are subject to regulation as hazardous waste under LAC 33:V.Subpart 1, rather than as used oil under LAC 33:V.Chapter 40.

b. - b.ii. ...

2. Characteristic Hazardous Waste. Mixtures of used oil and hazardous waste that solely exhibit one or more of the hazardous waste characteristics identified in LAC 33:V.4903 and mixtures of used oil and hazardous waste that are listed in LAC 33:V.4901 solely because they exhibit one or more of the characteristics of hazardous waste identified in LAC 33:V.4903 are subject to:

B.2.a. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended LR 22:828, 836 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1108 (June 1998), LR 25:481 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2540 (October 2005), LR 34:

§4005. Used Oil Specifications

A. Used oil burned for energy recovery and any fuel produced from used oil by processing, blending, or other treatment is subject to regulation under this Chapter unless it is shown not to exceed any of the allowable levels of the constituents and properties shown in Table 1 of this Section.

Once used oil that is to be burned for energy recovery has been shown not to exceed any allowable levels and the person making that showing complies with LAC 33:V.4081, 4083, and 4085.B, the used oil is no longer subject to this Chapter.

Constituent/Property	Allowable Level
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Flash Point	100°F minimum
Total Halogens	4,000 ppm maximum ²

¹The allowable level does not apply to mixtures of used oil and hazardous waste that continue to be regulated as hazardous waste (see LAC 33:V.4003.B).

²Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under LAC 33:V.4003.B.1. Such used oil is subject to LAC 33:V.Chapter 30 rather than LAC 33:V.Chapter 40 when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

[Note: Applicable standards for the burning of used oil containing PCBs are imposed by 40 CFR 761.20(e).]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Subchapter E. Standards for Used Oil Processors and Re-Refiners

§4045. General Facility Standards

A. - B.6.a.ii. ...

b. Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and the areal extent of any released materials. He may do this by observation, review of facility records or manifests, and, if necessary, chemical analyses.

c. Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).

d. - i.vii. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2497 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2473 (October 2005), LR 33:2125 (October 2007), LR 34:

Subchapter F. Standards for Used Oil Burners That Burn Off-Specification Used Oil for Energy Recovery

§4067. Rebuttable Presumption for Used Oil

A. - B.2. ...

3. if the used oil has been received from a processor/re-refiner subject to regulation under LAC 33:V.Chapter 40.Subchapter E, using information provided by the processor/re-refiner.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended LR 22:828 (September 1996), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Chapter 42. Conditional Exemption for Low-Level Mixed Waste Storage, Treatment, Transportation, and Disposal

Chapter 43. Interim Status

§4301. Purpose and Applicability

A. - C.4. ...

5. the owner and operator of a facility managing recyclable materials described in LAC 33:V.4105.A.1-3, except to the extent they are referred to in LAC 33:V.Chapter 40 or LAC 33:V.4139, 4141, 4143, or 4145;

C.6. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998), LR 25:482 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:2498 (November 2000), LR 27:713 (May 2001), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2474 (October 2005), LR 31:3121 (December 2005), LR 32:612 (April 2006), LR 33:2126 (October 2007), LR 34:

Subchapter D. Manifest System, Recordkeeping, and Reporting

§4357. Operating Record

A. - B.2. ...

3. the estimated or manifest-reported weight, or volume and density, where applicable, in one of the units of measure specified in Table 1 of this Section:

Unit of Measure	Code¹

[See Prior Text in Gallons – British thermal units per Hour]	
Pounds	P
Short tons	T
Kilograms	K
Tons	M

¹ Single digit symbols are used here for data processing purposes.

4. the method(s) (by handling code(s) as specified in Table 2 of this Section) and date(s) of treatment, storage, or disposal:

Table 2. Handling Codes for Treatment, Storage, and Disposal Methods	
Enter the handling code(s) listed below that most closely represents the technique(s) used at the facility to treat, store, or dispose of each quantity of hazardous waste received.	
Storage	
* * *	
[See Prior Text in S01 – S99]	
Treatment	
Thermal Treatment	
* * *	
[See Prior Text in T06 – T74]	
T75	Trickling filter
* * *	
[See Prior Text in T76 – T94]	
Disposal	
* * *	
[See Prior Text in D79 – D99]	
Miscellaneous	
* * *	
[See Prior Text in X01 – X04]	
X99	Other (specify)

5. - 16. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 15:378 (May 1989), LR 16:220 (March 1990), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:837 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1744 (September 1998), LR 25:484 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1803 (October 1999), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1626 (August 2007), LR 34:

Subchapter E. Groundwater Monitoring
§4367. Applicability

Facilities that have interim status must comply with this Subchapter in lieu of LAC 33:V.Chapter 33.

A. - B. ...

C. If an owner or operator assumes (or knows) that groundwater monitoring of indicator parameters, in accordance with LAC 33:V.4369 and 4371, would show statistically significant increases (or decreases in the case of pH) when evaluated under LAC 33:V.4373.B, he may install, operate, and maintain an alternate groundwater monitoring system (other than the one described in LAC 33:V.4371 and 4373). If the owner or operator decides to use an alternate groundwater monitoring system he must:

C.1. - E.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:484 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2499 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2126 (October 2007), LR 34:

Subchapter F. Closure and Post-Closure
§4379. Closure Performance Standard

A. - A.2. ...

3. complies with the closure requirements of these regulations including, but not limited to, LAC 33:V.4442, 4457, 4475, 4489, 4501, 4521, 4531, 4543, and 4705.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 15:181 (March 1989), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1744 (September 1998), amended by the Office of the Secretary, LR 24:2248 (December 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

§4381. Closure Plan; Amendment of Plan

A. - B.4. ...

5. a detailed description of other activities necessary during the partial and final closure periods to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and run-on and run-off control; and

B.6. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 16:614 (July 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:485 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2500 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2475 (October 2005), LR 33:2127 (October 2007), LR 34:

Subchapter G. Financial Requirements
§4401. Cost Estimate for Closure

A. The owner or operator must have a detailed written estimate, in current dollars, of the cost of closing the facility in accordance with the requirements in LAC 33:V.4379, 4381, 4383, 4385, and 4387 and applicable closure requirements in LAC 33:V.4442, 4457, 4475, 4489, 4501, 4521, 4531, 4543, and 4705.

A.1. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 21:266 (March 1995), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Subchapter I. Tanks

§4439. General Operating Requirements

A. - B. ...

1. spill prevention controls (e.g., check valves, dry disconnect couplings);

B.2. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Subchapter J. Surface Impoundments

§4457. Closure and Post-Closure

A. - C.1. ...

2. maintain and monitor the leak detection system in accordance with LAC 33:V.2903.J.3.d and 4 and 4455.B and comply with all other applicable leak detection system requirements of this Chapter;

3. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 15:470 (June 1989), LR 18:723 (July 1992), LR 21:266 (March 1995), amended by the Office of the Secretary, LR 24:2249 (December 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Subchapter M. Landfills

§4497. Action Leakage Rate

A. ...

B. The administrative authority shall approve an action leakage rate for landfill units subject to LAC 33:V.4512.A. The action leakage rate is the maximum design flow rate that the leak detection system (LDS) can remove without the fluid head on the bottom liner exceeding 1 foot. The action leakage rate must include an adequate safety margin to allow for uncertainties in the design (e.g., slope, hydraulic conductivity, thickness of drainage material), construction, operation, and location of the LDS, waste and leachate characteristics, likelihood and amounts of other sources of liquids in the LDS, and proposed response actions (e.g., the action leakage rate must consider decreases in the flow capacity of the system over time resulting from siltation and clogging, rib layover and creep of synthetic components of the system, overburden pressures, etc.).

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 21:266 (March 1995), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

§4507. Special Requirements for Liquid Waste

A. - F.1.a. ...

b. high molecular weight synthetic polymers (e.g., polyethylene, high-density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polyacrylate, polynorborene, polyisobutylene, ground synthetic rubber, cross-linked allylstyrene, and tertiary butyl copolymers). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or

F.1.c. - G.1. ...

2. placement in such owner's or operator's landfill will not present a risk of contamination of any *underground source of drinking water*, as defined in LAC 33:V.109.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), LR 21:266 (March 1995), LR 22:829 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:686 (April 1998), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

§4512. Design and Operating Requirements

A. The owner or operator of each new landfill unit on which construction commences after January 29, 1992, each lateral expansion of a landfill unit on which construction commences after July 29, 1992, and each replacement of an existing landfill unit that is to commence reuse after July 29, 1992, must install two or more liners and a leachate collection and removal system above and between such liners and operate the leachate collection and removal systems, in accordance with LAC 33:V.2503.L, unless exempted by Subsection C, D, or E of this Section. The term *construction commences* is defined in LAC 33:V.109. *Existing Facilities*.

B. - C.2. ...

D. The double liner requirement set forth in Subsection A of this Section may be waived by the administrative authority for any monofill, if it meets the requirements specified in Paragraphs D.1 and 2 of this Section.

1. The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and such wastes do not contain constituents that would render the wastes hazardous for reasons other than the toxicity characteristics in LAC 33:V.4903.E, with EPA Hazardous Waste Numbers D004-D017.

D.2. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:220 (March 1990), amended LR 18:723 (July 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2509 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2483 (October 2005), LR 33:2135 (October 2007), LR 34:

Subchapter N. Incinerators

§4513. Applicability

A. ...

B. Integration of the MACT Standards

1. Except as provided by Paragraphs B.2 and 3 of this Section, the standards of this Chapter no longer apply when an owner or operator demonstrates compliance with the maximum achievable control technology (MACT) requirements of 40 CFR Part 63, Subpart EEE, as incorporated by reference at LAC 33:III.5122, by conducting a comprehensive performance test and submitting to the administrative authority a notification of compliance under 40 CFR 63.1207(j) and 63.1210(d) documenting compliance with the requirements of 40 CFR Part 63, Subpart EEE.

B.2. - C.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:737 (September 1989), amended

LR 16:220 (March 1990), LR 18:1375 (December 1992), LR 20:1000 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:303 (March 2001), LR 29:324 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

Subchapter T. Containment Buildings

§4701. Applicability

A. - A.3.c. ...

4. has controls as needed to prevent fugitive dust emissions; and

5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended LR 21:944 (September 1995), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

§4703. Design and Operating Standards

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

c. the secondary containment system must be constructed of materials that are chemically resistant to the waste and liquids managed in the containment building and of sufficient strength and thickness to prevent collapse under the pressure exerted by overlaying materials and by any equipment used in the containment building. (Containment buildings can serve as secondary containment systems for tanks placed within the building under certain conditions. A containment building can serve as an external liner system for a tank, provided it meets the requirements of LAC 33:V.4437.E.1. In addition, the containment building must meet the requirements of LAC 33:V.4437.B and C to be considered an acceptable secondary containment system for a tank.); and

B.4. - C.2. ...

3. throughout the active life of the containment building, if the owner or operator detects a condition that could lead to or has caused a release of hazardous waste, repair the condition promptly, in accordance with the following procedures:

C.3.a. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2509 (November 2000), amended by the Office of the Secretary, Legal Affairs Division, LR 33:2136 (October 2007), LR 34:

Chapter 49. Lists of Hazardous Wastes

[Comment: Chapter 49 is divided into two sections: Category I Hazardous Wastes, which consist of Hazardous Wastes from nonspecific and specific sources (F and K wastes), Acute Hazardous Wastes (P wastes), and Toxic Wastes (U wastes) (LAC 33:V.4901); and Category II Hazardous Wastes, which consist of wastes that are ignitable, corrosive, reactive, or toxic (LAC 33:V.4903).]

§4901. Category I Hazardous Wastes

A. - A.2. ...

B. Hazardous Wastes from Nonspecific Sources

1. The following solid wastes are listed hazardous wastes from nonspecific sources unless they are excluded in accordance with LAC 33:V.105.H.

[NOTE: EPA, in January 1985, added new listed hazardous wastes.]

Table 1. Hazardous Wastes from Nonspecific Sources		
Industry and EPA Hazardous Waste Number	Hazard Code	Hazardous Waste
* * *		
[See Prior Text]		

* (I,T) should be used to specify mixtures that are ignitable and contain toxic constituents.

B.2. - D.4.Comment. ...

E. The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates referred to in Paragraphs D.1-4 of this Section are identified as acute hazardous wastes (H) and are subject to the small quantity exclusions defined in LAC 33:V.108.E. These wastes and their corresponding EPA Hazardous Waste Numbers are listed in Table 3 of this Section.

[Comment: For the convenience of the regulated community the primary hazardous properties of these materials have been indicated by the letters T (Toxicity) and R (Reactivity). Absence of a letter indicates that the compound is listed only for acute toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by EPA Hazardous Waste Number.]

Table 3. Acute Hazardous Wastes (Alphabetical Order by Substance)		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)
* * *		
[See Prior Text in Acetaldehyde, chloro- - Brucine]		
P045	39196-18-4	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O- [(methylamino) carbonyl] oxime
* * *		
[See Prior Text in Calcium cyanide - Carbamic acid, [(dibutylamino)-thio]methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester]		
P191	644-64-4	Carbamic acid, dimethyl-, 1-[(dimethylamino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1- (1-methylethyl)-1H-pyrazol-5-yl ester
* * *		
[See Prior Text in Carbamic acid, methyl-, 3-methylphenyl ester - Diethyl-p-nitrophenyl phosphate]		
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
* * *		
[See Prior Text in Diisopropylfluorophosphate (DFP) - Ethanedinitrile]		
P194	23135-22-0	Ethanimidothioic acid, 2-(dimethylamino)-N-[[[(methylamino) carbonyl]oxy]-2-oxo-, methyl ester
* * *		
[See Prior Text in Ethanimidothioic acid, N-[[[(methylamino)carbonyl]oxy]-, methyl ester - Isolan]		
P202	64-00-6	3-Isopropylphenyl N-methylcarbamate
* * *		
[See Prior Text in 3 (2H)-Isoxazolone, 5-(aminomethyl)- - Methanethiol, trichloro-]		
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-[3-[[[(methylamino)-carbonyl]oxy] phenyl]-monohydrochloride
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[[[(methylamino)carbonyl] oxy]phenyl]-
* * *		
[See Prior Text in 6, 9-Methano-2,4,3-benzo-dioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a- hexahydro-,3-oxide - Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate]		
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)

Table 3. Acute Hazardous Wastes (Alphabetical Order by Substance)		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)

[See Prior Text in Phenol, 2,4-dinitro- – Phosphoric acid, diethyl 4-nitrophenyl ester]		
P039	298-04-4	Phosphorodithioic acid, O,O- diethyl S-[2-(ethylthio)ethyl] ester

[See Prior Text in Phosphorodithioic acid, O, O-diethyl S-[(ethylthio)methyl] ester – Tetraethylthiopyrophosphate]		
P110	78-00-2	Tetraethyl lead

[See Prior Text in Tetraethyl pyrophosphate – Ziram]		
¹ CAS Number given for parent compound only.		

Table 3. Acute Hazardous Wastes (Numerical Order by EPA Hazardous Waste Number)		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)
P001	¹ 81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy- 3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3 percent
P001	¹ 81-81-2	Warfarin, and salts, when present at concentrations greater than 0.3 percent
P002	591-08-2	Acetamide, N-(aminothioxomethyl)-
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P003	107-02-8	2-Propenal
P004	309-00-2	Aldrin
P004	309-00-2	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10- hexachloro- 1,4,4a,5,8,8a, hexahydro-, (1alpha, 4alpha, 4beta, 5alpha, 8alpha, 8beta)-
P005	107-18-6	Allyl alcohol
P005	107-18-6	2-Propen-1-ol
P006	20859-73-8	Aluminum phosphide (R,T)
P007	2763-96-4	5-(aminomethyl)-3-isoxazolol
P007	2763-96-4	3 (2H)-Isoxazolone, 5-(aminomethyl)-
P008	504-24-5	4-Aminopyridine
P008	504-24-5	4-Pyridinamine
P009	131-74-8	Ammonium picrate (R)
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P010	7778-39-4	Arsenic acid H ₃ AsO ₄
P011	1303-28-2	Arsenic oxide As ₂ O ₅
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic oxide As ₂ O ₃
P012	1327-53-3	Arsenic trioxide
P013	542-62-1	Barium cyanide
P014	108-98-5	Benzenethiol
P014	108-98-5	Thiophenol
P015	7440-41-7	Beryllium Powder
P016	542-88-1	Dichloromethyl ether
P016	542-88-1	Methane, oxybis[chloro-
P017	598-31-2	Bromoacetone
P017	598-31-2	2-Propanone, 1-bromo-
P018	357-57-3	Brucine
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P020	88-85-7	Dinoseb
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide Ca(CN) ₂
P022	75-15-0	Carbon disulfide
P023	107-20-0	Acetaldehyde, chloro-
P023	107-20-0	Chloroacetaldehyde

Table 3. Acute Hazardous Wastes (Numerical Order by EPA Hazardous Waste Number)		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)
P024	106-47-8	Benzenamine, 4-chloro-
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P026	5344-82-1	Thiourea, (2-chlorophenyl)
P027	542-76-7	3-Chloropropionitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P028	100-44-7	Benzene, (chloromethyl)-
P028	100-44-7	Benzyl chloride
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide Cu(CN)
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P031	460-19-5	Ethanedinitrile
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride (CN)Cl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P036	696-28-6	Arsonous dichloride, phenyl-
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P037	60-57-1	2,7:3,6-Dimethanonaphth [2,3-b]oxirene,3,4,5,6,9,9- hexachloro- 1a,2,2a,3,6,6a,7,7a- octahydro-, (1alpha,2beta,2alpha, 3beta,6beta,6alpha,7beta, 7alpha)-
P038	692-42-2	Arsine, diethyl-
P038	692-42-2	Diethylarsine
P039	298-04-4	Disulfoton
P039	298-04-4	Phosphorodithioic acid, O,O- diethyl S-[2-(ethylthio)ethyl] ester
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P042	51-43-4	1, 2-Benzenediol, 4-[1- hydroxy-2-(methylamino) ethyl], (R)-
P042	51-43-4	Epinephrine
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P043	55-91-4	Phosphorofluoric acid, bis (1-methylethyl) ester
P044	60-51-5	Dimethoate
P044	60-51-5	Phosphorodithioic acid, O, O-dimethyl S-[2-(methylamino)- 2-oxoethyl] ester
P045	39196-18-4	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O- [(methylamino) carbonyl] oxime
P045	39196-18-4	Thiofanox
P046	122-09-8	Benzeneethanamine, alpha, alpha-dimethyl-
P046	122-09-8	alpha, alpha-Dimethylphenethylamine
P047	¹ 534-52-1	4,6-Dinitro-o-cresol, and salts
P047	¹ 534-52-1	Phenol, 2-methyl-4,6-dinitro-, and salts
P048	51-28-5	2,4-Dinitrophenol
P048	51-28-5	Phenol, 2,4-dinitro-
P049	541-53-7	Dithiobiuret
P049	541-53-7	Thioimidodicarbonic diamide [(H ₂ N)C(S)] ₂ NH
P050	115-29-7	Endosulfan
P050	115-29-7	6, 9-Methano-2,4,3-benzo-dioxathiepin, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-,3-oxide

Table 3. Acute Hazardous Wastes (Numerical Order by EPA Hazardous Waste Number)		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)
P051	72-20-8	2,7:3,6-Dimethanonaphth [2,3-b] oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a- octahydro-, (1alpha,2beta,2abeta, 3alpha,6alpha,6abeta,7beta, 7aalpha)-, and metabolites
P051	72-20-8	Endrin
P051	72-20-8	Endrin, and metabolites
P054	151-56-4	Aziridine
P054	151-56-4	Ethyleneimine
P056	7782-41-4	Fluorine
P057	640-19-7	Acetamide, 2-fluoro-
P057	640-19-7	Fluoroacetamide
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P058	62-74-8	Fluoroacetic acid, sodium salt
P059	76-44-8	Heptachlor
P059	76-44-8	4,7-Methano-1H-indene,1,4,5,6,7, 8,8-heptachloro-3a,4,7,7a-tetrahydro-
P060	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10- hexachloro- 1,4,4a,5,8,8a,-hexahydro-, (1alpha,4alpha,4abeta,5beta,8beta, 8abeta)-
P060	465-73-6	Isodrin
P062	757-58-4	Hexaethyl tetraphosphate
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester
P063	74-90-8	Hydrocyanic acid
P063	74-90-8	Hydrogen cyanide
P064	624-83-9	Methane, isocyanato-
P064	624-83-9	Methyl isocyanate
P065	628-86-4	Fulminic acid, mercury (2+) salt (R,T)
P065	628-86-4	Mercury fulminate (R,T)
P066	16752-77-5	Ethanimidothioic acid, N- [(methylamino)carbonyl]oxy-, methyl ester
P066	16752-77-5	Methomyl
P067	75-55-8	Aziridine, 2-methyl-
P067	75-55-8	1,2-Propylenimine
P068	60-34-4	Hydrazine, methyl-
P068	60-34-4	Methyl hydrazine
P069	75-86-5	2-Methylactonitrile
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-
P070	116-06-3	Aldicarb
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O- [(methylamino)carbonyl]oxime
P071	298-00-0	Methyl parathion
P071	298-00-0	Phosphorothioic acid, O,O,-dimethyl O-(4-nitrophenyl) ester
P072	86-88-4	alpha-Naphthylthiourea
P072	86-88-4	Thiourea, 1-naphthalenyl-
P073	13463-39-3	Nickel carbonyl
P073	13463-39-3	Nickel carbonyl Ni(CO) ₄ (T-4)-
P074	557-19-7	Nickel cyanide
P074	557-19-7	Nickel cyanide Ni(CN) ₂
P075	154-11-5	Nicotine, and salts
P075	154-11-5	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (s)- and salts
P076	10102-43-9	Nitric oxide
P076	10102-43-9	Nitrogen oxide NO
P077	100-01-6	Benzenamine, 4-nitro
P077	100-01-6	p-Nitroaniline
P078	10102-44-0	Nitrogen dioxide
P078	10102-44-0	Nitrogen oxide NO ₂
P081	55-63-0	Nitroglycerine (R)
P081	55-63-0	1,2,3-Propanetriol, trinitrate (R)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-
P082	62-75-9	N-Nitrosodimethylamine

Table 3. Acute Hazardous Wastes (Numerical Order by EPA Hazardous Waste Number)		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)
P084	4549-40-0	N-Nitrosomethylvinylamine
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-
P085	152-16-9	Diphosphoramidate, octamethyl-
P085	152-16-9	Octamethylpyrophosphoramidate
P087	20816-12-0	Osmium oxide OsO ₄ , (T-4)-
P087	20816-12-0	Osmium tetroxide
P088	145-73-3	Endothall
P088	145-73-3	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
P089	56-38-2	Parathion
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester
P092	62-38-4	Mercury, (acetato-O)phenyl-
P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P093	103-85-5	Thiourea, phenyl-
P094	298-02-2	Phorate
P094	298-02-2	Phosphorodithioic acid, O, O-diethyl S- [(ethylthio)methyl] ester
P095	75-44-5	Carbonic dichloride
P095	75-44-5	Phosgene
P096	7803-51-2	Hydrogen phosphide
P096	7803-51-2	Phosphine
P097	52-85-7	Famphur
P097	52-85-7	Phosphorothioic acid, O-[4- [(dimethylamino)sulfonyl] phenyl]O,O-dimethyl ester
P098	151-50-8	Potassium cyanide
P098	151-50-8	Potassium cyanide K(CN)
P099	506-61-6	Argentate (1-), bis(cyano-C)-, potassium
P099	506-61-6	Potassium silver cyanide
P101	107-12-0	Ethyl cyanide
P101	107-12-0	Propanenitrile
P102	107-19-7	Propargyl alcohol
P102	107-19-7	2-Propyn-1-ol
P103	630-10-4	Selenourea
P104	506-64-9	Silver cyanide
P104	506-64-9	Silver cyanide Ag(CN)
P105	26628-22-8	Sodium azide
P106	143-33-9	Sodium cyanide
P106	143-33-9	Sodium cyanide Na(CN)
P108	157-24-9	Strychnidin-10-one, and salts
P108	157-24-9	Strychnine, and salts
P109	3689-24-5	Tetraethyldithiopyrophosphate
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester
P110	78-00-2	Plumbane, tetraethyl-
P110	78-00-2	Tetraethyl lead
P111	107-49-3	Diphosphoric acid, tetraethyl ester
P111	107-49-3	Tetraethyl pyrophosphate
P112	509-14-8	Methane, tetranitro- (R)
P112	509-14-8	Tetranitromethane (R)
P113	1314-32-5	Thallic oxide
P113	1314-32-5	Thallium oxide Tl ₂ O ₃
P114	12039-52-0	Selenious acid, dithallium(1+) salt
P114	12039-52-0	Thallium(I) selenite
P115	7446-18-6	Sulfuric acid, dithallium(1+) salt
P115	7446-18-6	Thallium(I) sulfate
P116	79-19-6	Hydrazinecarbothioamide
P116	79-19-6	Thiosemicarbazide
P118	75-70-7	Methanethiol, trichloro-
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Ammonium vanadate
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V ₂ O ₅
P120	1314-62-1	Vanadium pentoxide
P121	557-21-1	Zinc cyanide

Table 3. Acute Hazardous Wastes (Numerical Order by EPA Hazardous Waste Number)		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)
P121	557-21-1	Zinc cyanide Zn(CN) ₂
P122	1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations greater than 10 percent (R,T)
P123	8001-35-2	Toxaphene
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate
P127	1563-66-2	Carbofuran
P128	315-8-4	Mexacarbate
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2, 4-dimethyl-, O-[(methylamino)-carbonyl]oxime
P185	26419-73-8	Tirpate
P188	57-64-7	Benzoic acid, 2-hydroxy-, compd. with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1)
P188	57-64-7	Physostigmine salicylate
P189	55285-14-8	Carbamic acid, [(diethylamino)-thio]methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P189	55285-14-8	Carbosulfan
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P190	1129-41-5	Metolcarb
P191	644-64-4	Carbamic acid, dimethyl-, 1-[(dimethylamino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester
P191	644-64-4	Dimetilan
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P192	119-38-0	Isolan
P194	23135-22-0	Ethanimidothioic acid, 2-(dimethylamino)-N-[(methylamino)carbonyl]oxy]-2-oxo-, methyl ester
P194	23135-22-0	Oxamyl
P196	15339-36-3	Manganese, bis(dimethylcarbomodithioato-S,S')
P196	15339-36-3	Manganese, dimethyldithiocarbamate
P197	17702-57-7	Formparanate
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[[[(methylamino)carbonyl]oxy]phenyl]-formetanate hydrochloride
P198	23422-53-9	Formetanate hydrochloride
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-[3-[[[(methylamino)carbonyl]oxy]phenyl]-monohydrochloride
P199	2032-65-7	Methiocarb
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio)-, methylcarbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate
P201	2631-37-0	Promecarb
P202	64-00-6	m-Cumenyl methylcarbamate
P202	64-00-6	3-Isopropylphenyl N-methylcarbamate
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate
P203	1646-88-4	Aldicarb sulfone
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sufonyl)-, O-[(methylamino)carbonyl] oxime
P204	57-47-6	Physostigmine
P204	57-47-6	Pyrrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-,methylcarbamate (ester), (3aS-cis)-
P205	137-30-4	Zinc,bis(dimethyl-carbamodithioato-S,S')

Table 3. Acute Hazardous Wastes (Numerical Order by EPA Hazardous Waste Number)		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)
P205	137-30-4	Ziram

¹CAS Number given for parent compound only.

F. Commercial chemical products or manufacturing chemical intermediates or off-specification commercial chemical products referred to in Paragraphs D.1-4 of this Section are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity generator exclusion defined in LAC 33:V.108.A and G. These wastes and their corresponding EPA Hazardous Waste Numbers are listed in Table 4 of this Section.

[Comment: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). Absence of a letter indicates that the compound is listed only for toxicity. Wastes are first listed in alphabetical order by substance and then listed again in numerical order by EPA Hazardous Waste Number.]

Table 4. Toxic Wastes (Alphabetical Order by Substance)		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)

[See Prior Text in A2213 – Acetamide, N-9H-fluorene-2-yl-]		
U240	¹ 94-75-7	Acetic acid, (2,4-dichloro- phenoxy)-, salts and esters
U112	141-78-6	Acetic acid, ethyl ester (I)
U144	301-04-2	Acetic acid, lead (2+) salt

[See Prior Text in Acetic acid, thallium(1+) salt – Benz (j) aceanthrylene, 1,2-dihydro-3-methyl-]		
U016	225-51-4	Benz(c)acridine
U017	98-87-3	Benzal chloride

[See Prior Text in Benzamide,3,5-dichloro-N-(1,1-dimethyl-2 propynyl)- – Ethylene glycol monoethyl ether]		
U115	75-21-8	Ethylene oxide (I,T)

[See Prior Text in Ethylene thiourea – 5,12-Naphthacenedione, 8-acetyl-10-[(3- amino-2,3,6-trideoxy)-alpha-L-lyxo-hexopyranosyl)- oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-]		
U026	494-03-1	Naphthalenamine,N,N'-bis (2-chloroethyl)-

[See Prior Text in 1-Naphthalenamine – 2-Nitropropane (I,T)]		
U172	924-16-3	N-Nitrosodi-n-butylamine

[See Prior Text in N-Nitrosodiethanolamine – 1-Propanol, 2,3-dibromo-, phosphate (3:1)]		
U140	73-83-1	1-Propanol, 2-methyl-(I,T)

[See Prior Text in 2-Propanone (I) – 2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl) amino]-]		
U164	56-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-

[See Prior Text in Pyrrolidine, 1-nitroso- – 1H-1,2,4-Triazol-3-amine]		
U226	71-55-6	1,1,1-Trichloroethane

[See Prior Text in 1,1,2-Trichloroethane – Vinyl chloride]		
U248	¹ 81-81-2	Warfarin, and salts, when present at concentrations of 0.3 percent or less
U239	1330-20-7	Xylene (I)

Table 4. Toxic Wastes (Alphabetical Order by Substance)		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)
U200	50-55-5	Yohimban-16-carboxylic acid,11,17-dimethoxy-18- [(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester,(3beta, 16beta,17alpha,18beta,20alpha)-
U249	1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations of 10 percent or less

¹CAS Number given for parent compound only.

Table 4. Toxic Wastes (Numerical Order by EPA Hazardous Waste Number)		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)
U001	75-07-0	Acetaldehyde (I)
U001	75-07-0	Ethanal (I)
U002	67-64-1	Acetone (I)
U002	67-64-1	2-Propanone (I)
U003	75-05-8	Acetonitrile (I,T)
U004	98-86-2	Acetophenone
U004	98-86-2	Ethanone, 1-phenyl-
U005	53-96-3	Acetamide, N-9H-fluoren-2-yl-
U005	53-96-3	2-Acetylaminofluorene
U006	75-36-5	Acetyl chloride (C,R,T)
U007	79-06-1	Acrylamide
U007	79-06-1	2-Propenamamide
U008	79-10-7	Acrylic acid (I)
U008	79-10-7	2-Propenoic acid (I)
U009	107-13-1	Acrylonitrile
U009	107-13-1	2-Propenenitrile
U010	50-07-7	Azirino [2',3':3,4]pyrrolo[1,2-a] indole-4,7-dione,6-amino-8-[[aminocarbonyl]oxy]methyl]-1,1a,2,8,8a,8b,-hexahydro-8a-methoxy-5-methyl-, [1aS-(1aalpha,8beta,8aalpha,8balpha)]-
U010	50-07-7	Mitomycin C
U011	61-82-5	Amitrole
U011	61-82-5	1H-1,2,4-Triazol-3-amine
U012	62-53-3	Aniline (I,T)
U012	62-53-3	Benzenamine (I,T)
U014	492-80-8	Auramine
U014	492-80-8	Benzenamine,4,4'-carbonimidoylbis (N,N-dimethyl-
U015	115-02-6	Azaserine
U015	115-02-6	L-Serine, diazoacetate (ester)
U016	225-51-4	Benz(c)acridine
U017	98-87-3	Benzal chloride
U017	98-87-3	Benzene, (dichloromethyl)-
U018	56-55-3	Benz[a]anthracene
U019	71-43-2	Benzene (I,T)
U020	98-09-9	Benzenesulfonic acid chloride (C,R)
U020	98-09-9	Benzenesulfonyl chloride (C,R)
U021	92-87-5	Benzidine
U021	92-87-5	(1,1'-Biphenyl)-4,4'-diamine
U022	50-32-8	Benzo[a]pyrene
U023	98-07-7	Benzene, (trichloromethyl)-
U023	98-07-7	Benzotrithloride (C,R,T)
U024	111-91-1	Dichloromethoxy ethane
U024	111-91-1	Ethane, 1,1'-[methylenebis (oxy)]bis[2-chloro-
U025	111-44-4	Dichloroethyl ether
U025	111-44-4	Ethane, 1,1'-oxybis [2-chloro-
U026	494-03-1	Chlornaphazin

Table 4. Toxic Wastes (Numerical Order by EPA Hazardous Waste Number)		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)
U026	494-03-1	Naphthalenamine,N,N'-bis (2-chloroethyl)-
U027	108-60-1	Dichloroisopropyl ether
U027	108-60-1	Propane, 2,2'-oxybis[2-chloro-
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
U028	117-81-7	Diethylhexyl phthalate
U029	74-83-9	Methane, bromo-
U029	74-83-9	Methyl bromide
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-
U030	101-55-3	4-Bromophenyl phenyl ether
U031	71-36-3	1-Butanol (I)
U031	71-36-3	n-Butyl alcohol (I)
U032	13765-19-0	Calcium chromate
U032	13765-19-0	Chromic acid H ₂ CrO ₄ , calcium salt
U033	353-50-4	Carbonic difluoride
U033	353-50-4	Carbon oxyfluoride (R,T)
U034	75-87-6	Acetaldehyde, trichloro-
U034	75-87-6	Chloral
U035	305-03-3	Benzenebutanoic acid, 4-[bis(2-chloroethyl)amino]-
U035	305-03-3	Chlorambucil
U036	57-74-9	Chlordane, alpha and gamma isomers
U036	57-74-9	4,7-Methano-1H-indene,1,2,4,5,6,7,8,8-octa-chloro-2,3,3a,4,7,7a-hexahydro-
U037	108-90-7	Benzene, chloro-
U037	108-90-7	Chlorobenzene
U038	510-15-6	Benzenoacetic acid, 4-chloro-alpha- (4-chlorophenyl)-alpha-hydroxy-, ethyl ester
U038	510-15-6	Chlorobenzilate
U039	59-50-7	p-Chloro-m-cresol
U039	59-50-7	Phenol, 4-chloro-3-methyl-
U041	106-89-8	Epichlorohydrin
U041	106-89-8	Oxirane, (chloromethyl)-
U042	110-75-8	2-Chloroethyl vinyl ether
U042	110-75-8	Ethene, (2-chloroethoxy)-
U043	75-01-4	Ethene, chloro-
U043	75-01-4	Vinyl chloride
U044	67-66-3	Chloroform
U044	67-66-3	Methane, trichloro-
U045	74-87-3	Methane, chloro-(I,T)
U045	74-87-3	Methyl chloride (I,T)
U046	107-30-2	Chloromethyl methyl ether
U046	107-30-2	Methane, chloromethoxy-
U047	91-58-7	beta-Chloronaphthalene
U047	91-58-7	Naphthalene, 2-chloro-
U048	95-57-8	o-Chlorophenol
U048	95-57-8	Phenol, 2-chloro-
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride
U050	218-01-9	Chrysene
U051		Creosote
U052	1319-77-3	Cresols (Cresylic acid)
U052	1319-77-3	Phenol, methyl-
U053	4170-30-3	2-Butenal
U053	4170-30-3	Crotonaldehyde
U055	98-82-8	Benzene, (1-methylethyl)-(I)
U055	98-82-8	Cumene (I)
U056	110-82-7	Benzene, hexahydro-(I)
U056	110-82-7	Cyclohexane (I)
U057	108-94-1	Cyclohexanone (I)
U058	50-18-0	Cyclophosphamide
U058	50-18-0	2H-1,3,2-Oxazaphosphorin-2-amine,N,N-bis(2-chloroethyl) tetrahydro-,2-oxide

Table 4. Toxic Wastes (Numerical Order by EPA Hazardous Waste Number)		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)
U059	20830-81-3	Daunomycin
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxohexopyranosyl)-oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-
U060	72-54-8	Benzene, 1, 1'-(2, 2-dichloroethylidene)bis [4-chloro-
U060	72-54-8	DDD
U061	50-29-3	Benzene, 1, 1'-(2,2,2-trichloroethylidene)bis[4-chloro-
U061	50-29-3	DDT
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-S-(2,3-dichloro-2-propenyl)ester
U062	2303-16-4	Diallate
U063	53-70-3	Dibenz[a,h]anthracene
U064	189-55-9	Benzo[rs]t]pentaphene
U064	189-55-9	Dibenzo[a,i]pyrene
U066	96-12-8	1,2-Dibromo-3-chloropropane
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-
U067	106-93-4	Ethane, 1,2-dibromo-
U067	106-93-4	Ethylene dibromide
U068	74-95-3	Methane, dibromo-
U068	74-95-3	Methylene bromide
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester
U069	84-74-2	Dibutyl phthalate
U070	95-50-1	Benzene, 1,2-dichloro-
U070	95-50-1	o-Dichlorobenzene
U071	541-73-1	Benzene, 1,3-dichloro-
U071	541-73-1	m-Dichlorobenzene
U072	106-46-7	Benzene, 1,4-dichloro-
U072	106-46-7	p-Dichlorobenzene
U073	91-94-1	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dichloro-
U073	91-94-1	3,3'-Dichlorobenzidine
U074	764-41-0	2-Butene, 1,4-dichloro- (I,T)
U074	764-41-0	1,4-Dichloro-2-butene (I,T)
U075	75-71-8	Dichlorodifluoromethane
U075	75-71-8	Methane, dichlorodifluoro-
U076	75-34-3	Ethane, 1,1-dichloro-
U076	75-34-3	Ethylidene dichloride
U077	107-06-2	Ethane, 1,2-dichloro-
U077	107-06-2	Ethylene dichloride
U078	75-35-4	1,1-Dichloroethylene
U078	75-35-4	Ethene, 1,1-dichloro-
U079	156-60-5	1,2-Dichloroethylene
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-
U080	75-09-2	Methane, dichloro-
U080	75-09-2	Methylene chloride
U081	120-83-2	2,4-Dichlorophenol
U081	120-83-2	Phenol, 2,4-dichloro-
U082	87-65-0	2,6-Dichlorophenol
U082	87-65-0	Phenol, 2,6-dichloro-
U083	78-87-5	Propane, 1,2-dichloro-
U083	78-87-5	Propylene dichloride
U084	542-75-6	1,3-Dichloropropene
U084	542-75-6	1-Propene, 1,3-dichloro-
U085	1464-53-5	2,2'-Bioxirane
U085	1464-53-5	1,2:3,4-Diepoxybutane (I,T)
U086	1615-80-1	N,N'-Diethylhydrazine
U086	1615-80-1	Hydrazine, 1,2-diethyl-
U087	3288-58-2	O,O-Diethyl-S-methyl-diithiophosphate
U087	3288-58-2	Phosphorodithioic acid, O,O-diethyl,S-methyl ester
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester
U088	84-66-2	Diethyl phthalate

Table 4. Toxic Wastes (Numerical Order by EPA Hazardous Waste Number)		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)
U089	56-53-1	Diethylstilbestrol
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl) bis-, (E)-
U090	94-58-6	1,3-Benzodioxole, 5-propyl-
U090	94-58-6	Dihydrosafrole
U091	119-90-4	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethoxy-
U091	119-90-4	3,3'-Dimethoxybenzidine
U092	124-40-3	Dimethylamine (I)
U092	124-40-3	Methanamine, N-methyl-(I)
U093	60-11-7	Benzenamine,N,N-dimethyl-4-(phenylazo)-
U093	60-11-7	p-Dimethylaminoazobenzene
U094	57-97-6	Benz[a]anthracene, 7,12-dimethyl-
U094	57-97-6	7,12-Dimethylbenz[a]anthracene
U095	119-93-7	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-
U095	119-93-7	3,3'-Dimethylbenzidine
U096	80-15-9	alpha, alpha-Dimethylbenzylhydroperoxide (R)
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl-(R)
U097	79-44-7	Carbamic chloride, dimethyl-
U097	79-44-7	Dimethylcarbamoyl chloride
U098	57-14-7	1,1-Dimethylhydrazine
U098	57-14-7	Hydrazine, 1,1-dimethyl-
U099	540-73-8	1,2-Dimethylhydrazine
U099	540-73-8	Hydrazine, 1,2-dimethyl-
U101	105-67-9	2,4-Dimethylphenol
U101	105-67-9	Phenol, 2,4-dimethyl-
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester
U102	131-11-3	Dimethyl phthalate
U103	77-78-1	Dimethyl sulfate
U103	77-78-1	Sulfuric acid, dimethyl ester
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-
U105	121-14-2	2,4-Dinitrotoluene
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-
U106	606-20-2	2,6-Dinitrotoluene
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester
U107	117-84-0	Di-n-octyl phthalate
U108	123-91-1	1,4-Diethyleneoxide
U108	123-91-1	1,4-Dioxane
U109	122-66-7	1,2-Diphenylhydrazine
U109	122-66-7	Hydrazine, 1,2-diphenyl-
U110	142-84-7	Dipropylamine (I)
U110	142-84-7	1-Propanamine, N-propyl-(I)
U111	621-64-7	Di-n-propylnitrosamine
U111	621-64-7	1-Propanamine, N-nitroso- N-propyl-
U112	141-78-6	Acetic acid, ethyl ester (I)
U112	141-78-6	Ethyl acetate (I)
U113	140-88-5	Ethyl acrylate (I)
U113	140-88-5	2-Propenoic acid, ethyl ester (I)
U114	¹ 111-54-6	Carbamodithioic acid, 1,2-ethanediybis-, salts and esters
U114	¹ 111-54-6	Ethylenebisdithiocarbamic acid, salts and esters
U115	75-21-8	Ethylene oxide (I,T)
U115	75-21-8	Oxirane (I,T)
U116	96-45-7	Ethylene thiourea
U116	96-45-7	2-Imidazolidinethione
U117	60-29-7	Ethane, 1,1'-oxybis-(I)
U117	60-29-7	Ethyl ether (I)
U118	97-63-2	Ethyl methacrylate
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester

Table 4. Toxic Wastes (Numerical Order by EPA Hazardous Waste Number)		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)
U119	62-50-0	Ethyl methanesulfonate
U119	62-50-0	Methanesulfonic acid, ethyl ester
U120	206-44-0	Fluoranthene
U121	75-69-4	Methane, trichlorofluoro-
U121	75-69-4	Trichloromonofluoromethane
U122	50-00-0	Formaldehyde
U123	64-18-6	Formic acid (C,T)
U124	110-00-9	Furan (I)
U124	110-00-9	Furfuran (I)
U125	98-01-1	2-Furancarboxaldehyde (I)
U125	98-01-1	Furfural (I)
U126	765-34-4	Glycidylaldehyde
U126	765-34-4	Oxiranecarboxyaldehyde
U127	118-74-1	Benzene, hexachloro-
U127	118-74-1	Hexachlorobenzene
U128	87-68-3	1,3-Butadiene,1,1,2,3,4,4-hexachloro-
U128	87-68-3	Hexachlorobutadiene
U129	58-89-9	Cyclohexane,1,2,3,4,5,6-hexachloro-, (1 alpha,2alpha,3beta,4alpha, 5alpha,6beta)-
U129	58-89-9	Lindane
U130	77-47-4	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-
U130	77-47-4	Hexachlorocyclopentadiene
U131	67-72-1	Ethane, hexachloro-
U131	67-72-1	Hexachloroethane
U132	70-30-4	Hexachlorophene
U132	70-30-4	Phenol, 2,2'-methylenebis[3,4,6- trichloro-
U133	302-01-2	Hydrazine (R,T)
U134	7664-39-3	Hydrofluoric acid (C,T)
U134	7664-39-3	Hydrogen fluoride (C,T)
U135	7783-06-4	Hydrogen sulfide
U135	7783-06-4	Hydrogen Sulfide H ₂ S
U136	75-60-5	Arsinic acid, dimethyl-
U136	75-60-5	Cacodylic acid
U137	193-39-5	Indeno[1,2,3-cd]pyrene
U138	74-88-4	Methane, iodo-
U138	74-88-4	Methyl iodide
U140	78-83-1	Isobutyl alcohol (I,T)
U140	73-83-1	1-Propanol, 2-methyl-(I,T)
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-
U141	120-58-1	Isosafrole
U142	143-50-0	Kepone
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta- [cd]pentalen-2-one,1,1a,3,3a,4,5,5a, 5b,6- decachlorooctahydro-
U143	303-34-4	2-Butenoic acid, 2-methyl-,7-[[2,3-dihydroxy-2-(1-methoxyethyl)-3- methyl-1-oxobutoxy]methyl]- 2,3,5,7a-tetrahydro-1H-pyrrolizin- 1-yl ester, [1S-[1alpha(Z), 7(2S*,3R*), 7aalpha]]-
U143	303-34-4	Lasiocarpine
U144	301-04-2	Acetic acid, lead (2+) salt
U144	301-04-2	Lead acetate
U145	7446-27-7	Lead phosphate
U145	7446-27-7	Phosphoric acid, lead(2+)salt(2:3)
U146	1335-32-6	Lead,bis(acetato-O) tetrahydroxytri-
U146	1335-32-6	Lead subacetate
U147	108-31-6	2,5-Furandione
U147	108-31-6	Maleic anhydride
U148	123-33-1	Maleic hydrazide
U148	123-33-1	3,6-Pyridazinedione,1,2-dihydro-
U149	109-77-3	Malononitrile
U149	109-77-3	Propanedinitrile
U150	148-82-3	Melphalan

Table 4. Toxic Wastes (Numerical Order by EPA Hazardous Waste Number)		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)
U150	148-82-3	L-Phenylalanine, 4-[bis (2-chloroethyl)amino]-
U151	7439-97-6	Mercury
U152	126-98-7	Methacrylonitrile (I,T)
U152	126-98-7	2-Propenenitrile, 2-methyl-(I,T)
U153	74-93-1	Methanethiol (I,T)
U153	74-93-1	Thiomethanol (I,T)
U154	67-56-1	Methanol (I)
U154	67-56-1	Methyl alcohol (I)
U155	91-80-5	1,2-Ethanediamine,-N,N-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-
U155	91-80-5	Methapyrilene
U156	79-22-1	Carbonochloridic acid, methyl ester (I,T)
U156	79-22-1	Methyl chlorocarbonate (I,T)
U157	56-49-5	Benz (j) aceanthrylene, 1,2-dihydro-3-methyl-
U157	56-49-5	3-Methylcholanthrene
U158	101-14-4	Benzenamine, 4,4'-methylenebis [2-chloro-
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)
U159	78-93-3	2-Butanone (I,T)
U159	78-93-3	Methyl ethyl ketone (MEK) (I,T)
U160	1338-23-4	2-Butanone, peroxide (R,T)
U160	1338-23-4	Methyl ethyl ketone peroxide (R,T)
U161	108-10-1	Methyl isobutyl ketone (I)
U161	108-10-1	4-Methyl-2-pentanone (I)
U161	108-10-1	Pentanol, 4-methyl-
U162	80-62-6	Methyl methacrylate (I,T)
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester (I,T)
U163	70-25-7	Guanidine,N-methyl-N'-nitro-N-nitroso-MNNG
U163	70-25-7	MNNG
U164	56-04-2	Methylthiouracil
U164	56-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-
U165	91-20-3	Naphthalene
U166	130-15-4	1,4-Naphthalenedione
U166	130-15-4	1,4-Naphthoquinone
U167	134-32-7	1-Naphthalenamine
U167	134-32-7	alpha-Naphthylamine
U168	91-59-8	2-Naphthalenamine
U168	91-59-8	beta-Naphthylamine
U169	98-95-3	Benzene, nitro-
U169	98-95-3	Nitrobenzene (I,T)
U170	100-02-7	p-Nitrophenol
U170	100-02-7	Phenol, 4-nitro-
U171	79-46-9	2-Nitropropane (I,T)
U171	79-46-9	Propane, 2-nitro-(I,T)
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-
U172	924-16-3	N-Nitrosodi-n-butylamine
U173	1116-54-7	Ethanol,2,2'-(nitrosoimino)bis-
U173	1116-54-7	N-Nitrosodiethanolamine
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-
U174	55-18-5	N-Nitrosodiethylamine
U176	759-73-9	N-Nitroso-N-ethylurea
U176	759-73-9	Urea, N-ethyl-N-nitroso-
U177	684-93-5	N-Nitroso-N-methylurea
U177	684-93-5	Urea, N-methyl-N-nitroso-
U178	615-53-2	Carbamic acid, methylnitroso-,ethyl ester
U178	615-53-2	N-Nitroso-N-methylurethane
U179	100-75-4	N-Nitrosopiperidine
U179	100-75-4	Piperidine,1-nitroso-
U180	930-55-2	N-Nitrosopyrrolidine
U180	930-55-2	Pyrolidine, 1-nitroso-
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-
U181	99-55-8	5-Nitro-o-toluidine

Table 4. Toxic Wastes (Numerical Order by EPA Hazardous Waste Number)		
EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)
U182	123-63-7	Paraldehyde
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-
U183	608-93-5	Benzene, pentachloro
U183	608-93-5	Pentachlorobenzene
U184	76-01-7	Ethane, pentachloro-
U184	76-01-7	Pentachloroethane
U185	82-68-8	Benzene, pentachloronitro-
U185	82-68-8	Pentachloronitrobenzene (PCNB)
U186	504-60-9	1-Methylbutadiene (I)
U186	504-60-9	1,3-Pentadiene (I)
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-
U187	62-44-2	Phenacetin
U188	108-95-2	Phenol
U189	1314-80-3	Phosphorus sulfide (R)
U189	1314-80-3	Sulfur phosphide (R)
U190	85-44-9	1,3-Isobenzofurandione
U190	85-44-9	Phthalic anhydride
U191	109-06-8	2-Picoline
U191	109-06-8	Pyridine, 2-methyl-
U192	23950-58-5	Benzamide,3,5-dichloro-N-(1,1-dimethyl-2 propynyl)-
U192	23950-58-5	Pronamide
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide
U193	1120-71-4	1,3-Propane sultone
U194	107-10-8	1-Propanamine (I,T)
U194	107-10-8	n-Propylamine (I,T)
U196	110-86-1	Pyridine
U197	106-51-4	p-Benzoquinone
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione
U200	50-55-5	Reserpine
U200	50-55-5	Yohimban-16-carboxylic acid,11,17-dimethoxy-18- [(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester,(3beta, 16beta,17alpha,18beta,20alpha)-
U201	108-46-3	1,3-Benzenediol
U201	108-46-3	Resorcinol
U202	¹ 81-07-2	1,2-Benzisothiazol-3 (2H)- one,1,1,-dioxide, and salts
U202	¹ 81-07-2	Saccharin and salts
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-
U203	94-59-7	Safrole
U204	7783-00-8	Selenious acid
U204	7783-00-8	Selenium dioxide
U205	7488-56-4	Selenium sulfide
U205	7488-56-4	Selenium sulfide SeS ₂ (R,T)
U206	18883-66-4	Glucopyranose,2-deoxy-2-(3-methyl-3-nitrosoureido)-, D-
U206	18883-66-4	D-Glucose, 2-deoxy-2- [(methylnitrosoamino)- carbonyl]amino]-
U206	18883-66-4	Streptozotocin
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-
U207	95-94-3	1,2,4,5-Tetrachlorobenzene
U208	630-20-6	Ethane, 1,1,1,2-tetrachloro-
U208	630-20-6	1,1,1,2-Tetrachloroethane
U209	79-34-5	Ethane, 1,1,2,2-tetrachloro-
U209	79-34-5	1,1,2,2-Tetrachloroethane
U210	127-18-4	Ethene, tetrachloro-
U210	127-18-4	Tetrachloroethylene
U211	56-23-5	Carbon tetrachloride
U211	56-23-5	Methane, tetrachloro-
U213	109-99-9	Furan, tetrahydro-(I)
U213	109-99-9	Tetrahydrofuran (I)
U214	563-68-8	Acetic acid, thallium(1+) salt
U214	563-68-8	Thallium(I) acetate

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EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)
U215	6533-73-9	Carbonic acid, dithallium (1+) salt
U215	6533-73-9	Thallium(I) carbonate
U216	7791-12-0	Thallium (I) chloride
U216	7791-12-0	Thallium chloride TlCl
U217	10102-45-1	Nitric acid, thallium(1+)salt
U217	10102-45-1	Thallium (I) nitrate
U218	62-55-5	Ethanethioamide
U218	62-55-5	Thioacetamide
U219	62-56-6	Thiourea
U220	108-88-3	Benzene, methyl-
U220	108-88-3	Toluene
U221	25376-45-8	Benzenediamine, ar-methyl-
U221	25376-45-8	Toluenediamine
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride
U222	636-21-5	o-Toluidine hydrochloride
U223	26471-62-5	Benzene,1,3-diisocyanatomethyl-(R,T)
U223	26471-62-5	Toluene diisocyanate (R,T)
U225	75-25-2	Bromoform
U225	75-25-2	Methane, tribromo-
U226	71-55-6	Ethane, 1,1,1-trichloro-
U226	71-55-6	Methyl chloroform
U226	71-55-6	1,1,1-Trichloroethane
U227	79-00-5	Ethane, 1,1,2-trichloro-
U227	79-00-5	1,1,2-Trichloroethane
U228	79-01-6	Ethene, trichloro-
U228	79-01-6	Trichloroethylene
U234	99-35-4	Benzene, 1,3,5-trinitro-
U234	99-35-4	1,3,5-Trinitrobenzene (R,T)
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate
U236	72-57-1	2,7-Naphthalenedisulfonic acid,3,3'-[(3,3'-dimethyl- [1,1'-biphenyl]-4,4'-diyl) bis(azo)bis[5-amino-4-hydroxy]-, tetrasodium salt
U236	72-57-1	Trypan blue
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5- [bis(2-chloroethyl) amino]-
U237	66-75-1	Uracil mustard
U238	51-79-6	Carbamic acid, ethyl ester
U238	51-79-6	Ethyl carbamate (urethane)
U239	1330-20-7	Benzene, dimethyl-(I,T)
U239	1330-20-7	Xylene (I)
U240	¹ 94-75-7	Acetic acid, (2,4-dichloro- phenoxy)-, salts and esters
U240	¹ 94-75-7	2,4-D, salts and esters
U243	1888-71-7	Hexachloropropene
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U244	137-26-8	Thioperoxydicarbonic diamide [(H ₂ N)C(S)] ₂ S ₂ , tetramethyl-
U244	137-26-8	Thiram
U246	506-68-3	Cyanogen bromide (CN) Br
U247	72-43-5	Benzene, 1, 1'-(2,2,2-trichloroethylidene)bis[4-methoxy-
U247	72-43-5	Methoxychlor
U248	¹ 81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenyl-butyl)-, and salts, when present at concentrations of 0.3 percent or less
U248	¹ 81-81-2	Warfarin, and salts, when present at concentrations of 0.3 percent or less
U249	1314-84-7	Zinc phosphide Zn ₃ P ₂ , when present at concentrations of 10 percent or less
U271	17804-35-2	Benomyl
U271	17804-35-2	Carbamic acid, [1-[(butylamino)carbonyl]-1H- benzimidazol-2-yl]-, methyl ester

EPA Hazardous Waste Number	Chemical Abstract Number	Hazardous Waste (Substance)
U278	22781-23-3	Bendiocarb
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate
U279	63-25-2	Carbaryl
U279	63-25-2	1-Naphthalenol, methylcarbamate
U280	101-27-9	Barban
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester
U328	95-53-4	Benzenamine, 2-methyl-
U328	95-53-4	o-Toluidine
U353	106-49-0	Benzenamine, 4-methyl-
U353	106-49-0	p-Toluidine
U359	110-80-5	Ethanol,2-ethoxy-
U359	110-80-5	Ethylene glycol monoethyl ether
U364	22961-82-6	Bendiocarb phenol
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
U367	1563-38-8	Carbofuran phenol
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester
U372	10605-21-7	Carbendazim
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl ester
U373	122-42-9	Propham
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester
U387	52888-80-9	Prosulfocarb
U389	2303-17-5	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester
U389	2303-17-5	Triallate
U394	30558-43-1	A2213
U394	30558-43-1	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester
U395	5952-26-1	Diethylene glycol, dicarbamate
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate
U404	121-44-8	Ethanamine, N,N-diethyl-
U404	121-44-8	Triethylamine
U409	23564-05-8	Carbamic acid, [1,2-phenylenebis(iminocarbonothioyl)]bis-, dimethyl ester
U409	23564-05-8	Thiophanatemethyl
U410	59669-26-0	Ethanimidothioic acid, N,N'-[thiois(methylimino) carbonyloxy]]bis-, dimethyl ester
U410	59669-26-0	Thiodicarb
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methylcarbamate
U411	114-26-1	Propoxur
See F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-
See F027	87-86-5	Pentachlorophenol
See F027	87-86-5	Phenol, pentachloro-
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-
See F027	95-95-4	Phenol, 2,4,5-trichloro-
See F027	88-06-2	Phenol, 2,4,6-trichloro-
See F027	93-72-1	Propanoic acid,2-(2,4,5-trichlorophenoxy)-
See F027	93-72-1	Silvex (2,4,5-TP)
See F027	93-76-5	2,4,5-T
See F027	58-90-2	2,3,4,6-Tetrachlorophenol
See F027	95-95-4	2,4,5-Trichlorophenol
See F027	88-06-2	2,4,6-Trichlorophenol

¹CAS Number given for parent compound only.

G. Constituents that Serve as a Basis for Listing Hazardous Waste. Table 6 of this Section lists constituents that serve as a basis for listing hazardous waste.

* * *
[See Prior Text in EPA Hazardous Waste Number F001 – EPA Hazardous Waste Number F038]
EPA Hazardous Waste Number F039
All constituents for which treatment standards are specified for multi-source leachate (wastewaters and nonwastewaters) under LAC 33:V.2299, Table 2
* * *
[See Prior Text in EPA Hazardous Waste Number K001 – EPA Hazardous Waste Number K181]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 14:426 (July 1988), LR 14:791 (November 1988), LR 15:182 (March 1989), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 16:1057 (December 1990), LR 17:369 (April 1991), LR 17:478 (May 1991), LR 17:658 (July 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:829, 840 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1522 (November 1997), LR 24:321 (February 1998), LR 24:686 (April 1998), LR 24:1754 (September 1998), LR 25:487 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:304 (March 2001), LR 27:715 (May 2001), LR 28:1009 (May 2002), LR 29:324 (March 2003), amended by the Office of Environmental Assessment, LR 31:1573 (July 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:831 (May 2006), LR 33:1627 (August 2007), LR 34:

§4903. Category II Hazardous Wastes

A. - B.2. ...

3. It is an ignitable compressed gas.

a. The term *compressed gas* designates any material or mixture having in the container an absolute pressure exceeding 40 p.s.i. at 70°F or, regardless of the pressure at 70°F, having an absolute pressure exceeding 104 p.s.i. at 130°F; or any liquid flammable material having a vapor pressure exceeding 40 p.s.i. absolute at 100°F as determined by ASTM Test D-323.

b. A compressed gas shall be characterized as ignitable if any one of the following occurs:

i. either a mixture of 13 percent or less (by volume) with air forms a flammable mixture or the flammable range with air is wider than 12 percent regardless of the lower limit. These limits shall be determined at atmospheric temperature and pressure. The method of sampling and test procedure shall be acceptable to the Bureau of Explosives and approved by the Director, Pipeline and Hazardous Materials Technology, U.S. Department of Transportation (see Note 2 to this Subsection);

ii. using the Bureau of Explosives' Flame Projection Apparatus (see Note 1 to this Subsection), the flame projects more than 18 inches beyond the ignition source with valve opened fully, or the flame flashes back and burns at the valve with any degree of valve opening;

iii. using the Bureau of Explosives' Open Drum Apparatus (see Note 1 to this Subsection), there is any significant propagation of flame away from the ignition source; or

iv. using the Bureau of Explosives' Closed Drum Apparatus (see Note 1 to this Subsection), there is any explosion of the vapor-air mixture in the drum.

4. It is an oxidizer. An oxidizer, for the purposes of these regulations, is a substance, such as a chlorate, permanganate, inorganic peroxide, or nitrate, that yields oxygen readily to stimulate the combustion of organic matter (see Note 4 to this Subsection). An organic compound containing the bivalent -O-O- structure and that may be considered a derivative of hydrogen peroxide where one or more of the hydrogen atoms have been replaced by organic radicals must be classed as an organic peroxide unless:

a. the material meets the definition of a Class A explosive or a Class B explosive, as defined in LAC 33:V.4903.D.8, in which case it must be classed as an explosive;

b. the material is forbidden to be offered for transportation according to 49 CFR 172.101 or 49 CFR 173.21;

c. it is determined that the predominant hazard of the material containing an organic peroxide is other than that of an organic peroxide; or

d. according to data on file with the Pipeline and Hazardous Materials Safety Administration in the U.S. Department of Transportation (see Note 3 to this Subsection), it has been determined that the material does not present a hazard in transportation.

[Note 1: A description of the Bureau of Explosives' Flame Projection Apparatus, Open Drum Apparatus, Closed Drum Apparatus, and method of tests may be procured from the Bureau of Explosives.]

[Note 2: As part of a U.S. Department of Transportation (DOT) reorganization, the Office of Hazardous Materials Technology (OHMT), which was the office listed in the 1980 publication of 49 CFR 173.300 for the purposes of approving sampling and test procedures for a flammable gas, ceased operations on February 20, 2005. OHMT programs have moved to the Pipeline and Hazardous Materials Safety Administration (PHMSA) in the DOT.]

[Note 3: As part of a U.S. Department of Transportation (DOT) reorganization, the Research and Special Programs Administration (RSPA), which was the office listed in the 1980 publication of 49 CFR 173.151a for the purposes of determining that a material does not present a hazard in transport, ceased operations on February 20, 2005. RSPA programs have moved to the Pipeline and Hazardous Materials Safety Administration (PHMSA) in the DOT.]

[Note 4: The DOT regulatory definition of an oxidizer was contained in §173.151 of 49 CFR, and the definition of an organic peroxide was contained in paragraph 173.151a. An organic peroxide is a type of oxidizer.]

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:1057 (December 1990), LR 17:369 (April 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 22:829 (September 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 29:325 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

§4909. Comparable/Syngas Fuel Exclusion

A. - C.5. ...

Table 7: Detection and Detection Limit Values for Comparable Fuel Specification

Chemical Name	CAS Number	Composite Value (mg/kg)	Heating Value (Btu/lb)	Concentration Limit (mg/kg at required 10,000 Btu/lb)	Minimum Required Detection Limit (mg/kg)
*** [See Prior Text in Total Nitrogen as N – Cyanide, total]					
Metals					
*** [See Prior Text in Antimony, total – Thallium, total]					
Hydrocarbons					
*** [See Prior Text in Benzo[a]anthracene – Toluene]					
Oxygenates					
*** [See Prior Text in Acetophenone – Safrole]					
Sulfonated Organics					
*** [See Prior Text in Carbon disulfide – O,O,O-Triethyl phosphorothioate]					
Nitrogenated Organics					
*** [See Prior Text in Acetonitrile [Methyl cyanide] – 1,3,5-Trinitrobenzene, [sym-Trinitrobenzene]]					
Halogenated Organics					
*** [See Prior Text in Allyl chloride – 1,1-Dichloroethylene [Vinylidene chloride]]					
Dichloromethoxy ethane [Bis(2-chloroethoxy)methane]	111-91-1	Nondetect		Nondetect	2400
*** [See Prior Text in 2,4-Dichlorophenol – Vinyl Chloride]					

Notes:

NA – Not Applicable

D. - D.13. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste

Division, LR 25:489 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:305 (March 2001), LR 28:1010 (May 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 34:

§4911. Conditional Exclusion for Used, Broken Cathode Ray Tubes (CRTs) Undergoing Recycling

A. - A.1.b. ...

2. Labeling. Each container in which used, broken CRT material is contained shall be labeled or marked clearly with one of the following phrases: "Used Cathode Ray Tube(s)—Contains Leaded Glass" or "Leaded Glass from Televisions or Computers." It shall also be labeled: "Do Not Mix with Other Glass Materials."

3. Transportation. The used, broken CRTs shall be transported in a container meeting the requirements of Subparagraph A.1.b and Paragraph A.2 of this Section.

4. Speculative Accumulation and Use Constituting Disposal. The used, broken CRTs are subject to the limitations on speculative accumulation as defined in LAC 33:V.109. If they are used in a manner constituting disposal, they must comply with the applicable requirements of LAC 33:V.4139 and 4141 instead of the requirements of this Section.

5. Exports. In addition to the applicable conditions specified in Paragraphs A.1-4 of this Section, exports of used, broken CRTs must comply with 40 CFR 261.39(a)(5).

B. Requirements for Processing of Used, Broken CRTs. Used, broken CRTs undergoing *CRT processing* as defined in LAC 33:V.109 are not solid wastes if they meet the following requirements.

1. Storage. Used, broken CRTs undergoing processing are subject to the requirements of Paragraphs A.1, 2, and 4 of this Section.

2. Processing. All CRTs shall be processed within a building with a roof, floor, and walls. No activities may be performed that use temperatures high enough to volatilize lead from CRTs.

C. Processed CRT Glass Sent to CRT Glass Making or Lead Smelting. Glass removed from used CRTs that is destined for recycling at a CRT glass manufacturer or a lead smelter after processing is not a solid waste unless it is speculatively accumulated as defined in LAC 33:V.109. Imported, processed glass from CRTs is subject to these requirements as soon as it enters this state.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:3122 (December 2005), amended LR 34:

§4913. Conditional Exclusion for Used, Intact Cathode Ray Tubes (CRTs) Exported for Recycling

A. Used, intact CRTs exported for recycling are not solid wastes if they meet the notice and consent conditions of LAC 33:V.4911.A.5, and if they are not speculatively accumulated as defined in LAC 33:V.109.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:

§4915. Notification and Recordkeeping for Used, Intact Cathode Ray Tubes (CRTs) Exported for Reuse

A. Persons who export used, intact CRTs for reuse must send a one-time notification to the EPA's Regional Administrator. The notification must include a statement that the notifier plans to export used, intact CRTs for reuse; the

notifier's name, address, and EPA ID number (if applicable); and the name and phone number of a contact person.

B. Persons who export used, intact CRTs for reuse must keep copies of normal business records, such as contracts, demonstrating that each shipment of exported CRTs will be reused. This documentation must be retained for a period of at least three years from the date the CRTs were exported.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 34:

This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on March 27, 2008, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Parking in the Galvez Garage is free with a validated parking ticket.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by HW095ft. Such comments must be received no later than March 27, 2008, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 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 HW095ft. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/2823/default.aspx.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Herman Robinson, CPM
Executive Counsel

0802#022

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Certified Social Work Examiners**

Social Work (LAC 46:XXV.Chapters 3-9)

The Louisiana State Board of Social Work Examiners intends to amend *Rules, Standards and Procedures* adopted in January 2008, which implement the Louisiana Social Work Practice Act, R.S. 37:2701-2721. The proposed amendments will apply to all credentialed social workers

and amend §303.Practice, §305.Qualifications for Registration, Certification, Licensure, §309.Application Procedure, §501.The GSW Who Pursues the LCSW Credential, or Who Provides Clinical Services Which Constitute Psychotherapy Must Be Supervised, §503.GSWs Seeking the LCSW Credential, §707.Disposition of an Investigation, §709.Administrative Complaint Procedure, §711.Notice of Administrative Complaint and Hearing Schedule, §713.Response to Complaint, Notice of Representation, §715.Pleadings; Motions and Service, §717.Pre-Hearing Motions, §719.Motions for Continuance of Hearing, §721.Disposition of Pre-Hearing Motions, §723.Rules of Evidence; Official Notice; Oaths and Affirmations; Subpoenas; Depositions and Discovery; Confidential Privileged Information; and Executive Session, §725.Designation of Hearing Panel, Disqualification and Replacement, §727.Board's Independent Legal Counsel, §729.Pre-Hearing Conference, §731.Consolidation of Cases, §733.Conduct of Hearing; Record, §735.Evidence; Burden of Proof, §737.Decisions; Notice, §739.Rehearings, §741.Miscellaneous Rules, §743.Compliance Hearing, §745.Declaratory Ruling, and §905.Investigation Procedures.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXV. Certified Social Workers

Chapter 3. General Provisions

§303. Practice

A. - B. ...

C. Registered Social Workers shall not:

1. contract directly with individuals, couples, families, agencies or institutions for clinical services, consultation, supervision or educational services;

2. bill for services rendered;

3. receive direct payment for services;

4. claim to be licensed or in private practice.

D. Graduate Social Workers and Provisional Graduate Social Workers shall not:

1. contract directly with individuals, couples, families, non-governmental agencies or institutions for clinical services, consultation, supervision or educational services;

2. bill for services rendered except to a governmental agency through contract services;

3. receive direct payment for services unless through contract with a governmental agency;

4. claim to be licensed or in private practice.

E. Graduate Social Workers and Provisional Graduate Social Workers may:

1. practice clinical social work within an agency under the supervision of a licensed clinical social worker and shall meet the supervision requirements of Chapter 5, Minimum Supervision Requirements, §505.

F. Applicants for registration, certification, or licensure who indicate on their application that they have been employed for more than 120 days as a social worker in the state of Louisiana are subject to the provisions of R.S. 37:2720.

G. An applicant who meets all the requirements of R.S. 37:2706, 2707, or 2708 and who has worked more than 120 days as a social worker in the state of Louisiana and

who has not otherwise violated any part of R.S. 37:2701-2723 or its rules, shall be offered the following in the form of a consent order and agreement in order to process the application:

1. completion of five pre-approved continuing education hours in ethics to be completed within 90 days of issuance of the registration, certification or license, in addition to the 20 clock hours of continuing education required for the annual renewal of the registration, certification or license; and

2. passing score on an open book examination on the Louisiana Social Work Practice Act and the *Rules, Standards and Procedures*, which include the standards of practice for social workers within 90 days of the date the consent order and agreement is signed;

3. the consent order and agreement shall not be considered disciplinary action and shall not be reported to the professional organizations or published in the board's newsletter.

H. In accordance with R.S. 37:2709, which states in part that the license, certificate, provisional certificate, or registration shall be kept conspicuously posted in the office or place of business at all times, it is permissible to post the original certificate of license, certification, provisional certification, or registration or a copy of the original certificate of license, certification, provisional certification or registration, or the current identification card received from the board upon renewal of the license, certification, provisional certification or registration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:301 (February 2000), amended LR 29:2382 (November 2003), LR 34:

§305. Qualifications for Registration, Certification, Licensure

A. - C.4. ...

D. Licensed Clinical Social Worker (LCSW)

1. The applicant must be of good moral character.

2. The applicant shall have his/her university submit official transcript indicating the receipt of a master's degree of social work from a graduate social work program, accredited by the Council on Social Work Education.

3. The applicant shall submit documentation verifying at least 5760 hours of post graduate social work practice on a form provided by the board.

4. The applicant shall submit documentation verifying at least 3840 hours of supervised post graduate social work experience in accordance with the board's supervision rules and on the form provided by the board.

5. Supervised experience shall be under the supervision of a board-approved clinical supervisor.

6. The applicant shall obtain a passing score on an examination approved by the board.

E. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:301 (February 2000), amended LR 29:2383 (November 2003), LR 34:

§309. Application Procedure

A. - F. ...

G. Applicants for the LCSW license must submit an employment verification form for each place of employment in Louisiana after receipt of the MSW degree.

H. Applicants for the LCSW license must submit proof of 5760 hours of postgraduate social work practice. Three thousand, eight hundred and forty of the 5760 hours of accumulated social work experience shall be in a setting practicing social work under the supervision of a board-approved clinical supervisor and submitted on the forms provided by the board.

I. Non-resident applicants may submit proof of 3840 hours or equivalent months of accumulated supervised experience completed out-of-state on the forms provided by the board and given by a social worker licensed at a level equivalent to the LCSW license.

J. Non-resident applicants may submit verification of 5760 hours or equivalent months of out-of-state accumulated social work employment to qualify for the LCSW license.

K. The application for licensure, certification, provisional certification and registration shall include the applicant's Social Security number in accordance with R.S. 37:23. Submission is not optional.

L. - P.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:302 (February 2000), amended LR 29:2383 (November 2003), LR 34:

Chapter 5. Minimum Supervision Requirements

§501. The GSW Who Pursues the LCSW Credential, or Who Provides Services Which Constitute Psychotherapy Must be Supervised

A. A GSW must be a salaried employee of an agency, organization, or facility that delivers social work services or a contractual employee of a governmental agency. The individual is considered an employee if:

1. s/he provides direct or indirect social work services;
2. s/he receives remuneration from an employer for these services;
3. the non-governmental employer withholds federal income taxes and FICA from the salary.

B. A GSW will be considered as providing social work services on behalf of a federal, state, or local governmental agency on a contractual basis if:

1. there is written documentation of the contractual relationship between the GSW and the governmental agency;
2. s/he receives remuneration from the governmental agency for providing direct or indirect social work services on behalf of the governmental agency;
3. the governmental agency provides the GSW with either a Form 1099 or evidence of withholding of federal income taxes and FICA.

C. Volunteer work is not counted toward meeting the employment criteria.

D. GSWs shall not:

1. contract directly with non-governmental agencies nor with clients for clinical services, consultation, supervision, or educational services except as a salaried employee;

2. bill directly for services rendered except to a governmental agency through a contract; or

3. claim to be licensed or in private practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:307 (February 2000), amended LR 34:

§503. GSWs Seeking the LCSW Credential

A. Supervision for the LCSW license can begin after the MSW obtains Graduate Social Work certification.

B. Supervision for the LCSW license is conducted by a Board Approved Clinical Supervisor (BACS). GSWs may obtain a list of BACS from the board's website or office.

C. Effective August 15, 2007, GSWs seeking the LCSW credential must complete a minimum of 5760 hours of postgraduate social work practice and at least 3840 hours of that postgraduate social work practice must be under the supervision of a Board Approved Clinical Supervisor (BACS).

D. GSW postgraduate social work practice and postgraduate BACS supervised social work practice for GSW seeking the LCSW credential, which practice occurred prior to August 15, 2007, will be calculated by the board based on the prior requirements of at least 36 accumulated months of full-time postgraduate social work practice and 24 accumulated months of BACS supervised practice. In order to qualify for the appropriate credits, the postgraduate practice and the postgraduate supervised practice shall be in conformity with board rules governing such practice at that time. Copies of those prior rules and forms relating to postgraduate practice and supervised postgraduate practice can be obtained from the board office or the board's web site.

E. Notwithstanding Subsection C of this rule, GSWs seeking the LCSW credential who have completed the 36-month postgraduate practice requirement and the 24-month postgraduate BACS supervised practice requirement prior to August 15, 2007 and who provide documentation thereof in conformity with applicable board rules and forms will be eligible for the LCSW examination and license.

F. GSWs whose postgraduate social work practice or postgraduate BACS supervised postgraduate social work practice occurs both before August 15, 2007 and after August 15, 2007 will be credited by the board based on the application of Subsection D of this rule (monthly calculation) for the postgraduate practice occurring prior to August 15, 2007 and based on Subsection C of this rule (hourly calculation) for postgraduate practice occurring after August 15, 2007. In order for GSWs to determine whether they have obtained the total number of postgraduate credits necessary to qualify for LCSW examination and license, GSWs will employ the conversion formula provided in Subsection G of this rule prior to the submission of their completed supervision documentation forms to the board.

G.1. To calculate total postgraduate social work practice, a ratio is formed with the numerator (number above the line) equal to the number of months of postgraduate social work practice completed prior to August 15, 2007 and with the denominator or divisor (number below the line) equal to 36. The resulting percentage is then multiplied times 5760 in order to convert the monthly credits into hourly

credits. That hourly credit is then subtracted from 5760 to determine the number of hours of postgraduate practice after August 15, 2007 which are necessary to complete the requirement.

2. To calculate total postgraduate social work BACS supervised practice, a ratio is formed with the numerator equal to the number of months of postgraduate social work BACS supervised practice completed prior to August 15, 2007 and with the denominator equal to 24. The resulting percentage is then multiplied times 3840 in order to convert the monthly credits into hourly credits. That hourly credit is then subtracted from 3840 to determine the number of hours of postgraduate BACS supervised practice after August 15, 2007 which are necessary to complete the requirement.

3. Example of calculations. GSW prior to August 15, 2007 completed 24 months of postgraduate practice 13 of which qualified as BACS supervised. Two ratios of 24/36 and 13/24 are formed. The resulting percentages, (66.67 percent of the postgraduate practice requirement and 54.17 percent of the supervision requirement) are then multiplied times the total hourly requirement in each category. In the example, the GSW converts by multiplying 66.67 percent times 5760 to obtain 3840 hours of postgraduate practice credit for social work performed prior to August 15, 2007. The GSW determines that 1920 hours of postgraduate social work practice after August 15, 2007 are required by subtracting 3840 by 5760. Likewise the GSW converts by multiplying 54.17 percent times 3840 to obtain the 2080 hours of postgraduate BACS supervised practice credit performed prior to August 15, 2007. The GSW determines that 1760 hours of postgraduate social work practice after August 15, 2007 are required by subtracting 2080 from 3840.

H. The requirement for supervision is at least 2 hours of face-to-face supervision with a BACS during every 80 hours increment of postgraduate social work practice. This hourly supervision requirement applies to each consecutive increment of 80 hours of social work practice. Postgraduate social work practice which exceeds 80 consecutive hours of practice without at least one hour of face-to-face BACS supervision will not be credited to the 3840 hours of supervised practice.

I. Face-to-face supervision for licensure must total at least 96 hours.

J. A minimum of 1 session per month is required. Supervision segments of no fewer than 30 minutes and no longer than 2 hours per session will be counted toward meeting the supervision requirement.

K. One-half (48 hours maximum) of the supervision requirement may be met through group supervision, occurring in increments of no more than two hours per group. No more than five supervisees may be involved in supervision groups.

L. School social workers shall count hours of postgraduate social work practice and supervision that occurs when they are employed in a social work position.

M. The supervisee and supervisor shall keep accurate records of both the dates of supervision sessions and the time spent in supervision. This information shall be submitted to the board office on the supervision form entitled *Record of Supervision*.

N. The supervisor has a professional responsibility to honor his/her commitment to supervise responsibly, which includes submitting forms on a timely basis. Should the supervisor fail to submit forms appropriately, legibly, and on a timely basis, the board reserves the right to withdraw the BACS designation from the supervisor.

O. A supervisory record shall include:

1. supervision agreement and plan for supervision;
2. learning assessment of supervisee;
3. record of all supervisory sessions, and any canceled or missed appointments;
4. overview of cases discussed, as well as significant decisions made;
5. any ethical concerns;
6. significant problems arising in supervision, and how they were resolved;
7. memos and correspondence;
8. for all above data, dates completed and person completing the item.

P. To register her/his intent to initiate supervision, the GSW must submit the completed registration of supervision, with the registration fee of \$35.

Q. The individual completing supervision shall:

1. Use the following forms to submit their supervision to the board office:

- a. Supervision Agreement/Plan of Supervision;
- b. Employment Verification;
- c. Record of Supervision;
- d. Evaluation of Supervision;
- e. Professional Experience Verification Record;

2. Submit legible forms. Preferably, material on forms should be typed, but if not typed, the forms must be printed neatly and legibly. Forms which are not legible will be returned.

3. Submit original, unaltered supervision forms to the board office. Copies, faxes, or forms with any alterations (such as white-out or mark-outs) will not be accepted.

R. The original Supervision Agreement/Plan of Supervision must be submitted to the board office within 60 days of the first supervision session. A Supervision Agreement/Plan of Supervision shall be submitted on each supervision experience.

S. The Supervision Agreement/Plan of Supervision will be reviewed and revisions may be required. Revisions shall be submitted to the board office within 30 days of receipt by the supervisee/supervisor.

T. When supervision is provided to a GSW by a LCSW-BACS supervisor, not an agency employee, social work ethics require that the LCSW-BACS take responsibility for securing agency agreement to the plan of supervision, whether the fee for supervision is paid by the agency or the supervisee.

1. The LCSW-BACS is responsible for clarifying with the agency administration, the supervisory role responsibilities and the content of supervision.

2. Under such a plan the supervisee's written evaluation is made available to the agency if the agency is paying for the supervision. If the supervisee is paying the fee, the evaluation is the supervisee's property.

U. The supervisee shall submit an Employment Verification Form from each place of social work

employment after she/he receives the MSW degree. The form shall be completed by the employer, not the supervisor (unless the employer and the supervisor are one and the same).

V. An Evaluation of Supervision Form shall be submitted to the board office at the end of the supervisory period. Sometimes it is necessary for a supervisor to discontinue supervising a GSW for licensure. When this occurs, no matter what length of time the supervisor actually supervised the supervisee, the supervisor must submit an Evaluation of Supervision Form.

W. The Professional Experience Verification Record shall be submitted to the board office from each place of employment to verify dates employed and the hours of social work practice completed during the time employed. The Professional Experience Verification Record shall be completed by the employer(s).

X. If the GSW receives supervision outside of the state of Louisiana, that supervision will be accepted if:

1. the supervisor has completed the authorized forms of the Louisiana State Board of Social Work Examiners; and
2. the supervisor was licensed at the time of supervision in the other state and submits the license verification of out-of-state supervisor form (available from board office); or
3. the supervisor was certified by the Academy of Certified Social Workers (ACSW) at the time of supervision, which the supervisor must verify.

Y. The board's publication, *Supervision for Professional Development and Public Protection: A Guide*, provides more information relative to supervision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:307 (February 2000), amended LR 29:2387 (November 2003), LR 34:

Chapter 7. Impaired Professional Program Authority

§701. Authority

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:2389 (November 2003), repealed LR 34:

§703. Purpose and Scope

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:2389 (November 2003), repealed LR 34:

§705. Program Implementation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:2389 (November 2003), repealed LR 34:

§707. Disposition of Investigation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:309 (February 2000), repealed LR 34:

§709. Administrative Complaint Procedure

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:310 (February 2000), repealed LR 34:

§711. Notice of Administrative Complaint and Hearing Scheduling

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:310 (February 2000), repealed LR 34:

§713. Response to Complaint, Notice of Representation

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:311 (February 2000), repealed LR 34:

§715. Pleadings; Motions and Service

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:311 (February 2000), repealed LR 34:

§717. Pre-Hearing Motions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:311 (February 2000), repealed LR 34:

§719. Motions for Continuance of Hearing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:311 (February 2000), repealed LR 34:

§721. Disposition of Pre-Hearing Motions

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:311 (February 2000), repealed LR 34:

§723. Rules of Evidence; Official Notice; Oaths and Affirmations; Subpoenas; Depositions and Discovery; Confidential Privileged Information; and Executive Session

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:312 (February 2000), repealed LR 34:

§725. Designation of Hearing Panel, Disqualification and Replacement

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:312 (February 2000), repealed LR 34:

§727. Board's Independent Legal Counsel

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:313 (February 2000), repealed LR 34:

§729. Pre-Hearing Conference

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:313 (February 2000), repealed LR 34:

§731. Consolidation of Cases

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:313 (February 2000), repealed LR 34:

§733. Conduct of Hearing Record

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:313 (February 2000), repealed LR 34:

§735. Evidence; Burden of Proof

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:314 (February 2000), repealed LR 34:

§737. Decisions; Notice

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:314 (February 2000), repealed LR 34:

§739. Rehearings

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:314 (February 2000), repealed LR 34:

§741. Miscellaneous Rules

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:315 (February 2000), repealed LR 34:

§743. Compliance Hearing

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:315 (February 2000), repealed LR 34:

§745. Declaratory Ruling

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 26:316 (February 2000), repealed LR 34:

Chapter 9. Procedural Rules

§905. Investigation Procedures

A. - D. ...

E. The investigation and recommended action or report should be completed within 60 days following the date the investigator receives the board's written referral for investigation. If the board's administrator and/or CIO shows good cause, the board may extend the time for investigation for a reasonable time not to exceed an additional 60-day period.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2705.C.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Certified Social Work Examiners, LR 29:2391 (November 2003), amended LR 34:

Family Impact Statement

The proposed Rules have no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Interested parties may review the proposed amendments on the board's web site located at: <http://www.labswe.org.>, and send all written comments to 18550 Highland Road, Suite B., Baton Rouge, LA 70809.

Emily J. Efferson
Administrator

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Social Work**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that \$6,000 in one-time costs will be incurred for the publication of the proposed rule changes in the Louisiana Register in FY 07-08. The Board has sufficient self-generated funds available to implement the proposed rule.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is estimated that revenue for the Board will not be impacted. No other state or local Governmental unit will be affected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule revisions are a result of the change to the Louisiana Social Work Practice Act as mandated by ACT 436 of the 2007 Regular Session of the Louisiana Legislature, which provides for graduate social workers to contract with governmental agencies. It also allows for part-time employment in that it changes months of professional experience and supervision required to apply for Licensed Clinical Social Workers (LCSW) to hours of professional

experience and supervision required to apply for LCSW. These rule changes are also being promulgated in accordance with the recommendations of the Board of Social Work Examiners to ensure public protection through the provision of appropriate supervision requirements.

The proposed deletion of rules from Chapter 7. Impaired Professional Program Authority is to remove language that should not be reflected in Chapter 7 as it is language used in Chapter 9. Procedural Rules.

Lastly, the proposed change to §905 is to clarify when the 60 days for completing an investigation and making a recommendation begins.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact on competition and employment.

Emily J. Efferson
Administrator
0802#018

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Practical Nurse Examiners**

Approved Fees
(LAC 46:XLVII.1715)

The Board of Practical Nurse Examiners, in accordance with R.S. 37:961-979 and with the Administrative Procedure Act, R.S. 49:950 et seq., proposes to amend LAC 46:XLVII.1715. Approved Fees. The proposed change will increase certain fees collected by the board and is needed to allow the board to continue to operate. Fees were last increased in 1999.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part XLVII. Nurses

Subpart 1. Practical Nurses

Chapter 17. Licensure

§1715. Approved Fees

A. Fees

1. License by examination	\$100
2. License by endorsement	\$ 50
3. Duplicate license	\$ 30
4. Renewal of license	\$ 50
5. Reinstatement of license which has been suspended, revoked or which has lapsed by nonrenewal	\$100
6. Duplicate renewal	\$ 20
7. Delinquency fee in addition to renewal fee for nursing license (per year delinquent)	\$ 70
8. Survey fee	\$500
9. Renewal of certificate of accreditation	\$200
10. Evaluation of credits of applicants for admission to approved program	\$ 50

11. Evaluation of credits of out-of-state applicants for Louisiana practical nurse license	\$ 50
12. Verification of Louisiana license to out-of-state board	\$ 30
13. Certification of good-stand license	\$ 5

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:969 and 37:977 as amended Act 272, 1982 and Act 54, 1991.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Practical Nurse Examiners, LR 3:200 (April 1977), amended LR 10:342 (April 1984), amended by the Department of Health and Hospitals, Board of Practical Nurse Examiners LR 18:1130 (October 1992), repromulgated LR 18:1263 (November 1992), amended LR 26:2618 (November 2000), LR 34:

Family Impact Statement

The proposed amendments should not have any impact on family as defined by R.S. 49:972. There should not be any effect on: the stability of the family, the authority and rights of parents regarding the education and supervision of their children, the functioning of the family, family earnings and family budget, the behavior and personal responsibility of children, and/or the ability of the family or local government to perform the function as contained in the proposed Rule.

Interested persons may submit written comments until 3:30 p.m., March 10, 2008, to Claire Doody Glaviano, Board of Practical Nurse Examiners, 3421 N. Causeway, Ste. 505, Metairie, LA 70002.

Claire Doody Glaviano
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Approved Fees**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The estimated implementation cost for this rule change totals \$120 in FY 07-08. This cost is related to the publication of the notice of intent and the final rule in the Louisiana Register.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will increase board revenue by approximately \$500,000-\$550,000 in FY 08-09 and each year thereafter. It will allow the Board to eliminate deficits in the operating budget that have existed for the last three years.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will increase certain licensure fees for practical nurses, for applicants for licensure by examination, and for certain practical nursing program fees as follows: examination fee by \$15 and will affect approximately 1,000 examination applicants per year; duplicate license fee by \$10 and affect about 200 practical nurses per year; license renewal fee by \$20 and will affect approximately 21,000 renewal applicants per year; reinstatement of license fee by \$50 and will affect about 500 practical nurses per year; duplicate renewal fee by \$10 and affect about 700 practical nurses per year; delinquency fee for late renewal of license by \$20 and affect

about 500 practical nurses per year; survey of program fee by \$250 and affect about 5 practical nursing programs per year; renewal of accreditation certificate by \$100 and will affect all 50 programs of practical nursing per year; the evaluation of credits of applicants into programs of practical nursing by \$25 and will affect about 2,000 applicants per year; verification of license to out-of-state boards of nursing by \$15 and will affect about 500 practical nurses per year.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated effect on competition and employment.

Claire Doody Glaviano, RN, MN
Executive Director
0802#001

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Inpatient Hospital Services—Non-Rural, Non-State
Hospitals—Children's Specialty Hospitals Psychiatric Units
(LAC 50:V.911)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt LAC 50:V.911 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 provides reimbursement to children's specialty hospitals for inpatient psychiatric services rendered to children who require emergency admissions (*Louisiana Register*, Volume 21, Number 6). The bureau adopted by Emergency Rule provisions to allow reimbursement to be paid to children's specialty hospitals for non-emergency admissions of children to the hospital's psychiatric unit (*Louisiana Register*, Volume 33, Number 9). This proposed Rule is being promulgated to continue the provisions of the September 6, 2007 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 1. Inpatient Hospitals

Chapter 9. Non-Rural Private Hospitals

Subchapter A. General Provisions

§911. Children's Specialty Hospitals Psychiatric Units

A. A psychiatric sub-provider unit in a Medicare Prospective Payment System (PPS) exempt children's specialty hospital may enroll in the Medicaid Program. The hospital must submit an attestation to the department that the unit meets the PPS exempt criteria outlined in 42 CFR 412.25 [except 412.25(a)(1)(ii)]. Enrollment of the new unit will be effective upon verification of the hospital's attestation by the department.

B. Changes in the number of beds in existing units may only be made at the start of the hospital's cost reporting period. The hospital must notify the department of changes

in bed size at least 90 days prior to the end of the hospital's cost reporting period. Qualifying Medicaid services provided in these approved units shall be subjected to the existing pre-admission certification requirements for children and adolescents in distinct part psychiatric/substance abuse units in acute care general hospitals.

C. Reimbursement for services will be the inpatient psychiatric prospective per diem rate.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:

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.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 by enhancing access to inpatient psychiatric services for children.

Interested persons may submit written comments to Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, March 27, 2008 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Alan Levine
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Inpatient Hospital Services—Non-Rural, Non-State Hospitals—Children's Specialty Hospitals Psychiatric Units

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will result in an estimated increase in expenses to the state of \$225,327 for FY 07-08, \$329,543 for FY 08-09, and \$339,429 for FY 09-10. It is anticipated that \$272 (\$136 SGF and \$136 FED) will be expended in FY 07-08 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 increase federal revenue collections by approximately \$572,929 for FY 07-08, \$830,820 for FY 08-09, and \$855,744 for FY 09-10. It is anticipated that \$136 will be expended in FY 07-08 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 rule, which continues the provisions of the September 6, 2007 Emergency Rule, proposes to amend the provisions governing the reimbursement methodology for hospital services to allow reimbursement to be paid for non-emergency admissions of children to the psychiatric units of children's specialty hospitals for inpatient psychiatric services. It is anticipated that implementation of this proposed rule will increase program expenditures in the hospital services program by approximately \$797,984 for FY 07-08, \$1,160,363 for FY 08-09 and \$1,195,173 for FY 09-10.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this rule will have no effect on competition and employment.

Jerry Phillips
Medicaid Director
0802#037

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Inpatient Hospital Services—Non-Rural, Non-State
Hospitals—Reimbursement Rate Increase
(LAC 50:V.953-959)**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt LAC 50:V.953-959 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 adopted a Rule in June of 1994 which established the prospective reimbursement methodology for inpatient services provided in private (non-state) acute care general hospitals (*Louisiana Register*, Volume 20, Number 6), free-standing psychiatric hospitals and distinct part psychiatric units (*Louisiana Register*, Volume 19, Number 6). In compliance with the directives of Act 17 of the 2006 Regular Session of the Louisiana Legislature, the bureau amended the reimbursement methodology for inpatient hospital services to increase the Medicaid reimbursement rates paid to private hospitals and free-standing and distinct part psychiatric units (*Louisiana Register*, Volume 33, Number 2).

Act 18 of the 2007 Regular Session of the Louisiana Legislature authorized expenditures to the Medical Vendor Program to increase the Medicaid reimbursement rates paid to private providers for inpatient and outpatient hospital services. In compliance with the directives of Act 18, the department promulgated an Emergency Rule to adopt provisions to amend the reimbursement methodology for non-rural private inpatient hospital services to increase the Medicaid reimbursement rates paid for inpatient hospital services, including non-rural private (non-state) acute care

hospitals, long term hospitals, hospital intensive neurological rehabilitation units and free-standing psychiatric hospitals and distinct part psychiatric units (*Louisiana Register*, Volume 33, Number 9). This proposed Rule is being promulgated to continue the provisions of the September 1, 2007 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 1. Inpatient Hospitals

Chapter 9. Non-Rural, Non-State Hospitals

Subchapter B. Reimbursement Methodology

§953. Acute Care Hospitals

A. For dates of service on or after September 1, 2007, the prospective per diem rate paid to non-rural private (non-state) acute care hospitals for inpatient services shall be increased by 4.75 percent of the rate on file for August 31, 2007.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:

§955. Long Term Hospitals

A. For dates of service on or after September 1, 2007, the prospective per diem rate paid to long term hospitals for inpatient services shall be increased by 4.75 percent of the rate on file for August 31, 2007.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:

§957. Hospital Intensive Neurological Rehabilitation Units

A. For dates of service on or after September 1, 2007, the prospective per diem rate paid to hospital intensive neurological rehabilitation care units shall be increased by 4.75 percent of the rate on file for August 31, 2007.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:

§959. Inpatient Psychiatric Hospital Services

A. For dates of service on or after September 1, 2007, the prospective per diem rate paid to private free-standing psychiatric hospitals and distinct part psychiatric units shall be increased by 4.75 percent of the rate on file for August 31, 2007.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

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 Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, March 27, 2008 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Alan Levine
Secretary

NOTICE OF INTENT

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

Inpatient Hospital Services—Non-Rural, Non-State
Hospitals—Supplemental Payments
(LAC 50:V.901, 953 and 1331)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt LAC 50:V.901, 953 and 1331 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with 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 adopted a Rule in June of 1994 which established the prospective reimbursement methodology for inpatient services provided in private (non-state) acute care general hospitals (*Louisiana Register*, Volume 20, Number 6). A Rule was subsequently adopted to revise the reimbursement methodology for inpatient psychiatric services rendered in free-standing psychiatric hospitals and distinct part psychiatric units (*Louisiana Register*, Volume 30, Number 11). In compliance with the directives of Act 17 of the 2006 Regular Session of the Louisiana Legislature, the bureau amended the reimbursement methodology for inpatient hospital services to increase the Medicaid reimbursement rates paid to private hospitals and free-standing and distinct part psychiatric units (*Louisiana Register*, Volume 33, Number 2).

In compliance with the directives of Act 18 of the 2007 Regular Session of the Louisiana Legislature, the bureau promulgated an Emergency Rule to amend the reimbursement methodology for inpatient hospital services to increase the Medicaid reimbursement rates paid to non-rural private (non-state) acute care hospitals, long term hospitals, hospital intensive neurological rehabilitation units, free-standing psychiatric hospitals and distinct part psychiatric units (*Louisiana Register*, Volume 33, Number 9). The department promulgated an Emergency Rule to amend the September 1, 2007 Emergency Rule to provide for a supplemental Medicaid payment to non-rural, non-state acute care hospitals for having a Medicaid inpatient utilization greater than 30 percent or furnishing additional graduate medical education services as a result of the suspension of training programs at the Medical Center of Louisiana at New Orleans due to the impact of Hurricane Katrina (*Louisiana Register*, Volume 33, Number 10). This proposed Rule is being promulgated to continue the provisions of the October 1, 2007 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part V. Hospital Services

Subpart 1. Inpatient Hospitals

Chapter 9. Non-Rural, Non-State Hospitals

Subchapter A. General Provisions

§901. Definitions

Non-Rural, Non-State Hospital—a hospital which is either owned and operated by a private entity, a hospital

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Inpatient Hospital Services—Non-Rural, Non-State Hospitals—Reimbursement Rate Increase

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will result in an estimated increase in expenses to the state of \$6,443,531 for FY 07-08, \$8,014,793 for FY 08-09, and \$8,255,236 for FY 09-10. It is anticipated that \$340 (\$170 SGF and \$170 FED) will be expended in FY 07-08 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 increase federal revenue collections by approximately \$16,389,415 for FY 07-08, \$20,206,308 for FY 08-09, and \$20,812,498 for FY 09-10. It is anticipated that \$170 will be expended in FY 07-08 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 rule, which continues the provisions of the September 1, 2007 Emergency Rule, proposes to amend the reimbursement methodology for non-rural private inpatient hospital services to increase the Medicaid reimbursement rates paid for inpatient hospital services, including non-rural private (non-state) acute care hospitals, long term hospitals, hospital intensive neurological rehabilitation units and free-standing psychiatric hospitals and distinct part psychiatric units. It is anticipated that implementation of this proposed rule will increase program expenditures in the hospital services program by approximately \$22,832,606 for FY 07-08, \$28,221,101 for FY 08-09 and \$29,067,734 for FY 09-10.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this rule will have no effect on competition and employment.

Jerry Phillips
Medicaid Director
0802#035

Robert E. Hosse
Staff Director
Legislative Fiscal Office

service district or a parish and does not meet the definition of a rural hospital as set forth in R.S. 40:1300.143(3)(a).

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:

Subchapter B. Reimbursement Methodology

§953. Acute Care Hospitals

A. For dates of service on or after September 1, 2007, the prospective per diem rate paid to non-rural, non-state acute care hospitals for inpatient services shall be increased by 4.75 percent of the rate on file for August 31, 2007.

B. Effective for dates of services on or after October 1, 2007, a quarterly supplemental payment will be issued to non-rural, non-state acute care hospitals that qualify as a high Medicaid hospital.

1. Qualifying Criteria. A hospital is considered to be a "high Medicaid hospital" if it has a Medicaid inpatient utilization percentage greater than 30 percent based on the 12 month cost report period ending in SFY 2006. For the purposes of calculating the Medicaid inpatient utilization percentage, Medicaid days shall include nursery and distinct part psychiatric unit days, but shall not include Medicare crossover days.

2. Each eligible hospital will receive a quarterly supplemental payment which shall be calculated based on the pro rata share of each qualifying hospital's paid Medicaid days (including covered nursery and distinct part psychiatric unit days) for dates of service in SFY 2007 to the total Medicaid days of all eligible hospitals multiplied by \$5,000,000 which is the amount appropriated for these supplemental payments.

3. Rehabilitation hospitals, long term acute care hospitals and free-standing psychiatric hospitals are not eligible for this supplemental payment.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:

Chapter 13. Teaching Hospitals

Subchapter B. Reimbursement Methodology

§1331. Acute Care Hospitals

A. Effective for dates of services on or after October 1, 2007, a quarterly supplemental payment will be issued to non-rural, non-state acute care hospitals that furnish additional graduate medical education (GME) services.

B. Qualifying Criteria. In order to qualify for the supplemental payment, an acute care hospital must meet the following criteria. The hospital must:

1. be a non-rural, non-state hospital;
2. have a documented affiliation agreement with a Louisiana medical school accredited by the Liaison Committee on Medical Education (LCME);
3. have greater than five additional intern and resident full time equivalencies (FTEs) in SFY 2007 and the first six months of 2008 as compared to the pre-Hurricane Katrina period of SFY 2005;

a. these additional intern and residency FTEs must directly result from the graduate medical education (GME) programs that were formerly taught at the Medical Center of

Louisiana at New Orleans (MCLNO) and the suspension of training at MCLNO due to the impact of Hurricane Katrina; and

4. reimburse the medical school for the direct GME costs. Direct GME costs are defined as the costs of the residents' salaries and the faculty and administrative costs from the medical school.

C. Each qualifying hospital shall be paid their pro rata share of the \$5,000,000 supplemental GME payment pool based on their weighted Medicaid days. Paid Medicaid days (including newborn days included with the mother's stay) for dates of service in SFY 2007 shall be weighted using the following factor(s) as applicable:

1. 1.0—if the qualifying hospital has average additional resident FTEs of greater than 5, but less than or equal to 10; or

2. 1.5—if the qualifying hospital has average additional resident FTEs of equal to or greater than 10, but less than or equal to 20; or

3. 2.0—if the qualifying hospital has an average additional resident FTEs of equal to or greater than 20; and

4. 1.5—if the qualifying hospital's cost is at least 20 percent more than the current Medicaid per diem rate.

D. Payment of one-third of \$5,000,000 will be made at the beginning of each calendar quarter in SFY 2007 beginning with October 2007.

E. Rehabilitation hospitals, long term acute care hospitals and free-standing psychiatric hospitals are not eligible for this supplemental payment.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:

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.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972.

Interested persons may submit written comments to Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, March 27, 2008 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Alan Levine
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**
**RULE TITLE: Inpatient Hospital Services—Non-Rural,
Non-State Hospitals Supplemental Payments**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will result in an estimated increase in expenses to the state of \$2,822,238 for FY 07-08, \$2,840,000 for FY 08-09, and \$2,840,000 for FY 09-10. It is anticipated that \$476 (\$238 SGF and \$238 FED) will be expended in FY 07-08 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 increase federal revenue collections by approximately \$7,178,238 for FY 07-08, \$7,160,000 for FY 08-09, and \$7,160,000 for FY 09-10. It is anticipated that \$238 will be expended in FY 07-08 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 rule, which continues the provisions of the October 1, 2007 Emergency Rule, proposes to provide for a supplemental Medicaid payment to non-rural, non-state acute care hospitals for having a Medicaid inpatient utilization greater than thirty percent or furnishing additional graduate medical education services as a result of the suspension of training programs at the Medical Center of Louisiana at New Orleans due to the impact of Hurricane Katrina. It is anticipated that implementation of this proposed rule will increase program expenditures in the hospital services program by approximately \$10,000,000 for FY 07-08, \$10,000,000 for FY 08-09 and \$10,000,000 for FY 09-10.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this rule will have no effect on competition and employment.

Jerry Phillips
Medicaid Director
0802#036

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Medicaid Eligibility—Disability Medicaid Program
(LAC 50:III.2305)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt LAC 50:III.2305 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.

Section 1902(a)(10) of Title XIX of the Social Security Act and Section 435.210 of Title 42 of the Code of Federal Regulations (CFR) provides states with the option to cover individuals under their Medicaid State Plan who are aged or have a disability, and who meet the income and resource

requirements for Supplemental Security Income (SSI) cash assistance. These individuals are not currently included as an eligibility category under Louisiana's Medicaid State Plan and must be referred to the Social Security Administration for assistance. Their Medicaid eligibility is contingent upon a favorable decision for SSI cash assistance. Pursuant to Section 1902(a)(10) of Title XIX of the Social Security Act and 42 CFR 435.210, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing promulgated an Emergency Rule to adopt provisions to include this optional coverage group under the Medicaid State Plan and provide Medicaid-only services in the Disability Medicaid Program (*Louisiana Register*, Volume 33, Number 4). This proposed Rule is being promulgated to continue the provisions of the April 20, 2007 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part III. Eligibility

Subpart 3. Eligibility Groups and Factors

Chapter 23. Eligibility Groups and Medicaid Programs

§2305. Disability Medicaid Program

A. The Disability Medicaid Program provides Medicaid-only coverage to individuals who are aged or have a disability, and who meet income and resource requirements for Supplemental Security Income (SSI) cash assistance.

B. Individuals receiving services in the Disability Medicaid Program will be included as an optional coverage group under the Medicaid State Plan.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:

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.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 as it will increase access to medical care for individuals with disabilities.

Interested persons may submit written comments to Jerry Phillips, Department of Health and Hospitals, 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 Thursday, March 27, 2008 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Alan Levine
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Medicaid Eligibility—Disability
Medicaid Program**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that the implementation of this proposed rule will result in an estimated increase in expenses to the state of \$1,608,648 for FY 07-08, \$1,667,370 for FY 08-09, and \$1,717,391 for FY 09-10. It is anticipated that \$204 (\$102 SGF and \$102 FED) will be expended in FY 07-08 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 increase federal revenue collections by approximately \$4,091,576 for FY 07-08, \$4,203,651 for FY 08-09, and \$4,329,760 for FY 09-10. It is anticipated that \$102 will be expended in FY 07-08 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 rule, which continues the provisions of the April 20, 2007 Emergency Rule, proposes to establish an optional coverage group under the Medicaid State Plan to provide coverage to individuals who are aged or have a disability, and who meet the income and resource requirements for Supplemental Security Income assistance (approximately 800 recipients). It is anticipated that implementation of this proposed rule will increase expenditures in the Medicaid Program by approximately \$5,700,020 for FY 07-08, \$5,871,021 for FY 08-09 and \$6,047,151 for FY 09-10.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

It is anticipated that the implementation of this rule will have no effect on competition and employment.

Jerry Phillips
Medicaid Director
0802#038

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Medical Transportation Program—Emergency and Non-
Emergency Ambulance Services—Reimbursement Rate
Increase (LAC 50:XXVII.325, 571, and 573)**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt LAC 50:XXVII.Chapters 3-5 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 provides

reimbursement for emergency and non-emergency ambulance services. Reimbursement for these services is the base rate established by the bureau minus the amount which any third party coverage would pay. As a result of the allocation of additional funds by the legislature during the 2002 and 2006 Regular Sessions, the bureau increased the reimbursement rate for certain designated procedure codes for non-emergency ambulance transportation services (*Louisiana Register*, Volume 28, Number 12) and increased the base rate and ground mileage reimbursement rate for emergency ambulance transportation services (*Louisiana Register*, Volume 33, Number 3).

Act 18 of the 2007 Regular Session of the Louisiana Legislature authorized expenditures to the Medical Vendor Program to increase the ground mileage rate and ancillary services rate for emergency and non-emergency ambulance transportation services. In compliance with the directives of Act 18, the department promulgated an Emergency Rule to adopt provisions to amend the reimbursement methodology for emergency and non-emergency ambulance transportation services to increase the ground mileage rate and the ancillary services rate (*Louisiana Register*, Volume 33, Number 8). This proposed Rule is being promulgated to continue the provisions of the September 1, 2007 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part. XXVII. Medical Transportation Program

**Chapter 3. Emergency Medical Transportation
Subchapter B. Ground Transportation**

§325. Reimbursement

A. The Medicaid reimbursement for land-based ambulance services is the rate established in the state fee schedule (based on Medicare rates) for emergency ambulance transport, basic life support, advanced life support and mileage, oxygen, intravenous fluids, and disposable supplies administered during the emergency ambulance transport minus the amount paid by any liable third party coverage.

B. For dates of service on or after September 1, 2006, the base rate for emergency ambulance transportation services is increased by 5 percent of the rates in effect on August 31, 2006.

C. For dates of service on or after September 1, 2006, the ground mileage reimbursement rate for emergency ambulance transportation services is increased by 17 percent of the rates in effect on August 31, 2006.

D. For dates of service on or after September 1, 2007, the ground mileage reimbursement rate for emergency ambulance transportation services in effect on August 31, 2007 is increased by \$2.50.

E. For dates of service on or after September 1, 2007, the ancillary services rate for emergency ambulance transportation services is increased by 70 percent of the rate in effect on August 31, 2007.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:

Chapter 5. Non-Emergency Medical Transportation
Subchapter D. Reimbursement

§571. Non-Emergency Ambulance Transportation

A. Reimbursement for non-emergency ambulance transportation claims shall be allowed only when accompanied by the medical certification form justifying the need for ambulance services.

B. For dates of service on or after September 1, 2007, the ground mileage reimbursement rate in effect on August 31, 2007 for non-emergency ambulance transportation services is increased by \$2.50.

C. For dates of service on or after September 1, 2007, the ancillary services rate for non-emergency ambulance transportation services is increased by 70 percent of the rate in effect on August 31, 2007.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:

§573. Non-Emergency, Non-Ambulance Transportation

A. For dates of service on or after September 1, 2006, the reimbursement rate for non-emergency, non-ambulance medical transportation services is increased by 5 percent of the rates in effect on August 31, 2006.

B. For dates of service on or after December 1, 2006, the reimbursement rate for non-emergency, non-ambulance medical transportation services is increased by an additional 9 percent of the rates in effect on November 30, 2006.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will not have an impact on family functioning, stability and autonomy as described in R.S. 49:972.

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 Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, March 27, 2008 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Alan Levine
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

RULE TITLE: Medical Transportation Program
Emergency and Non-Emergency Ambulance
Services—Reimbursement Rate Increase

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will result in an estimated increase in expenses to the state of \$1,231,351 for FY 07-08, \$1,531,403 for FY 08-09, and \$1,577,345 for FY 09-10. It is anticipated that \$408 (\$204 SGF and \$204 FED) will be expended in FY 07-08 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 increase federal revenue collections by approximately \$3,131,731 for FY 07-08, \$3,860,862 for FY 08-09, and \$3,976,688 for FY 09-10. It is anticipated that \$204 will be expended in FY 07-08 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 rule, which continues the provisions of the September 1, 2007 Emergency Rule, proposes to adopt provisions to amend the reimbursement methodology for emergency and non-emergency ambulance transportation services to increase the ground mileage rate and the ancillary services rate. It is anticipated that implementation of this proposed rule will increase program expenditures for medical transportation services by approximately \$4,362,674 for FY 07-08, \$5,392,265 for FY 08-09 and \$5,554,033 for FY 09-10.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this rule will have no effect on competition and employment.

Jerry Phillips
Medicaid Director
0802#039

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Nursing Facilities—Evacuation and Temporary
Sheltering Costs (LAC 50:VII.1319)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt LAC 50:VII.1319 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 adopted a Rule to establish a prospective payment system for nursing facilities based on recipient care needs that incorporates

acuity measurements as determined under the Resource Utilization Group III (RUG III) resident classification methodology (*Louisiana Register*, Volume 28, Number 8). The August 20, 2002 Rule was subsequently amended to adopt provisions governing a quarterly adjustment of individual nursing facility rates based on overall case mix and allow for the offset of installation costs for automatic fire sprinkler systems and two-hour rated walls in Medicaid-certified nursing facilities (*Louisiana Register*, Volume 32, Number 12).

Act 540 of the 2006 Regular Session of the Louisiana Legislature directed the department, in consultation with the Governor's Office of Homeland Security, to adopt provisions governing emergency preparedness requirements for nursing facilities, including facility-specific reimbursement for documented and allowable evacuation and temporary sheltering costs of a Medicaid-certified nursing facility. In compliance with the directives of Act 540, the department adopted provisions to provide for the facility-specific reimbursement of evacuation and temporary sheltering costs of Medicaid-certified nursing facilities (*Louisiana Register*, Volume 33, Number 3). This proposed Rule is being promulgated to continue the provisions of the March 20, 2007 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part VII. Long Term Care Services

Subpart 1. Nursing Facilities

Chapter 13. Reimbursement

§1319. Evacuation and Temporary Sheltering Costs

A. Nursing facilities required to participate in an evacuation, as directed by the appropriate parish or state official, or which act as a host shelter site may be entitled to reimbursement of its documented and allowable evacuation and temporary sheltering costs.

1. The expense incurred must be in excess of any existing or anticipated reimbursement from any other sources, including the Federal Emergency Management Agency (FEMA) or its successor.

2. Nursing facilities must first apply for evacuation or sheltering reimbursement from all other sources and request that the department apply for FEMA assistance on their behalf.

3. Nursing facilities must submit expense and reimbursement documentation directly related to the evacuation or temporary sheltering of Medicaid nursing home residents to the department.

B. Eligible Expenses. Expenses eligible for reimbursement must occur as a result of an evacuation and be reasonable, necessary, and proper. Eligible expenses are subject to audit at the department's discretion and may include the following.

1. Evacuation Expenses. Evacuation expenses include expenses from the date of evacuation to the date of arrival at a temporary shelter or another nursing facility. Evacuation expenses include:

a. resident transportation and lodging expenses during travel;

b. nursing staff expenses when accompanying residents, including:

i. transportation;

ii. lodging; and

iii. additional direct care expenses, when a direct care expense increase of 10 percent or more is documented:

(a) the direct care expense increase must be based on a comparison to the average of the previous two pay periods or other period comparisons determined acceptable by the department;

c. any additional allowable costs as defined in the CMS Publication 15-1, last modified 9/8/2005, that are directly related to the evacuation and that would normally be allowed under the nursing facility case-mix rate.

2. Non-Nursing Facility Temporary Sheltering Expenses. Non-nursing facility temporary sheltering expenses include expenses from the date the Medicaid residents arrive at a non-nursing facility temporary shelter to the date all Medicaid residents leave the shelter. A non-nursing facility temporary shelter includes shelters that are not part of a licensed nursing facility and are not billing for the residents under the Medicaid case-mix reimbursement system or any other Medicaid reimbursement system. Non-nursing facility temporary sheltering expenses may include:

a. additional nursing staff expenses including:

i. lodging; and

ii. additional direct care expenses, when a direct care expense increase of 10 percent or more is documented:

(a) the direct care expense increase must be based on a comparison to the average of the previous two pay periods or other period comparisons determined acceptable by the department;

b. care-related expenses as defined in LAC 50:VII.1305 and incurred in excess of care-related expenses prior to the evacuation;

c. additional medically necessary equipment such as beds and portable ventilators that are not available from the evacuating nursing facility and are rented or purchased specifically for the temporary sheltered residents, and:

i. these expenses will be capped at a daily rental fee not to exceed the total purchase price of the item;

ii. the allowable daily rental fee will be determined by the department;

d. any additional allowable costs as defined in the CMS Publication 15-1, last modified 9/8/2005, that are directly related to the temporary sheltering and that would normally be allowed under the nursing facility case-mix rate.

3. Host Nursing Facility Temporary Sheltering Expenses. Host nursing facility temporary sheltering expenses include expenses from the date the Medicaid residents are admitted to a licensed nursing facility to the date all temporary sheltered Medicaid residents are discharged from the nursing facility, not to exceed a six-month period.

a. The host nursing facility shall bill for the residents under Medicaid's case-mix reimbursement system.

b. Additional direct care expenses may be submitted when a direct care expense increase of 10 percent or more is documented.

i. The direct care expense increase must be based on a comparison to the average of the previous two pay periods or other period comparisons determined acceptable by the department.

C. Payment of Eligible Expenses

1. For payment purposes, total eligible Medicaid expenses will be the sum of nonresident-specific eligible

expenses multiplied by the facility's Medicaid occupancy percentage plus Medicaid resident-specific expenses.

a. If Medicaid occupancy is not easily verified using the evacuation resident listing, the Medicaid occupancy from the most recently filed cost report will be used.

2. Payments shall be made as quarterly lump-sum payments until all eligible expenses have been submitted and paid. Eligible expense documentation must be submitted to the department by the end of each calendar quarter.

3. All eligible expenses documented and allowed under §1319 will be removed from allowable expense when the nursing facility's Medicaid cost report is filed. These expenses will not be included in the allowable cost used to set case-mix reimbursement rates in future years.

a. Equipment purchases that are reimbursed on a rental rate under §1319.B.2c. may have their remaining basis included as allowable cost on future costs reports provided that the equipment is in the nursing facility and being used. If the remaining basis requires capitalization under CMS Publication 15-1 guidelines, last modified 9/8/2005, then depreciation will be recognized.

4. Payments shall remain under the upper payment limit cap for nursing facilities.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 by ensuring the health and safety of nursing facility residents who may be evacuated as a result of disasters or other emergencies.

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 Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, March 27, 2008 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Alan Levine
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Nursing Facilities—Evacuation and Temporary Sheltering Costs

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is not possible to estimate the anticipated programmatic costs of implementation of this proposed rule due to the variable nature of disasters. It is anticipated that \$544 (\$272 SGF and \$272 FED) will be expended in FY 07-08 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 not possible to estimate the anticipated federal revenue collections from implementation of this proposed rule due to the variable nature of disasters. It is anticipated that \$272 will be expended in FY 07-08 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 rule, which continues the provisions of the March 20, 2007 Emergency Rule, proposes to adopt provisions to provide for the facility-specific reimbursement of evacuation and temporary sheltering costs of Medicaid-certified nursing facilities. It is not possible to anticipate the costs of evacuation expenses and temporary sheltering costs due to the variable nature of disasters. The only expenses reimbursed will be in excess of any existing or anticipated reimbursement from any other sources, including the Federal Emergency Management Agency (FEMA) or its successor as Medicaid is the payor of last resort.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this rule will have no effect on competition and employment.

Jerry Phillips
Medicaid Director
0802#040

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Nursing Facilities—Resident Personal Fund Accounts
(LAC 48:I.9734)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to amend LAC 48:I.9734 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 adopted provisions governing joint ownership of a nursing facility

resident's personal fund account by the resident and his legal guardian or next of kin, and established provisions for the disbursement of these funds upon the death of the resident (*Louisiana Register*, Volume 33, Number 7). The bureau now proposes to amend the July 20, 2007 Rule to correct a citation in the provisions governing a nursing facility resident's personal fund account.

Title 48

PUBLIC HEALTH—GENERAL

PART I. General Administration

Subpart 3. Licensing

Chapter 97. Nursing Homes

Subchapter C. Resident Rights

§9734. Resident Personal Fund Account

A. - C. ...

D. The provisions of this Section shall have no effect on federal or state tax obligations or liabilities of the deceased resident's estate. If there are other laws or regulations which conflict with these provisions, those laws or regulations will govern over and supersede the conflicting provisions.

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 33:1350 (July 2007), amended LR 34:

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability or autonomy as described in R.S. 49:972.

Interested persons may submit written comments to Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, March 27, 2008 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Alan Levine
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Nursing Facilities—Resident Personal
Fund Accounts**

**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 to the state other than cost of promulgation for FY 07-08. It is anticipated that \$204 (\$102 SGF and \$102 FED) will be expended in FY 07-08 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 07-08. It is anticipated that \$102 will be expended in FY 07-08 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 licensing standards for nursing facilities to correct a citation in the provisions governing resident personal fund accounts. It is anticipated that implementation of this proposed rule will not have estimable cost or economic benefits for directly affected persons or nongovernmental groups in FY 07-08, FY 08-09, and FY 09-10.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

This rule has no known impact on competition and employment.

Jerry Phillips
Medicaid Director
0802#041

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Pharmacy Benefits Management Program—Antihemophilia
Drugs Reimbursements (LAC 50:XXIX.971)**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt LAC 50:XXIX.971 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing repromulgated all of the Rules governing Medicaid coverage of pharmacy services in a codified format for inclusion in the Louisiana Administrative Code (*Louisiana Register*, Volume 32, Number 6). The bureau subsequently amended the June 20, 2006 Rule to repeal the provisions governing the reimbursement for antihemophilia drugs (*Louisiana Register*, Volume 33, Number 1). The bureau now proposes to amend the June 20, 2006 Rule to adopt new provisions governing the reimbursement of antihemophilia drugs.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XXIX. Pharmacy

Chapter 9. Methods of Payment

Subchapter F. Antihemophilia Drugs

§971. Reimbursement

A. Anti-hemophilia drugs purchased by a covered entity through the 340B Program and dispensed to Medicaid recipients shall be billed to Medicaid at actual acquisition cost plus 10 percent and the dispensing fee unless the

covered entity has implemented the Medicaid carve-out option. If the covered entity has implemented the Medicaid carve-out option, such drugs shall be reimbursed at AWP minus 30 percent plus the dispensing fee or the billed charges, whichever is less.

B. Anti-hemophilia drugs purchased by a non-340B covered entity shall be reimbursed at AWP minus 30 percent plus the dispensing fee or the billed charges, whichever is less.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 34:

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.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that the implementation of this proposed Rule will have no effect on family functioning as described in R.S. 49:942.

Interested persons may submit written comments to Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, November 28 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Alan Levine
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Pharmacy Benefits Management Program—Antihemophilia Drugs Reimbursements

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will result in estimated savings to the state of \$110,737 for FY 07-08, \$1,060,546 for FY 08-09, and \$1,092,363 for FY 09-10. It is anticipated that \$204 (\$102 SGF and \$102 FED) will be expended in FY 07-08 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 reduce federal revenue collections by approximately \$281,827 for FY 07-08, \$2,673,771 for FY 08-09, and \$2,753,984 for FY 09-10. It is anticipated that \$102 will be expended in FY 07-08 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 rule proposes to adopt provisions governing the reimbursement of antihemophilia drugs in the Pharmacy Benefits Management Program. It is anticipated that implementation of this proposed rule will decrease program expenditures for reimbursements to 340B entities and pharmacy providers in the Medicaid Program by approximately \$392,768 for FY 07-08, \$3,734,317 for FY 08-09 and \$3,846,347 for FY 09-10.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this rule will have no effect on competition and employment.

Jerry Phillips
Medicaid Director
0802#042

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Prosthetics and Orthotics—Reimbursement Rate Increase (LAC 50:XVII.501, 1505, 1707, 1907 and, 10117)

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to amend LAC 50:XVII.501 and repeal LAC 50:XVII.1505, 1707, 1907 and 10117 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 Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing repealed and repromulgated provisions governing prosthetic and orthotic devices in the Medical Assistance Program (*Louisiana Register*, Volume 31, Number 7). The bureau subsequently promulgated an Emergency Rule to amend the reimbursement methodology for prosthetics and orthotics and to repeal the reimbursement methodology for specific prosthetic and orthotic items (*Louisiana Register*, Volume 33, Number 9). This proposed Rule is being promulgated to continue the provisions of the September 6, 2007 Emergency Rule.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part XVII. Prosthetics and Orthotics

Subpart 1. General Provisions

Chapter 5. Reimbursement

§501. Reimbursement Methodology

A. Effective for dates of service on or after September 6, 2007, the reimbursement for prosthetic and orthotic devices is 90 percent of the 2007 Medicare Fee Schedule amount or billed charges, whichever is the lesser amount, unless otherwise stipulated. If an item is not available at 90 percent of the 2007 Medicare fee schedule amount, the flat fee that will be utilized is the lowest cost at which the item has been

determined to be widely available by analyzing usual and customary fees charged in the community.

1. This rate does not apply to prosthetics and orthotics that are:

a. already reimbursed at a higher amount than 90 percent of the 2007 Medicare Fee Schedule; or

b. not included on the 2007 Medicare Fee Schedule, such as customized items for which there is no established fee. These items must be individually priced.

B. Items not listed on the Medicare Fee Schedule will continue to be reimbursed at the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community for the HCPC procedure code.

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 31:1597 (July 2005), amended LR 34:

Subpart 3. Prosthetic Devices

Chapter 15. Artificial Eyes, Scleral Shell, and Related Services

§1505. Reimbursement

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1598 (July 2005), repealed LR 34:

Chapter 17. Breast or Mammary Prostheses

§1707. Reimbursement

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1598 (July 2005), repealed LR 34:

Chapter 19. Support and Surgical Stockings

§1907. Reimbursement

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1598 (July 2005), repealed LR 34:

Subpart 5. Orthotic Devices

Chapter 101. General Provisions

§10117. Reimbursement

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing, LR 31:1599 (July 2005), repealed LR 34:

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.

Family Impact Statement

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed

Rule on the family has been considered. It is anticipated that this proposed Rule will have no effect on family functioning, stability and autonomy as described in R.S. 49:942.

Interested persons may submit written comments to Jerry Phillips, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, March 27, 2008 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Alan Levine
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Prosthetics and Orthotics—Reimbursement Rate Increase

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

It is anticipated that the implementation of this proposed rule will result in an estimated increase in expenses to the state of \$277,606 for FY 07-08, \$84,649 for FY 08-09, and \$88,035 for FY 09-10. It is anticipated that \$340 (\$170 SGF and \$170 FED) will be expended in FY 07-08 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 increase federal revenue collections by approximately \$705,852 for FY 07-08, \$213,412 for FY 08-09, and \$221,949 for FY 09-10. It is anticipated that \$170 will be expended in FY 07-08 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 rule, which continues the provisions of the September 6, 2007 Emergency Rule, proposes to amend the reimbursement methodology for prosthetics and orthotics and to repeal the reimbursement methodology for specific prosthetic and orthotic items. It is anticipated that implementation of this proposed rule will increase program expenditures in the Medical Assistance Program by approximately \$983,118 for FY 07-08, \$298,061 for FY 08-09 and \$309,984 for FY 09-10.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

It is anticipated that the implementation of this rule will have no effect on competition and employment.

Jerry Phillips
Medicaid Director
0802#043

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Gaming Control Board**

Application and License (LAC 42:XI.2405)

The Louisiana Gaming Control Board hereby gives notice that it intends to amend LAC 42:XI.2405 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 XI. Video Poker**

Chapter 24. Video Draw Poker

§2405. Application and License

A. Initial and Renewal Applications

1. - 4. ...

5.a. Except as otherwise provided in this Subsection, all licensed establishment applications submitted to the division shall be for an existing and operating business.

b. An entity that intends to build a truck stop facility and apply for a Type V video gaming license and has applied with the local governing authority of the parish where the truck stop is to be located for a certificate of compliance with applicable zoning ordinances and building codes and a statement of approval for the operation of video draw poker devices at a truck stop facility as required by R.S. 27:324(C); has applied with the appropriate authority for a building permit; and has published the public notices required by R.S. 27:306(A)(6), may submit an application of intent to build a truck stop facility on a form prescribed by the division which shall include:

i. a certificate of compliance with applicable zoning ordinances and a statement of approval of the operation of video poker devices from the applicable local governing authority or a statement that local approval is not required;

ii. proof of application for a building permit has been filed with the appropriate governing authority;

iii. proof of publication of the notice of intent to build a qualified truck stop facility as required by R.S. 27:306(A)(6)(a);

iv. proof of issuance of the press release required by R.S. 27:306 (A)(6)(d); and

v. a plat showing the location of the truck stop facility and the surrounding area identifying schools, churches, playgrounds, synagogues, public libraries and buildings on the National Historic Registry.

c. Upon completion of the truck stop facility and commencement of operations, an applicant for a Type V license shall submit all other application forms and fees required by the board. Upon submission of these forms and fees and a determination that the submission is complete, the division may commence its investigation of the facility and all persons required to meet suitability.

d. For purposes of determining compliance with the distance requirements provided in R.S. 27:306(C)(2), the date of application shall be the date the certificate of compliance was received from the applicable local governing authority or the date the application for a building permit was filed, whichever last occurred.

A.6. - D.7. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 23:1322 (October 1997), LR 24:955 (May 1998), LR 26:346 (February 2000), LR 26:2322 (October 2000), LR 27:61 (January 2001), LR 29:362 (March 2003), LR 30:267 (February 2004), repromulgated LR 30:439 (March 2004), amended LR 34:

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:XI.2405.A.5.

It is accordingly concluded that amending LAC 42:XI.2405.A.5 would appear to have no estimable 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 Leonce Gautreaux, Attorney General's Gaming Division, telephone (225) 326-6500, and may submit comments relative to this proposed Rule through March 11,2008, to 1885 North Third Street, Suite 500, Baton Rouge, LA 70802.

H. Charles Gaudin
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Application and License**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

No implementation costs are anticipated.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No effect on revenue collections is anticipated.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There could be a minor economic benefit to Type V applicants in that this rule change allows for the video draw poker device license process to commence before the truck stop facility is complete, open and operating. The quantifiable extent of the economic benefit of this rule change cannot be measured.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition or employment.

H.Charles Gaudin
Chairman
0802#061

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Management and Finance
Louisiana State Uniform Construction Code Council**

International Residential Code
(LAC 55:VI.301)

In accordance with the provisions of Act 12 of the 2005 First Extraordinary Session, Act 335 of the 2007 Regular Session, R.S. 40:1730.22(C) and (D), R.S. 40:1730.34(B), R.S. 40:1730.37 and R.S. 40:1730.38 relative to the authority of the Louisiana State Uniform Construction Code Council to promulgate and enforce Rules, the Louisiana State Uniform Construction Code Council hereby proposes to adopt a Rule under Chapter 3, §301.A.3, to add an exception under the International Residential Code, R302.1 to allow shorter projection and wall separation distances for the construction of one and two family dwellings and townhouses being rebuilt on lots that are 50 feet in width or less that were in existence prior to October 1, 2005.

Title 55

PUBLIC SAFETY

Part VI. Uniform Construction Code

Chapter 3. Adoption of the Louisiana State Uniform Construction Code

§301. Louisiana State Uniform Construction Code

A. - A.2. ...

3. International Residential Code, 2006 Edition, not including Parts I-Administrative, V-Mechanical, VII-Plumbing and VIII-Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. Appendix J, Existing Buildings and Structures, is also included for mandatory regulation.

a. For purposes of this Part, Section R301.2.1.1 of the 2003 edition of the International Residential Code is hereby specifically adopted in lieu of the 2006 edition and shall be effective until January 1, 2008.

b. Part IV-Energy Conservation of the latest edition of the International Residential Code is hereby amended to require that supply and return ducts be insulated to a minimum of R-6.

c. Furthermore, IRC R301.2.1.1 (Design Criteria) shall be amended as follows and shall only apply to the International Residential Code:

- i. amendment of R301.2.1.1 (Design Criteria);
- ii. Item 6, the American Concrete Institute, *Guide to Concrete Masonry Residential Construction in High Winds Areas*, shall be added;
- iii. Item 7, Institute for Business and Home Safety, *Optional Code-plus Fortified for Safer Living*, shall be added;
- iv. Item 8, Federal Alliance for Safe Homes, *Optional Code-plus Blueprint for Safety*, shall be added.

d. Additionally, Section 302, R302.1 Exterior Walls shall be amended to add the following exceptions.

i. On lots that are 50 feet or less in width and that contain a 1 or 2 two family dwelling or townhouse that was in existence prior to October 1, 2005, the following are permitted for rebuilding:

(a). a projection 2 feet from the property line with a 1 hour minimum fire-resistance rating on the underside;

(b). a wall 3 feet or more from the property with a 0 hour minimum fire-resistance rating.

4. - 7. ...

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Louisiana State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34:

Family Impact Statement

1. The Effect of this Rule on the Stability of the Family. This Rule will have no effect on the stability of the family.

2. The Effect of this Rule on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. This Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect of this Rule on the Functioning of the Family. This Rule will have no effect on the functioning of the family.

4. The Effect of this Rule on Family Earnings and Family Budget. This Rule will have no effect on family earning and family budget.

5. The Effect of this Rule on the Behavior and Personal Responsibility of Children. This Rule will have no effect on the behavior and personal responsibility of children.

6. The Effect of this Rule on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rules. This Rule will have no effect on the ability of the family or local government to perform the function as contained in the proposed Rules.

Interested persons may submit written comments or requests for public hearing on this proposed Rule change to Marta DeBarbieris, Administrative Program Specialist, Louisiana State Uniform Construction Code Council, at 7979 Independence Boulevard, Suite 106, Baton Rouge, LA 70806. Comments will be accepted through close of business March 10, 2008.

Jill Boudreaux
Acting Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: International Residential Code

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This proposed rule will not result in an increase in implementation costs or savings to state or local governmental units. This rule is simply allowing a shorter projection and wall separation distances for houses that are being rebuilt on lots in existence prior to October 1, 2005.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no effect on revenue collections of state or local governmental units since this rule is incorporating only a very minor change to the International Residential Code.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change could provide some economic benefit to directly impacted persons in that the individuals will now be able to rebuild on existing lots whereas without this rule, the individuals could incur costs associated with the reconfiguration of the home footprint.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no impact on competition and employment as the proposed rule change only impacts a small portion of the International Residential Code and will be applied uniformly across Louisiana.

Jill Boudreaux
Acting Undersecretary
0802#016

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Police**

Hazardous Material Information Development
Preparedness and Response Act
(LAC 33:V.10105, 10111, and 10119)

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., gives notice of its intent to amend its rules regulating hazardous materials release reporting and chemical inventory filing to redefine the term "hospitalization", to reflect the current address for the Transportation and Environmental Safety Section of the Office of State Police, and to clarify release reporting requirements for the chemicals, nitrogen oxide and nitrogen dioxide.

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**

§10105. Definitions

A. The following terms as used in this Chapter shall have the following meanings.

* * *

Hospitalization—medical treatment at any medical facility.

* * *

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 12:328 (May 1986), amended LR 13:184 (March 1987), LR 13:759 (December 1987), LR 14:801 (November 1988), LR 16:974 (November 1990), LR 27:858 (June 2001), LR 34:

§10111. Release and Incident Reporting

A. - E.1.e. ...

f. Releases of nitrogen oxide to the air that are the result of combustion and combustion-related activities that are less than 1,000 pounds per 24 hours, and releases of

nitrogen dioxide to the air that are the result of combustion and combustion-related activities that are less than 1,000 pounds per 24 hours are not reportable.

E.2. - G.15. ...

H. Facilities must also make follow-up written reports for all reportable releases and incidents within five business days after the release or incident has occurred. This report must be made to the local emergency planning committee with jurisdiction over a facility and to the Department of Public Safety and Corrections, Office of State Police, TESS-Right-to-Know Unit, P.O. Box 66168, Baton Rouge, LA 70896. The format for this report should be as outlined in Subsection G above. Any additional information not given in the initial telephone notification should also be included.

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 13:761 (December 1987), LR 14:803 (November 1988), LR 16:975 (November 1990), LR 27:861 (June 2001), LR 34:

§10119. Inventory Form

A. - B. ...

C. The "Louisiana Tier Two Emergency and Hazardous Chemical Inventory" form is the official inventory form for compliance with R.S. 30:2361-2380, Louisiana's Right-to-Know law, and is the form selected by the Louisiana Emergency Response Commission for inventory reporting as required under Section 312 of SARA. The inventory form can be obtained via the Right-to-Know website at www.lsp.org/rtk.html or upon request to the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section P.O. Box 66168, Baton Rouge, LA 70896.

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 12:330 (May 1986), amended LR 13:186 (March 1987), LR 13:762 (December 1987), LR 14:804 (November 1988), LR 16:975 (November 1990), LR 27:865 (June 2001), LR 28:2554 (December 2002), LR 34:

Family Impact Statement

1. The Effect of this Rule on the Stability of the Family. This Rule should not have any affect on the stability of the family.

2. The Effect of this Rule on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. This Rule should not have any affect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect of this Rule on the Functioning of the Family. This Rule should not have any affect on the functioning of the family.

4. The Effect of this Rule on Family Earnings and Family Budget. This Rule should not have any affect on family earnings and family budget.

5. The Effect of This Rule on the Behavior and Personal Responsibility of Children. This Rule should not have any affect on the behavior and personal responsibility of children.

6. The Effect of this Rule on the Ability of the Family or Local Government to Perform the Function As Contained in the Proposed Rule. This Rule should not have any affect

on the ability of the family or local government to perform the function as contained in the proposed Rule.

Interested persons may submit written comments to: Paul Schexnayder, Post Office Box 66351, Baton Rouge, LA 70896-6351. Written comments will be accepted through March 15, 2008.

Jill P. Boudreaux
Undersecretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Hazardous Material Information
Development Preparedness and Response Act**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes, which include updating the State Police Right To Know Unit address, changing the definition of hospitalization and exempting certain reporting releases of nitrogen oxide and nitrogen dioxide, will not result in any costs or savings to state or local governmental units.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule will have no effect on revenue collections of state or local governmental units as the only effect of these rule changes will be to the amount of release reporting required of private industry.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

Impacted chemical industry entities could experience an unknown net change in costs. With regard to the chemical release reporting rule change, impacted chemical industry entities could experience a slight decrease in costs incurred due to less reporting requirements. However, these same chemical industry entities could experience an increase in reporting costs due to the proposed definition change of hospitalization. These specific rule changes could offset each other.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There will be no effect on competition and employment as a result of the proposed rule changes.

Jill P. Boudreaux
Undersecretary
0802#019

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of State Police**

**Motor Carrier Safety and Hazardous Materials
(LAC 33:V.10303)**

The Department of Public Safety and Corrections, Office of State Police, in accordance with R.S. 49:950 et seq., and R.S. 32:1501 et seq., gives notice of its intent to amend its rules regulating motor carrier safety and hazardous materials by adopting 49 Code of Federal Regulations Parts 107, 355, 360, 365, 367, 373, 374, 375, 376, 379, 384, 387, 388, and 389 by reference. This adoption will enable the state of Louisiana to become compliant with the Federal Motor Carrier Safety Assistance Program and to enforce these additional regulations. This proposed amendment also

updates the revised edition of the Code of Federal Regulations in which the adopted parts are located.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Wastes and Hazardous Materials

**Subpart 2. Department of Public Safety and
Corrections—Hazardous Materials**

**Chapter 103. Motor Carrier Safety and Hazardous
Materials**

**§10303. Federal Motor Carrier Safety and Hazardous
Materials**

A. The following federal motor carrier safety regulations and hazardous materials regulations promulgated by the United States Department of Transportation, revised as of September 1, 2007, and contained in the following Parts of 49 CFR as now in effect or as hereafter amended, are made a part of this Chapter.

Hazardous Material Regulations	
Part 107	Hazardous Materials Program Procedures
Part 171	General Information, Regulations, and Definitions
Part 172	Hazardous Materials Table, Special Provisions, and Hazardous Materials Communications, Emergency Response Information, and Training Requirements
Part 173	Shippers—General Requirements for Shipments and Packagings
Part 177	Carriage by Public Highways
Part 178	Specifications for Packagings
Part 180	Continuing Qualification and Maintenance of Packagings
Motor Carrier Safety Regulations	
Part 355	Compatibility of State Laws and Regulations Affecting Interstate Motor Carrier Operations
Part 360	Fees for Motor Carrier Registration and Insurance
Part 365	Rules Governing Applications for Operating Authority
Part 367	Standards for Registration with States
Part 373	Receipts and Bills
Part 374	Passenger Carrier Regulations
Part 375	Transportation of Household Goods in Interstate Commerce: Consumer Protection Regulations
Part 376	Lease and Interchange of Vehicles
Part 379	Preservation of Records
Part 382	Controlled Substances and Alcohol Use and Testing
Part 383	Commercial Driver's License Standards; Requirements and Penalties
Part 384	State Compliance with Commercial Driver's License Program
Part 385	Safety Fitness Procedures
Part 386	Rules of Practice for Motor Carrier, Broker, Freight Forwarder and Hazardous Materials Proceedings
Part 387	Minimum Levels of Financial Responsibility for Motor Carriers
Part 388	Cooperative Agreements with States
Part 389	Rulemaking Procedures-Federal Motor Carrier Safety
Part 390	Federal Motor Carrier Safety Regulations; General
Part 391	Qualifications of Drivers
Part 392	Driving of Commercial Motor Vehicles
Part 393	Parts and Accessories Necessary for Safe Operation
Part 395	Hours of Service of Drivers
Part 396	Inspection, Repair, and Maintenance
Part 397	Transportation of Hazardous Materials; Driving and Parking Rules

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 14:31 (January 1988), amended LR 17:1115 (November 1991), LR 19:351 (March 1993), LR 20:58 (January 1994), LR 24:956 (May

1998), LR 24:2321 (December 1998), LR 29:711 (May 2003), LR 30:447 (March 2004), LR 32:641 (April 2006), LR 34:

Family Impact Statement

1. The Effect of this Rule on the Stability of the Family. This Rule should not have any affect on the stability of the family.

2. The Effect of this Rule on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. This Rule should not have any affect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect of this Rule on the Functioning of the Family. This Rule should not have any affect on the functioning of the family.

4. The Effect of this Rule on Family Earnings and Family Budget. This Rule should not have any affect on family earnings and family budget.

5. The Effect of This Rule on the Behavior and Personal Responsibility of Children. This Rule should not have any affect on the behavior and personal responsibility of children.

6. The Effect of this Rule on the Ability of the Family or Local Government to Perform the Function As Contained in the Proposed Rule. This Rule should not have any affect on the ability of the family or local government to perform the function as contained in the proposed Rule.

Interested persons may submit written comments to Paul Schexnayder, P.O. Box 66351, Baton Rouge, LA 70896-6351. Written comments will be accepted through March 15, 2008.

Jill P. Boudreaux
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Motor Carrier Safety and Hazardous Materials

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

This rule change adds federal motor carrier safety federal regulations parts 107, 355, 360, 365, 367, 373, 374, 375, 376, 379, 384, 386, 387, 388 and 389 to the administrative rules. The changes to Parts 365 and 367, which are associated with the Unified Carrier Registration (UCR), are the only areas that could have an impact on State Police or the Public Service Commission. The costs of implementation of Parts 365 and 367 are anticipated to be negligible upon State Police and the Public Service Commission. The other changes to federal motor carrier safety federal regulations will have no implementation cost impact upon State Police or the Public Service Commission. No impact is anticipated on local government.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Because this rule is adding federal motor carrier safety federal regulation parts 365 and 367, there could be a significant increase in fees and self-generated revenues and federal revenue collections within State Police. The UCR is a new method of registering freight carriers and freight forwarders in this state. However at this time, the Federal UCR Board has indicated to State Police and the Public Service Commission not to collect registration or enforcement fees for this program until the proper authority to regulate this program (State Police or Public Service Commission) can be

determined. State Police cannot ascertain whether they will ultimately be able to collect fees or receive federal match monies based on collections initially estimated to be several million dollars. Also, the Public Service Commission cannot determine pursuant to this regulation whether they will be authorized to collect fees as well.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Although commercial motor carriers are subject to fines for violation of the Code of Federal Regulations, they are currently subject to fines for these violations and therefore no net impact is anticipated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Those commercial motor carriers who are cited for violations of these rules being adopted could be adversely impacted; however, these motor carriers are currently subject to fines for violations.

Jill P. Boudreaux
Undersecretary
0802#020

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Revenue
Policy Services Division**

Income and Franchise Tax
(LAC 61:I.1911)

Under the authority of R.S. 47:6016, R.S. 47:287.785, and R.S. 47:1511 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, proposes to adopt LAC 61.I.1911.

The purpose of this Rule is to provide guidance to taxpayers interested in earning or transferring Louisiana New Markets Tax Credits.

Title 61

REVENUE AND TAXATION

**Part I. Taxes Collected and Administered
by the Secretary of Revenue**

**Chapter 19. Miscellaneous Tax Exemptions, Credits
and Deductions**

§1911. Louisiana New Markets Tax Credit

A. Application Process for New Markets Tax Credits

1. A taxpayer may apply for a Louisiana new markets tax credit by submitting a private letter ruling request to the Department of Revenue, Policy Services Division.

2. If a taxpayer is entitled to the credit, a ruling and a tax credit summary sheet will be issued to the taxpayer.

a. The tax credit summary sheet will include:

- i. the private letter ruling number;
- ii. the investor and entity type;
- iii. if the entity is an LLC or partnership, the investor's membership interest;
- iv. the amount invested;
- v. the amount intended to be invested;
- vi. the amount of credits;
- vii. the initial credit allowance date;
- viii. the anniversary dates;
- ix. name of the community development entity;

x. name of the qualified low-income business, if available; and

xi. number of credit allowance dates.

b. The tax credit summary sheet will also include a section that must be updated each time the credit is transferred. This section will include:

i. the original investor;

ii. the transferor;

iii. the transferee;

iv. all applicable Louisiana tax identification numbers;

v. the amount of credits previously claimed or sold by transferor and/or investor;

vi. the transferor's original tax credit balance;

vii. the transferor's tax credit balance after transfer;

viii. the amount being transferred;

ix. nature of transfer, currently available credits or future credits;

x. if currently available credits, from which credit allowance date; and

xi. purchase amount.

3. A Louisiana taxpayer that earned the credit must attach the tax credit summary sheet to their income or franchise tax return to claim the credit.

4. A Louisiana taxpayer that purchases the credit must attach the new markets transfer form, issued by the transferor, to their return to claim the credit. The new markets transfer form is available online on the department's website.

B. Claiming the New Markets Tax Credit

1. New markets tax credits earned by a taxpayer or received by taxpayer by flow through from a partnership or LLC may be applied as follows.

a. The credits may be applied to the tax year in which the credit allowance date occurred.

b. The credits may not be applied to penalties and interest.

c. Prior year returns that include the credit allowance date may be amended to apply credits.

d. The credits may be applied against taxes paid in the prior year and the taxes paid may be refunded. However, the new markets tax credit is nonrefundable and credits in excess of the tax paid in the prior year can only be carried forward in accordance with R.S. 47:6016(D).

2. New markets tax credits transferred by sale to a taxpayer may be applied as follows.

a. The credit may be applied to a prior year's outstanding tax liability including penalties and interest as provided by R.S. 47:1675(H)(1)(c).

b. A taxpayer that purchases the credits may not amend their prior year returns to claim credits where no liability is currently outstanding and therefore trigger a refund.

C. Limitations on the New Markets Tax Credit

1. New markets tax credits earned from qualified equity investment issued prior to July 1, 2007, are subject to an annual \$5 million cap applicable to the total new markets tax credits issued for the year. Once the cap is reached, no other credits will be granted that year.

2. New markets tax credits earned from qualified equity investments issued after July 1, 2007, are subject to either the \$50 million cap on the entire new markets credit program or a December 31, 2012, sunset date, whichever comes first. Once the cap is reached or December 31, 2012 occurs, no other credits will be granted.

D. New Markets Tax Credits Transfer Process

1. Any new markets tax credits not previously claimed by a taxpayer against their income or franchise tax may be transferred or sold to a Louisiana taxpayer.

2. The original investor, who transfers the credit, must send an updated tax credit summary sheet separately to the Department of Revenue within 30 days of the sale. The original investor should also include a New Markets Transfer Form with closing documents to the transferee.

3. The transferee must submit the New Markets Transfer Form with their income or franchise tax return to claim the credits.

4. Any transferor (other than the original investor) should use a New Markets Transfer Form to transfer credits to another Louisiana taxpayer and send a copy of the form to the department within 30 days of the sale.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:6016, R.S. 47:287.785, and R.S. 47:1511.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 34:

Family Impact Statement

This Family Impact Statement is provided as required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature.

1. Implementation of this proposed Rule will have no effect on the stability of the family.

2. Implementation of this proposed Rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. Implementation of this proposed Rule will have no effect on the functioning of the family.

4. Implementation of this proposed Rule will have no effect on family earnings and family budget.

5. Implementation of this proposed Rule will have no effect on the behavior and personal responsibility of children.

6. Implementation of this proposed Rule will have no effect on the ability of the family or a local government to perform this function.

Interested person may submit written data, views, arguments, or comments regarding this proposed Rule to Michael D. Pearson, Senior Policy Consultant, Policy Services Division, Office of Legal Affairs, by mail to P.O. Box 44098, Baton Rouge, LA 70804-4098 or by fax to (225) 219-2759. All comments must be received no later than 5 p.m., Tuesday, March 25, 2008. A public hearing will be held on Wednesday, March 26, 2008, at 10:30 a.m. in the River Room, on the seventh floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA 70802.

Cynthia Bridges
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Income and Franchise Tax

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The Fiscal Note on Act 379 of the 2007 Regular Session reported that the Louisiana Department of Revenue would need at least one additional position at an annual cost of approximately \$40,000 to administer the amended program. The Department of Revenue will also need two new forms to facilitate the transfer of the New Markets Tax Credit as described in this proposed rule. The Legislature did not appropriate additional funds to the Louisiana Department of Revenue to administer the proposed changes to the New Markets Tax Credit Program. As such, the Department of Revenue will administer the changes to the program within existing staff and resources. The implementation of this proposed regulation will have no costs to local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

State general fund revenues will decline by approximately the following amounts due to tax credits granted by Act 379 and the proposed rules: Fiscal Year 2007-08 (\$17.95 million), Fiscal Year 2008-09 (\$20.3 million), Fiscal Year 2009-10 (\$11 million), Fiscal Year 2010-11 (\$750,000). The program is fully subscribed, reaching the statutory limit of \$50 million in total credits. There will be no effect on revenue collections of local governmental units as a result of this proposed regulation.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The New Markets Tax Credit program exists to create investment into urban and rural low-income areas to help finance community development projects, stimulate economic growth and create jobs. As such, companies operating in these areas within the program requirements will receive a subsidy in the form of a tax credit.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Other projects competing for economic resources with projects participating in the program may be adversely affected or face higher costs than otherwise. Companies with participating projects will employ individuals. However, the aggregate level of economy wide employment is not likely to be materially affected.

Cynthia Bridges
Secretary
0802#023

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Social Services
Office of Family Support**

**Food Stamp Program—Work Participation Requirements
for Able-Bodied Adults without Dependents
(LAC 7:III.1940)**

The Department of Social Services, Office of Family Support, proposes to amend the Administrative Procedure Act, R.S. 49:953(B) in Title 67:III, Subpart 3, Food Stamp Program, Chapter 19, Certification of Eligible Households, Section 1940, Work Participation Requirements for Able-bodied Adults Without Dependents.

Revisions are needed in order to be consistent with federal regulations for the Food Stamp Program in 7 CFR 273.24. Failure to comply with federal regulations regarding the Food Stamp Program can result in federal sanctions. Changes include corrections to the exemptions to the work participation requirements for able-bodied adults without dependents and clarification of language concerning the one-time three month extension of eligibility for individuals who regain eligibility but are no longer fulfilling the work requirement provisions. The changes do not affect current recipients because prior to November 1, 2007, Louisiana had a statewide waiver from the work participation requirements for able-bodied adults without dependents.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 3. Food Stamp Program

Chapter 19. Certification of Eligible Households

Subchapter G. Work Requirements

**§1940. Work Participation Requirements for Able-bodied Adults without Dependents
[Effective 10/1/97 by Emergency Rule]**

A. - A.3. ...

B. An individual is exempt from this requirement if the individual is:

1. under age 18, or 50 years of age or older;
2. medically certified as physically or mentally unfit for employment;
3. a parent of a household member under age 18, even if the household member who is under age 18 does not receive food stamps;
4. residing in a household where a household member is under age 18, even if the household member who is under age 18 does not receive food stamps;
5. pregnant; or
6. otherwise exempt from work registration requirements.

C. Individuals can regain eligibility for assistance.

1.-1.c. ...

2. An individual who regained eligibility and who is no longer fulfilling the work requirement is eligible for three consecutive countable months one time in any 36 month period, starting on the date the individual first notifies the agency that he or she is no longer fulfilling the work requirement, unless the individual has been satisfying the work requirement by participating in a work or workfare program, in which case the period starts on the date the agency notifies the individual that he or she is no longer meeting the work requirement.

D. The first countable month of this provision is November, 1996.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, 7 CFR 273.24.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 23:81 (January 1997), amended LR 34:

Family Impact Statement

1. What effect will this Rule have on the stability of the family? This Rule should have no impact on the stability of the family since it is only applicable to able-bodied adults without dependents.

2. What effect will this have on the authority and rights of persons regarding the education and supervision of

their children? This Rule applies to able-bodied adults without dependents and thus should have no impact on the education and supervision of children.

3. What effect will this have on the functioning of the family? This Rule should have no impact on the functioning of the family.

4. What effect will this have on family earnings and family budget? This Rule should have no impact on family earnings and family budget.

5. What effect will this have on the behavior and personal responsibility of children? This Rule will have no impact on the behavior and personal responsibility of children.

6. Is the family or local government able to perform the function as contained in this proposed Rule? The family or local government will be able to perform the function as contained in this proposed Rule.

All interested persons may submit written comments through, March 27, 2008, to Adren O. Wilson, Assistant Secretary, Office of Family Support, Baton Rouge, LA, 70804-9065.

A public hearing on the proposed Rule will be held on Thursday, March 27, 2008, at the Department of Social Services, Iberville Building, 627 North Fourth Street, Seminar Room 1-129, Baton Rouge, LA, beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the 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—Work Participation Requirements for Able-Bodied Adults without Dependents**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The purpose of this proposed rule is to amend R.S. 49:953(B) in Title 67:III, Subpart 3 to modify the language used for exemption requirements and requirements to regain eligibility for able-bodied adults without dependents who lose eligibility to receive food stamps.

The only modification in the proposed rule that could result in a minimum cost is that 50-year old able-bodied adults who no longer meet eligibility requirements to receive food stamps can now be exempted from the one-time three-month limit, which would allow these individuals to receive food stamps for a longer period of time. Any costs incurred would be funded with 100% federal funds. The only other cost associated with this rule is \$600 for publishing and printing of the rule. These costs are routinely covered in the agency's annual budget.

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 governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change could result in an economic benefit to 50-year old able-bodied adults who did not previously qualify for exemption from the three-month time limit to receive food stamps. This rule change would allow these individuals to receive food stamps for a longer period of time. The number of persons that will be impacted is expected to be minimal.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will not impact competition or employment.

Aden O. Wilson
Assistant Secretary
0802#051

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of State Secretary of State

Address Confidentiality Program
(LAC 4:XIX.Chapter 1)

Under the provisions of R.S. 44:52(A)(2), R.S. 36:742, and the Administrative Procedure Act (R.S. 49:950 et seq.), the Secretary of State hereby gives notice of his intent to establish guidelines for the Address Confidentiality Program.

Title 4

ADMINISTRATION

Part XIX. Secretary of State

Chapter 1. Address Confidentiality Program

§101. Summary of Program

A. The Address Confidentiality Program (ACP) provides relocated victims of abuse, sexual assault, or stalking with a substitute address to use in place of their actual address when they apply for or receive state or local government services (e.g., driver's license, voter registration, public school records, etc.). The goal of the program is to prevent an assailant or potential assailant from finding the location of a victim through the state's public records. The program is not a witness protection program and does not assist participants in obtaining new names, Social Security numbers, or in relocating them to a new residence. The ACP does not provide legal advice to the participant.

B. The ACP acts as the agent of an ACP participant for purposes of service of process and forwards all first-class, certified, or registered mail to the participant.

C. The ACP works with state and local government agencies to ensure compliance of ACP legislation and to facilitate the use of the substitute address.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2), R.S. 44:56 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:

§103. Eligibility Requirements

A. Any person attempting to escape from actual or threatened abuse, sexual assault, or stalking can apply for participation in the ACP. To participate in the program, a victim must meet the following criteria:

1. be a victim of abuse, sexual assault, or stalking;
 2. be concerned for the safety of self, children, or household members;
 3. be a resident of Louisiana;
 4. relocate or plan to relocate to an address unknown to his/her abuser;
 5. not have made any public record in new location (i.e., telephone number, utilities, driver's license, etc.);
 6. live in a residence that the victim does not own (The ACP cannot protect victims if a house has been purchased in their name.);
 7. be 18 years of age or older; or
 8. be a parent or guardian acting on behalf of a minor;
- or
9. be a parent or guardian acting on behalf of an incapacitated individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2) and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:

§107. ACP Process

A. A victim of abuse, sexual assault, or stalking moves to a new location (in Louisiana) that is unknown to his/her abuser, and a public record of the new address has not been created (i.e., telephone number, driver's license, utilities, etc.).

B. The victim calls the ACP and is referred to an agency with a certified ACP Application Assistant.

C. The victim meets with an ACP Application Assistant to apply for participation in the ACP.

D. The ACP Application Assistant sends the application to the ACP.

E. The ACP reviews the information on the application and if all conditions have been met, the victim is certified as a program participant.

F. The new participant is assigned an ACP code, and an ACP authorization card is issued for each member of the household.

G. The program participant (and co-participants) can now apply for state and local government services using the substitute address as his/her legal address.

H. The ACP forwards all first-class, certified, and registered mail to the program participant's actual mailing address.

I. The program participant's actual residential address and telephone number are not public record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2), R.S. 44:56, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:

§109. Definition of a Participant and Co-Participant(s)

A. A victim becomes an ACP participant after he/she meets the criteria set forth by the ACP legislation. A co-participant is a household member (i.e., child, spouse, sister, etc.) who lives with the participant and is listed on the ACP application. Household members are not required to be in the ACP; however, it is strongly advised that they be a part of the ACP as it is important for everyone in the household to use the substitute address.

B. The participant and co-participants share the same ACP code and the same substitute address. The participant and co-participants are afforded the same legal protections of

the ACP and must agree to abide by the same rules and guidelines of participation in the ACP.

C. Once the participant has completed the proper application form, the secretary of state shall certify the applicant as a program participant which certification shall be valid for four years following the date of filing unless the certification is cancelled.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2), R.S. 44:56 and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:

§111. Substitute Address

A. The substitute address assigned to participants has no relationship to participants' actual address and all participants use the same address.

B. The substitute address can be used as the participant's residential, school, and work address. The address should always be used when applying for state and local government services. Private companies are not required to accept the substitute address; however, upon request, many companies use the substitute address. Program participants should also use the ACP address with work associates, friends, and family members.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2), R.S. 44:54, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:

§113. Authorization Card

A. Each applicant is asked to sign an ACP authorization card and the card of every co-applicant under the age of 18. Co-applicants that are 18 or older, sign their own authorization card. The ACP issues an ACP authorization card for each member of the household. Use of the substitute address may begin when participants receive their ACP authorization card.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2) and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:

§115. ACP Code

A. The ACP code is a specific number assigned to each participant and co-participant and is used to sort and distribute participant mail. Participants and co-participants in the same household share the same ACP code and all mail addressed to a participant should include this number. If the ACP code is not included as part of an address; delivery of a participant's mail can be delayed and in some cases, may be returned to the sender.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2) and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:

§117. Mail-Forwarding Service

A. The ACP provides first-class mail forwarding service to participants using the substitute address. All first-class, certified, and registered mail received at the substitute address is forwarded as first-class mail to the mailing address provided on the application by the participant. The ACP does not forward books, magazines, periodicals, packages, or junk mail. Packages are returned to the sender and junk mail or magazines are discarded. Program participants can expect their mail to be delayed 5 to 10 days as all mail is forwarded from a Baton Rouge address. The

ACP does not track or maintain records of any mail received on behalf of the program participants unless the mail is certified or registered.

B. Participants are asked to directly communicate with all their business/personal contacts to inform them of the substitute address they will be using as their mailing address and the address for public record. Participants are asked not to submit a change of address form to the U.S. Postal Service as this can cause confusion for the post office and can delay the participant's mail.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2) and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:

§119. Voter Registration

A. A program participant may vote absentee by mail upon meeting the necessary requirements. The participant's substitute address shall be used for registration and voting and the participant's name and physical address shall not be included on any list of registered voters available to the public. A program participant shall not vote during early voting in-person or in-person at the polls on election day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2) and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:

§121. Service of Process

A. A program participant designates the ACP as an agent for service of process and receipt of mail and legal documents. The ACP receipt of documents constitutes the participant's receipt of the documents. Participants cannot use the program to avoid legal action or to hide from legal responsibilities by refusing to accept mail forwarded by the ACP. Participants are legally responsible for obligations contained in all documents forwarded to them by the ACP. ACP will accelerate delivery (i.e., Fed Ex, UPS, etc.) on legal papers participants are served. All legal delays for service of citation or other process on a program participant shall be extended 10 days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2) and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:

§123. Disclosure of Records

A. The ACP is prohibited from disclosing the address or telephone number of a program participant except under the following circumstances.

1. The information is requested by a federal, state, or local law enforcement agency for official use only.

2. The information is required by direction of a court order.

3. The information is requested by an agency to verify the participation of a program participant when the verification is for official use only. ACP will give no additional information except to verify participation in the program.

B. The ACP will provide immediate notification of disclosure to program participants when disclosure is made under LAC 4:XIX.123.A.2 above.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2) and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:

§125. Notification to Courts

A. If at the time of application, a program participant is subject to court order or is involved in a court action related to divorce proceedings, child support, child custody, or child visitation, the ACP shall notify the court that issued the order or the court having jurisdiction over the action, of the certification of the program participant in the ACP and of the substitute address designated by the Secretary of State.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2) and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:

§127. State and Local Government Agency Exemption

A. A state or local government agency may request a waiver from the requirements of the ACP by submitting a waiver request. The waiver is an explanation of why the agency cannot meet its statutory or administrative obligations by using the ACP substitute address. If the ACP accepts the waiver, the agency will only use the participant's actual address for statutory or administrative purposes and will not be public record. Acceptance or denial of an agency's waiver request is not subject to further review.

B. Participants subject to the Sex Offender and Public Protection Registration Programs must disclose their actual residential address as required by the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2) and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:

§129. Certification

A. Applicants are certified as participants for four years following the date of certification unless withdrawal or cancellation occurs before the expiration date. Participants can renew their certification if they still consider themselves at risk by completing another application with an ACP Application Assistant within 30 days prior to their expiration date. Upon the receipt and approval of a completed ACP application, the applicant will be on record as a certified program participant and will receive a welcome packet with more detailed information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:52(A)(2), R.S. 44:53, and R.S. 36:742.

HISTORICAL NOTE: Promulgated by the Department of State, Secretary of State, LR 34:

Family Impact Statement

The proposed Rule LAC 4:XIX Chapter 1 regarding the Address Confidentiality Program will have a foreseeable impact on the mother and any children as defined by R.S. 49:972D or on family formation, stability, and autonomy. Specifically, there should be a foreseeable effect on:

1. the stability of the family;
2. the functioning of the family;
3. the behavior and personal responsibility of children; and
4. the ability of the family or a local government to perform the function as contained in the proposed Rule.

The proposed Rule LAC 4:XIX Chapter 1 regarding the Address Confidentiality Program does not have any known or foreseeable impact on any family as defined by R.S. 49:972D or on family formation, stability, and autonomy. Specifically, there should be no known or foreseeable effect on:

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

5. the authority and rights of parents regarding the education and supervision of their children; and

6. family earnings and family budget.

Interested persons may submit written comments to Angie Rogers LaPlace, Commissioner of Elections, Department of State, P.O. Box 94125, Baton Rouge, LA 70804-9125. She will be responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Tuesday, March 25, 2008 at 10 a.m. in the State Archives Building, Auditorium, 3851 Essen Lane, 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 department to receive written comments is 4:30 p.m. on Wednesday, March 26, 2008 after the public hearing.

Jay Dardenne
Secretary of State

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Address Confidentiality Program

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The Address Confidentiality Act was enacted by Act 613 of 2006 within the Department of State with the responsibility for implementation of the program being placed within the Department of State. The department anticipated, at the time of the Act's passage, that a minimal initial expenditure increase of \$4,500 would be necessary for implementation of the program, and that recurring expenditures would approximate \$3,000 annually. The program currently provides for the forwarding of mail for approximately 20 program participants, and anticipates as many as 40 participants during Fiscal Year 2008-09. The proposed rule provides for establishment of specific guidelines for the conduct of the program. The department anticipates the employment of an additional person at \$82,900 in salaries and operating expenses to provide for training approximately 250 advocate groups statewide for the purpose of certifying address confidentiality program application assistants. If the proposed rule is implemented as contemplated, and additional funding is not appropriated for this purpose by the legislature, the department would have to absorb the expenditures associated with this effort.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state and local government units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be a minimal cost to non-governmental groups to attend training sessions conducted by the Department and assisting applicants with the completing of application forms to participate in the program and the mailing of an applicant's form to the Department.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no impact of the proposed rule on competition and employment.

Charles R. Davis
Undersecretary
0802#012

Robert E. Hosse
Staff Director
Legislative Fiscal Office

during the open trapping season unless he is the holder of a valid trapping license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Nutria. On WMAs and private property nutria may be taken recreationally by licensed hunters from September 1 through the last day of February, during legal shooting hours by any legal hunting method with a daily limit of five. When taken with a shotgun, steel shot must be used. On WMAs during waterfowl seasons, nutria may be taken only with the use of shotguns with shot no larger than F steel, and during gun deer seasons, anyone taking nutria must display 400 square inches of "hunter orange" and wear a "hunter orange" cap or hat. Recreational nutria hunters must remove each nutria carcass in whole condition from the hunting area, except that nutria may be gutted. Possession of detached nutria parts, including nutria tails, by recreational hunters is illegal. Nutria harvested recreationally may not be pelted nor may such nutria or any nutria parts from recreationally taken nutria be sold, including the tail. Trespassing upon private property for the purpose of taking nutria or other furbearing animals is punishable by fines and possible jail time (R.S. 56:265). The Coastwide Nutria Control Program is a separate program and is in no way related to the nutria recreational season. For questions on the Coastwide Nutria Control Program, call the New Iberia office (337) 373-0032.

4. Blackbirds and Crows. The season for crows shall be September 1 through January 1 with no limit; however crows, blackbirds, cowbirds and grackles may be taken year round during legal shooting hours if they are depredate 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 depredate and that crows have been implicated in the spread of the West Nile virus in humans.

5. Pheasant. Open concurrently with the quail season; no limit.

6. Falconry. Special permit required. Resident and migratory game species may be taken except turkeys. Seasons and bag limits are the same as for statewide and WMA regulations. Refer to LAC 76:V.301 for specific Falconry rules.

7. Licensed Hunting Preserve. October 1-April 30. Pen-raised birds only. No limit entire season. Refer to LAC 76:V.305 for specific Hunting Preserve rules.

8. Deer Management Assistance Program (DMAP). Land enrolled in the voluntary program will be assessed a \$25 registration fee and \$0.05/acre fee. Deer management assistance tags must be in the possession of the hunter in order to harvest an antlerless deer. The tag shall be attached through the hock in such a manner that it cannot be removed before the deer is transported (including those taken on either-sex days and those taken with bow or muzzleloader). Antlerless deer harvested on property enrolled in DMAP does not count in the season or daily bag limit for hunters. Failure to do so is a violation of R.S. 56:115. Failing to follow DMAP rules and regulations may result in suspension and cancellation of the program on those lands involved. Refer to LAC 76:V.111 for specific DMAP rules.

9. Landowner Assistance Deer Tag (LADT)

a. Eligibility for LADT is limited to the following landowners or lessees:

- i. license deer farmers;
- ii. landowners or lessees with less than 500 acres who have verified deer depredation problems;
- iii. landowners with 40 acres or more enrolled in the Louisiana Forest Stewardship Program; and
- iv. landowners or lessees with 40 or more contiguous acres of forested or marsh land.

b. Each applicant will be assessed a \$25 administrative processing fee. Each hunter must have the landowner antlerless deer tag in his possession while hunting on the property for which the tag was issued and immediately upon kill of an antlerless deer, the hunter must tag the animal through the hock. The deer must be tagged before it is transported from the site of kill and the tag will remain with the deer while the hunter is in route to his domicile. Antlerless deer harvested on property enrolled in LADT does not count in the season or daily bag limit for hunters. For more information, contact any Wildlife Division 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 crossbow) and arrow; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber

centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including 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. No person other than the holder of a valid big game license may take or possess bobcat, except licensed trappers who may take or possess bobcat during the open trapping season. A big game licensee shall only take bobcat during the time period from one-half hour before sunrise to one-half hour after sunset with a bow and arrow, shotgun, muzzleloader or centerfire firearm. A big game licensee shall not take more than one bobcat per calendar year. This regulation applies only to property that is privately owned and state wildlife management areas and does not apply to state wildlife refuges, the Kisatchie National Forest, federally owned refuges and lands owned by the Corps of Engineers. On state wildlife management areas, the take of bobcat is restricted to those open seasons on the WMAs which require the respective legal weapons noted above.

D. Hunting-General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. All persons born on or after September 1, 1969 must show proof of satisfactorily completing a hunter safety course approved by LDWF to purchase a basic hunting license, except any active or veteran member of the United States armed services or any POST-certified law enforcement officer. Application for the exemption shall be filed in person at the 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.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer. A separate wild turkey license is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of Taking Resident Game Birds and Quadrupeds

a. It is illegal to intentionally feed, deposit, place, distribute, expose, scatter, or cause to be fed, deposited, placed, distributed, exposed, or scattered raw sweet potatoes to wild game quadrupeds.

b. Use of a longbow (including compound bow and crossbow) and arrow or a shotgun not larger than a 10 gauge fired from the shoulder without a rest shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than a .22 caliber rimfire or a 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 when using dogs during still hunting segments of the firearm and archery only season for deer. Foxes are protected quadrupeds and may be taken only with traps by licensed trappers during the trapping season. Remainder of the year "chase only" allowed by licensed hunters.

9. Hunting and/or Discharging Firearms on Public Roads. Hunting, standing, loitering or shooting game quadrupeds or game birds with a gun during open season while on a public highway or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and rights-of-way is prohibited and these provisions will be strictly enforced.

10. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. On lands enrolled in DMAP, deer management assistance tags must be attached and locked through the hock of antlerless deer, (including those taken with 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.

E. General Deer Hunting Regulations

1. Prior to hunting deer, all deer hunters, regardless of age or license status, must obtain deer tags and have in possession when hunting deer. Immediately upon harvesting a deer, the hunter must tag the deer with the appropriate carcass tag and document the kill on the deer tag license. Within 72 hours the hunter must validate the kill and record the validation number on the license. Hunters harvesting deer on DMAP and LADT lands can validate deer per instructions by LDWF using the DMAP and LADT harvest data sheets. Hunters on wildlife management areas can validate deer during mandatory deer check hunts, when deer check stations are in operation. Hunters may validate deer by calling the validation toll free number or using the validation web site.

2. One antlered and one antlerless deer per day (when legal) except on National Forest Lands and some Federal Refuges (check refuge regulations) where the daily limit shall be one deer per day. Season limit is six, three antlered

bucks and three antlerless deer (all segments included) by all methods of take, except antlerless harvest on property enrolled in DMAP and LADT does not count in the season or daily bag limit for hunters and except antlerless harvest on state wildlife management areas during the daily permit deer hunts, when validated by LDWF personnel, does not count in the season bag limit for hunters. Antlerless deer may be harvested during entire deer season on private lands (all segments included) except in the following parishes: West Carroll and portions of East Carroll. Consult regulations pamphlet, modern firearms table for either-sex days for these parishes. This does not apply to public lands (wildlife management areas, National Forest Lands, and Federal Refuges) which will have specified either-sex days.

3. A legal buck is a deer with visible antler of hardened bony material, broken naturally through the skin. Killing bucks without at least one visible antler as described above and killing does is prohibited except where specifically allowed and EXCEPT in Thistlethwaite Wildlife Management Area where a legal buck shall be defined as deer with at least 4 points on one side or a deer with unbranched antlers commonly referred to as spikes (no minimum length). To be counted as a point, a projection must be at least one inch long and its length must exceed the length of its base. The beam tip is counted as a point but not measured as a point.

4. Deer hunting restricted to legal bucks only, except where otherwise allowed.

5. Either-sex deer is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

6. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or rifled slug. Handguns may be used for hunting.

7. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

8. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. 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.

9. It is illegal to take deer while deer are swimming or while the hunter is in a boat with motor attached in operating position; however the restriction in this Paragraph shall not apply to any person who has lost one or more limbs.

10. Areas not specifically designated as open are closed.

11. 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.

b. Special Youth Deer Shotgun Season on Private Land (either-sex). Youths under the age of 16 may hunt deer with shotguns using slugs only during the muzzleloader season in each deer hunting area.

12. Archery Segment. Consult regulations pamphlet. WMA seasons are the same as outside except as noted below. Archery license required for resident bow hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either-sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, and except in Area 6 from October 1-15. Archers must conform to the bucks only regulations. Either-sex deer may be taken on WMAs at anytime during archery season EXCEPT when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Lake Boeuf, and Pointe-aux-Chenes WMAs (See Schedule).

a. Bow and Arrow Regulations. Longbow, compound bow and crossbow or any bow drawn, held or released by mechanical means will be a legal means of take for all properly licensed hunters. Hunting arrows for deer must have well-sharpened broadhead points. Bow and arrow fishermen must have a sport fishing license and not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to carry a gun, including those powered by air or other means, while hunting with bow and arrow during the special bow and arrow deer season except it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot) only;

(b). to have in possession or use any poisoned or drugged arrow or arrows with explosive tips;

(c). to hunt deer with a bow having a pull less than 30 pounds;

(d). to hunt with a bow or crossbow fitted with an infrared, laser sight, electrically-operated sight or device specifically designed to enhance vision at night (does not include non-projecting red dot sights) [R.S. 56:116.1.A.(3)].

13. 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".

14. Special Handicapped Either-Sex Deer Season on Private Land. First Saturday of October for 2 days. Restricted to individuals with Physically Challenged Hunter Permit.

15. Special Youth Deer Hunt on Private Lands (Either-Sex). Areas 1, 4, 5 and 6—last Saturday of October for 2 days; Area 2—second Saturday of October for 2 days; and Areas 3, 7 and 8—fourth Saturday of September for 2 days. Youths 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. East Carroll—east of mainline Mississippi River Levee and south and east of La. 877 from West Carroll Parish line to La. 580, south of La. 580 to U.S. 65, west of U.S. 65 to Madison Parish line.

iii. Grant—east of U.S. 165 and south of La. 8.

iv. LaSalle—south of a line beginning where Little River enters Catahoula Lake following the center of the lake eastward to Old River then to U.S. Highway 84, east of U.S. Highway 84 northward to La. Highway 8, south of La. Highway 8 eastward to parish line.

- v. Livingston—north of I-12.
- vi. Rapides—east of U.S. 165 and north of Red River.
- vii. 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.
- viii. Tangipahoa—north of I-12.
- ix. West Feliciana—all except that portion known as Raccourci and Turnbull Island.
- c. Still hunting only in all or portions of the following parishes:
 - i. Catahoula—south of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to La. 8 at Harrisonburg, west of La. 8 to La. 913, west of La. 913 and La. 15 to Deer Creek.
 - ii. East Carroll—east of mainline Mississippi River Levee and south and east of La. 877 from West Carroll Parish line to La. 580, south of La. 580 to U.S. 65, west of U.S. 65 to Madison Parish line.
 - iii. East Feliciana and East Baton Rouge—east of Thompson Creek from the Mississippi state line to La. 10, north of La. 10 from Thompson Creek to La. 67 at Clinton, west of La. 67 from Clinton to Mississippi state line, south of Mississippi state line from La. 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of La. 67 from La. 64 north to parish line, south of parish line from La. 64 eastward to Amite River, west of Amite River southward to La. 64, north of La. 64 to La. 37 at Magnolia, east of La. 37 northward to La. 64 at Indian Mound, north of La. 64 from Indian Mound to La. 67. Also, that portion of East Feliciana Parish east of La. 67 from parish line north to La. 959, south of La. 959 east to La. 63, west of La. 63 to Amite River, west of Amite River southward to parish line, north of parish line westward to La. 67.
 - iv. Franklin—all.
 - v. St. Helena—north of La. 16 from Tickfaw River at Montpelier westward to La. 449, east and south of La. 449 from La. 16 at Pine Grove northward to Rohner Road, south of Rohner Road to LA 1045, south of LA 1045 to the Tickfaw River, west of the Tickfaw River from La. 1045 southward to La. 16 at Montpelier.
 - vi. Tangipahoa—that portion of Tangipahoa Parish north of La. 10 from the Tchefuncte River to La. 1061 at Wilmer, east of La. 1061 to La. 440 at Bolivar, south of La. 440 to the Tchefuncte River, west of the Tchefuncte River from La. 440 southward to La. 10.
 - vii. Washington and St. Tammany—east of La. 21 from the Mississippi state line southward to the Bogue Chitto River, north of the Bogue Chitto River from La. 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi state line, south of the Mississippi state line from the Pearl River westward to La. 21. Also, that portion of Washington Parish west of La. 25 from the Mississippi state line southward to the Bogue Chitto River, then west of the Bogue Chitto River to its junction with the St. Tammany Parish line, north of the St. Tammany Parish line to the

- Tangipahoa Parish line, east of the Tangipahoa Parish line to the Mississippi state line, south of the Mississippi state line to its junction with La. 25.
- viii. West Feliciana—west of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of 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—north of U.S. 190 from parish line westward to Kinder, east of U.S. 165 from Kinder northward to La. 10 at Oakdale, north of La. 10 from Oakdale westward to the parish line.
 - ii. Avoyelles—that portion west of I-49.
 - iii. Catahoula—west of Boeuf River to Ouachita River, west of Ouachita River from its confluence with Boeuf River to La. Highway 8, north and west of La. Highway 8 southwesterly to parish line.
 - iv. Evangeline—all except the following portions: east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte, and north of U.S. 167 east of Ville Platte.
 - v. Grant—all except that portion south of La. 8 and east of U.S. 165.
 - vi. Jefferson Davis—north of U.S. 190.
 - vii. LaSalle—north of a line beginning where Little River enters Catahoula Lake, following the center of the lake eastward to Old River then to U.S. Highway 84, west of U.S. Highway 84 northward to La. Highway 8, north of La. Highway 8 eastward to parish line.
 - viii. Morehouse—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 Parish line at Wham Brake.
 - ix. Ouachita—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 Parish line at Wham Brake.
 - x. Rapides—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.
 - xi. Vernon—north of La. Highway 10 from the parish line westward to La. 113, south of La. 113 eastward to parish line. Also the portion north of La. 465 west of La. 117

from Kurthwood to Leesville and north of La. 8 from Leesville to Texas state line.

c. Still hunting only in all or portions of the following parishes:

i. Claiborne and Webster—Caney, Corney and Middlefork tracts of Kisatchie National Forest. (See Kisatchie National Forest Regulations).

ii. Ouachita - East of Ouachita River.

iii. Rapides—west of 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—east of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to La. 465, east and north of La. 465 to Rapides Parish line.

3. Area 3

a. All of Acadia, Cameron and Vermilion Parishes are open.

b. Portions of the following parishes are also open:

i. Allen—south of U.S. 190 and west of La. 113.

ii. Beauregard—west of La. 113 and east of La. 27 from the parish line northward to DeRidder and north of U.S. 190 westward from DeRidder to Texas state line.

iii. Calcasieu—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—west of U.S. 90 and north of La. 14.

v. Jefferson Davis—all except north of U.S. 190.

vi. Lafayette—west of I-49 and U.S. 90.

vii. Rapides—south of La. 465 to junction of La. 121, west of La. 121 and La. 112 to Union Hill and north of La. 113 from Union Hill to Vernon Parish line.

viii. St. Landry—west of U.S. 167.

ix. Vernon—west and north of La. 113, south of La. 465, east of La. 117 from Kurthwood to Leesville, and south of La. 8 from Leesville to Texas state line.

4. Area 4

a. All of Richland parish is open.

b. Portions of the following parishes are open:

i. East Carroll—west of mainline Mississippi River Levee and north and west of La. 877 from West Carroll Parish line to La. 580, north of La. 580 to U.S. 65, east of U.S. 65 to Madison Parish line.

ii. 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.

iii. 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 the following parishes are open: Ascension, Assumption, Iberville, Jefferson, Lafourche, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. James, St. John, St. Martin, Terrebonne, West Baton Rouge.

b. Portions of the following parishes are also open:

i. Avoyelles—all except that portion west of I-49.

ii. Evangeline—that portion east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte and north of 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 the Atchafalaya River, east of the Atchafalaya River southward to Bayou Shaffer, north of Bayou Shaffer to Bateman Lake, north and west of Bayou Chene from Bateman Lake to Lake Palourde.

ix. St. Tammany—that portion south of I-12, west of 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.

c. Still hunting only in all or portions of the following parishes:

i. Avoyelles—north of La. 1 from Simmesport westward to La. 115 at Marksville, east of La. 115 from Marksville northward to the Red River near Moncla, south and west of the Red River to La. 1 at Simmesport.

ii. Plaquemines—east of the Mississippi River.

iii. Rapides—south of Alexandria between Red River and 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.

vii. High Water Benchmark Closure. Deer hunting in those portions of Iberia, Iberville, St. Martin, and St. Mary parishes south of Interstate 10, west of the East Guide Levee, east of the West Guide Levee, and north of U.S. Highway 90 will be closed when the river stage of the Atchafalaya River reaches 18 feet at Butte LaRose.

7. Area 7

- a. Portions of the following parishes are open:
 - i. Iberia—south of La. 14 and west of U.S. Hwy.

90.

- ii. St. Mary—all except that portion 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 the Atchafalaya River, east of the Atchafalaya River southward to Bayou Shaffer, north of Bayou Shaffer to Bateman Lake, north and west of Bayou Chene from Bateman Lake to Lake Palourde.

8. Area 8

- a. Portions of the following parishes are open:
 - i. Allen—that portion east of La. 113 from the parish line to U.S. 190, north of U.S. 190 eastward to Kinder, west of U.S. 165 northward to La. 10 at Oakdale and south of La. 10 from Oakdale westward to parish line.
 - ii. Beauregard—that portion east of La. 113. Also that portion west of La. 27 from parish line northward to DeRidder, south of U.S. 190 from DeRidder to Texas state line.
 - iii. Calcasieu—that portion east of La. 27 from the parish line southward to Sulphur and north of U.S. 90 from Sulphur to the Texas state line.
 - iv. Vernon—that portion east of La. 113 from the parish line northward to Pitkin and south of La. 10 from Pitkin southward to the parish line.

G. 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 4 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 and hunting regulations applicable to the geographic area in which the lands are located, provided that the lands are first enrolled in DMAP or LADT. Interested parties should contact the nearest LDWF 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, amphibians and insects) 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 or if camping on the WMA, users need only to check in once during any 72 hour period). Users may check-in one day in advance of use. The Check Out portion must be carried by each person while on the WMA and must be completed and put in a permit box immediately upon exiting the WMA or within 72 hours after checking in if hunting from a private camp adjacent to the WMA being hunted or if camping on the WMA. Each person must leave the vehicle tag portion of his permit on the dashboard of the vehicle used to enter into the WMA in such a way that it can be easily read from outside of the

vehicle. This must be done only when the vehicle is parked and left unattended on the WMA. If an ATV, boat or other type vehicle was used to enter the WMA, then the vehicle tag must be attached to that vehicle in such a manner that it can be readily seen and read. No permit is required of fishers and boaters who do not travel on a WMA road and/or launch on the WMA as long as they do not get out of the boat and onto the WMA. 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 18 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 (on selected WMAs only). Only youths younger than 18 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 first or second weekend of the mourning dove season (Saturday and/or Sunday only). Consult the regulations pamphlet for WMAs offering youth mourning dove hunts.

d. 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. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. All turkeys must be reported at self-clearing station. Contact region offices for more details. Consult separate turkey hunting regulations pamphlet for more details.

f. Waterfowl Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadline. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division Office for more details.

g. Mourning Dove Lottery Hunts. Consult regulations pamphlet for individual WMA schedules or contact any Wildlife Division Office for more details.

h. Trapping. Consult Annual Trapping Regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. Hunter orange required when a deer gun season is in progress. A permit is required to carry a firearm outside of the normal hunting season and is available at the region office.

i. Raccoon Hunting. A licensed hunter may take raccoon or opossum, one per person per day, during daylight hours only, during the open rabbit season on WMAs. Nighttime Experimental—all nighttime raccoon hunting where allowed is with dogs only. There is no bag limit. Self-clearing permit required.

j. Sport Fishing. Sport fishing, crawfishing and frogging are allowed on WMAs when in compliance with current laws and regulations except as otherwise specified under individual WMA listings.

k. Additional 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 and their rights-of-way is prohibited during the modern firearm and muzzleloader deer season.

5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drivers and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On wildlife management areas the daily limit shall be one antlered deer and one antlerless deer (when legal) per day. Three antlered and three antlerless per season (all segments included) by all methods of take, except antlerless deer harvested on wildlife management areas during hunts designated as daily permit deer hunts do not count in the season bag limit for hunters. A numbered WMA tag must be affixed to the deer carcass by LDWF personnel and recorded in the official check station records.

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 nor have any external body parts removed including but not limited to feet, legs, tail, head or ears before being checked out.

e. Deer hunting on WMAs is restricted to still hunting only. 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. 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. Permanent tree stands are any stands that use nails, screws, spikes, etc., to attach to trees and are strictly prohibited. Portable deer stands (those that are designed to be routinely carried by one person) may not be left on WMAs unless the stands are removed from trees and left in a

non-hunting position (a non-hunting position is one in which a hunter could not hunt from the stand in its present position). Also, all stands left must be legibly tagged with the user's name, address, phone number and big game hunting license number (or lifetime license number). No stand may be left on any WMA prior to the day before deer season opens on that WMA and all stands must be removed from the WMA within one day after the close of deer hunting on that WMA. Free standing blinds must be disassembled when not in use. Stands left will not reserve hunting sites for the owner or user. All portable stands, blinds, tripods, etc. found unattended in a hunting position or untagged will be confiscated and disposed of by the Department of Wildlife and Fisheries. LDWF not responsible for unattended stands left on an area.

g. Physically Challenged Wheelchair Confined Deer and Waterfowl Hunting Areas. Special deer and waterfowl hunting areas, blinds and stands identified with LDWF logos, have been established for PCHP wheelchair confined hunters on wildlife management areas. Hunters must obtain PCHP permits and are required to make reservations to use blinds and stands. PCHP wheelchair hunting areas are available on Alexandria State Forest, Big Colewa Bayou, Buckhorn, Clear Creek, Elbow Slough, Jackson-Bienville, Ouachita and Sherburne WMAs. Check WMA hunting schedules or call the LDWF Offices in Pineville, Ferriday, Lake Charles, Opelousas, Minden, Monroe or Baton Rouge for information.

h. Hunting from utility poles, high tension power lines, oil and gas exploration facilities or platforms is prohibited.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc., are illegal.

j. Tree climbing spurs, spikes or screw-in steps are prohibited.

k. Unattended decoys will be confiscated and forfeited to the 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 depicted on WMA map, self-clearing permit is required. Organized trail rides prohibited. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified.

n. All hunters (including archers and small game hunters) except waterfowl hunters and mourning dove hunters on WMAs must display 400 square inches of "hunter orange" and wear a "hunter orange" cap during open gun season for deer. 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) except waterfowl hunters 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. Deer hunters hunting from concealed ground blinds must display a minimum of 400 square inches of

"hunter orange" above or around their blinds which is visible from 360 degrees.

p. Archery Season for Deer. The archery season on WMAs is the same as outside and is open for either-sex deer except as otherwise specified on individual WMAs. Archery season restricted on Atchafalaya Delta and closed on certain WMAs when special seasons for youth or handicapped hunts are in progress. Consult regulations pamphlet for specific seasons.

q. Either-sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

r. Muzzleloader Season for Deer. Either-sex unless otherwise specified. See WMA deer schedule. Except youth under the age of 18 may use shotgun with slugs during muzzleloader season on the WMA.

6. Camping

a. Camping on WMAs, including trailers, houseboats, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed 16 consecutive days, regardless if the camp is attended or unattended. Houseboats shall not impede navigation. At the end of the 16 day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities.

b. Houseboats are prohibited from overnight mooring within WMAs except on stream banks adjacent to 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, unless otherwise specified.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. Having or using dogs on any WMA is prohibited except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting, hog hunting and bird dog training when allowed; see individual WMA season listings for WMAs that allow dogs. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons.

9. Vehicles

a. An all-terrain vehicle is an off-road vehicle (not legal for highway use) with factory specifications not to exceed the following: weight-750 pounds, length-85", and width-48". ATV tires are restricted to those no larger than 25 x 12 with a maximum 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. Driving or parking vehicles on food or cover plots and strips is prohibited.

g. Blocking the entrance to roads and trails is prohibited.

h. 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 when allowed. 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.

i. 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.

j. 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.

k. Roads and trails may be closed due to poor condition, construction or wet weather.

l. ATVs, and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 4 a.m., except raccoon hunters may use ATVs during nighttime raccoon take seasons only. ATVs are prohibited from March 1 through August 31 except squirrel hunters are allowed to use ATV trails during the spring squirrel season on the WMA and except certain trails may be open during this time period to provide access for fishing or other purposes and some ATV trails will be open all year long on certain WMAs.

m. 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.

n. Hunters are allowed to retrieve their own downed deer and hogs with the aid of an ATV except on Thistlethwaite and Sherburne WMAs under the following conditions.

i. No firearms or archery equipment is in possession of the retrieval party or on the ATV.

ii. The retrieval party may consist of no more than one ATV and one helper.

iii. ATVs may not be used to locate or search for wounded game or for any other purpose than retrieval of deer and hogs once they have been legally harvested and located.

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. Except for licensed activities otherwise allowed by law, commercial activities are prohibited without a permit issued by the secretary of the department.

c. Commercial Fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Gill nets or trammel nets and the take or possession of grass carp are prohibited on Spring Bayou WMA. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines allowed on Dewey Wills WMA north of La. 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Three Rivers WMA. Commercial fishing is prohibited on Salvador/Timken, Ouachita and Pointe-aux-Chenes WMAs except commercial fishing on Pointe-aux-Chenes is allowed in Cut Off Canal and Wonder Lake. No commercial fishing activity shall impede navigation and no unattended vessels or barges will be allowed. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

11. 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). Same as outside except closed during modern firearm either-sex deer seasons and except non-toxic shot must be used for 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. Spring squirrel season with or without dogs—first Saturday of May for 9 days. Consult regulations pamphlet for specific WMAs.

13. Waterfowl (ducks, geese and coots). Consult regulations pamphlet. Hunting after 2 p.m. prohibited on all WMAs except for Atchafalaya Delta, Biloxi, Lake Boeuf, Pass-a-Loutre, Pointe-aux-Chenes, Salvador/Timken and Wisner WMAs. Consult specific WMA regulations for shooting hours on these WMAs.

14. Archery. Consult regulations pamphlet.

15. Hogs. Consult regulations pamphlet for specific WMA regulations. Unmarked hogs may be taken during any legal hunting season, except during the spring squirrel season, on designated WMAs by properly licensed hunters using only guns or bow and arrow legal for specified seasons in progress. Hunters may harvest hogs during the month of March on Pass-a-Loutre WMA only by using shotguns with shot no larger than BB lead or F steel, or .22 caliber rimfire firearms. Hogs may not be taken with the aid of dogs, except unmarked hogs may be taken with the aid of dogs on Pearl River, Red River and Three Rivers WMAs (consult Pearl River, Red River and Three Rivers 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, except the turkey and spring squirrel seasons, take of outlaw quadrupeds and birds, with or without the use of electronic calls, is allowed by properly licensed hunters and only with guns or bows and arrows legal for season in progress on WMA. However, crows, blackbirds, grackles and cowbirds may not be taken before September 1 or after January 1.

17. 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. Mudboats or air-cooled propulsion engines greater than 36 horsepower are prohibited on the WMA.

d. Attakapas
e. Bayou Macon. All night activities prohibited except as otherwise provided.

f. Bayou Pierre
g. Bens Creek
h. Big Colewa Bayou. All nighttime activities prohibited.

i. Big Lake
j. Biloxi
k. Bodcau
l. Boeuf
m. Buckhorn
n. Camp Beauregard. Daily military clearance required for all recreational users. Registration for use of self-clearing permit required once per year. All game harvested must be reported on self-clearing checkout permit. Retriever training allowed on selected portions of the WMA. Contact the region office for specific details. No hunting in restricted areas.

o. Clear Creek (formerly Boise-Vernon)
p. Dewey W. Wills. Crawfish: 100 pounds per person per day.

q. Elbow Slough. Steel shot only for all hunting. All motorized vehicles prohibited.

r. Elm Hall. No ATVs allowed.
s. Floy Ward McElroy.

t. Fort Polk. Daily military clearance required to hunt or trap. Registration for use of self-clearing permit required once per year. New special regulations apply to ATV users.

u. Grassy Lake. Commercial Fishing: Permitted except on Smith Bay, Red River Bay and Grassy Lake

proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor at Spring Bayou headquarters or Opelousas Region Office. No hunting in restricted area.

v. Jackson-Bienville. Beginning September 1, 2004, ATVs are allowed only on non-public maintained gravel roads and marked ATV trails.

w. Joyce. Swamp Walk: Adhere to all WMA rules and regulations. No loaded firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.

x. Lake Boeuf. Hunting allowed until 12 noon on all game. All nighttime activities prohibited.

y. Lake Ramsay. Foot traffic only—all vehicles restricted to Parish Roads.

z. Little River
aa. Loggy Bayou
bb. Manchac. Crabs: No crab traps allowed. Attended lift nets are allowed.

cc. Maurepas Swamp. No loaded firearms or hunting allowed within 100 yards of Nature Trail.

dd. Ouachita. Waterfowl Refuge: North of La. 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. Mudboats or air-cooled propulsion engines greater than 36 horsepower are prohibited on the WMA.

ff. Pearl River. All roads closed 8 p.m. to 4:30 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting will be closed when the river stage at Pearl River reaches 16.5 feet except waterfowl hunting south of Hwy. 90. No hunting in the vicinity of Nature Trail. Observe "No Hunting" signs. Rifle range open Friday, Saturday and Sunday with a fee.

gg. Peason Ridge. Daily military clearance required to hunt or trap. Registration for use of self-clearing permit required once per year. Special federal regulations apply to ATV users.

hh. Pointe-aux-Chenes. Hunting until 12 noon on all game, except for mourning dove hunting and youth lottery deer hunt as specified in regulation pamphlet. Point Farm: Gate will be open all weekends during month of February. No motorized vessels allowed in the drainage ditches. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) maximum shall be allowed. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Oyster harvesting is prohibited. Fish may be taken only by rod and

reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the 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 engines having horsepower ratings above 25 h.p. are not allowed in the Grand Bayou, Montegut and Pointe-aux-Chenes water management units. Public is permitted to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue and Grand Bayou Blue unless authorized by the 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: March 15-July 31, recreational only, 100 lbs. per boat or group daily.

jj. Red River. Recreational crawfishing allowed on Yakey Farms wetland restoration projects February 1 to the last day of February, 100 pounds per person per day, maximum of five wire traps per person. No traps or nets left overnight. No motorized watercraft allowed.

kk. Russell Sage. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided. Internal combustion engines and craft limited to 10 h.p. rating or less in the Greentree Reservoirs.

NOTE: All season dates on Chauvin Tract (U.S. 165 North) same as outside, EXCEPT still hunt only and EXCEPT deer hunting restricted to archery only. All vehicles including ATVs prohibited.

ll. Sabine

mm. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east.

nn. Salvador/Timken. Hunting until 12 noon only for all game. All nighttime activities prohibited, including frogging. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) maximum shall be permitted. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) maximum may be taken for bait. Fish may be taken only by rod and reel or hand lines for recreational purposes only. Crabs may be taken only through the use of hand lines or nets; however, none of the lines are to remain set overnight. Twelve dozen crabs maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the 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: Self-clearing permit required. Organized trail rides prohibited. Riding allowed only on designated roads and trails depicted on WMA map. Horses and mules are specifically prohibited during turkey and gun season for deer except as allowed for bird dog field trials. No horses and mules on green planted areas.

pp. Sherburne. Crawfishing: Recreational crawfishing only on the South Farm Complexes. Crawfish harvest limited to 100 pounds per vehicle or boat per day. No traps or nets left overnight. No motorized watercraft allowed on farm complex. Commercial crawfishing not allowed. Retriever training allowed on selected portions of the WMA. Contact the Region office for specific details. Vehicular traffic prohibited on east Atchafalaya River levee within Sherburne WMA boundaries. Rifle and Pistol Range open daily. Skeet ranges open by appointment only, contact Hunter Education Office. No trespassing in restricted area behind ranges.

NOTE: Atchafalaya National Wildlife Refuge, and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne 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 and except gill or trammel nets or the take or possession of grass carp are prohibited. Permits available from area supervisor or Opelousas Region Office. Closed until after 2 p.m. during waterfowl season. Sport Fishing: Same as outside except allowed only after 2 p.m. during waterfowl season. Crawfish: recreational only. No hunting allowed in headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and regulations posted at camp site. A fee is assessed for use of this campsite. Water skiing allowed only in Old River and Grand Lac.

tt. Tangipahoa Parish School Board. No horseback riding during gun season for deer or turkey. ATVs are not allowed.

uu. Thistlethwaite. All motorized vehicles restricted to improved roads only. All users must enter and leave through main gate only. No entry into restricted areas.

vv. Three Rivers

ww. Tunica Hills. All vehicles restricted to parish roads. Access to restricted areas is unauthorized. Refer to WMA map. Camping prohibited on area. North of Hwy. 66 (North Tract) closed to all users the day after turkey season closes to August 31.

xx. Union. All nighttime activities prohibited except as otherwise provided.

yy. West Bay

zz. Wisner

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:1494 (July 2000), LR 27:1049 (July 2001), LR 28:1603 (July 2002), LR 29:1124 (July 2003), repromulgated LR 29:1522 (August 2003), amended LR 30:1495 (July 2004), LR 31:1611 (July 2005), LR 32:1251 (July 2006), LR 33:1382 (July 2007), LR 34:

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 hearing will be held at the following locations: March 13 beginning at 6 p.m. at the Bossier Civic Center, Bossier City; March 12 beginning at 6 p.m. at Alexandria City Hall Convention Center, Alexandria; March 10 beginning at 7 p.m. at Winnsboro City Court Building, Winnsboro; March 13 beginning at 6:30 p.m. at LSU Agriculture Center, Lake Charles; March 12 beginning at 6 p.m. at Yambilee Hall, Opelousas; March 11 beginning at 6 p.m. at Ponchatoula High School Auditorium, Ponchatoula; and March 13 beginning at 6 p.m. and LDWF Headquarters Building, Louisiana Room, Baton Rouge. Also comments will be accepted at regularly scheduled Wildlife and Fisheries Commission Meetings from March through May. Interested persons may submit written comments relative to the proposed rule until Thursday, May 1, 2008, to Mr. Jimmy Anthony, 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.

Patrick C. Morrow
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 for Wildlife Management Areas. The

establishment of hunting regulations is an annual process. Aside from staff time, no implementation costs to state governmental units are anticipated. Enforcement of the proposed rule will be carried out using existing staff and funding levels.

Local governmental units will not be impacted.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

State hunting license fee collections are 9.0-10.0 million dollars annually. Additionally, hunting and related activities generate approximately \$62 million in state and local tax revenues annually (Southwick Associates, 2007). Failure to adopt rule changes would result in no hunting seasons being established and a potential loss of some of these revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Over 270,000 hunters and numerous businesses that provide goods and services to hunters are directly affected by this proposal. Hunting in Louisiana generates approximately \$594 million in revenue annually through the sale of outdoor related equipment, associated items and trip-related expenditures (Southwick Associates, 2007). Failure to adopt rule changes would result in no hunting seasons being established and a potential loss of commerce associated with these activities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting in Louisiana provides an estimated 13,084 jobs (Southwick Associates, 2007). Not establishing hunting seasons might have a negative and direct impact on these jobs.

Wynnette Kees
Fiscal Officer
0802#029

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Physically Challenged Hunter Permit (LAC 76:XIX.105)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend regulations for the Physically Challenged Hunters Permit Program.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Seasons

§105. Physically Challenged Hunters Permit

A. Definitions

ATV—a small motorized vehicle designed for off road use, weighing less than 750 pounds, designed for no more than two passengers, with a maximum of six wheels, and tires with a manufacturers recommended air pressure of less than 10 pounds per square inch.

Amputee of the Upper Extremity—an individual suffering the loss of at least one arm, hand, or five fingers from one hand.

Commission—the Louisiana Wildlife and Fisheries Commission.

Commission Approved Physician—any physician licensed to practice medicine by the Louisiana State Board of Medical Examiners who evaluates permit applicants to

determine the disabled hunter rule classification of permanent disability.

Department—the Louisiana Department of Wildlife and Fisheries.

Disabled Hunter Oversight Committee—a committee of five individuals which collectively have final authority to approve or deny, by majority vote, rejected applications for disabled hunter permits. The five members of the committee shall be appointed by the commission from the Louisiana Outdoorsmen with Disabilities Inc., Louisiana Handicapped Sportsmen, Inc., the Wildlife Division, the Enforcement Division, and the commission.

Disabled Hunter Permit—a permit issued by the Department of Wildlife and Fisheries to qualified disabled individuals.

Disabled Hunter Review Board—a board of five individuals which collectively review and approve or reject, by majority vote, applications for disabled hunter permits. The board shall be selected by the commission with recommendations from: the Louisiana Outdoorsmen with Disabilities Inc. (two recommendations), Louisiana Handicapped Sportsmen, Inc. (two recommendations), and the Louisiana Department of Health and Hospitals (one recommendation).

Enforcement Division—the Enforcement Division of the Louisiana Department of Wildlife and Fisheries.

Handicap ATV Permit—a permit issued by the Wildlife Division to certain disabled hunters to allow access to the specially designated handicapped ATV trails on Wildlife Management Areas.

Helper—an individual who accompanies a permitted disabled hunter to assist the disabled hunter in accessing a hunting area, carrying hunting gear, and retrieving harvested game.

Mobility Impaired—a permanent disability caused by injury, illness, or birth defect that prevents an individual from walking farther than very short distances (less than 150 yards) even with the help of mechanical aids.

Permanent Disability—a qualifying disability that a commission approved physician, the Disabled Hunter Review Board, and the Wildlife Division or the Disabled Hunter Oversight Committee have determined will not improve over time or with medical treatment.

Special Deer Season—a special deer season only for individuals with valid disabled hunter permits established by the Louisiana Wildlife and Fisheries Commission.

Special Handicapped Hunt—special hunt or hunts on certain W.M.A.s only for individuals with valid disabled hunter permits.

W.M.A.—a tract of land managed by the Louisiana Department of Wildlife and Fisheries and proclaimed as a Wildlife Management Area by the governor of Louisiana.

Wheelchair Bound—a permanent disability that prohibits mobility by any means other than a wheelchair.

Wildlife Division—the Wildlife Division of the Louisiana Department of Wildlife and Fisheries.

B. Wheelchair Bound

1. Qualifications

a. Permanent Disability. The disability must permanently confine the applicant to the use of a wheelchair. If the applicant may eventually recover enough to not require the use of a wheelchair, he or she does not qualify for

this class permit. If the future prognosis is uncertain, the applicant does not qualify at this time.

b. Certification by Commission Approved Physician

i. Applicants must be certified permanently disabled and confined to a wheelchair by:

- (a) a commission approved physician;
- (b) the Disabled Hunter Review Board; and
- (c) the Wildlife Division.

ii. Should the commission approved physician determine the applicant is not permanently confined to a wheelchair for medical reasons, the application is rejected and no permit shall be issued. If approved by the physician, the application must then be approved by the Wildlife Division and the Disabled Hunter Review Board. Should either reject the application, it shall be forwarded to the Disabled Hunter Oversight Committee which shall make the final determination to approve or reject the application.

c. Disqualification

i. Applicants not disabled sufficiently to meet the confined to a wheelchair criterion shall not qualify for this class permit.

ii. Applicants with felony convictions or with Class Two or above wildlife convictions (including WMA violations and littering within the last five years but excluding boating and fishing violations), as determined by the Enforcement Division, shall not be issued permits.

2. Approved Applicants Receive the Following Considerations

a. Special Handicapped Hunts—may participate in special W.M.A. hunts.

b. Special Deer Seasons

i. May participate in special statewide handicapped hunts;

ii. may take either-sex deer on private lands statewide during the entire gun deer season and during the muzzle loader season. This provision does not include W.M.A.s, National Wildlife Refuges, Kisatchie National Forest, or other federal properties.

c. Crossbow—may use a crossbow to archery hunt during the statewide archery season.

d. Access to Wildlife Management Areas—upon request, permittees of this class shall receive a handicap ATV permit/sticker for access to specially designated ATV trails on W.M.A.s.

e. Hunting from Vehicles—may hunt resident game from a stationary vehicle or stationary boat statewide, provided that this activity does not violate state or parish laws.

f. Helpers—permittee may be accompanied by helpers (no more than two) as necessary to get to and from a hunting area or stand and to assist in retrieving harvested game. Helpers may not use or possess firearms/bows/crossbows when acting as a helper unless the weapon is legal for the game hunted and the season is open to all licensed hunters in the area the helper is hunting. Permittee is allowed one extra ATV for his helper(s). At no time will parked or unattended helper's ATV and permittee's ATV be placed at separate locations.

3. Conditions of Approval

a. Nontransferable. The disabled hunter permit is nontransferable and is valid for named permittee only.

b. Permit in Possession

i. The permit must be carried by named permittee at all times while hunting in the field or transporting game harvested under the permit.

ii. Permittee must, in addition to the permit, carry one other form of picture identification while hunting or transporting harvested game.

c. Helpers. Helpers accompanying handicapped hunters are not permitted to carry firearms/bows/crossbows except as provided for by statewide or W.M.A. regulations. (See Subparagraph B.2.f.)

d. All Terrain Vehicles

i. ATVs may be used only on regular public ATV trails and handicapped ATV trails as specifically designated on W.M.A. maps.

ii. Approved individuals (permittees and helpers) may drive the ATV to a stand within 100 yards of an ATV trail. The ATV may also be used to retrieve the permittees harvested deer. Travel on an ATV beyond 100 yards of the designated trail, except to retrieve a deer, is prohibited.

e. Other Licenses Required. The issuance of a disabled hunter permit does not exempt the permittee from other license requirements. All applicable licenses required to hunt a particular species of game must be purchased and in the permittees possession while hunting.

f. Revocation

i. Any violation of the permit conditions by the permittee and/or helper of wildlife laws and/or regulations may result in cancellation of this permit.

ii. Should there be a change in the permittee's condition, the permittee must notify the Wildlife Division. If said change is sufficient to make the permanent use of a wheelchair unnecessary, the permit shall be revoked.

g. Duration

i. This permit is valid for the lifetime of named permittee or until revoked by the department.

ii. The department shall retain the right to change the duration and/or conditions of the disabled hunter permits to comply with future commission or legislative actions.

h. Cost—none.

C. Mobility Impaired

1. Qualifications

a. Permanent Disability

i. The disability must be permanent and impair the applicant sufficiently to preclude walking farther than very short distances (less than 150 yards) even with mechanical aids. If the applicant may eventually recover, he or she does not qualify. If the future prognosis is uncertain, the applicant does not qualify at this time.

ii. Qualifying disabilities under this class may include, but are not limited to:

(a). permanent and continual use of artificial limbs, crutches, leg braces, or canes due to injury, disease, or birth defect;

(b). defects of circulatory system, respiratory system, skeletal structure, or neurological disorders caused by disease, injury, or birth defect.

iii. Nonqualifying disabilities may include, but are not limited to:

(a). vision impairment;

(b). arm, hand, shoulder, or other impairments that do not affect walking;

(c). any impairment considered to be a part of or resulting from the normal aging process;

(d). any impairment resulting from or due to a lack of physical conditioning.

b. Certification by Commission Approved Physician

i. Applicants must be certified permanently disabled and mobility impaired by:

(a). a commission approved physician;

(b). the Disabled Hunter Review Board; and

(c). the Wildlife Division.

ii. Should the commission approved physician determine the applicant is not permanently mobility impaired, the application is rejected and no permit shall be issued. If approved by the physician, the application must then be approved by the Disabled Hunter Review Board and the Wildlife Division. Should either reject the application, it shall be forwarded to the Disabled Hunter Oversight Committee which shall make the final determination to approve or reject the application.

c. Disqualification

i. Applicants not disabled sufficiently to meet the mobility impaired criterion shall not qualify for the class permit.

ii. Applicants with felony convictions or with Class Two or above wildlife convictions (including WMA violations and littering within the last five years but excluding boating and fishing violations), as determined by the Enforcement Division, shall not be issued permits.

2. Approved Applicants Receive the Following Considerations

a. Special Handicapped Hunts—may participate in special W.M.A. hunts.

b. Special Deer Seasons—may participate in special statewide handicapped hunts.

c. Access To Wildlife Management Areas—upon request, permittees of this class shall receive a handicap ATV permit/sticker for access to specially designated ATV trails on W.M.A.s.

d. Helpers—permittee may be accompanied by helpers (no more than two) as necessary to get to and from a hunting area or stand and to assist in retrieving harvested game. Helpers may not use or possess firearms/bows/crossbows when acting as a helper unless the weapon is legal for the game hunted and the season is open to all licensed hunters in the area the helper is hunting. Permittee is allowed one extra ATV for his helper(s). At no time will parked or unattended helper's ATV and permittee's ATV be placed at separate locations.

3. Conditions of Approval

a. Nontransferable. The disabled hunter permit is nontransferable and is valid for named permittee only.

b. Permit in Possession

i. The permit must be carried by named permittee at all times while hunting in the field or transporting game harvested under the permit.

ii. Permittee must, in addition to the permit, carry one other form of picture identification while hunting or transporting harvested game.

c. Helpers. Helpers accompanying handicapped hunters are not permitted to carry firearms/bows/crossbows except as provided for by statewide or W.M.A. regulations. (See Subparagraph C.2.d.)

d. All Terrain Vehicles
i. ATVs may be used only on regular public ATV trails and handicapped ATV trails as specially designated on W.M.A. maps.

e. Other Licenses Required. The issuance of a disabled hunter permit does not exempt the permittee from other license requirements. All applicable licenses required to hunt a particular species of game must be purchased and in the permittees possession while hunting.

f. Revocation

i. Any violation of the permit conditions by the permittee and/or helper of wildlife laws and/or regulations may result in cancellation of the permit.

ii. Should there be a change in the permittee's condition, the permittee must notify the Wildlife Division. If said change is sufficient to enable the permittee to walk more than 150 yards, the permit shall be revoked.

g. Duration

i. This permit is valid for the lifetime of named permittee or until revoked by the department.

ii. The department shall retain the right to change the duration and/or conditions of the disabled hunter permits to comply with future commission or legislative action.

h. Cost—none.

D. Amputee of the Upper Extremity

1. Qualifications

a. Permanent Disability. The applicant must have an amputation of at least one arm, hand, or all five fingers of one hand to qualify for a permit of this class.

b. Certification by Commission Approved Physician

i. Applicants must be certified permanently disabled as an amputee of the upper extremity by a commission approved Physician.

ii. Should the commission approved physician determine the applicant is not an amputee of the upper extremity, the application shall be rejected. If approved by the physician, the application must then be approved by the Disabled Hunter Review Board and the Wildlife Division. Should either reject the application, it shall be forwarded to the Disabled Hunter Oversight Committee which shall make the final determination to approve or reject the application.

c. Disqualification

i. Applicants not disabled sufficiently to meet the amputee of the upper extremity criterion shall not qualify for this class permit.

ii. Applicants with felony convictions or with Class Two or above wildlife convictions (including WMA violations and littering within the last five years but excluding boating and fishing violations), as determined by the Enforcement Division, shall not be issued permits.

2. Approved Applicants Receive the Following Considerations

a. Special Handicapped Hunts—may participate in special W.M.A. hunts.

b. Special Deer Seasons—may participate in special statewide handicapped hunts.

c. Access to Wildlife Management Areas—upon request, permittees of this class shall receive a handicap ATV permit/sticker for access to specially designated ATV trails of W.M.A.s.

d. Crossbow—may use a crossbow to archery hunt during the statewide archery season.

e. Helpers—permittee may be accompanied by helpers (no more than two) as necessary to get to and from a hunting area or stand and to assist in retrieving harvested game. Helpers may not use or possess firearms/bows/crossbows when acting as a helper unless the weapon is legal for the game hunted and the season is open to all licensed hunters in the area the helper is hunting. Permittee is allowed one extra ATV for his helper(s). At no time will parked or unattended helper's ATV and permittee's ATV be placed at separate locations.

2. Conditions of Approval

a. Nontransferable. The disabled hunter permit is nontransferable and is valid for named permittee only.

b. Permit in Possession

i. The permit must be carried by named permittee at all times while hunting in the field or transporting game harvested under the permit.

ii. Permittee must, in addition to the permit, carry one other form of picture identification while hunting or transporting harvested game.

c. Helpers. Helpers accompanying handicapped hunters are not permitted to carry firearms/bows/crossbows except as provided for by statewide or W.M.A. regulations. (See Subparagraph D.2.d.)

d. All Terrain Vehicles

i. ATVs may be used only on regular public ATV trails and handicapped ATV trails as specially designated on W.M.A. maps.

e. Other Licenses Required. The issuance of a disabled hunter permit does not exempt the permittee from other license requirements. All applicable licenses required to hunt a particular species of game must be purchased and in the permittee's possession while hunting.

f. Revocation. Any violation of the permit conditions by the permittee and/or helper of wildlife laws and/or regulations may result in cancellation of this permit.

g. Duration

i. This permit is valid for the lifetime of named permittee or until revoked by the department.

ii. The department shall retain the right to change the duration and/or conditions of the disabled hunter permits to comply with future commission or legislative action.

h. Cost—none

AUTHORITY NOTE: Promulgated in accordance with Act 1226 of the 1995 Louisiana Legislative Session.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 22:856 (September 1996), amended LR 34:

Family Impact Statement

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this Notice of

Intent and the final Rule, including, but not limited to, the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the proposed Rule to Mr. Jimmy Anthony, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Thursday, April 3, 2008.

Patrick C. Morrow
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Physically Challenged Hunter Permit**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

There will be no state or local governmental implementation costs or savings associated with this proposed rule change.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

Revenue collections of state or local governmental units will not be effected.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Physically challenged individuals who meet the qualification criteria to be classified as wheelchair bound, mobility impaired or amputee of the upper extremity will be directly impacted by the rule change. They will be allowed to utilize one extra All Terrain Vehicle (ATV) and up to two helpers to assist them in their hunting activities. In addition, physically challenged individuals who have been convicted of a Class Two or greater boating and fishing violation will be eligible to apply for a disabled hunter permit, as well as individuals who have a WMA violation more than five years in the past.

No additional costs, workload or paperwork will result from implementing the proposed rule change.

Retail outlets, landowners and commercial operations that cater to the hunting public through hunting leases and the sale of outdoor-related equipment and associated items (food, fuel, clothing, shotgun shells, etc.) may experience a slight increase in receipts and/or income. The actual amount of this impact is not estimable at this time and will depend on the increased number of disabled hunter permit holders and the demand for associated hunting goods and services.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no effect on competition and employment in the public and private sectors.

Wynnette Kees
Fiscal Officer
0802#027

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Wildlife and Fisheries
Wildlife and Fisheries Commission**

Resident Game Birds and Game Quadrupeds Hunting
Season Dates (LAC 76:XIX.101 and 103)

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76

WILDLIFE AND FISHERIES

PART XIX. HUNTING AND WMA REGULATIONS

Chapter 1. Resident Game Hunting Season

§101. General

A. The Resident Game Hunting Season regulations are hereby adopted by the Wildlife and Fisheries Commission. A complete copy of the Regulation Pamphlet may be obtained from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), LR 30:1493 (July 2004), LR 31:1627 (July 2005), LR 32:1253 (July 2006), LR 33:1399 (July 2007), LR 34:

§103. Resident Game Birds and Animals

A. Shooting Hours. One-half hour before sunrise to one-half hour after sunset.

B. Consult regulation pamphlet for seasons or specific regulations on Wildlife Management Areas or specific localities.

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	OPENS: 3rd Saturday of November CLOSES: Last Day of February	10	20
Rabbit and Squirrel	OPENS: 1st Saturday of October CLOSES: Last Day of February	8	16
Squirrel*	OPENS: 1st Saturday of May for 23 days	3	6
Deer	See Schedule	1 antlered and 1 antlerless (when legal)	6/season (3 antlered deer and 3 antlerless deer)

*NOTE: Spring squirrel season is closed on the Kisatchie National Forest, National Wildlife Refuges, U.S. Army Corps of Engineers property. Some State Wildlife Management Areas will be open, check WMA season schedule.

C. Deer Hunting Schedule

Area	Archery	Muzzleloader (All Either Sex Except as Noted)	Still Hunt (No Dogs Allowed)	With or Without Dogs
1	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. after 2nd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last Sun. of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. and then it will close on the Fri. before the 1st Sat. of Dec. OPENS: Mon. after 1st Sat. of Jan. CLOSES: next to last Sun. of Jan.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Sun. after 1st Sat. of Jan.
2	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: Next to last Sat. of Oct. CLOSES: Fri. before last Sat. of Oct. OPENS: Mon. after the last day of Modern Firearm Season in Jan. CLOSES: After 7 days.	OPENS: Last Sat. of Oct. CLOSES: Tues. before 2nd Sat. of Dec. in odd numbered years and on Wed. during even numbered years EXCEPT when there are 5 Sats. in Nov. and then it will close on the Tues. in odd numbered years or Wed. during even numbered years before the 1st Sat. of Dec.	OPENS: Wed. before the 2nd Sat. of Dec. in odd numbered years and on Thurs. during even numbered years EXCEPT when there are 5 Sats. in Nov., then it will open on the Wed. before the 1st Sat. of Dec. on odd years and Thurs. during even numbered years. CLOSES: 40 days after opening in odd numbered years or 39 days after opening in even numbered years.
3	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day OPENS: 1st Sat. of Dec. CLOSES: After 37 days	
4	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 1st Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Nov. OPENS: Mon. after 1st Sat. of Jan. CLOSES: Mon. after 2nd Sat. of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Sun. after 1st Sat. of Jan.	
5	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. (BUCKS ONLY) OPENS: Day after Christmas Day CLOSES: Jan. 1st (BUCKS ONLY)	OPENS: Day after Thanksgiving Day CLOSES: Sun. after 2nd Sat. of Dec.	
6	OPENS: 1st day of Oct. CLOSES: Feb. 15 (1st 15 days are BUCKS ONLY)	OPENS: 2nd Sat. of Nov. CLOSES: Fri. before 3rd Sat. of Nov. OPENS: Mon. after the next to last Sun. of Jan. CLOSES: Last Sun. of Jan.	OPENS: Sat. before Thanksgiving Day EXCEPT when there are 5 Sats. in Nov., then it will open on the 3rd Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov. And then it will close on the Fri. before the 1st Sat. of Dec.	OPENS: 2nd Sat. of Dec. EXCEPT when there are 5 Sats. in Nov., then it will open on the 1st Sat. of Dec. CLOSES: Next to last Sun. of Jan.
7	OPENS: 1st day of Oct. CLOSES: Last day of Jan.	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: 1st Sat. of Nov. CLOSES: Fri. before 2nd Sat. of Nov.	OPENS: 3rd Sat. of Oct. CLOSES: Fri. before 1st Sat. of Nov. OPENS: 2nd Sat. of Nov. CLOSES: Sun. after Thanksgiving Day	OPENS: Mon. after Thanksgiving Day CLOSES: After 35 days
8	OPENS: 3rd Sat. of Sept. CLOSES: Jan. 15	OPENS: 2nd Sat. of Oct. CLOSES: Fri. before 3rd Sat. of Oct. OPENS: Mon. after Thanksgiving Day CLOSES: Fri. before 1st Sat. of Dec.	OPENS: 3rd Sat. of Oct. CLOSES: Sun. after Thanksgiving Day	OPENS: 1st Sat. of Dec. CLOSES: After 37 days.

D. Modern Firearm Schedule (Either Sex Seasons)

Parish	Area	Modern Firearm Either-Sex Days
East Carroll	Area 1 New for 2008-2009	Antlerless deer may be harvested during entire deer season on private lands (all segments included), east of mainline Mississippi River Levee and south and east of La. 877 from West Carroll Parish line to La. 580, south of La. 580 to U.S. 65, west of U.S. 65 to Madison Parish line.
East Carroll	Area 4 portion	Nov. 8-9, 28-30, 2008, west of mainline Mississippi River Levee and north and west of La. 877 from West Carroll Parish line to La. 580, north of La. 580 to U.S. 65, east of U.S. 65 to Madison Parish line.
West Carroll	Area 5	Nov. 28-30, 2008

E. Farm Raised White-tailed Deer on Supplemented Shooting Preserves: Archery, Firearm, Muzzleloader: October 1-January 31 (Either-Sex).

F. Exotics on Supplemented Shooting Preserves: Either Sex, no closed season.

G. Spring Squirrel Hunting

1. Season Dates: Opens first Saturday of May for 23 days.

2. Closed Areas: Kisatchie National Forest, National Wildlife Refuges, and U.S. Army Corps of Engineers property and WMAs except as provided in Paragraph 3 below.

3. Wildlife Management Area Schedule: Opens first Saturday of May for 9 days on all WMAs except Ft. Polk, Peason Ridge and Camp Beauregard. Dogs are allowed during this season for squirrel hunting. Feral hogs may not be taken on Wildlife Management Areas during this season.

4. Limits: Daily bag limit is 3 and possession limit is 6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:109(B) and R.S. 56:141(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26:1506 (July 2000), LR 27:1061 (July 2001), LR 28:1615 (July 2002), LR 29:1122 (July 2003), repromulgated LR 29:1521 (August 2003), LR 30:1494 (July 2004), LR 31:1627 (July 2005), LR 32:1254 (July 2006), LR 33:115 (January 2007), LR 33:1399 (July 2007), LR 34:

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 hearing locations will be announced. Also comments will be accepted at regularly scheduled Wildlife and Fisheries Commission Meetings from March through May. Interested persons may submit written comments

relative to the proposed rule until Thursday, May 1, 2008 to Mr. Jimmy Anthony, 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.

Patrick C. Morrow
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Resident Game Birds and Game
Quadrupeds Hunting Season Dates**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

Establishment of hunting regulations is an annual process. Aside from staff time, no implementation costs to state governmental units are anticipated. Enforcement of the proposed rule will be carried out using existing staff and funding levels.

Local governmental units will not be impacted.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

State hunting license fee collections are 9.0-10.0 million dollars annually. Additionally, hunting and related activities generate approximately \$62 million in state and local tax revenues annually (Southwick Associates, 2007). Failure to adopt rule changes would result in no hunting seasons being established and a potential loss of some of these revenues.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

Over 270,000 hunters and numerous businesses that provide goods and services to hunters are directly affected by this proposal. Hunting in Louisiana generates approximately \$594 million in revenues annually through the sale of outdoor related equipment, associated items and trip-related expenditures (Southwick Associates, 2007). Failure to adopt rule changes would result in no hunting seasons being established and a potential loss of commerce associated with these activities.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting in Louisiana provides an estimated 13,084 jobs (Southwick Associates, 2007). Not establishing hunting seasons might have a negative and direct impact on these jobs.

Wynnette Kees
Deputy Undersecretary
0802#028

Robert E. Hosse
Staff Director
Legislative Fiscal Office

Committee Reports

COMMITTEE REPORT

Senate Committee on Commerce, Consumer Protection and International Affairs

Emergency Rule—Equine Veterinary Practices, Health and Medication
(LAC 55:I.Chapters 15-17, III.3709, V.6301, 6353, and LAC 46:XLI.Chapters 1, 3, and 15)

RE: Report of the Senate Committee on Commerce, Consumer Protection and International Affairs relative to the Louisiana Racing Commission's Emergency Rules published in the *Louisiana Register*, Volume 34, No. 1 on January 20, 2008.

Dear Governor Jindal:

Please be advised that the Senate Committee on Commerce, Consumer Protection and International Affairs

met on yesterday, February 11, 2008, to consider the above captioned emergency rules, pursuant to LA R.S. 49:953 and 968.

After much discussion about whether an emergency existed, the Senate Committee on Commerce, Consumer Protection and International Affairs voted to reject the emergency rules.

Attached, please find a copy of the emergency rules considered by the committee. Please be further advised that La. R.S. 49:968 (G) provides, in pertinent part, that "[a]fter receipt of the report of the subcommittee, the governor shall have ten calendar days in which to disapprove the action taken by the subcommittee."

Sincerely,
Ann D. Duplessis
Chair

0802#062

Potpourri

POTPOURRI

Department of Agriculture and Forestry Horticulture Commission

Landscape Architect Registration Exam

The next landscape architect registration examination will be given June 9-10, 2008, beginning at 7:45 a.m. at the College of Design Building, Louisiana State University Campus, Baton Rouge, LA. The deadline for sending the application and fee is as follows.

New Candidates: February 22, 2008
 Re-Take Candidates: March 14, 2008
 Reciprocity Candidates: April 25, 2008

Further information pertaining to the examinations may be obtained from Craig Roussel, Director, Horticulture Commission, P.O. Box 3596, Baton Rouge, LA 70821-3596, phone (225) 952-8100.

Any individual requesting special accommodations due to a disability should notify the office prior to February 22, 2008. Questions may be directed to (225) 952-8100.

Mike Strain, DVM
 Commissioner

0802#006

POTPOURRI

Department of Agriculture and Forestry Horticulture Commission

Retail Floristry Examination

The next retail floristry examinations will be given April 28-May 2, 2008, at 9:30 a.m. in the Nelson Memorial Building, Louisiana State University Campus, Baton Rouge, LA. The deadline for sending in application and fee is March 14, 2008. No applications will be accepted after March 14, 2008.

Further information pertaining to the examinations may be obtained from Craig Roussel, Director, Horticulture Commission, Box 3596, Baton Rouge, LA 70821-3596, phone (225) 952-8100.

Any individual requesting special accommodations due to a disability should notify the office prior to March 14, 2008. Questions may be directed to (225) 952-8100.

Mike Strain, DVM
 Commissioner

0802#007

POTPOURRI

Department of Health and Hospitals Board of Examiners for Speech Language Pathology and Audiology

2008 Board Meeting Dates

Louisiana Board of Examiners for Speech-Language Pathology and Audiology 2008 Board Meeting Dates		
Date	Location	City
February 15	Board Office	Baton Rouge
April 18	Board Office	Baton Rouge
June 5	Hilton Shreveport	Shreveport
August 1	Board Office	Baton Rouge
October 10	Board Office	Baton Rouge
December 5	Maison Dupuy Hotel	New Orleans
All meetings begin at 9 a.m. A copy of the Agenda may be obtained from the board office 24 hours prior to the meeting.		

Jolie Jones
 Administrative Assistant

0802#009

POTPOURRI

Department of Social Services Office of Community Services

2008 Louisiana Emergency Shelter Grants Program Anticipated Funds Availability

The Louisiana Department of Social Services (DSS) anticipates the availability of \$1,533,558 in grant funds for distribution to applicant units of local government under the 2008 state Emergency Shelter Grants Program (ESGP). Program funds are allocated to the state by the U.S. Department of Housing and Urban Development (HUD) through authorization by the Stewart B. McKinney Homeless Assistance Act, as amended. Funding available under the ESGP is dedicated for the rehabilitation, renovation or conversion of buildings for use as emergency shelters for the homeless, and for payment of certain operating costs and social services expenses in connection with emergency shelter for the homeless. The program also allows use of funding in homeless prevention activities as an adjunct to other eligible activities. As specified under current state ESGP policies, eligible applicants are limited to units of general local government for all parish jurisdictions and those municipal or city governmental units for jurisdictions with a minimum population of 10,000 according to recent census figures. Recipient units of local government may make all or part of grant amounts available to private nonprofit organizations for use in eligible

activities. Application packages for the state ESGP shall be issued by mail to the chief elected official of each qualifying unit of general local government. The application package can be viewed on the Internet at the following website: <http://www.dss.state.la.us/departments/dss/rfps.html>. In order to be considered for funding, applications must be received by DSS/Office of Community Services by 4 p.m., Friday, April 4, 2008.

Nonprofit organizations in qualifying jurisdictions which are interested in developing a project proposal for inclusion in an ESGP funding application should contact their respective unit of local government to advise of their interest. To be eligible for funding participation, a private nonprofit organization as defined by ESGP regulations must be one which is exempt from taxation under subtitle A of the Internal Revenue Code, has an accounting system and a voluntary board, and practices nondiscrimination in the provision of assistance.

To be eligible for funding, a project/organization must be a participant in a Homeless Management Information System (HMIS). Note that PL 109-162 recently passed which protects from disclosure any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs involving victims of domestic violence, dating violence, sexual assault, or stalking, and their families.

The DSS will continue use of a geographic allocation formula in the distribution of the state's ESGP funding to ensure that each region of the state is allotted a specified minimum of ESGP grant assistance for eligible ESGP projects. Regional allocations for the state's 2008 ESGP have been formulated based on factors for low income populations in the parishes of each region according to U.S. Census Bureau data. Within each region, grant distribution shall be conducted through a competitive grant award process.

The following table lists the allocation factors and amounts for each region.

Region	Factor	Allocation
Region I New Orleans	.1537939	235,852
Region II Baton Rouge	.1210838	185,689
Region III Thibodaux	.0659078	101,073
Region IV Lafayette	.1537187	235,737
Region V Lake Charles	.0522069	80,062
Region VI Alexandria	.0714394	109,556
Region VII Shreveport	.1235570	189,482
Region VIII Monroe	.0950414	145,752
Region IX Northshore	.0751581	115,259
Region X Jefferson	.0880929	135,096

Regional funding amounts for which applications are not received shall be subject to statewide competitive award to applicants from other regions and/or shall be reallocated among other regions in accordance with formulations consistent with the above factors.

Grant awards shall be for a minimum of \$10,000. Applicable grant maximums are as follows.

* Individual grant awards to applicant jurisdictions of less than 49,000 population shall not exceed \$50,000.

* For a jurisdiction of over 49,000 population, the maximum grant award shall not exceed the ESGP allocation for that jurisdiction's respective region.

Grant specifications, minimum and maximum awards may be revised at DSS's discretion in consideration of individual applicant's needs, total program funding requests, and available funding. DSS reserves the right to negotiate the final grant amounts, component projects, and local match with all applicants to ensure judicious use of program funds.

Program applications must meet state ESGP requirements and must demonstrate the means to assure compliance if the proposal is selected for funding. If, in the determination of DSS, an application fails to meet program purposes and standards, even if such application is the only eligible proposal submitted from a region or subregion, such application may be rejected *in toto*, or the proposed project(s) may be subject to alterations as deemed necessary by DSS to meet appropriate program standards.

Proposals accepted for review will be rated on a comparative basis based on information provided in grant applications. Award of grant amounts between competing applicants and/or proposed projects will be based upon the following selection criteria:

- Nature and extent of unmet need for emergency shelter, transitional housing and supportive services in the applicant's jurisdiction40 points
- The extent to which proposed activities will address needs for shelter and assistance and/or complete the development of a comprehensive system of services which will provide a continuum of care to assist homeless persons to achieve independent living.....30 points
- The ability of the applicant to carry out the proposed activities promptly15 points
- Coordination of the proposed project(s) with available community resources, so as to be able to match the needs of homeless persons with appropriate supportive services and assistance15 points

ESGP recipients are required to provide matching funds (including in-kind contributions) in an amount at least equal to its ESGP funding unless a jurisdiction has been granted an exemption in accordance with program provisions. The value of donated materials and buildings, voluntary activities and other in-kind contributions may be included with "hard cash" amounts in the calculation of matching funds. A local government grantee may comply with this requirement by providing the matching funds itself, or through provision by nonprofit recipients.

A recipient local government may at its option elect to use up to 2.439 percent of grant funding for costs directly related to administering grant assistance, or may allocate all grant amounts for eligible program activities. Program rules do not allow the use of ESGP funds for administrative costs of nonprofit subgrantees.

Availability of ESGP funding is subject to HUD's approval of the state's FY 2008 Consolidated Annual Action Plan for Housing and Community Development Programs. No expenditure authority or funding obligations shall be implied based on the information in this notice of funds availability.

Inquiries and comments regarding the 2008 Louisiana ESGP may be submitted in writing to the attention of the ESGP Coordinator at the Office of Community Services, Contracts and Eligibility Section, Box 3318, Baton Rouge, LA, 70821, or telephone (225) 342-4583.

Ann Silverberg Williamson
Secretary

0802#021

POTPOURRI

Department of Social Services Office of Family Support

Temporary Assistance to Needy Families (TANF)—Caseload Reduction Report for Louisiana

The Department of Social Services, Office of Family Support, hereby gives notice that, in accordance with federal regulations at 45 CFR 261.40, the Temporary Assistance to Needy Families (TANF) Caseload Reduction Report for Louisiana is now available to the public for review and comment.

In order to receive a caseload reduction credit for minimum participation rates, the agency must submit a report based on data from the Family Independence Temporary Assistance Program (FITAP) and the Strategies to Empower People Program (STEP) containing the following information:

1. a listing of, and implementation dates for, all state and federal eligibility changes, as defined at §261.42, made by the state after FY 2005;
2. a numerical estimate of the positive or negative impact on the applicable caseload of each eligibility change (based, as appropriate, on application denials, case closures, or other analyses);
3. an overall estimate of the total net positive or negative impact on the applicable caseload as a result of all such eligibility changes;
4. an estimate of the state's caseload reduction credit;
5. a description of the methodology and the supporting data that it used to calculate its caseload reduction estimates;
6. a certification that it has provided the public an appropriate opportunity to comment on the estimates and methodology, considered their comments, and incorporated all net reductions resulting from federal and state eligibility changes; and

7. a summary of all public comments.

Copies of the TANF Caseload Reduction Report may be obtained by writing Tara Prejean, Department of Social Services, Office of Family Support, P.O. Box 94065, Baton Rouge, LA 70804-9065, by telephone at (225)342-4096, or via E-mail at tprejean@dss.state.la.us.

Written comments regarding the report should also be directed to Ms. Prejean. These must be received by close of business on, March 20, 2008.

Ann Silverberg Williamson
Secretary

0802#052

POTPOURRI

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Emergency Cut-Off Switches—Proposed Changes (LAC 76:XI.111)

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission are giving notice that they are seeking to incorporate changes to the Notice of Intent relative to the proposed Rule regarding the emergency cut-off switches, LAC 76:XI.111, which was originally published in the January 20, 2008 issue of the *Louisiana Register* (pages 195 and 196). Changes to the proposed Rule involve: 1) exemption for motorboats with tiller outboard motors in excess of 10 horsepower; and 2) exempting sailboats from this Section. Copies of the proposed changes can be viewed by contacting Lt. Col. Jeff Mayne, 225-765-2345. Interested persons may submit their written comments on the proposed changes to Lt. Col. Jeff Mayne, Enforcement Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898 no later than 4:30 p.m., April 3, 2008.

A public hearing to receive comments on the amended Notice of Intent for the Emergency Cut-Off Switch will be held during the Wildlife and Fisheries Commission Meeting to be held on Thursday, March 6, 2008. The meeting will begin at 9:30 a.m. and will be held in the Louisiana Room of the Department's Headquarters Building, 2000 Quail Drive.

Patrick C. Morrow
Chairman

0802#024

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