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# Emergency Rules

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

High School Assessment Requirements  
(LAC 22:XI.6821 and CXV.2318 and 2319)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:XI in Bulletin 111—*The Louisiana School, District, and State Accountability System*; and LAC 28:CXV in Bulletin 741—*Louisiana Handbook for School Administrators*. In light of the COVID-19 pandemic, the aforementioned revisions enable high school seniors enrolled during the spring 2021 semester and graduating by August 31, 2021, to substitute the following in lieu of the LEAP 2025 high school assessment requirement:

An ACT composite score of 17 or higher for all students; or

A score of Silver or higher on ACT WorkKeys for students pursuing a Career Diploma; or

An ACT subject score of 17 or higher in the corresponding LEAP 2025 high school assessment; or

The student participates in 20 or more extended learning hours per LEAP 2025 high school assessment subject pair for which the student has yet to achieve level 2 (approaching basic/fair) or above, with such instruction provided by a qualified teacher.

This Declaration of Emergency, effective March 10, 2021, is for a period of 120 days from adoption, or until finally adopted as Rule.

## Title 28 EDUCATION

### Subpart 1. Bulletin 111—*The Louisiana School, District, and State Accountability System*

#### Chapter 68. LEAP 2025 Assessments for High School

#### Subchapter C. LEAP 2025 for High School

##### Administrative Rules

#### §6821. High School Test Cohorts

[Formerly LAC 28:CXI.1821]

A. - B. ...

1. For high school seniors enrolled during spring 2021 and graduating by August 31, 2021, the following may be substituted for the LEAP 2025 high school assessment requirement, provided the student has initially participated in all LEAP 2025 high school assessments:

a. an ACT composite score of 17 or higher for all students; or

b. a score of silver or higher on ACT WorkKeys for students pursuing a career diploma; or

c. an ACT subject score of 17 or higher in the corresponding LEAP 2025 high school assessment pair, as follows:

i. a score of 17 or higher on the ACT English or Reading tests shall satisfy the English I/English II LEAP 2025 high school assessment requirement;

ii. a score of 17 or higher on the ACT Mathematics test shall satisfy the Algebra I/Geometry LEAP 2025 high school assessment requirement; and

iii. a score of 17 or higher on the ACT Science test shall satisfy the Biology/U.S. History LEAP 2025 high school assessment requirement; or

d. the student participates in 20 or more extended learning hours per LEAP 2025 high school assessment subject pair for which the student has yet to achieve level 2 (approaching basic) or above, with such instruction provided by a qualified teacher.

i. The instruction must take place following the academic year, and the student must demonstrate proficiency corresponding to level 2 (approaching basic) or above, as determined by either the school or school system.

ii. For purposes of this Section, a qualified teacher is defined as a teacher holding a valid and current Louisiana teaching certificate or has received a final COMPASS evaluation of effective: emerging or higher.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:977 (May 2010), amended LR 38:36 (January 2012), LR 44:470 (March 2018), LR 47:

### Part CXV. Bulletin 741—*Louisiana Handbook for School Administrators*

#### Chapter 23. Curriculum and Instruction

#### Subchapter A. Standards and Curricula

#### §2318. The TOPS University Diploma

A. - B.1.c. ...

2. For incoming freshmen in 2010-2011 and beyond, students must meet the assessment requirements below to earn a standard diploma.

a. Students must pass three end-of-course tests in the following categories:

i. English II or English III;

ii. algebra I or geometry;

iii. biology or American history.

b. Students with disabilities identified under IDEA who meet the LAA 2 participation criteria and entered high school during or prior to the 2013-2014 school year may meet the assessment requirements by passing the English language areas and mathematics components of the LAA 2 and either the science or social studies component of LAA 2

2. Students who entered traditional grade 9 in 2010–2011 through 2016-2017 are required to score level 2 (approaching basic) or above on English II or English III, algebra I or geometry, and biology or U.S. history to be eligible for a standard high school diploma.

a. Students with disabilities identified under IDEA who meet the LAA 2 participation criteria and entered high school during or prior to the 2013-2014 school year may meet the assessment requirements by passing the English language areas and mathematics components of the LAA 2 and either the science or social studies component of LAA 2

3. Students who enter traditional grade 9 during or after 2017-2018 are required to score level 2 (approaching basic) or above on English I or English II, algebra I or geometry, and biology or U.S. history to be eligible for a standard high school diploma.

a. For high school seniors enrolled during spring 2021 and graduating by August 31, 2021, the following may be substituted for the LEAP 2025 high school assessment requirement, provided the student has initially participated in all required assessments:

i. an ACT composite score of 17 or higher for all students; or  
ii. an ACT subject score of 17 or higher in the corresponding LEAP 2025 high school assessment pair, as follows:

(a). a score of 17 or higher on the ACT English or reading tests shall satisfy the English I/English II LEAP 2025 high school assessment requirement;

(b). a score of 17 or higher on the ACT Mathematics test shall satisfy the Algebra I/Geometry LEAP 2025 high school assessment requirement; and

(c). a score of 17 or higher on the ACT Science test shall satisfy the Biology/U.S. History LEAP 2025 high school assessment requirement; or

iii. the student participates in 20 or more extended learning hours per LEAP 2025 high school assessment subject pair for which the student has yet to achieve level 2 (approaching basic) or above, with such instruction provided by a qualified teacher.

(a). the instruction must take place following the academic year, and the student must demonstrate proficiency corresponding to level 2 (approaching basic) or above, as determined by either the school or school system;

(b). a qualified teacher is defined as a teacher holding a valid and current Louisiana teaching certificate or has received a final COMPASS evaluation of Effective: Emerging or higher;

(c). for purposes of this Section, a qualified teacher is defined as a teacher holding a valid and current Louisiana teaching certificate or has received a final COMPASS evaluation of effective: emerging or higher.

#### B.3. – D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 36:1486 (July 2010), LR 37:547 (February 2011), LR 37:1128 (April 2011), LR 37:2129 (July 2011), LR 37:2132 (July 2011), LR 37:3193 (November 2011), LR 38:754, 761 (March 2012), LR 38:1001 (April 2012), LR 38:1584 (July 2012), LR 40:994 (May 2014), LR 40:1328 (July 2014), LR 40:1679 (September 2014), LR 40:2525 (December 2014), LR 41:915 (May 2015), LR 41:1482 (August 2015), LR 41:2126 (October 2015), LR 42:232 (February 2016), LR 42:1062 (July 2016), LR 42:1878 (November 2016), LR 42:2176 (December 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2483 (December 2017), LR 44:263 (February 2018), LR 44:1868 (October 2018), repromulgated LR 44:1998 (November 2018), amended LR 45:1454 (October 2019), LR 46:556 (April 2020), LR 47:

### §2319. The Career Diploma

A. - A.1. ...

a. For high school seniors enrolled during spring 2021 and graduating with a Career Diploma by August 31, 2021, a score of Silver or higher on ACT WorkKeys may substitute as the culminating IBC.

A.2. - B.1.c. ...

2. For incoming freshmen in 2010-2011 and beyond, students must meet the assessment requirements below to earn a standard diploma.

a. Students must pass three end-of-course tests in the following categories:

i. English II or English III;

ii. Algebra I or Geometry;

iii. Biology or American History.

b. Students with disabilities identified under IDEA that entered high school during or prior to the 2013-2014 school year and meet the LAA 2 participation criteria may meet the assessment requirements by passing the English language areas and mathematics components of the LAA 2 and either the science or social studies component of LAA 2.

2. Students who entered traditional grade 9 in 2010–2011 through 2016-2017 are required to score level 2 (approaching basic) or above on English II or English III, algebra I or geometry, and biology or U.S. history to be eligible for a standard high school diploma.

a. Students with disabilities identified under IDEA who meet the LAA 2 participation criteria and entered high school during or prior to the 2013-2014 school year may meet the assessment requirements by passing the English language areas and mathematics components of the LAA 2 and either the science or social studies component of LAA 2.

3. Students who enter traditional grade 9 during or after 2017-2018 are required to score level 2 (approaching basic) or above on English I or English II, algebra I or geometry, and biology or U.S. history to be eligible for a standard high school diploma.

a. For high school seniors graduating during the 2020-2021 academic year, the following may be substituted for the LEAP 2025 high school assessment requirement, provided the student has initially participated in all required assessments:

i. An ACT composite score of 17 or higher for all students; or

ii. A score of Silver or higher on ACT WorkKeys for students pursuing a Career Diploma; or

iii. An ACT subject score of 17 or higher in the corresponding LEAP 2025 high school assessment pair, as follows:

(a). A score of 17 or higher on the ACT English or Reading tests shall satisfy the English I/English II LEAP 2025 high school assessment requirement;

(b). A score of 17 or higher on the ACT Mathematics test shall satisfy the Algebra I/Geometry LEAP 2025 high school assessment requirement; and

(c). A score of 17 or higher on the ACT Science test shall satisfy the Biology/U.S. History LEAP 2025 high school assessment requirement; or

iv. The student participates in 20 or more extended learning hours per LEAP 2025 high school assessment subject pair for which the student has yet to achieve level 2

(approaching basic) or above, with such instruction provided by a qualified teacher.

(a). The instruction must take place following the academic year, and the student must demonstrate proficiency corresponding to level 2 (approaching basic) or above.

(b). For purposes of this section, a qualified teacher is defined as a teacher holding a valid and current Louisiana teaching certificate or has received a final COMPASS evaluation of effective: emerging or higher.

B.3 – C.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, 17:183.3, 17:274, 17:274.1, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 35:1230 (July 2009), LR 35:1876 (September 2009), LR 35:2321 (November 2009), LR 35:2750 (December 2009), LR 36:1490 (July 2010), LR 37:548 (February 2011), LR 37:1130 (April 2011), LR 37:2130 (July 2011), LR 37:3197 (November 2011), LR 38:761 (March 2012), LR 38:1005 (April 2012), LR 40:2522 (December 2014), LR 41:1482 (August 2015), LR 41:2594 (December 2015), LR 42:232 (February 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2484 (December 2017), LR 44:1868 (October 2018), LR 45:1747 (December 2019), LR 46:557 (April 2020), LR 46:1086 (August 2020), LR 47:

Sandy Holloway  
March 2021

2103#001

## DECLARATION OF EMERGENCY

### Board of Elementary and Secondary Education

Physical Distance between Students in Classrooms  
(LAC 28:LXXIX.1105, 1107; CXV.401, 403; and CXXXIX.4101, 4103)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXXXIX in Bulletin 126—*Charter Schools*; LAC 28:CV in Bulletin 741—*Louisiana Handbook for School Administrators*; and LAC 28:LXXIX in Bulletin 741 (Nonpublic)—*Louisiana Handbook for Nonpublic School Administrators*. On March 19, 2021, the Centers for Disease Control and Prevention (CDC) updated its kindergarten through twelfth grade school guidance related to physical distance between students in classrooms. CDC now recommends that students should maintain a distance of at least three feet in classroom settings. The aforementioned revisions align policy with the recently updated CDC guidance. This Declaration of Emergency, effective March 22, 2021, is for a period of 120 days from adoption, or until finally adopted as Rule.

## Title 28

### EDUCATION

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

#### Chapter 11. Health

#### Subchapter B. Reopening School Facilities for the 2020-2021 School Year

#### §1105. Purpose and Background

A. - E.1.b. ...

F. Medical or disability impact exceptions to any standard in this Chapter should be addressed on an individual basis by the LEA in accordance with local policies.

G. For the purposes of this Chapter, the following definition will apply.

*Physical Distance*—the act of an individual maintaining a space of at least three feet from another individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:1674 (December 2020), amended LR 47:

#### §1107. Minimum Requirements for Reopening and Operating School Facilities

A. - A.2.a. ...

b. The group composition may change if students are able to maintain physical distance from other students and adults. In this case, students must maintain physical distance, in accordance with current Louisiana Department of Health Guidelines as informed by the Centers for Disease Control and Prevention (CDC), from other students and adults in any classroom or indoor setting to the maximum extent possible.

B. - I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7, R.S. 17:439.1 and R.S. 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:1674 (December 2020), amended LR 47:

#### Part CXV. Bulletin 741—Louisiana Handbook for School Administrators

#### Chapter 4. Reopening School Facilities for the 2020-2021 School Year

#### §401. Purpose and Background

A. - E.1.b. ...

F. Medical or disability impact exceptions to any standard in this Chapter should be addressed on an individual basis by the LEA in accordance with local policies.

G. For the purposes of this Chapter, the following definition will apply.

*Physical Distance*—the act of an individual maintaining a space of at least three feet from another individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:1672 (December 2020), amended LR 47:

**§403. Minimum Requirements for Reopening and Operating School Facilities**

A. – A.2.a. ...

b. The group composition may change if students are able to maintain physical distance from other students and adults. In this case, students must maintain physical distance, in accordance with current Louisiana Department of Health Guidelines as informed by the Centers for Disease Control and Prevention (CDC), from other students and adults in any classroom or indoor setting to the maximum extent possible.

B. – I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, R.S. 17:7, R.S. 17:439.1 and R.S. 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:1673 (December 2020), amended LR 47:

**Part CXXXIX. Bulletin 126—Charter Schools**

**Chapter 41. Reopening School Facilities for the 2020-2021 School Year**

**§4101. Purpose and Background**

A. – E.1.b. ...

F. Medical or disability impact exceptions to any standard in this Chapter should be addressed on an individual basis by the LEA in accordance with local policies.

G. For the purposes of this Chapter, the following definition will apply.

*Physical Distance*—the act of an individual maintaining a space of at least three feet from another individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:1670 (December 2020), amended LR 47:

**§4103. Minimum Requirements for Reopening and Operating School Facilities**

A. – A.2.a. ...

b. The group composition may change if students are able to maintain physical distance from other students and adults. In this case, students must maintain physical distance, in accordance with current Louisiana Department of Health Guidelines as informed by the Centers for Disease Control and Prevention (CDC), from other students and adults in any classroom or indoor setting to the maximum extent possible.

B. – I. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:1670 (December 2020), amended LR 47:

Sandy Holloway  
President

2104#003

**DECLARATION OF EMERGENCY**

**Board of Elementary and Secondary Education**

Reopening School Facilities  
Phase 3 Minimum Requirements  
(LAC 28:LXXIX.1105; CXV.4011; CXXXIX.4101)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education has amended LAC 28:CXV in Bulletin 741 —*Louisiana Handbook for School Administrators*; LAC 28:LXXIX in Bulletin 741 (Nonpublic)—*Louisiana Handbook for Nonpublic School Administrators*; and LAC 28:CXXXIX in Bulletin 126—*Charter Schools*. The aforementioned revisions enable Local Education Agencies (LEAs) to continue to implement, for the duration of 168 JBE2020, the current policy regarding Phase 3 minimum requirements, pertaining to the reopening school facilities for the 2020-2021 school year. This Declaration of Emergency, effective March 31, 2021, is for a period of 120 days from adoption, or until finally adopted as Rule.

**Title 28**

**EDUCATION**

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

**Chapter 11. Health**

**Subchapter B. Reopening School Facilities for the 2020-2021 School Year**

**§1105. Purpose and Background**

A. – C. ...

D. By executive proclamation, the governor establishes the statewide phase(s) of reopening (phase 1, phase 2, or phase 3). If the local governing authority of a parish or other municipality has established a more restrictive phase of reopening, the LEA located within that parish or municipality must conform to the more restrictive requirements.

1. Subsequent to the reopening of school facilities for the 2020-2021 school year and in coordination with requirements outlined in 168 JBE 2020, LEAs may continue to follow the Phase 3 minimum requirements for reopening school facilities as set forth in this Chapter.

E. In the event the governor orders, via executive proclamation, a reversion or progression from one phase of the state reopening plan to another, BESE shall immediately communicate the substance of such executive proclamation to each LEA, including the impact of the executive proclamation on the roles, responsibilities, and requirements of each LEA in the state.

1. If necessary, as a result of such executive proclamation, BESE may:

a. consider revisions to regulations pertaining to the phased reopening of school facilities for the 2020-2021 school year; or

b. authorize the LDE to issue detailed guidance to each LEA in the state to include the roles, responsibilities, and requirements of each LEA in the state in response to the executive proclamation.

F. Medical or disability impact exceptions to any standard in this Chapter should be addressed on an individual basis by the LEA in accordance with local policies.

G. For the purposes of this Chapter, the following definition will apply.

*Physical Distance*—the act of an individual maintaining a space of six feet or more from another individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:1674 (December 2020), amended LR 47:

**Part CXV. Bulletin 741—Louisiana Handbook for School Administrators**  
**Chapter 4. Reopening School Facilities for the 2020-2021 School Year**

**§401. Purpose and Background**

A. - C. ...

D. By executive proclamation, the governor establishes the statewide phase(s) of reopening (phase 1, phase 2, or phase 3). If the local governing authority of a parish or other municipality has established a more restrictive phase of reopening, the LEA located within that parish or municipality must conform to the more restrictive requirements.

1. Subsequent to the reopening of school facilities for the 2020-2021 school year and in coordination with requirements outlined in 168 JBE 2020, LEAs may continue to follow the Phase 3 minimum requirements for reopening school facilities as set forth in this Chapter.

E. In the event the governor orders, via executive proclamation, a reversion or progression from one phase of the state reopening plan to another, BESE shall immediately communicate the substance of such executive proclamation to each LEA, including the impact of the executive proclamation on the roles, responsibilities, and requirements of each LEA in the state.

1. If necessary, as a result of such executive proclamation, BESE may:

a. consider revisions to regulations pertaining to the phased reopening of school facilities for the 2020-2021 school year; or

b. authorize the LDE to issue detailed guidance to each LEA in the state to include the roles, responsibilities, and requirements of each LEA in the state in response to the executive proclamation.

F. Medical or disability impact exceptions to any standard in this Chapter should be addressed on an individual basis by the LEA in accordance with local policies.

G. For the purposes of this Chapter, the following definition will apply.

*Physical Distance*—the act of an individual maintaining a space of six feet or more from another individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:1672 (December 2020), amended LR 47:

**Part CXXXIX. Bulletin 126—Charter Schools**  
**Chapter 41. Reopening School Facilities for the 2020-2021 School Year**

**§4101. Purpose and Background**

A. - C. ...

D. By executive proclamation, the governor establishes the statewide phase(s) of reopening (phase 1, phase 2, or phase 3). If the local governing authority of a parish or other municipality has established a more restrictive phase of reopening, the LEA located within that parish or municipality must conform to the more restrictive requirements.

1. Subsequent to the reopening of school facilities for the 2020-2021 school year and in coordination with requirements outlined in 168 JBE 2020, LEAs may continue to follow the Phase 3 minimum requirements for reopening school facilities as set forth in this Chapter.

E. In the event the governor orders, via executive proclamation, a reversion or progression from one phase of the state reopening plan to another, BESE shall immediately communicate the substance of such executive proclamation to each LEA, including the impact of the executive proclamation on the roles, responsibilities, and requirements of each LEA in the state.

1. If necessary, as a result of such executive proclamation, BESE may:

a. consider revisions to regulations pertaining to the phased reopening of school facilities for the 2020-2021 school year; or

b. authorize the LDE to issue detailed guidance to each LEA in the state to include the roles, responsibilities, and requirements of each LEA in the state in response to the executive proclamation.

F. Medical or disability impact exceptions to any standard in this Chapter should be addressed on an individual basis by the LEA in accordance with local policies.

G. For the purposes of this Chapter, the following definition will apply.

*Physical Distance*—the act of an individual maintaining a space of six feet or more from another individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:1670 (December 2020), amended LR 47:

Sandy Holloway  
President

2104#010

## DECLARATION OF EMERGENCY

**Department of Health  
Bureau of Health Services Financing  
And  
Office of Aging and Adult Services  
and  
Office for Citizens with Developmental Disabilities**

Programs and Services Amendments Due to the  
Coronavirus Disease 2019 (COVID-19) Public Health  
Emergency—Home and Community-Based Services  
Waivers and Long-Term Personal Care Services

On January 30, 2020, the World Health Organization declared a public health emergency of international concern and on January 31, 2020, U.S. Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States, effective as of January 27, 2020, in response to the recent coronavirus disease 2019 (hereafter referred to as COVID-19) outbreak. On March 11, 2020, Governor John Bel Edwards declared a statewide public health emergency to exist in the State of Louisiana as a result of the imminent threat posed to Louisiana citizens by COVID-19. Likewise, the presidential declaration of a national emergency due to COVID-19 has an effective date of March 1, 2020.

In response to these public health emergency declarations and the rapid advancement of COVID-19 throughout Louisiana, the Department of Health, Bureau of Health Services Financing, the Office of Aging and Adult Services (OAAS), the Office of Behavioral Health (OBH), and the Office for Citizens with Developmental Disabilities (OCDD) promulgated Emergency Rules which amended the provisions of Title 50 of the *Louisiana Administrative Code* in order to adopt temporary measures to provide for the continuation of essential programs and services to ensure the health and welfare of the citizens of Louisiana in accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(B)(1) et seq. (*Louisiana Register*, Volume 46, Number 4 and *Louisiana Register*, Volume 46, Number 7).

The department promulgated an Emergency Rule, adopted on August 25, 2020, to further amend the Adult Day Health Care (ADHC) Waiver and the Community Choices Waiver (CCW), and to amend the provisions governing long term-personal care services (LT-PCS) in order to ensure that these services continue uninterrupted throughout the COVID-19 public health emergency declaration. This Emergency Rule also clarified that the home and community-based services (HCBS) waiver provisions of the Emergency Rules published in the April 20, 2020 edition of the *Louisiana Register* which correspond to Louisiana's section 1915(c) Appendix K waiver will remain in effect for the duration of the Emergency Rules published in April 2020 or until the Appendix K waiver termination date of January 26, 2021, whichever is later (*Louisiana Register*, Volume 46, Number 9). This Emergency Rule is being promulgated in order to continue the provisions of the Emergency Rule adopted on August 25, 2020.

This Emergency Rule shall be in effect for the maximum period allowed under the Administrative Procedure Act or the duration of the COVID-19 public health emergency declaration, whichever is shorter.

Effective April 24, 2021, the Department of Health, Bureau of Health Services Financing, OAAS and OCDD hereby amend the provisions governing the ADHC Waiver, the CCW, and LT-PCS throughout the COVID-19 public health emergency declaration, and clarify that the HCBS waiver provisions which correspond to Louisiana's section 1915(c) Appendix K waiver will remain in effect for the duration of the Emergency Rules published in the April 20, 2020 *Louisiana Register* or until the Appendix K waiver termination date of January 26, 2021, whichever is later, in order to continue the provisions of the Emergency Rule adopted on August 25, 2020.

### **Services for Special Populations—Personal Care Services (LAC 50:XV.Subpart 9)**

Due to the COVID-19 public health emergency declaration, the Office of Aging and Adult Services (OAAS) may also utilize the level of care eligibility tool (LOCET) to determine if an individual meets eligibility qualifications for long term-personal care services (LT-PCS) and to determine resource allocation while identifying his/her need for support in performance of activities of daily living (ADLs) and instrumental activities of daily living (IADLs).

The LOCET may also be used to generate a score that measures the recipient's degree of self-performance of late-loss activities of daily living during the period just before the assessment. Criteria used to generate the score will be consistent with criteria on the interRAI home care assessment tool currently used. This score will correspond with the same level of support category and allocation of weekly service hours associated with that level.

OAAS may use the LOCET until such time as the applicant/recipient is able to be assessed using the uniform interRAI home care assessment tool.

### **Home and Community-Based Services Waiver Adult Day Health Care (LAC 50:XXI.Subpart 3)**

During the COVID-19 public health emergency declaration, and with approval from the Centers for Medicare and Medicaid Services (CMS), the following options may be available through the Adult Day Health Care (ADHC) Waiver:

The State may allow ADHC providers to provide services telephonically to waiver participants that cannot attend the ADHC center to ensure continuity of services.

The State is adding the following services in the ADHC Waiver:

**Home Delivered Meals.** The purpose of home delivered meals is to assist in meeting the nutritional needs of an individual in support of the maintenance of self-sufficiency and enhancing the quality of life. Up to two nutritionally balanced meals per day may be delivered to the home of the participant. This service may be provided by the ADHC provider.

**Assistive Devices and Medical Supplies.** Assistive devices and medical supplies are specialized medical equipment and supplies that include:

Devices, controls, appliances or nutritional supplements specified in the Plan of Care that enable participants to increase their ability to perform activities of daily living (ADLs);

Devices, controls, appliances or nutritional supplements that enable participants to perceive, control or communicate



with the environment in which they live or provide emergency response;

Items, supplies and services necessary for life support, ancillary supplies, and equipment necessary to the proper functioning of such items;

Supplies and services to assure participants' health and welfare;

Other durable and non-durable medical equipment and necessary medical supplies that are necessary but not available under the Medicaid State Plan;

Personal Emergency Response Systems (PERS);

Other in-home monitoring and medication management devices and technology;

Routine maintenance or repair of specialized equipment; and

Batteries, extended warranties and service contracts that are cost effective and assure health and welfare.

This includes medical equipment not available under the Medicaid State Plan that is necessary to address participant functional limitations and necessary medical supplies not available under the Medicaid State Plan.

#### **Home and Community-Based Services Waiver**

##### **Community Choices Waiver (LAC 50:XXI.Subpart 7)**

During the COVID-19 public health emergency declaration, and with approval from the Centers for Medicare and Medicaid Services (CMS), the state may allow ADHC providers to provide services telephonically to waiver participants that cannot attend the ADHC center to ensure continuity of services.

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

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

Dr. Courtney N. Phillips  
Secretary

2104#036

#### **DECLARATION OF EMERGENCY**

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

##### **Reimbursement for Vaccine Administration During a Declared Public Health Emergency (LAC 50:IX.8305, 8505, 15113 and XXIX.Chapter 9)**

The Department of Health, Bureau of Health Services Financing amends LAC 50:IX.8305, 8505, 15113, and XXIX.Chapter 9 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative

Procedure Act, R.S. 49:953(B)(1) et seq., and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

The Department of Health, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing reimbursement in the Professional Services and Pharmacy programs in order to adopt provisions governing vaccine administration during a declared public health emergency (PHE) (*Louisiana Register*, Volume 47, Number 1). The department has now determined that it is necessary to amend the December 23, 2020 Emergency Rule in order to add language specifying the requirement for Medicaid reimbursement to pharmacies for administration of vaccines related the PHE. This action is being taken to promote the health and welfare of Medicaid recipients by ensuring access to vaccines during a declared public health emergency.

Effective April 20, 2021, the Department of Health, Bureau of Health Services Financing amends the December 23, 2020 Emergency Rule which amended reimbursement in the Professional Services and Pharmacy programs in order to adopt provisions governing vaccine administration during a declared public health emergency.

#### **Title 50**

#### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

##### **Part IX. Professional Services Program**

##### **Subpart 7. Immunizations**

##### **Chapter 83. Children's Immunizations**

##### **§8305. Reimbursement Methodology**

A. - D.4. ...

E. Administration of vaccines related to a declared public health emergency shall be reimbursed at up to 100 percent of the Louisiana Region 99 Medicare rate for the duration deemed necessary by the Medicaid Program to ensure access. If providers are required to purchase vaccines, the vaccines will be reimbursed.

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 35:71 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:96 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1289 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

##### **Chapter 85. Adult Immunizations**

##### **§8505. Reimbursement Methodology**

A. - C.4. ...

D. Administration of vaccines related to a declared public health emergency shall be reimbursed at up to 100 percent of the Louisiana Region 99 Medicare rate for the duration deemed necessary by the Medicaid Program to ensure access. If providers are required to purchase vaccines, the vaccines will be reimbursed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:97 (January 2013), amended by the

Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1290 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

**Chapter 151. Reimbursement Methodology**

**Subchapter B. Physician Services**

**§15113. Reimbursement Methodology**

A. - N. ...

O. Administration of treatments related to a declared public health emergency shall be reimbursed at up to 100 percent of the Louisiana Region 99 Medicare rate for the duration deemed necessary by the Medicaid Program to ensure access.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1252 (June 2010), amended LR 36:2282 (October 2010), LR 37:904 (March 2011), LR 39:3300, 3301 (December 2013), LR 41:541 (March 2015), LR 41:1119 (June 2015), LR 41:1291 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:62 (January 2018), LR 47:

**Part XXIX. Pharmacy**

**Chapter 9. Methods of Payment**

**Subchapter H. Vaccines**

**§991. Vaccine Administration Fees**

A. ...

B. Administration of vaccines related to a declared public health emergency shall be reimbursed at up to 100 percent of the Louisiana Region 99 Medicare rate for the duration deemed necessary by the Medicaid Program to ensure access. If providers are required to purchase vaccines, then the vaccines will be reimbursed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1783 (August 2010), amended LR 40:82 (January 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1555 (August 2017), LR 46:345 (March 2020), LR 47:

**§993. Vaccine Reimbursement**

A. Vaccines for beneficiaries aged 19 and over shall be reimbursed at wholesale acquisition cost (WAC) or billed charges, whichever is the lesser amount.

B. Vaccines related to a declared public health emergency shall not be reimbursed if furnished at no cost to providers. When providers are responsible for purchasing the vaccine, the Medicaid Program shall reimburse.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:82 (January 2014), amended LR 46:345 (March 2020), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

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

Dr. Courtney N. Phillips  
Secretary

2104#035

**DECLARATION OF EMERGENCY**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

**2021 Commercial Large Coastal Shark Season Adjustment**

Louisiana's commercial fishery for large coastal sharks (great hammerhead, scalloped hammerhead, smooth hammerhead, nurse shark, blacktip shark, bull shark, lemon shark, sandbar shark, silky shark, spinner shark, and tiger shark) opened on January 1, 2021. NOAA Fisheries has informed the secretary that the aggregated large coastal (nurse shark, bull shark, lemon shark, sandbar shark, silky shark, spinner shark, and tiger shark) quota and the hammerhead (great hammerhead, scalloped hammerhead, and smooth hammerhead) quotas are being projected to exceed 80 percent which is the trigger for a closure. The blacktip shark quota remains under 80 percent and the commercial fishery for blacktip sharks will be the only species in the large coastal sharks group that remains open to commercial harvest.

In accordance with the emergency provisions of R.S. 49:953, which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency rules to set finfish seasons, R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, and the authority given to the secretary by the commission in LAC 76:VII.357.M.2 to modify large coastal shark seasons if notified by NOAA Fisheries of such an adjustment, the secretary hereby declares:

Effective 11:30 p.m., March 10, 2021, the commercial season for the harvest of species in the aggregated large coastal sharks group (nurse shark, bull shark, lemon shark, sandbar shark, silky shark, spinner shark, and tiger shark) and the hammerhead group (smooth hammerhead, scalloped hammerhead, and great hammerhead) shall close and will remain closed until January 1, 2022, at which time the season is scheduled to reopen. This closure will not pertain to persons holding a Federal Shark Research Permit issued by NOAA Fisheries Service, when those persons are legally fishing under the regulations promulgated for that permit including that a NMFS-approved observer is aboard the vessel. Nothing herein shall preclude the legal harvest of any Large Coastal Sharks by legally licensed recreational fishermen during the open season for recreational harvest. Effective with this closure, no person shall commercially harvest, possess, purchase, exchange, barter, trade, sell or attempt to purchase, exchange, barter, trade or sell large coastal sharks within the aggregated large coastal or hammerhead groups (nurse shark, bull shark, lemon shark,

sandbar shark, silky shark, spinner shark, and tiger shark, smooth hammerhead, scalloped hammerhead, and great hammerhead) whether taken from within or without Louisiana waters, except for a Federal Shark Research Permit holder, when legally operating under that Permit. Also effective with the closure, no person shall possess sharks from the aggregated large coastal and hammerhead groups in excess of a daily bag limit whether taken from within or without Louisiana waters, which may only be in possession during the open recreational season. Nothing shall prohibit the possession or sale of fish legally taken prior to the closure, or from Federal Shark Research Permit holders, provided that all commercial dealers possessing the aggregated large coastal and hammerhead groups taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6. Nothing shall prohibit the commercial harvest of blacktip sharks during this closure, the commercial season for which remains open until further notice.

Jack Montoucet  
Secretary

2103#002

## **DECLARATION OF EMERGENCY**

### **Department of Wildlife and Fisheries Wildlife and Fisheries Commission**

#### **Opening of Shrimp Season in Portions of State Outside Waters**

The secretary of the Department of Wildlife and Fisheries has been notified that recent biological sampling conducted by the department has indicated that small white shrimp, which have over-wintered in these waters from January through the present time, have reached marketable sizes and the closure is no longer necessary. Significant numbers of smaller size white shrimp still remain in state outside waters west of the Atchafalaya River Ship Channel to the western shore of Freshwater Bayou Canal and these waters will

remain closed to shrimping until further notice. Notice of any opening, delaying or closing of a season by the secretary of the Department of Wildlife and Fisheries will be made by public notice at least 72 hours prior to such action.

In accordance with the emergency provisions of R.S. 49:953, the Administrative Procedure Act which allows the Wildlife and Fisheries Commission to use emergency procedures to set shrimp seasons, and R.S. 56:497 which allows the Wildlife and Fisheries Commission to delegate to the secretary of the Department of Wildlife and Fisheries the powers, duties and authority to open or close outside waters by zone each year as it deems appropriate upon inspection of and based upon technical and biological data which indicate that marketable shrimp, in sufficient quantities are available for harvest; and, a declaration of emergency adopted by the Wildlife and Fisheries Commission on August 6, 2020 which authorizes the secretary of the Department of Wildlife and Fisheries to reopen any area closed to shrimping when the closure is no longer necessary, the secretary hereby declares:

The portion of state outside waters between Calliou Boca and the Atchafalaya River Ship Channel at Eugene Island shall reopen to shrimping at 6:00 p.m. on March 26, 2021. The eastern boundary line originates on the northwest shore of Caillou Boca at 29 degrees 02 minutes 46.00 seconds north latitude, -90 degrees 50 minutes 27.00 seconds west longitude and ends at a point on the three-mile line as described in R.S. 56:495(A) at 28 degrees 59 minutes 30.00 seconds north latitude, -90 degrees 51 minutes 57.00 seconds west longitude. The western boundary line originates at the Atchafalaya River Ship Channel at Eugene Island as delineated by the red buoy line at 29 degrees 22 minutes 14.93 seconds north latitude, -91 degrees 22 minutes 58.92 seconds west longitude and ends at a point on the three-mile line as described in R.S. 56:495(A) at 29 degrees 18 minutes 33.89 seconds north latitude, -91 degrees 26 minutes 16.05 seconds west longitude.

Jack Montoucet  
Secretary

2103#004

# Rules

## RULE

### Department of Agriculture and Forestry Office of Agriculture and Environmental Sciences

#### Examinations, Certifications, Licensing, and Fees (LAC 7:XXIII.701 and 901)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:3203 and R.S. 3:3251, the Department of Agriculture and Forestry (“Department”), through the Office of Agricultural and Environmental Sciences, has amended LAC 7:XXIII.701 and 901. The amendment to LAC 7:XXIII.701 removes the requirement that applicants for the private applicator, commercial applicator, or pesticide salespersons examinations who fail to receive a passing score on an exam wait a minimum of 10 days before being eligible for re-examination. The requirement that no person shall be allowed to take a private applicator examination, commercial applicator examination, or pesticide salesperson examination more than three times in a 12-month period is also removed. Louisiana is the only state with restrictions on the time intervals between testing and limitations on the amount of re-testing permitted per year for private applicator, commercial applicator and salesperson examinations. These changes are being made to align with current practices of other states and the industry.

The amendment to LAC 7:XXIII.901 is being made pursuant to the authority set forth in 3:3251, which allows the Commissioner to establish examination fees by rule in an amount not to exceed \$200. The amendment to LAC 7:XXIII.901 increases the examination fees from \$25 to \$50 for commercial applicator examinations, pesticide salesperson examinations, and agricultural consultant examinations taken in Baton Rouge and examinations taken at meetings outside Baton Rouge. The amendment also includes a \$50 fee to take the private applicator examination. Currently, there is no fee for the private applicator examination and Louisiana is the only state that does not charge a fee to take the private applicator examination. The amendments to LAC 7:XXIII.901 ensures consistency of the examinations fees for all areas of Louisiana. This Rule is hereby adopted on the day of promulgation.

#### Title 7

#### AGRICULTURE AND ANIMALS

#### Part XXIII. Pesticides

#### Chapter 7. Examinations, Certification and Licensing

#### Subchapter A. Examinations

#### §701. Examinations of Private Applicators, Commercial Applicators, Pesticide Salespersons, and Agricultural Consultants

A. - C. ...

D. Each applicant for the agricultural consultant examination who fails to receive a passing score shall wait a

minimum of 10 days before being eligible for re-examination.

E. No person shall be allowed to take an agricultural consultant examination more than three times in a 12-month period.

F. Applicants who fail to receive a passing score on the private applicator examination, commercial applicator examination, or pesticide salesperson examination shall be eligible for re-examination after completing and submitting an application for retesting.

G. An applicant who took and did not pass an examination in this state under these standards shall not be permitted to receive certification in the occupation or category for which the examination was taken under a reciprocal agreement with another state.

H. All applicants for private applicators' certification must be at least 16 years of age or an emancipated minor. All applicants for salesperson certification must be at least 18 years of age or an emancipated minor.

I. An applicant shall be disqualified from completing an examination or taking any other examination administered under these rules and regulations if the applicant is caught or found to be cheating on an examination or using any written materials, electronic devices, or other means during an examination, which have not been authorized or allowed by the director or person administering the examination.

l.e. - 4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203 and R.S. 3:3241 and 3:3249.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 9:178 (April 1983), amended LR 11:943 (October 1985), amended by the Department of Agriculture and Forestry, amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 15:76 (February 1989), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Advisory Commission on Pesticides, LR 28:39 (January 2002), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, Advisory Commission on Pesticides, LR 35:626 (April 2009), repromulgated by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 37:3471 (December 2011), LR 47:437 (April 2021).

#### Chapter 9. Fees

#### §901. Fees

A. Fees required under the Louisiana Pesticide Law to be adopted by regulation are established as the following.

Special Local Need Registration Application Fee	\$100
Examination Fees	
Private Applicator Exam	\$50
Commercial Applicator Exam	\$50 per category
Pesticide Salesperson Exam	\$50
Agricultural Consultant Exam	\$50 per category
Duplicate Licenses and/or Certification Cards	Same as Original
	Postage + minimum of \$1 or Postage +
Requested Lists and Copies	\$0.25 /page

B. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3203, R.S. 3:3221, R.S. 3:3222 and R.S. 3:3251.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Advisory Commission on Pesticides, LR 10:194 (March 1984), amended by the Department of Agriculture and Forestry, Advisory Commission on Pesticides, LR 15:76 (February 1989), LR 24:281 (February 1998), amended by the Department of Agriculture and Forestry, Office of Commissioner, Advisory Commission on Pesticides, LR 30:197 (February 2004), repromulgated by Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, LR 37:3477 (December 2011), LR 47:437 (April 2021).

Mike Strain, DVM  
Commissioner

2104#054

**RULE**

**Department of Agriculture and Forestry  
Office of Agriculture and Environmental Sciences  
Agricultural Chemistry and Seed Commission**

**Industrial Hemp  
(LAC 7:XIII.Chapter 13)**

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:1461 et seq., the Department of Agriculture and Forestry (“Department”), through the Office of Agricultural and Environmental Sciences, has amended LAC 7:XIII.1303, 1305, 1307, 1309, 1311, 1315, 1317, 1319, 1321, 1323, 1325, 1327, 1329, and 1335 of the Industrial Hemp Rules and Regulations. The amendments to Section 1303, 1315, and 1321 are being made in accordance with Act 344 of the 2020 Regular Session, pertaining to recent changes in the Louisiana Industrial Hemp Law as it relates to the federally defined THC level for industrial hemp and criminal background checks. Among other items, the department additionally has made the following amendments to the rules and regulations: (i) defining and clarifying certain terms; (ii) making technical corrections; (iii) clarification and classification of persons in the employ of a licensee; and (iv) removing and amending specific reporting requirements. This Rule is hereby adopted on the day of promulgation.

**Title 7**

**AGRICULTURE AND ANIMALS**

**Part XIII. Seeds**

**Chapter 13. Industrial Hemp**

**Subchapter A. General Provisions**

**§1303. Definitions**

A. - B. ...

*Employee*—any person working under the direct supervision of a licensee who performs services for wages or salary, and whose work the licensee has control over in respect to the work to be done and how it will be done.

\*\*\*

*Farm Service Agency (“FSA”) Lot ID*—a unique number generated by the USDA Farm Service Agency consisting of the farm number, tract number, field number, and subfield number.

\*\*\*

*Federally Defined THC Level for Hemp*—the greater of the following:

- a. a delta-9-THC concentration of not more than three-tenths of a percent (0.3%) on a dry weight basis; or
- b. the Acceptable Hemp THC Level as defined in 7 U.S.C. 1639o and 7 C.F.R. 990.3(3)

\*\*\*

*Independent Contractor*—a person or business entity that provides services under a written contract or verbal agreement or is issued a 1099 tax form for the work performed.

\*\*\*

*Industrial Hemp*—the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a THC concentration of not more than the federally defined THC level for hemp.

*Industrial Hemp Plant Parts*—any floral buds, leaves, roots, seeds, stalks, or stems of the plant *Cannabis sativa L.* with a THC concentration of not more than the federally defined THC level for hemp.

\*\*\*

*Key Participants*—members of a limited liability company, a sole proprietor, partners in a partnership, and incorporators or directors of a corporation. A key participant also includes persons at executive levels including but not limited to chief executive officer, chief operating officer, and chief financial officer. A key participant does not include non-executive managers such as farm, field, or shift managers.

\*\*\*

*Licensed Grower*—Repealed.

\*\*\*

*Plot*—a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of industrial hemp throughout the area and which is identified by a FSA Lot ID.

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1462 and R.S. 3:1464.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:170 (February 2020), LR 47:438 (April 2021).

**Subchapter B. Licenses**

**§1305. Licensing**

A. - B. ...

C. The effective dates of all industrial hemp licenses shall be from the date of issuance through December 31 of any given year, and licenses must be renewed annually by November 30.

D. - E. ...

F. No unlicensed person who is not an employee of a licensee shall grow, cultivate, handle, store, process, or commence transporting industrial hemp at any location within Louisiana. No licensee shall allow any unlicensed person who is not an employee of that licensee to grow, cultivate, handle, store, process, or transport industrial hemp under his or her license. For purposes of this Chapter, employees of a licensee shall not include independent

contractors or persons issued a 1099 tax form by that licensee.

G. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1462, R.S. 3:1464, and R.S. 3:1465.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:171 (February 2020), LR 47:438 (April 2021).

### **§1307. Seed Producer License**

A. - D.6. ...

7. Repealed.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1462, R.S. 3:1464, and R.S. 3:1465.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:171 (February 2020), LR 47:439 (April 2021).

### **§1309. Grower License**

A. - C.6. ...

7. Repealed.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1462, R.S. 3:1464, and R.S. 3:1465.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:172 (February 2020), LR 47:439 (April 2021).

### **§1311. Processor License**

A. ...

B. A processor license issued by LDAF shall authorize the licensee to process, handle, or transport industrial hemp plant parts for processing pursuant to this Chapter.

C. The application shall include, at a minimum, the following information for consideration:

1. Applicant's full name, Louisiana mailing and physical address, telephone number, and email address;

2. If the applicant is a business entity:

a. the full name of the business;

b. the principal Louisiana business physical address;

c. the full name, title and email address of the individual applying for the license;

d. the full name, title, and email address of the designated responsible party;

e. the full name, title, and email address of the key participants of the business entity;

f. the full name and mailing address of the registered agent; and

g. the employer identification number.

3. Detailed maps, legal description, physical address, location ID, and GPS coordinates for each building or site where industrial hemp will be processed, handled, or stored.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1462, R.S. 3:1464, and R.S. 3:1465.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:172 (February 2020), LR 47:439 (April 2021).

### **§1315. Criminal Background Check**

NOTE: See §1305(H)(1)-(2) for criminal conviction prohibitions regarding licensure.

A. - C.1. ...

2. Submit payment for the background check fee directly to the Louisiana State Police, Bureau of Criminal Identification and Information as set forth in R.S. 3:1465(D); and

C.3. - D. ...

E. Failure to submit the criminal background check report may result in the denial of the license application.

F. ...

1. An applicant or licensee whose application and/or license has been revoked or denied for failure to obtain a satisfactory criminal background check as set forth in R.S. 3:1465(D) or failure to comply with a written order from an LDAF agent shall not be the designated responsible party for another licensee for a period of three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464 and R.S. 3:1465.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:173 (February 2020), LR 47:439 (April 2021).

### **Subchapter C. Fees**

#### **§1317. Licensing and Testing Fees**

A. - A.2. ...

3. No license shall be issued until payment of the license fee is received by LDAF.

B. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464 and R.S. 3:1467.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:173 (February 2020), LR 47:439 (April 2021).

### **Subchapter D. Seed Producers and Growers**

#### **§1319. Requirements for Seed Producers and Growers**

A. - B. ...

C. A licensee shall submit in writing a completed Harvest/Destruction report to LDAF within 15 days of the intended harvest date or intended destruction date of a failed crop.

D. A grower licensee shall submit in writing a completed planting report to LDAF for each field, greenhouse, or indoor growing structure within 15 days commencing after the first day of the planting of industrial hemp. The completed planting report shall include, but is not limited to, the licensee's FSA Lot ID.

1. Repealed.

E. A seed producer licensee shall submit in writing the following completed planting reports to LDAF which shall include, but is not limited to, the licensee's FSA Lot ID:

1. For each greenhouse or indoor growing structure, the licensee shall submit in writing a completed planting report by March 31, June 30, September 30, and December 31 of each year after the initial planting.

2. For each field, the licensee shall submit in writing a completed planting report within 15 days of the first day of the planting of industrial hemp.

F. Representatives of LDAF shall be provided with complete and unrestricted access to all industrial hemp plants, whether growing or harvested, and all land, buildings, and other structures used for the cultivation, handling, and storage of all industrial hemp plants and all locations listed in the license application.

G. An industrial hemp crop shall not be harvested more than 15 days following the date of sample collection by LDAF, unless specifically authorized in writing by LDAF.

H. An industrial hemp crop planted or cultivated in a field, greenhouse, or indoor growing structure shall be planted or cultivated in a manner to allow LDAF to collect a representative sample throughout the entire crop. If a crop is not planted or cultivated in such a manner that allows for the collection of a sample throughout the entire crop, then the grower shall make modifications to the crop to allow collection and sampling throughout the entire crop.

I. A licensee shall destroy any unharvested industrial hemp plants contained in a field, greenhouse, or indoor growing structure or any portion thereof resulting from crop failure or that licensee's failure to harvest for any reason. LDAF shall approve the written destruction method of the unharvested industrial hemp plants.

J. A licensee shall monitor and destroy volunteer industrial hemp plants from the licensee's cultivation for a period of three years after cultivation ends.

K. A licensee who fails to timely submit a Harvest/Destruction Report or who harvests a crop prior to a sample being collected by LDAF may be subject to crop destruction and regulatory action up to and including license revocation.

L. Licensed seed producers and growers shall report industrial hemp crop acreage or square footage to the USDA Farm Service Agency and shall provide, at a minimum, the following information:

1. Street address and, to the extent practicable, GPS location for each field, greenhouse, or indoor growing structure where industrial hemp will be cultivated;

2. Acreage or square footage for each field, greenhouse, or indoor growing structure dedicated to the cultivation of industrial hemp; and

3. LDAF license number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464, R.S. 3:1467, and R.S. 3:1468.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:173 (February 2020), LR 47:439 (April 2021).

### **§1321. Seed Acquisition and Approval**

A. - A.2. ...

B. Repealed.

C. - C.1. ...

2. Seed originating from an industrial hemp grower licensed within the state of production that ~~has~~ is accompanied by the following official documentation:

a. Certificate of analysis issued by a third party independent laboratory showing that the industrial hemp from which the seed was harvested had a THC concentration of not more than the federally defined THC level for hemp;

b. Seed purity and germination analysis report as set forth in R.S. 3:1436; and

c. Seed label, in compliance with R.S. 3:1436, for the industrial hemp seed which is being requested for approval.

D. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1431, R.S. 3:1436, R.S. 3:1445, 3:1463, R.S. 3:1464, R.S. 3:1465, and R.S. 3:1466.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:174 (February 2020), LR 47:440 (April 2021).

## **Subchapter E. Restrictions and Prohibitions**

### **§1323 Land Use Restrictions**

A. - C. ...

D. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464 and R.S. 3:1465.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:175 (February 2020), LR 47:440 (April 2021).

### **§1325. Restrictions on Sale or Transfer**

A. - B. ...

C. A licensee shall not store industrial hemp or industrial hemp plant parts at any location that was not previously approved by LDAF on that licensee's application and/or site modification request form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:175 (February 2020), LR 47:440 (April 2021).

### **§1327. Prohibitions**

A. - A.9. ...

10. Plant, grow, store, transfer, or process industrial hemp on any site not listed in the licensing application or site modification request form as set forth in this Chapter;

11. - 12. ...

13. Commingle different varieties of industrial hemp plants in a single plot.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464, R.S. 3:1465, R.S. 3:1466, R.S. 3:1467, R.S. 3:1468, R.S. 3:1470, and R.S. 3:1471.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:175 (February 2020), LR 47:440 (April 2021).

## **Subchapter F. Reporting and Record-Keeping**

### **§1329. Production Reports**

A. - A.1. ...

a. Total amount of industrial hemp sold for processing;

b. Total dollar value of industrial hemp sold for processing; and

c. Current industrial hemp plant parts in storage and location of that storage.

d. - f. Repealed.

2. - 3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1464 and R.S. 3:1466.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:175 (February 2020), LR 47:440 (April 2021).

## **Subchapter H. Sampling, Testing, and Destruction**

### **§1335. THC Sampling and Testing**

A. - D.3.f. ...

4. All testing of industrial hemp samples shall be conducted by LDAF or by any public postsecondary education institution in which LDAF has entered into a

contract, cooperative endeavor agreement, memorandum of understanding, or other agreement for THC testing.

D.5. - D.8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1462, R.S. 3:1464, R.S. 3:1467, and R.S. 3:1468.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Agricultural Chemistry and Seed Commission, LR 46:177 (February 2020), LR 47:440 (April 2021).

Mike Strain, DVM  
Commissioner

2104#055

## RULE

### Department of Children and Family Services Licensing Section

#### Child Placing Provisions (LAC 67:V.Chapter 73)

In accordance with the provisions of the Administrative Procedure Act R.S. 49:953 (A) and R.S. 46:1407 (D), the Department of Children and Family Services (DCFS) has amended LAC 67, Part V, Subpart 8, Chapter 73, Child Placing Agencies, Section 7311, 7313, 7315, 7321, and 7323.

The Rule clarifies requirements related to insurance coverage, location of first aid supplies, criminal background check timeframes, mandated reporter training, training topics for youth in the transitional placing program, and the location of first aid supplies in transitional placing programs. The Rule also adds timeframes for providing influenza information to foster/adoptive parents, adds an alternative safe sleep course, extends timeframes for obtaining statements of health, and adds a requirement for youth in the extended foster care program to be able to remain in their foster/adoptive placement. This Rule is hereby adopted on the day of promulgation, and it is effective on April 1, 2021.

#### Title 67

#### SOCIAL SERVICES

#### Part V. Child Welfare

#### Subpart 8. Residential Licensing

#### Chapter 73. Child Placing Agencies—General Provisions

#### §7311. Licensing Requirements—Foster Care, Adoption, Transitional Placing

A. - A.16. ...

17. The provider shall have documentation of current general liability coverage. Documentation shall consist of the current insurance policy or current binder which includes the name of the agency, address of the agency, the name of the insurance company, policy number, period of coverage, and explanation of the coverage.

18. The provider shall have documentation of current property insurance or current rental insurance coverage for each transitional placing location. Documentation shall consist of the current insurance policy or current binder which includes the name of the agency, address of location(s) covered, the name of the insurance company, policy number, period of coverage, and explanation of the coverage.

B. - B.5.g.iii. ...

iv. CBC clearance dated no earlier than 45 days prior to hire or if a currently hired staff person assuming the position of program director, then a copy of the satisfactory CBC which is on file for individual's previous position with the agency;

v. Louisiana State Central Registry clearance dated no earlier than 45 days prior to hire or if a currently hired staff person assuming the position of program director, then a copy of the SCR clearance which is on file for individual's previous position with the agency; and

vi. if an individual resided in a state other than Louisiana in the previous five years, State Central Registry clearance from those states dated no earlier than 120 days prior to hire; however, individuals who continue to reside outside of the state of Louisiana and work for a licensed provider in the state of Louisiana, their clearances shall be dated no earlier than 45 days prior to hire and/or having access to children/youth or if a currently hired staff person assuming the position of program director, then a copy of the SCR clearance which is on file for individual's previous position with the agency.

B.5.h. - N.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:477 and R.S. 46:1401 et seq.

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:359 (March 2019), effective April 1, 2019, LR 46:681 (May 2020), effective June 1, 2020, amended LR 47:441 (April 2021).

#### §7313. Administration and Operation

A. - B.1.b.i. ...

ii. each transitional placing location seeking to be licensed for or currently licensed for a capacity of four or more youth shall have documentation of approval;

c. city fire department; if applicable:

i. each transitional placing location seeking to be licensed for or currently licensed for a capacity of four or more youth in a one or two family dwelling shall have documentation of approval;

B.1.d. - C.12. ...

13. In accordance with R.S. 46:1428, DCFS will provide information regarding influenza to providers prior to November 1 each year. The child-placing agency shall provide to all foster/adoptive parents, child's legal guardian with the exception of DCFS, and to all youth aged eighteen or above, the written information provided by DCFS relative to the risks associated with influenza and the availability, effectiveness, known contraindications, and possible side effects of the influenza immunization within seven calendar days of receipt from DCFS. This information shall include the causes and symptoms of influenza, the means by which influenza is spread, the places a parent or legal guardian may obtain additional information, and where a child/youth may be immunized against influenza.

14. As required by chapter 55 of Title 46 of R.S. 46:2701-2711, the child-placing agency shall post the current copy of "The Safety Box" newsletter issued by the Office of the Attorney General in the child-placing agency's office within seven calendar days of receipt from DCFS. The child-placing agency shall provide a copy of the safety box newsletter to all foster parents, adoptive parents, and youth in transitional placing programs within seven calendar days



of receipt from DCFS. Items listed as recalled in the newsletter shall not be used and shall be immediately removed from the home/premises. Provider shall document within 14 calendar days of receipt from DCFS in the foster/adoptive parent record and transitional placing youth's record receipt of the newsletter and confirmation with the foster/adoptive parent and transitional placing youth that the home and environment were checked and the recalled products were removed.

D. - E.4. ...

5. All records shall be maintained in an accessible, standardized order and format. If a provider maintains records in an electronic format only, a staff person shall be immediately available at all times during the licensing inspection to locate information on the computer that is requested by Licensing staff and print information if requested. Provider shall also have a contingency plan that would allow Licensing staff to continue to review records in the event a power outage occurs.

E.6. - J.1. ...

2. Staff shall complete orientation training within the individual's first 15 working days from date of hire. Provider's orientation program shall include the following:

2.a. - 5....

6. All staff hired effective April 1, 2019, or after working with foster/adoptive parents shall complete the Reducing the Risk of SIDS in Early Education and Child Care training available at [www.pedialink.org](http://www.pedialink.org) or the Safe Sleep, Reducing the Risk of SIDS training available through DCFS at [www.moodle.lcwa.org](http://www.moodle.lcwa.org) within the individual's first 15 working days after hire. Documentation of training shall be the certificate obtained upon completion of the training.

J.7. - K.4. ...

5. Effective April 1, 2019, all staff working with foster/adoptive parents shall complete the "Reducing the Risk of SIDS in Early Education and Child Care" training available at [www.pedialink.org](http://www.pedialink.org) or the Safe Sleep, Reducing the Risk of SIDS training available through DCFS at [www.moodle.lcwa.org](http://www.moodle.lcwa.org) within 45 days and updated annually. Documentation of training shall be the certificate obtained upon completion of the training.

K.6. - U.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:368 (March 2019), effective April 1, 2019, LR 46:683 (May 2020), effective June 1, 2020, LR 47:441 (April 2021).

### **§7315. Foster and Adoptive Certification**

#### **A. Home Study—Foster and Adoptive Home**

1. Prior to placement of a child/youth in the home, the provider shall complete a home study of the foster/adoptive parent and their home. The home study shall be signed and dated by the person completing the home study and approved, signed, and dated by a licensed clinical social worker, licensed master social worker with 3 years of experience in adoption or foster care services, licensed professional counselor, licensed psychologist, medical psychologist, licensed psychiatrist, or licensed marriage and family therapist prior to certification of the foster/adoptive parents. All individuals who approve home studies shall be licensed in the state of Louisiana.

2. - 7. ...

8. Foster/adoptive parents and adults of the household interviewed in person shall sign and date summary or home study written by the interviewer upon its completion to ensure accuracy.

A.9. - C. ...

1. An inquiry of the state central registry for members of the household 18 years of age and older, excluding children in DCFS custody shall be conducted prior to certification and annually thereafter. The SCR clearance expires one year from the date noted on the clearance. The annual SCR clearance shall be obtained prior to its' expiration. No person whose name is recorded on the state central registry with a valid (justified) finding of abuse or neglect of a child shall reside in the home.

C.2. - D.21. ...

22. Prior to certification, the foster/adoptive parent(s) shall receive a list of the responsibilities noted in 7315.D.1-21. There shall be documentation signed and dated by the foster/adoptive parent acknowledging receipt of the list of responsibilities by the foster/adoptive parent in the foster/adoptive parent record.

E. - E.3.n. ...

4. A statement of health dated within six months prior to certification and updated every three years for each adult member of the prospective foster/adoptive parent's household, excluding youth in DCFS custody, signed by a licensed physician or licensed health care professional verifying that the individual:

E.4.a. - G.14. ...

15. Children with the exception of infants shall not share a bedroom with adults. Exceptions may be granted as noted below; however, a child shall not share a bed with an adult under any circumstances.

a. An exception may be granted when a child needs close supervision due to illness or medical condition and approval is received from the child-placing agency.

i. Documentation of the exception from the child-placing agency shall be in the foster/adoptive parent(s) record. Documentation shall include the following:

(a). name of child sharing the room with an adult for which approval is granted,

(b). name of adult(s) sharing the room with the child for which approval is granted,

(c). description of illness or medical condition warranting the exception being granted,

(d). timeframe for which approval is granted,

(e). signature and date of child-placing agency staff granting approval, and

(f). conditions, if any for which approval is granted.

b. An exception may be granted in accordance with DCFS Child Welfare policy if the adult is a young adult in the DCFS Extended Foster Care Program and was already sharing a room with the child upon the youth reaching adulthood. No young adult in the DCFS Extended Foster Care Program shall be newly placed in a home whereby they would be required to share a bedroom with a child.

i. Documentation of the exception from Child Welfare shall be on file prior to the young adult in the

DCFS Extended Foster Care Program attaining their 18th birthday. Documentation shall include the following:

- (a). name of the CPA, if applicable for which approval is granted,
- (b). name of the foster/adoptive home for which approval is granted,
- (c). names and birth dates of children sharing the room with the young adult in the DCFS Extended Foster Care Program for which approval is granted,
- (d). name and birth date of young adult in the DCFS Extended Foster Care Program sharing a room with the children noted for which approval is granted,
- (e). signature and date of child welfare state office staff granting approval, and
- (f). conditions, if any for which approval is granted.

H. - P.4. ...

5. Once certified, a minimum of 15 hours of child-placing agency approved training shall be received annually by the foster parents prior to certification expiration. The hours may be shared among the adult members of the family, however, each adult shall receive a minimum of five hours. If adult members of the household attend trainings together, each person shall receive individual credit for their attendance. It is not required for adult members of the household to attend trainings on different topics. All hours received by each individual adult member of the household will account for the total number of hours received per household. Documentation of training completed shall include certificate of participation or sign in log specifying foster parent's name, training topic, date, and number of hours completed. Foster parents certified by DCFS shall follow the training requirement timeframe as noted in DCFS child welfare policy.

6. Prior to certification and updated annually, documentation of reasonable and prudent parent training for all foster parents shall be maintained. Documentation shall include the training topics, foster parent signature, and date. Reasonable and prudent parent training or training materials, as developed or approved by DCFS, shall include, but is not limited to the following topic areas:

6.a. - 7. ...

8. Prior to certification, all prospective foster/adoptive parents shall complete the DCFS "mandated reporter training" available at [dcfs.la.gov](http://dcfs.la.gov). DCFS certified foster/adoptive parents shall meet the requirements as set forth in DCFS policy. Documentation of training shall be the certificate obtained upon completion of the training. This training may be applied toward meeting the annual required training hours for foster parents as noted in §7315.P.5.

9. Prior to certification all prospective foster/adoptive parents shall complete the "Reducing the Risk of SIDS in Early Education and Child Care" training available at [www.pedialink.org](http://www.pedialink.org) or the Safe Sleep, Reducing the Risk of SIDS training available through DCFS at [www.moodle.lcwa.org](http://www.moodle.lcwa.org). DCFS certified foster/adoptive parents shall meet the requirements as set forth in DCFS policy. Documentation of training shall be the certificate

obtained upon completion of the training. This training may be applied toward meeting the annual required training hours for foster parents as noted in §7315.P.5.

10. Effective April 1, 2019, currently certified foster/adoptive parents shall complete the DCFS "mandated reporter training" available at [dcfs.la.gov](http://dcfs.la.gov) within 45 days and annually thereafter. DCFS certified foster/adoptive parents shall meet the requirements as set forth in DCFS policy. Documentation of training shall be the certificate obtained upon completion of the training. This training may be applied toward meeting the annual required training hours for foster parents as noted in §7315.P.5.

11. Effective April 1, 2019, currently certified foster/adoptive parents shall complete the "Reducing the Risk of SIDS in Early Education and Child Care" training available at [www.pedialink.org](http://www.pedialink.org) or the Safe Sleep, Reducing the Risk of SIDS training available through DCFS at [www.moodle.lcwa.org](http://www.moodle.lcwa.org) within 45 days and annually thereafter. DCFS certified foster/adoptive parents shall meet the requirements as set forth in DCFS policy. Documentation of training shall be the certificate obtained upon completion of the training. This training may be applied toward meeting the annual required training hours for foster parents as noted in §7315.P.5.

P.12. - Q.1. ...

2. Foster/adoptive parent(s) shall have at least one adult (age 18 or older) responsible for the supervision of children or available at all times within close proximity of the home when a foster/adoptive parent is not present. The appointed adult caregiver shall be available by phone at all times.

R. - V.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:377 (March 2019), effective April 1, 2019, LR 46:686 (May 2020), effective June 1, 2020, LR 47:442 (April 2021).

### §7321. Adoption Services

A. - H.2. ...

3. After the visits noted in §7321.H.2, provider shall conduct an in home supervisory visit with one adoptive parent at least once every other month. Provider shall observe the infant in the home at each supervisory visit conducted.

H.4. - M.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:388 (March 2019), effective April 1, 2019, LR 47:443 (April 2021).

### §7323. Transitional Placing Program

A. - A.5.a.xxiv. ...

6. One training topic referenced in §7323.A.5.a. shall commence within seven calendar days from the date of placement. Training shall be continuous until all aforementioned topics are covered (depending on length of stay.) Training shall be tailored to youth's current level of functioning with additional training introduced as a youth progresses, achieves success in the minimum skills, and articulates a desire to learn more advanced skills.

Documentation of training shall include signature of staff, signature of youth, training topics addressed, and date training occurred.

7. A written description of training provided to youth transitioning from the program shall be included in policy. Topics shall include, but are not limited to the following:

- a. developing and following a budget;
- b. identifying safe and affordable housing;
- c. negotiating a lease;
- d. understanding the terms of a lease or housing contract;
- e. understanding landlord/tenant rights and responsibilities;
- f. searching for a job; and
- g. retaining a job.

8. Training shall be completed prior to the youth transitioning from the program. Documentation shall include signature of staff and youth, training topics, and date.

B. - C.1. ...

2. Each youth shall have his/her own bed located in a designated bedroom. With the exception of a studio apartment housing one youth, common areas shall not be used as a bedroom; however, if youth chooses to use a common area as a bedroom, documentation shall include a signed and dated statement by youth indicating such. In addition, written annual approval is required by the OSFM for each apartment unit/location address allowing a common area to be used as a bedroom.

3. - 8. ...

9. First aid supplies shall be provided by the child-placing agency and maintained in each transitional placing living unit unless the TP program office is on-site, staffed 24 hours a day, and accessible to all the residents, then first aid supplies may be stored in the office. Supplies shall include, but not limited to the following:

C.9.a. - D.1.c. ...

D.2. Approval from child welfare state office staff shall be obtained and documented prior to placing a youth in DCFS custody in a transitional placing program that has been suicidal, homicidal, and/or exhibited any psychotic behaviors in the past six months.

3. Documentation from the child welfare state office shall include:

- a. name of the CPA for which approval is granted,
- b. name and birth date of youth for which approval is granted,
- c. statement explaining why the youth is appropriate for placement in the transitional placing program despite not meeting the criteria noted in Section 7323.D.1.c,
- d. signature of child welfare state office staff granting approval and date of approval which shall be prior to the placement date, and
- e. conditions, if any for which approval is granted.

D.4. - L.6.j. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1407(D).

HISTORICAL NOTE: Promulgated by the Department of Children and Family Services, Licensing Section, LR 45:392 (March 2019), effective April 1, 2019, LR 46:686 (May 2020), effective June 1, 2020, LR 47:443 (April 2021).

Marketa Garner Walters  
Secretary

2104#028

## RULE

### Board of Elementary and Secondary Education

Bulletin 111—The Louisiana School, District,  
and State Accountability System  
(LAC 28: XI.301, 405, 409, 413, 501, 503, 601, 603,  
605, 607, 703, 705, 709, 903, 907, 909, 3503, 3603,  
3605, 3901, 3903, 3905, 4101 and 4103)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education has amended LAC 28:XI, *Accountability/Testing*, Subpart 1, *Bulletin 111—The Louisiana School, District, and State Accountability System*. Amendments are related to the following: a skip-year formula to calculate the progress index for 2021 school performance scores without LEAP 2025 scores from the 2019-2020 school year; a one-year provision for identification of Comprehensive Intervention Required (CIR) and Urgent Intervention Required (UIR) labels due to the cancellation of spring assessments and accountability results for the 2019-2020 school year; adjusted timelines to allow flexibility in the event of a future pandemic or natural disaster; language alignment for statewide assessment and corresponding achievement levels that transition from End-of-Course tests to LEAP 2025 high school and from LAA1 to LEAP Connect; clarification for the inclusion of English Language Proficiency Test (ELPT) scores at pair/share sites; alternative school accountability; and Office of Juvenile Justice accountability to align with alternative school accountability and overlapping measures. This Rule is hereby adopted on the day of promulgation.

### Title 28

### EDUCATION

#### Part XI. Accountability/Testing

#### Subpart 1. Bulletin 111—The Louisiana School, District, and State Accountability System

#### Chapter 3. School Performance Score Component

#### §301. School Performance Score Goal [Formerly LAC 28:LXXXIII.301]

A. - C.1. ...

2. Beginning in 2017-2018 (2018 SPS), the school performance score for K-8 schools will include an assessment index, progress index, and dropout/credit accumulation index. The interests and opportunities indicator will be included in school performance scores no later than 2019-2020 school year (2020 SPS).

K-8 School Performance Score Indices and Weights			
Index	Grades	Beginning in 2017-18	No Later than 2019-20
3-8 and high school LEAP 2025, LEAP Connect, and ELPT*	Grades K-7	75 percent	70 percent
	Grades K-8	70 percent	65 percent
Progress Index	Grades K-8	25 percent	25 percent
Dropout/Credit Accumulation Index	Grade 8	5 percent	5 percent
Interests and Opportunities	Grades K-8	NA	5 percent

\*Beginning in 2018-19

3. Beginning in the 2017-2018 school year (2018 SPS), the school performance score for schools with a grade 12 will include five indicators as outlined in the table below. The interests and opportunities indicator will be included in school performance scores no later than 2019-2020 school year (2020 SPS).

High School Performance Score Indices and Weights			
Index	Grades	Beginning in 2017-2018	No Later than 2019-2020
High school LEAP 2025, LEAP Connect, and ELPT*	Grades 9-12	12.5 percent	12.5 percent
Progress Index	Grades 9-12	12.5 percent	12.5 percent
ACT/WorkKeys**	Grade 12 and graduating students with last enrollment as grade 11	25 percent	25 percent
Strength of Diploma Index	Grade 12	25 percent	25 percent
Cohort Graduation Rate	Grade 12	25 percent	20 percent
Interests and Opportunities	Grades 9-12	NA	5 percent

\*Beginning in 2018-19

\*\*When calculating a school's ACT index score, students participating in the LEAP Connect assessment shall not be included in the denominator of such calculation unless the students take the ACT.

4 - 5.a. ...

b. The 9-12 SPS will be weighted by the sum of:

i. assessment units from students who are initial testers for high school LEAP 2025 plus the students eligible to test ACT (students with high school LEAP 2025 and ACT will count only one time);

5.b.ii. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2737 (December 2003), amended LR 31:1512 (July 2005), LR 32:1017 (June 2006), LR 32:2034, 2035 (November 2006), LR 33:424 (March 2007), LR 33:2349 (November 2007), LR 33:2593 (December 2007), LR 34:430 (March 2008), LR 35:639 (April 2009), LR 36:1987 (September 2010), LR 38:3105 (December 2012), LR 39:305 (February 2013), LR 39:1421 (June 2013), LR 39:2441 (September 2013), LR 40:1313 (July 2014), LR 40:2507 (December 2014), LR 41:1481 (August 2015), LR 41:2578 (December 2015), LR 42:2171, 2172 (December 2016), LR 44:447 (March 2018), LR 45:1449 (October 2019), LR 46:1372 (October 2020), LR 47:444 (April 2021).

## Chapter 4. Assessment and Dropout/Credit Accumulation Index Calculations

### §405. Calculating a K-8 Assessment Index [Formerly LAC 28:LXXXIII.405]

A. - G. ...

H. When eighth grade students only participate in the algebra I test but not the grade-level math assessment, the algebra I test results will be used in the middle school assessment index (80 for basic, 100 for mastery, and 150 for advanced) and will be weighted by content as noted in the table above. Middle schools will also earn incentive points for all high school LEAP 2025 scores of mastery or advanced earned during the same year in which the test was administered.

1. Incentive points will be awarded as follows:

- advanced = 50; and
- mastery = 25.

I. The policy outlined in Subsection G of this Section will also apply to combination schools. The high school LEAP 2025 score will be used in middle school results for the year in which the assessment is taken, incentive points may be awarded, and the score will be banked for use in the high school score once the student arrives in ninth grade, as outlined in §409.A.3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 36:1989 (September 2010), LR 38:3106 (December 2012), LR 41:2579 (December 2015), LR 42:548 (April 2016), LR 42:2172 (December 2016), LR 44:448 (March 2018), LR 45:221 (February 2019), LR 47:445 (April 2021).

### §409. Calculating a 9-12 Assessment Index [Formerly LAC 28:LXXXIII.409]

A. All operational high school LEAP 2025 tests will be used in the calculation of the grade 9-12 assessment index.

- All subjects will be weighted equally.
- The performance level will be used in the calculation of the assessment index as described in the chart below.

High School LEAP 2025 Performance Level	Index Points
Advanced	150
Mastery	100
Basic	80
Approaching Basic	0
Unsatisfactory	0

3. Test scores of basic, mastery, or advanced earned by students at a middle school will be included in the SPS calculations of the high school to which the student transfers as well. The scores for the high school will be included in the accountability cycle that corresponds with the students' first year of high school. LEAP 2025 approaching basic and unsatisfactory achievement levels will not be transferred, or banked, to the high school. Students will retake the test during summer remediation or at the high school, and the highest achievement level earned by the student from the first (middle school) or second administration of the test will

be used in the calculation of the high school assessment index in the first year of high school.

4. Students who are completing their third year in high school must have taken the algebra I and English II tests, or LEAP connect. If they do not, the students will be assigned a score of zero and be counted as non-participants in high school testing. All students must be included in the assessment cohort regardless of course enrollment, grade assignment or program assignment.

B. - B.5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1021 (June 2006), amended LR 33:252 (February 2007), LR 36:1989 (September 2010), LR 37:2118 (July 2011), repromulgated LR 37:2382 (August 2011), amended LR 37:3200 (November 2011), LR 38:1212 (May 2012), LR 38:2357 (September 2012), LR 38:3106 (December 2012), LR 39:305 (February 2013), LR 39:1421 (June 2013), LR 40:1314 (July 2014), LR 41:2579 (December 2015), LR 42:548 (April 2016), LR 44:448 (March 2018), LR 45:222 (February 2019), LR 46:14 (January 2020), LR 47:445 (April 2021).

#### **§413. Dropout/Credit Accumulation Index Calculations**

**[Formerly LAC 28:LXXXIII.413]**

A. - B.4. ...

5. For students pursuing a Jump Start diploma pathway and participating in LEAP Connect, applied courses and course experiences shall count as a unit.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 36:1990 (September 2010), LR 38:3107 (December 2012), LR 39: 2443 (September 2013), LR 40:1315 (July 2014), LR 44:449 (March 2018), LR 47:446 (April 2021).

#### **Chapter 5. Progress Index Calculations**

#### **§501. Calculating an Elementary/Middle School Progress Index**

A. - E. ...

1 - 5. ...

F. The progress index calculation will include all students who meet the inclusion requirements outlined in Chapter 5 and who have eligible LEAP assessment results in both the current and prior school year for the same content area. Student scores will be excluded from the progress index (growth to mastery and value-added model) if any of the following are true:

F.1. - G.2. ...

H. If the high school LEAP 2025 result earned by students at a middle school is transferred, or banked, to the high school, the progress index result for the relevant assessment will also be transferred.

I. For the 2020-2021 school year (2021 SPS) only, the “growth to mastery” and “continued growth” targets will be calculated using the scale scores from the 2018-2019 LEAP 2025 administration as the “prior year scale score.”

J. When considering prior academic achievement up to three years in the value-added model, as defined in Paragraph E.1 of this Section, the three most recently available years may be considered in instances where assessments were not administered statewide for a given school year.

K. For the 2020-2021 school year (2021 SPS) only, the progress index will combine results from the 2018-2019 and 2020-2021 school years.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:449 (March 2018), LR 47:446 (April 2021).

#### **§503. Calculating a High School Progress Index**

A. ...

B. Progress is measured between a student’s 8th grade ELA and math assessments and the LEAP 2025 ELA and math assessments (algebra I, geometry, English I, and English II).

1. If a student took only the high school LEAP 2025 assessment in middle school, the middle school progress index results will carry forward to the high school.

2. ...

C. For students scoring unsatisfactory, approaching basic, or basic on the baseline assessment, the progress index will award 150 points for each English and math score meeting or exceeding the growth to mastery target.

1. The growth to mastery target for students taking their first high school LEAP 2025 in a content area will be calculated by adding to the baseline scaled score the difference between the scaled score required for mastery (750) and the baseline scaled score divided by two. The growth to mastery target for students taking their second high school LEAP 2025 in a content area will be mastery (750).

2. ...

D. For students scoring mastery on the baseline assessment, the progress index will award 150 points for meeting or exceeding the “continued growth” target.

1. The continued growth target will be calculated by adding to the baseline scaled score the difference between the English II and geometry scores required for advanced and the prior year assessment scaled score divided by two. For students taking their second high school LEAP 2025 in a content area, the continued growth target is a score of advanced.

D.2. - H.3. ...

I. For the 2020-2021 school year (2021 SPS) only, the “growth to mastery” and “continued growth” targets will be calculated using the scale scores from the 2018-2019 LEAP 2025 administration as the “prior year scale score.”

J. When considering prior academic achievement up to three years in the value-added models, as defined in E.1 of this section, the three most recently available years may be considered in instances where assessments were not administered statewide for a given school year.

K. For the 2020-2021 school year (2021 SPS) only, the progress index will combine results from the 2018-2019 and 2020-2021 school years.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:450 (March 2018), LR 47:446 (April 2021).

#### **Chapter 6. Inclusion in Accountability**

#### **§601. State Assessments and Accountability**

**[Formerly §515]**

A. - A.2. ...

B. Louisiana students in grades 9, 10, 11, and 12 will participate in at least one of the following state assessments:

1. High school LEAP 2025 (when they are enrolled in the course for which a test is available);

2. LEAP Connect alternate assessment;

B.3. - C. ...

D. High school LEAP 2025 scores for repeaters (in any subject) shall not be included in high school SPS calculations except for middle school students who earn a score of unsatisfactory or approaching basic and retake the high school LEAP 2025 test.

E. - G. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 31:2422 (October 2005), LR 32:1022 (June 2006), LR 33:253 (February 2007), LR 36:1990 (September 2010), LR 37:2119 (July 2011), LR 38:1212 (May 2012), LR 38:3107 (December 2012), 39:2443 (September 2013), LR 40:2507 (December 2014), LR 44:452 (March 2018), LR 47:446 (April 2021).

### **§603. Inclusion of Students [Formerly §517]**

A. ...

1. For high school LEAP 2025 tests taken in December the score will count in the SPS at the school where the student is enrolled for the test.

2. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 31:1512 (July 2005), LR 31:2422 (October 2005), LR 31:2764 (November 2005), LR 33:2594 (December 2007), LR 38:3107 (December 2012), LR 39:305 (February 2013), LR 40:1315 (July 2014), LR 44:452 (March 2018), LR 47:447 (April 2021).

### **§605. Inclusion of Schools [Formerly §519]**

A. All kindergarten through eighth grade schools must have a minimum of 120 testing units, in any combination, of LEAP, ELPT or LEAP connect assessments.

B. - B.1. ...

2. first through eighth grade and high school LEAP 2025, Connect, ELPT, or ACT assessments.

C. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 31:1512 (July 2005), LR 32:1022 (June 2006), LR 34:431 (March 2008), LR 36:1991 (September 2010), LR 38:3108 (December 2012), LR 40:2507 (December 2014), LR 41:1263 (July 2015), LR 44:453 (March 2018), LR 45:396 (March 2019), LR 45:749 (June 2019), LR 47:447 (April 2021).

### **§607. Pairing/Sharing of Schools with Insufficient Test Data [Formerly §521]**

A. ...

B. Any K-3 school will receive an SPS calculated according to the formula in LAC 28:XI.301 using the K-8 assessment index based only on its own student data,

provided it meets the requirements of LAC 28:XI.605, or an SPS calculated according to the formula in LAC 28:XI.301 using the K-8 assessment index based only on its own student data and the K-8 progress index equal to the K-8 progress index of the school to which it is paired, whichever results in the higher SPS.

1. For the 2020-2021 school year (2021 SPS) only, K-4 schools shall have the 2019 K-8 progress index results combined with the 2021 K-8 progress index results of the school to which the school is paired if the addition of the progress index results yields a higher SPS.

2. Beginning in 2020-2021, the assessment index for K-2 schools will include the ELPT progress points for the students enrolled at the K-2 school and the LEAP 2025 test data for students who are enrolled at the paired school site.

C. - H.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2741 (December 2003), amended LR 30:1445 (July 2004), LR 32:1023 (June 2006), LR 36:1991 (September 2010), LR 38:3108 (December 2012), LR 39:1422 (June 2013), LR 40:1315 (July 2014), LR 44:453 (March 2018), LR 44:1997 (November 2018), LR 45:1450 (October 2019), LR 47:447 (April 2021).

## **Chapter 7. Graduation Cohort, Index, and Rate [Formerly Chapter 6]**

### **§703. Determining a Cohort for a Graduation [Formerly §603]**

A. - C.2.c. ...

3. Specific documentation is required for students to be considered legitimate leavers.

a. The only acceptable documentation for transfers to out-of-state or approved non-public school diploma awarding schools is a request for student records from the qualifying school or program, a letter from an official in the receiving school or program acknowledging student enrollment, or a note written and signed by the parent including a reason for exit that confirms the exit type used to remove student from enrollment.

C.3.b. - J. ...

K. Students assessed using the LEAP Connect shall be included in the graduation rate for the year in which they graduated or the year in which they exited after at least four years in high school with no subsequent re-enrollment by October 1 of the following academic year. Students who are not exited will be counted in the year that they reach the age of 22.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1024 (June 2006), amended LR 33:424 (March 2007), LR 33:2031 (October 2007), LR 35:2312 (November 2009), LR 36:2242 (October 2010), LR 36:2840 (December 2010), LR 38:3108 (December 2012), LR 40:1316 (July 2014), LR 43:302 (February 2017), LR 44:454 (March 2018), LR 47:447 (April 2021).

### **§705. Documenting a Graduation Index [Formerly §611]**

A. Beginning with academic year 2005-2006, all schools are required to maintain the following documentation if the corresponding exit code is used.

Exit Code Documentation		
Code	Descriptions	Required Documentation
07	Death (of student) or permanent incapacitation	Letter from parent or obituary
10	Transferred out of state or country	Request for records from the receiving school (out of state). Request for records or a statement written and signed by the parent. Documentation proving a student was a foreign exchange student.
14	Transferred to approved non-public school (must award high school diplomas)	Request for records from the receiving school or a statement written and signed by the parent
16	Transferred to BESE-approved home study	LDE Approval letter
20	Transferred to Early College Admissions Program	School withdrawal form and request for records from the College or University and proof of full-time enrollment in an academic program

B. - E. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1024 (June 2006), amended LR 35:639 (April 2009), LR 35:2312 (November 2009), LR 36:2242 (October 2010), LR 36:2841 (December 2010), LR 38:3108 (December 2012), LR 40:1316 (July 2014), LR 42:2172 (December 2016), LR 44:455 (March 2018), LR 47:447 (April 2021).

### **§709. Calculating a Strength of Diploma Index [Formerly §613]**

A. ...

B. The graduation index of a school shall be the average number of points earned by cohort members, except that students assessed using the LEAP Connect shall be included in the graduation index for the year in which they graduated or the year in which they exited after at least four years in high school with no subsequent re-enrollment by October 1 of the following academic year. Students who are not exited will be counted in the year that they reach the age of 22.

B.1. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1025 (June 2006), amended LR 33:2031 (October 2007), LR 33:2594 (December 2007), LR 35:1472 (August 2009), LR 36:1769 (August 2010), repromulgated LR 36:1994 (September 2010), LR 36:2243 (October 2010), LR 37:3201 (November 2011), LR 38:1391 (June 2012), LR 38:3109 (December 2012), LR 39:306 (February 2013), LR 39:2444 (September 2013), LR 40:1317 (July 2014), LR 41:615 (April 2015), LR 42:1017 (July 2016), LR 42:2172 (December 2016), LR 44:455 (March 2018), LR 44:1998 (November 2018), LR 47:448 (April 2021).

### **Chapter 9. Urgent Intervention and Comprehensive Intervention**

#### **§903. Inclusion of Students in the Subgroup Component Performance [Formerly §703]**

A. - A.2. ...

B.1. In calculating the school performance score:

a. the alternate academic achievement standards for students participating in LEAP Connect will be used, provided that the percentage of students assessed using the LEAP Connect at the district level does not exceed 1.0 percent of all students in the grades assessed. If the district exceeds the 1.0 percent cap, the district shall request a

waiver. The students exceeding the cap shall be assigned a 0 on the assessment and be considered non-proficient if:

i. ...

ii. if the district requests the waiver but it is determined by LDE that ineligible students were administered LEAP Connect;

b. - b.i. ...

2. Students participating in LEAP Connect shall be included in the students with disabilities subgroup.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2743 (December 2003), amended LR 30:1619 (August 2004), repromulgated LR 30:1996 (September 2004), amended LR 30:2256 (October 2004), amended LR 30:2445 (November 2004), LR 31:912 (April 2005), LR 31:2762 (November 2005), LR 33:253 (February 2007), LR 34:428 (March 2008), LR 34:867 (May 2008), LR 36:1991 (September 2010), LR 37:2119 (July 2011), LR 38:3110 (December 2012), LR 40:2507 (December 2014), LR 44:456 (March 2018), LR 47:448 (April 2021).

#### **§907. Urgent Intervention Required**

A. - C. ...

D. For application of the Urgent Intervention Required label in the 2020-2021 (2021 SPS) academic year only, the following rules shall apply:

1. A school that does not have the “urgent intervention required” label for a particular subgroup shall not receive the “urgent intervention required” label for that subgroup unless the following criteria are met:

a. the school has earned a subgroup performance score equivalent to an “F” letter grade for that subgroup in 2018-2019 (2019 SPS) and 2020-2021 (2021 SPS), and

b. the school system has notified the LDE that it wishes to receive the label.

2. A school that does not have the “urgent intervention required” label for excessive out of school discipline shall not receive the “urgent intervention required” label unless the following criteria are met:

a. the school has excessive out-of-school suspension rates more than double the most recent national average for the school type for the 2017-2018 (2018 SPS), 2018-2019 (2019 SPS), and 2020-2021 (2021 SPS) school years, AND

b. the school system has notified the LDE that it wishes to receive the label.

3. A school that has been labeled “On Track to Exit” by the LDE for an “urgent intervention required” label may exit the label based on 2020-2021 (2021 SPS) results.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:456 (March 2018), LR 47:448 (April 2021).

#### **§909. Comprehensive Intervention Required**

A. - D. ...

E.1. For the 2020-2021 (2021 SPS) school year only, a school that does not have the “comprehensive intervention required” label shall not receive the “comprehensive intervention required” label unless the following criteria are met:

a. the school has earned a “D” or “F” letter grade for 2017-2018 (2018 SPS), 2018-2019 (2019 SPS), and

2020-2021 (2021 SPS), or for 2018-2019 (2019 SPS) and 2020-2021 (2021 SPS) for a new school, or the school earned a cohort graduation rate less than 67 percent in the most recent school year; and

b. the school system has notified the LDE that it wishes to receive the label.

2. A school that has been labeled “On Track to Exit” by the LDE for the “comprehensive intervention required” label may exit the label based on 2020-2021 (2021 SPS) results.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 44:456 (March 2018), LR 47:448 (April 2021).

**Chapter 35. Inclusion of Alternative Education Schools and Students in Accountability**

**§3503. Alternative Schools Including Alternative Charter Schools**

**[Formerly LAC 28:LXXXIII.3503]**

A. - C.3. ...

D. School Performance Scores (SPS). Starting with the 2018-2019 academic year, all alternative education schools 1 will receive a school performance score and school letter grade based on the following formulas in this Subsection.

1. School performance scores for kindergarten through eighth grade alternative education schools will include a progress index and dropout credit accumulation index for schools with applicable students. An interests and opportunities indicator will be included in school performance scores no later than the 2019-2020 school year (2020 SPS).

K-8 Alternative School Performance Score Indices and Weights			
Index	Grades	Beginning in 2018-2019	No Later than 2019-2020
Progress Index*	Grades K-8	90 percent	85 percent
Dropout/ Credit Accumulation Index	Grade 6-8	10 percent	10 percent
Interests and Opportunities	Grades K-8	N/A	5 percent

\*Includes English Language Proficiency progress

2. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:10.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2753 (December 2003), amended 31:423 (February 2005), LR 34:868 (May 2008), LR 35:1472 (August 2009), LR 37:2119 (July 2011), LR 37:3202 (November 2011), LR 38:1213 (May 2012), LR 39:472 (March 2013), LR 40:2240 (November 2014), LR 45:396 (March 2019), LR 47:449 (April 2021).

**Chapter 36. Specialized Accountability for Office of Juvenile Justice (OJJ) Schools**

**§3603. Student Information System**

A. - A.7. ...

8. state assessment scores (LEAP 2025, ACT, LEAP Connect, ELPT, WorkKeys);

9. - 10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.9.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:2126 (November 2017), LR 47:449 (April 2021).

**§3605. Specialized Accountability System**

A. - C. ...

D. The alternative school accountability report card shall be considered as the specialized school and district report cards for OJJ, which will include results from the following measures:

1. growth measures from the LEAP 2025 assessments using the progress index calculation for alternative schools:

a. students must meet full academic year requirements for alternative schools;

2. percentage of students earning a high school diploma as calculated in the credential attainment index for alternative school accountability:

a. - b. ...

3. percentage of students earning a high school equivalency diploma (HiSET) as calculated in the credential attainment index for alternative schools;

a. - b. ...

4. percentage of students in grade 12 who earn a Jump Start credential/IBC as calculated in the credential attainment index for alternative schools;

5. percentage of students who earn credits as calculated in the core academic credit index for alternative schools;

6. - 7. ...

E. At the end of each school year, the results of measures identified in this Section will be reviewed and specific annual targets for improvement will be developed by the LDE for implementation in the next school year. The LDE will review the alternative school accountability report card at the end of each year and adjust targets as necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:10.9.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 43:2127 (November 2017), LR 47:449 (April 2021).

**Chapter 39. Inclusion of Students with Disabilities**

**§3901. Assessment of Students with Disabilities**

**[Formerly LAC 28:LXXXIII.3901]**

A. All students, including those with disabilities, shall participate in Louisiana's testing program. The scores of all students who are eligible to take the 3-8 or high school LEAP 2025; ACT, LEAP Connect, or Louisiana English language proficiency test (ELPT) shall be included in the calculation of the SPS. Students with disabilities shall take the assessments with accommodations, if required by their individualized education program (IEP).

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 31:2763 (November 2005), LR 36:1994 (September 2010), LR 38:3115 (December 2012), LR 40:2508 (December 2014), LR 44:460 (March 2018), LR 47:449 (April 2021).

**§3903. LEAP Alternate Assessment Participation Criteria**

**[Formerly LAC 28:LXXXIII.3903]**

A. Students with disabilities participating in the LEAP Alternate Assessment, LEAP Connect, must meet specific participation criteria as stated in *Bulletin 1530—Louisiana's IEP Handbook for Students with Disabilities*.



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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 31:2763 (November 2005), LR 40:2508 (December 2014), LR 44:460 (March 2018), LR 47:449 (April 2021).

**§3905. Inclusion of Alternate Assessment Results**  
**[Formerly LAC 28:LXXXIII.3905]**

- A. All SPS shall include LEAP Connect scores.
- B. Each LEAP Connect exam will be assigned one of four achievement levels and each achievement level will be assigned points for use in assessment index calculations as follows.

LEAP Connect Performance Level	Assessment Points
Level 4: High Complexity	150
Level 3: Moderate Complexity	100
Level 2: Low Complexity	80
Level 1: Low Complexity	0

1. Students taking LEAP Connect exams shall be included in accountability calculations at the grade level in which they are enrolled in the student information system (SIS). As with LEAP 2025 high school assessments, only initial test scores are used in accountability for LEAP Connect high school grades.

C. Students participating in LEAP alternate assessment level 1 LEAP connect will be assigned scores of zero in SPS calculations if they do not meet the specific participation criteria as stated in *Bulletin 1530—Louisiana's IEP Handbook for Students with Disabilities*.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 30:767 (April 2004), LR 31:2763 (November 2005), LR 33:254 (February 2007), LR 35:2031 (October 2008), LR 35:640 (April 2009), LR 35:641 (April 2009), LR 38:3115 (December 2012), LR 40:2508 (December 2014), LR 44:460 (March 2018), LR 47:450 (April 2021).

**Chapter 41. Data Collection and Data Verification**

**§4101. Valid Data Considerations**  
**[Formerly LAC 28:LXXXIII.4101]**

- A. - A.2.c. ...
- B. A test score shall be entered for all eligible students within a given school. For any eligible student who does not take the test, including those who are absent, a score of "0" on any state-administered assessment used in the SPS shall be calculated in the school's SPS. To assist a school in dealing with absent students, the Louisiana Department of Education shall provide an extended testing period for test administration. The only exceptions to this policy are students who were sick during the test and re-testing periods and who have formal documentation for that period.
- C. - E. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2754 (December 2003), amended LR 30:767 (April 2004), LR 31:2763 (November 2005), LR 33:254 (February 2007), LR 35:2031 (October 2008), LR 35:640 (April 2009), LR 35:641 (April 2009), LR 38:3115 (December 2012), LR 40:2508 (December 2014), LR 44:460 (March 2018), LR 47:450 (April 2021).

**§4103. State Assessment Data**  
**[Formerly LAC 28:LXXXIII.4103]**

- A. For all data used from state assessments:
  - 1. if there is evidence of irregular data or an Unusual Data Result (UDR), the LDE shall require the LEA to investigate. The LEA shall report the results of the investigation to the State Superintendent of Education;
  - 2. - 3. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 29:2755 (December 2003), amended LR 32:1029 (June 2006), LR 38:3115 (December 2012), LR 47:450 (April 2021).

Shan N. Davis  
Executive Director

2104#029

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 135—Health and Safety  
(LAC 28:CLVII. 501, 503, and 507)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 135—Health and Safety*. The revisions provide relative to injury management program protocols for educational training on serious sports injuries and serious heat illness and acclimatization, to align with Act 259 of the 2020 Regular Legislative Session. This Rule is hereby adopted on the day of promulgation.

**Title 28**

**EDUCATION**

**Part CLVII. Bulletin 135—Health and Safety**

**Chapter 5. Injury Management Program Rules for Serious Sports Injuries**

**§501. Injury Management Program**

- A. - E. ...
- F. Each school shall establish a comprehensive Emergency Action Plan (EAP) for each location of assembly located on the member school campus. A venue specific EAP must be reviewed annually prior to each sport season with all appropriate personnel. Recommended personnel include Emergency Medical Services (EMS), school public safety officials, school administrators, on-site medical personnel or school medical staff such as team physicians or athletic trainers, and all pertinent coaching staff members.
  - 1. The venue specific EAP must be accessible to all personnel involved in a potential emergent situation.
  - 2. The venue specific EAP must be available on site.
  - 3. All emergency equipment available on site must be listed in the EAP.
  - 4. The EAP must identify key personnel and responsibilities for implementation of the plan of action including a designated chain of command.
  - 5. The EAP must include appropriate contact information for the local and/or responding EMS personnel.
  - 6. A Pregame Administrative Conference (PAC) is required prior to all LHSAA sanctioned events to review the EAP. The EAP must provide a formal process to evaluate all

post emergency incidents with appropriate personnel. The evaluation must be retained on file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.186 and R.S. 40:1087.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 40:762 (April 2014), amended LR 47:450 (April 2021).

### **§503. Injury Management Program Protocol for Educational Training on Serious Sports Injuries**

A. Each high school coach and non-faculty coaches certified by the Coaches Education and Certification Program shall receive annual documented training related to serious sports injuries in accordance with the National High School Coaches Association and the Louisiana High School Coaches Association. Each approved workshop or online course(s) shall be designed to educate the attendees concerning concussion awareness, exertional heat illness, sudden cardiac arrest, and the nature, and risks associated with, serious sport injuries.

A.1. – B.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.186.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 40:762 (April 2014), amended LR 47:451 (April 2021).

### **§507. Serious Heat Illness and Acclimatization**

A. Each school participating in interscholastic sports shall follow best practices for any activity that does not occur in a climate-controlled facility. These best practices shall follow modified guidelines of the American College of Sports Medicine and the National Athletic Trainers Association regarding heat acclimatization and wet globe temperature policy. The policies shall be implemented on all school campuses where summer conditioning, pre-season practices or games, and fall or spring sports occur, including all activities when a coach is present.

B. Wet Bulb Globe Temperature Best Practices

1. Schedule practices during times of various Wet Bulb Globe Temperature (WBGT) levels.

2. The ratio of workout time allotted for rest and hydration during various WBGT levels will result in modified or terminated practice(s) or contest(s) in consideration of safe playing conditions.

3. Rest time should involve unrestricted access to fluids such as water or electrolyte beverages.

4. Sports requiring helmets, including but not limited to football, baseball, lacrosse, and field hockey, should be removed during rest time.

5. The site of rest time should be in a shaded area.

6. When the WBGT reading is  $>85.0^{\circ}$ , cold-water immersion tubs or equivalent should be available to aid in the cooling process within the shaded area.

a. An instrument approved to measure WBGT must be utilized at each outdoor practice. WBGT readings should be taken at the practice site a minimum of every hour, beginning 30 minutes before the start of practice or contest. All readings should be recorded or data logged in either written or electronic form. In the event that a modification or cancellation is required, documentation using the WBGT Environment Modification/Cancellation Log must be completed.

b. In the event of potential Exertional Heat Stroke (EHS), each school participating in interscholastic sports

must be properly prepared and equipped to initiate Cold Water Immersion (CWI) or Cold Tub. Cooling techniques must be implemented immediately and EMS concurrently contacted, noting that the focus is to cool first and then transport.

c. The best practices shall be carried out by a licensed athletic trainer, designated healthcare provider, or individual appointed by the athletic director.

C. Heat Acclimatization

1. The heat acclimation period is defined as the initial 14 days of preseason practice for all student athletes. During the 14 days there shall be no more than two days of rest, or the acclimatization process will restart to day one. The goal of the acclimation period is to gradually increase exercise heat tolerance and endurance to enhance athletic performance safely during warm and hot conditions. The heat acclimation period will begin on the first day of the start of the official sports season date as defined by the LHSAA. Any practices or conditioning conducted prior to this time should not be considered a part of the heat acclimation period.

D. Heat Acclimatization Best Practices

1. Regardless of the conditioning program and conditioning status leading to the first formal practice, all student athletes, including those that arrive at preseason practice after the first day, will follow the 14-day heat acclimation period.

2. Schools must follow the statewide policy for conducting practices and voluntary conditioning workouts in all sports. All preseason sports will begin with a 14-day acclimation period.

3. During days 1-5, no more than one practice can occur per day. If the team has one practice per day, the practice should not exceed 3 hours. During the first 5 days, a one-hour maximum walk-through is permitted; however, there must be a 3-hour break between practice and walk-through or vice versa.

4. Days 6-14 may include double-practice days, provided teams do not schedule more than one practice on consecutive days. Teams should not have more than 5 hours of practice in a day, with one practice not to exceed 3 hours. If there are 2 practices in one day, there must be a minimum 3-hour break in a cool environment between the end of one practice and the beginning of the second practice.

5. With sports requiring protective equipment, during days 1–2 of first formal practices, a helmet must be the only protective equipment permitted. During days 3–5, only helmets and shoulder pads should be worn. Beginning on day 6, all protective equipment may be worn, and full contact may begin.

6. Football only: on days 3–5, contact with blocking sleds and tackling dummies may be initiated.

7. Full-contact sports: 100 percent live contact drills should begin no earlier than day 6.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.186 and R.S. 40:1087.1.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 40:762 (April 2014), amended LR 47:451 (April 2021).

Shan N. Davis  
Executive Director

2104#030

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 139—Louisiana Child Care and Development Fund Programs—CCAP Household Eligibility (LAC 28:CLXV.707)

In accordance with R.S. 17:6 and R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education has amended *Bulletin 139—Louisiana Child Care and Development Fund Programs*. The amendments provide, for the 2020 calendar year only, an early learning center director or staff member shall only have to verify having worked at the same early learning center for at least 300 hours in order to meet the SRTC work requirement. This Rule is hereby adopted on the day of promulgation.

**Title 28  
EDUCATION**

**Part CLXV. Bulletin 139—Louisiana Child Care and Development Fund Programs**

**Chapter 7. Administration of School Readiness Tax Credits**

**§707. Credit for Early Learning Center Directors and Staff**

A. – B. ...

C. Each early learning center director and staff member will also have to verify that he/she has worked at the same early learning center for at least six months in the calendar year and for an average of at least 30 hours per week, unless otherwise approved by the LDE.

1. Due to the COVID-19 pandemic, for the 2020 calendar year, a center director or staff member will only have to verify that he/she has worked at the same early learning center for at least 300 hours in the calendar year in order to meet the work requirement in this Subsection.

D. – E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(10), R.S. 47:287.785, R.S. 47:295, R.S. 47:1511, and R.S. 47:6103.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education and the Department of Revenue, LR 41:2118 (October 2015), amended by the Board of Elementary and Secondary Education LR 43:1280 (July 2017), LR 47:452 (April 2021).

Shan N. Davis  
Executive Director

2104#031

**RULE**

**Board of Elementary and Secondary Education**

Bulletin 140—Louisiana Early Childhood Care and Education Network (LAC 28:CLXVII.503)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education has amended LAC 28:CLXVII, *Bulletin 140—Louisiana Early Childhood Care and Education Network*. As a result of the COVID-19

pandemic, the revisions would require, for the 2020-2021 school year only, all infant, toddler, and pre-k classrooms in a publicly-funded site to receive one CLASS® observation conducted by the community network during the school year. Any infant, toddler, and/or pre-K classroom that is scored 4.49 or lower after third party replacement (if applicable) shall then be observed a second time by the community network. This Rule is hereby adopted on the day of promulgation.

**Title 28  
EDUCATION**

**Part CLXVII. Bulletin 140—Louisiana Early Childhood Care and Education Network**

**Chapter 5. Early Childhood Care and Education Accountability System**

**§503. Coordinated Observation Plan and Observation Requirements**

A. - B.2.c. ...

3. Required Observations

a. For the 2020-2021 academic year only, all infant, toddler, and pre-K classrooms in a publicly-funded site will receive one CLASS® observation during the school year conducted by the community network.

b. Any infant, toddler, and/or pre-K classroom that receives a fall CLASS® score of 4.49 or lower after third party replacement (if applicable) shall be observed a second time.

c. Following the 2020-2021 academic year, all infant, toddler, and pre-K classrooms in a publicly-funded site will receive two CLASS® observations during the school year conducted by the community network.

d. Following the 2020-2021 academic year, one observation shall occur during the fall observation period, if the classroom is in existence on October 1, and the other shall occur during the spring observation period, if the classroom is in existence on February 1.

e. CLASS® observations conducted by third-party contractors hired by the department shall not count towards this requirement.

f. Infant Classrooms

i. For the 2018-2019 school year, all infant classrooms in a publicly-funded site shall be reported to the department as part of the community network’s count of classrooms, and may conduct or allow local or third-party observations as practice.

ii. For the 2019-2020 school year, all infant classrooms in a publicly-funded site shall receive two CLASS® observations during the school year conducted by the community network, but the observations shall not be included in the performance ratings for the 2019-2020 school year.

(a). One observation shall occur during the fall observation period, if the classroom is in existence on October 1, and the other shall occur during the spring observation period, if the classroom is in existence on February 1.

(b). CLASS® observations conducted by third-party contractors hired by the department shall not count towards this requirement.

iii. For the 2020-2021 school year and beyond, all infant classrooms in a publicly-funded site shall receive two

CLASS® observations during the school year conducted by the community network.

(a). One observation shall occur during the fall observation period, if the classroom is in existence on October 1, and the other shall occur during the spring observation period, if the classroom is in existence on February 1.

(b). CLASS® observations conducted by third-party contractors hired by the department shall not count towards this requirement.

B.4. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6 and 17:407.21 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 41:2586 (December 2015), amended LR 42:1872 (November 2016), LR 43:2131 (November 2017), LR 44:1440 (August 2018), LR 45:1453 (October 2019), LR 47:452 (April 2021).

Shan N. Davis  
Executive Director

2104#032

## RULE

### Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for State Certification of School Personnel (LAC 28:CXXXI.203)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education has amended LAC 28:CXXXI (Bulletin 746). Amendments extend the effective date of the PRAXIS Core Academic Skills for Educators: 5712, 5722, and 5732 exams to December 31, 2020. This revision would allow the LDE to consider, for purposes of initial certification, performance on the PRAXIS Core Academic Skills for Educators: 5712, 5722, and/or 5732 for those educators who registered for and achieved a passing score by December 31, 2020. This Rule is hereby adopted on the day of promulgation.

## Title 28 EDUCATION

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

#### Chapter 2. Initial Teacher Certification Subchapter B. Testing Required for Certification Areas §203. Certification Exams and Scores (Formerly §243)

A. A teacher applicant for certification must successfully complete the appropriate written or computer-delivered tests identified in this Section prior to Louisiana teacher certification.

1. Core Academic Skills for Educators<sup>2</sup>. Teacher applicants in all content areas must pass all three Praxis core academic skills tests for educators.

Pre-Professional Skills Test "Paper or Computer Administrations"	Test #	Score	Effective Date
PPST:R—Pre-Professional Skills Test: Reading	0710/5710	176	Effective 7/1/10 to 12/31/13
PPST:W—Pre-Professional Skills Test: Writing	0720/5720	175	

Pre-Professional Skills Test "Paper or Computer Administrations"	Test #	Score	Effective Date
PST:M—Pre-Professional Skills Test: Mathematics	0730/5730	175	

Core Academic Skills for Educators	Test #	Score	Effective Date
Reading	5712	156	Effective 1/1/14 to 12/31/2020
Writing	5722	162	
Mathematics	5732	150	

Core Academic Skills for Educators	Test #	Score	Effective Date
Reading	5713	156	Current-
Writing	5723	162	
Mathematics	5733	150	

<sup>1</sup> NOTE: To differentiate the computer delivered tests, Educational Testing Service has placed the number "5" or "6" preceding the current test code. The department will accept computer delivered passing test scores for licensure.

<sup>2</sup> NOTE: An ACT composite score of 22 or an SAT combined verbal and math score of 1100 or higher (new SAT) or 1030 or higher (pre-March 2016 SAT) may be used in lieu of PRAXIS 1 PPST exams or core academic skills for educators in reading, writing and math by prospective teachers in Louisiana.

A.2. - F. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 36:485 and 488 (March 2010), LR 36:2265 (October 2010), LR 37:551 (February 2011), repromulgated LR 37:556 (February 2011), amended LR 37:3210 (November 2011), LR 39:1461 (June 2013), LR 40:277 (February 2014), LR 40:1680 (September 2014), LR 41:645 (April 2015), LR 41:916 (May 2015), LR 42:233 (February 2016), LR 43:1292 (July 2017), LR 44:264 (February 2018), LR 44:1999 (November 2018), LR 45:228, 230 (February 2019), repromulgated LR 45:403 (March 2019), amended LR 45:1458 (October 2019), LR 46:325 (March 2020), LR 46:557 (April 2020), LR 46:1374 (October 2020), LR 47:453 (April 2021).

Shan N. Davis  
Executive Director

2104#033

## RULE

### Board of Elementary and Secondary Education

Phase 3 Minimum Requirements Pertaining to Reopening School Facilities (LAC 28:LXXIX.1105; CXV.401; and CXXXIX.4101)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education has amended LAC 28:CXXXIX (Bulletin 126), LAC 28: CXV (Bulletin 741), and LAC 28:LXXIX (Bulletin 741—Nonpublic). The revisions enable Local Education Agencies (LEAs) to continue to implement, for the duration of 168 JBE 2020, the current policy regarding Phase 3 minimum requirements, pertaining to the reopening school facilities for the 2020-

2021 school year. This Rule is hereby adopted on the day of promulgation.

**Title 28  
EDUCATION**

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

**Chapter 11. Health**

**Subchapter B. Reopening School Facilities for the 2020-  
2021 School Year**

**§1105. Purpose and Background**

A. - C. ...

D. By executive proclamation, the governor establishes the statewide phase(s) of reopening (phase 1, phase 2, or phase 3). If the local governing authority of a parish or other municipality has established a more restrictive phase of reopening, the LEA located within that parish or municipality must conform to the more restrictive requirements.

1. Subsequent to the reopening of school facilities for the 2020-2021 school year and in coordination with requirements outlined in 168 JBE 2020, LEAs may continue to follow the Phase 3 minimum requirements for reopening school facilities as set forth in this Chapter.

E. In the event the governor orders, via executive proclamation, a reversion or progression from one phase of the state reopening plan to another, BESE shall immediately communicate the substance of such executive proclamation to each LEA, including the impact of the executive proclamation on the roles, responsibilities, and requirements of each LEA in the state.

1. If necessary, as a result of such executive proclamation, BESE may:

a. consider revisions to regulations pertaining to the phased reopening of school facilities for the 2020-2021 school year; or

b. authorize the LDE to issue detailed guidance to each LEA in the state to include the roles, responsibilities, and requirements of each LEA in the state in response to the executive proclamation.

F. Medical or disability impact exceptions to any standard in this Chapter should be addressed on an individual basis by the LEA in accordance with local policies.

G. For the purposes of this Chapter, the following definition will apply.

*Physical Distance*—the act of an individual maintaining a space of six feet or more from another individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:1674 (December 2020), amended LR 47:454 (April 2021).

**Part CXV. Bulletin 741—Louisiana Handbook for  
School Administrators**

**Chapter 4. Reopening School Facilities for the 2020-  
2021 School Year**

**§401. Purpose and Background**

A. - C. ...

D. By executive proclamation, the governor establishes the statewide phase(s) of reopening (phase 1, phase 2, or phase 3). If the local governing authority of a parish or other municipality has established a more restrictive phase of

reopening, the LEA located within that parish or municipality must conform to the more restrictive requirements.

1. Subsequent to the reopening of school facilities for the 2020-2021 school year and in coordination with requirements outlined in 168 JBE 2020, LEAs may continue to follow the Phase 3 minimum requirements for reopening school facilities as set forth in this Chapter.

E. In the event the governor orders, via executive proclamation, a reversion or progression from one phase of the state reopening plan to another, BESE shall immediately communicate the substance of such executive proclamation to each LEA, including the impact of the executive proclamation on the roles, responsibilities, and requirements of each LEA in the state.

1. If necessary, as a result of such executive proclamation, BESE may:

a. consider revisions to regulations pertaining to the phased reopening of school facilities for the 2020-2021 school year; or

b. authorize the LDE to issue detailed guidance to each LEA in the state to include the roles, responsibilities, and requirements of each LEA in the state in response to the executive proclamation.

F. Medical or disability impact exceptions to any standard in this Chapter should be addressed on an individual basis by the LEA in accordance with local policies.

G. For the purposes of this Chapter, the following definition will apply.

*Physical Distance*—the act of an individual maintaining a space of six feet or more from another individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:1672 (December 2020), amended LR 47:454 (April 2021).

**Part CXXXIX. Bulletin 126—Charter Schools  
Chapter 41. Reopening School Facilities for the 2020-  
2021 School Year**

**§4101. Purpose and Background**

A. - C. ...

D. By executive proclamation, the governor establishes the statewide phase(s) of reopening (phase 1, phase 2, or phase 3). If the local governing authority of a parish or other municipality has established a more restrictive phase of reopening, the LEA located within that parish or municipality must conform to the more restrictive requirements.

1. Subsequent to the reopening of school facilities for the 2020-2021 school year and in coordination with requirements outlined in 168 JBE 2020, LEAs may continue to follow the Phase 3 minimum requirements for reopening school facilities as set forth in this Chapter.

E. In the event the governor orders, via executive proclamation, a reversion or progression from one phase of the state reopening plan to another, BESE shall immediately communicate the substance of such executive proclamation to each LEA, including the impact of the executive proclamation on the roles, responsibilities, and requirements of each LEA in the state.

1. If necessary, as a result of such executive proclamation, BESE may:

a. consider revisions to regulations pertaining to the phased reopening of school facilities for the 2020-2021 school year; or

b. authorize the LDE to issue detailed guidance to each LEA in the state to include the roles, responsibilities, and requirements of each LEA in the state in response to the executive proclamation.

F. Medical or disability impact exceptions to any standard in this Chapter should be addressed on an individual basis by the LEA in accordance with local policies.

G. For the purposes of this Chapter, the following definition will apply.

*Physical Distance*—the act of an individual maintaining a space of six feet or more from another individual.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:439.1, and 17:3391.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 46:1670 (December 2020), amended LR 47:454 (April 2021).

Shan N. Davis  
Executive Director

2104#034

## RULE

### Office of the Governor Board of Pardons

#### General Provisions (LAC 22:V.203)

Section 203 is being repromulgated to correct a citation error. This Rule may be viewed in its entirety on pages 358-364 of the March 20, 2021 *Louisiana Register*.

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Board of Pardons has amended its rules of LAC 22: XI: 102, 103, 121, 501, 504, 513, 514 and 705. These rule changes provide technical adjustment for regular parole and revise procedures. Section 102 provides clarification for notifying victims and their next of kin. Section 103 outlines the structure of the Board of Pardons, Committee on Parole and the participation of the ex-officio member. Section 121 allows the Executive Director to speak on behalf of the Chairman in their absence. Section 501 adds the five-member panel as an option for hearings. Section 504 and 513 outline additional procedures for screening, removing or rescinding offenders who have disciplinary issues prior to a hearing or after a decision to grant parole but prior to release. Section 514 provides additional guidance for votes required in various situations. Section 705 streamlines the Rehearing Application Process and strengthens the Committee's abilities to remove offenders with poor disciplinary conduct who are not good candidates for early release.

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Board of Pardons has amended its rules of LAC 22: V: 203, 205 and 211. Section 203 removes the condition of employment from pardon eligibility in the event the offender is unable to work due to medical and or mental health issues. Section 205 provides instruction on accepting clemency applications online. Section 211 clarifies the vote need related to a clemency recommendation. This Rule is hereby adopted on the day of promulgation.

## Title 22

### CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

#### Part V. Board of Pardons

#### Chapter 2. Clemency

#### §203. Eligibility for Clemency Consideration

A. - C.2.d. ...

3. An incarcerated offender who is not serving a life sentence, but who is serving a sentence for a violent offense as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, may request a commutation of sentence:

a. after having served a minimum of 10 years;

b. must have been disciplinary report free for a period of at least 24 months prior to the date of the application or at the time of the hearing (if a hearing is granted); and

c. must not be classified to a maximum custody status at the time of the application or at the time of the hearing (if a hearing is granted); and

d. must possess a marketable job skill, either through previous employment history or through successful completion of vocational training while incarcerated, unless deemed unable to work due to medical or mental health condition.

D. Life Sentences. An offender sentenced to life may not apply until he has served 15 years from the date of sentence, unless he has sufficient evidence which would have caused him to have been found not guilty. The 15 years shall include periods of time prior to the imposition of the sentence in which the defendant was in actual custody for the offense for which he was sentenced to life imprisonment. The offender must also meet the criteria stated in Subparagraphs C.3.a-d of this Section.

E. Capital Cases. Any offender sentenced to death may submit an application within one year from the date of the direct appeal denial. See also §213, Capital Cases.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:573.1, 15:574.12, and 44:1 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Board of Pardons, LR 39:2255 (August 2013), amended LR 42:1087 (July 2016), amended by the Office of the Governor, Board of Pardons and Committee on Parole, LR 44:574 (March 2018), amended by the Office of the Governor, Board of Pardons, LR 44:1006 (June 2018), LR 47:358 (March 2021), repromulgated LR 47:455 (April 2021).

Sheryl M. Ranatza  
Board Chair

2103#012

**RULE**

**Office of the Governor  
Boxing and Wrestling Commission**

Boxing and Wrestling Standards  
(LAC 46:XI.525)

The Louisiana Boxing and Wrestling Commission has exercised the provisions of the Administrative Procedure Act, R.S. 49:953(b) and 49:967(D) to adopt the following rules. The commission has amended Chapter 5, Subchapter B. Class "B" Wrestling to provide small event wrestling promoters relief from the responsibility of verifying bloodwork lab reports. This responsibility was formerly held by ring doctors and/or event coordinators under Chapter 1. General Rules. Due to the promulgation of R.S. 4.83(B) in 2018, Class B events are not required to have a doctor, event coordinator or commissioner in attendance at these events to review and verify bloodwork lab reports to ensure the validity and negative results of HIV, Hepatitis B and C. The commission will provide an avenue for collection of these Class "B" lab reports and establish a database whereupon the commission will become responsible for the review and verification of these lab reports for a fee of \$150 per event. The database will contain no personal medical information. This database will be restricted to the name of the contestant, date of blood testing, the negative or positive results and expiration date so as to track when contestants require new testing every six months in accordance with General Rule §108(A) Medical Requirements under this title. This Rule is hereby adopted on the day of promulgation.

**Title 46**

**PROFESSIONAL AND OCCUPATIONAL  
STANDARDS**

**Chapter 5. Professional Wrestling**

**Subchapter B. Class "B" Wrestling**

**§525. Wrestling Promoters Class "B" Licensing**

A. - F. ...

G. Blood work laboratory results for Class "B" contestants, as required by General Rules - §108(A) Medical Requirements, will be reviewed and verified by the commission and the results entered into an established database.

1. Class "B" contestant's lab reports will be submitted to the commission directly from the testing physician's laboratory or independent laboratory via hard copy, fax or other electronic submission to confirm negative results and verification of legitimacy.

2. A fee of \$150 per Class "B" event will be collected by the commission from the promoter to cover the costs of this verification process.

AUTHORITY NOTE: Promulgated in accordance with 4:64, 4:65 and 4:83(B)

HISTORICAL NOTE: Promulgated by the Office of the Governor, Boxing and Wrestling Commission, LR 45:547 (April 2019), amended LR 47:456 (April 2021).

Anthony "Buddy" Embanato  
Chairman

2104#043

**RULE**

**Office of the Governor  
Division of Administration  
Tax Commission**

Ad Valorem Taxation  
(LAC 61:V.101, 301, 701, 703, 705, 907, 1103,  
1307, 1503, 2501, 2503, 3103, and 3301)

In accordance with provisions of the Administrative Procedure Act (R.S. 49:950 et seq.), and in compliance with statutory law administered by this agency as set forth in R.S. 47:1837, the Tax Commission has adopted, amended and/or repealed sections of the Louisiana Tax Commission real/personal property rules and regulations for use in the 2021 (2022 Orleans Parish) tax year. This Rule is hereby adopted on the day of promulgation.

**Title 61**

**REVENUE AND TAXATION**

**Part V. Ad Valorem Taxation**

**Chapter 1. Constitutional and Statutory Guides to  
Property Taxation**

**§101. Constitutional Principles for Property Taxation**

A. - F.3.h. ...

G. Special Assessment Level

1. - 1.d....

2. Any person or persons shall be prohibited from receiving the special assessment as provided in this Section if such person's or persons' adjusted gross income, for the year prior to the application for the special assessment, exceeds \$100,000 for tax year 2021 (2022 Orleans Parish). For persons applying for the special assessment whose filing status is married filing separately, the adjusted gross income for purposes of this Section shall be determined by combining the adjusted gross income on both federal tax returns.

3. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution of 1974, Article VII, §18.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 15:1097 (December 1989), amended by the Department of Revenue, Tax Commission, LR 24:477 (March 1998), LR 26:506 (March 2000), LR 31:700 (March 2005), LR 32:425 (March 2006), LR 33:489 (March 2007), LR 34:673 (April 2008), LR 35:492 (March 2009), LR 36:765 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1394 (May 2011), LR 38:799 (March 2012), LR 39:487 (March 2013), LR 40:528 (March 2014), LR 41:671 (April 2015), LR 42:744 (May 2016), LR 43:648 (April 2017), LR 44:577 (March 2018), LR 45:531 (April 2019), LR 46:560 (April 2020), LR 47:456 (April 2021).

**Chapter 3. Real and Personal Property**

**§301. Definitions**

*Composite Multiplier*—a factor obtained by multiplying the cost index for the base year times percent good.

*Depreciation*—loss in value of an object, relative to its replacement cost new, reproduction cost new, or original cost, whatever the cause of the loss in value. Depreciation is sometimes subdivided into three types: physical

deterioration (wear and tear), functional obsolescence (suboptimal design in light of current technologies or tastes), and economic obsolescence (poor location or radically diminished demand for the product).

*Economic Life*—the normal useful life of the property as experienced by a particular business or industry.

*External (Economic) Obsolescence*—the loss of appraisal value (relative to the cost of replacing a property with property of equal utility) resulting from causes outside the property that suffers the loss. Usually locational in nature in the depreciation of real estate, it is more commonly market wide in personal property, and is generally considered to be economically infeasible to cure.

*Effective Age of a Property*—its age compared with other properties performing like functions. It is the actual age, less the age which has been taken off by face-lifting, structural reconstruction, removal of functional inadequacies, modernization of equipment, etc. It is an age which reflects a true remaining life for the property, taking into account the typical life expectancy of buildings or equipment of its class and usage. It is a matter of judgment, taking all factors into consideration.

*Extended Life Expectancy*—the increased life expectancy due to seasoning and proven ability to exist. Just as a person will have a total normal life expectancy at birth which increases as he grows older, so it is with structures and equipment.

*Fair Market Value*—the price for property which would be agreed upon between a willing and informed buyer and a willing and informed seller under usual and ordinary circumstances; it shall be the highest price estimated in terms of money which property will bring if exposed for sale on the open market with reasonable time allowed to find a purchaser who is buying with knowledge of all the uses and purposes to which the property is best adopted and for which it can be legally used.

*Functional Obsolescence*—loss in value due to lack of utility or desirability of part or all the property, inherent to the improvement or equipment. Thus a new structure or piece of equipment may suffer functional obsolescence.

*Inventory*—raw materials, work in process, finished goods or supplies.

*Non-Operating or Non-Utility Property*—property owned by a public service company used for purposes other than the normal operation of that public service company. See §2901 for further details.

*Obsolescence*—a decrease in the value of a property occasioned solely by shifts in demand from properties of this type to other types of property and/or to personal services. Some of the principal causes of obsolescence are:

1. changes in the esthetic arts;
2. changes in the industrial arts, such as new inventions and new processes;
3. legislative enactments;
4. change in consumer demand for products that results in inadequacy or over adequacy;
5. migration of markets that results in misplacement of the property.

*Percent Good*—equals 100 percent less the percentage of cost represented by depreciation. It is the present value of the structure or equipment at the time of appraisal, divided by its replacement cost.

*Physical Depreciation*—loss in value due to physical deterioration.

*Reconciliation*—the final step in the valuation process wherein consideration is given to the relative strengths and weaknesses of the three approaches to value, the nature of the property appraised, and the quantity and quality of available data in formation of an overall opinion of value (either a single point estimate or a range of value). Also termed “correlation” in some texts.

*Remaining Life*—the normal remaining life expectation. It is the length of time the structure or equipment may be expected to continue to perform its function economically.

*Rules and Regulations of the Tax Commission*—guidelines and procedures adopted which establish criteria to be applied uniformly in determining fair market value, use value and/or assessed value as stated in the Section applicable to a particular type or class of property.

1. Nothing adopted as a rule or regulation of the Tax Commission can supersede the constitutional directive that property be appraised at fair market value or use value as defined by law.

*Three Approaches to Value*—

1. **Market Approach:** when using the market approach, the assessor shall estimate the value of property based on sales of comparable property in an arm’s length transaction under usual and ordinary circumstances. It can be used when there is an active market in property similar in type, quality and condition;

a. Allocation of the purchase price by the purchaser among items purchased in a single sale or among elements of a single property does not prove the fair market value of that item or element;

2. **Cost Approach:** in the absence of an active market, yielding comparable and reliable data, which can be used in determining market value, use of the cost approach as provided herein is the best approach;

3. **Income Approach:** when using the income approach, net income is capitalized at an appropriate rate to determine its value. In assessment of tangible personal property, it is suitable for assessing items which are commonly leased, or the income from which is subject to government regulation or items the income from which can otherwise be reliably identified. The income approach is generally unreliable in assessing other personal property.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 47:1837, R.S. 47:1853 and R.S. 47:2323.

**HISTORICAL NOTE:** Promulgated by the Louisiana Tax Commission, LR 3:77 (February 1977), amended by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), LR 10:16 (January 1984), LR 13:763 (December 1987), LR 16:1063 (December 1990), amended by the Department of Revenue, Tax Commission, LR 32:427 (March 2006), LR 47:456 (April 2021).

## **Chapter 7. Watercraft**

### **§701. Guidelines for Ascertaining Fair Market Value of Watercraft**

A. - B.4. ...

C. Vessel Types and Definitions

1. *Deck Barge*—have both inland and offshore applications and can be used to transport and store materials and liquids at the work site. These are also good for transporting heavy equipment, vehicles, material, rock, sand, building supplies, food, water, etc. Deck barges are also



essential for carrying construction-based materials such as cranes, containers, aggregate materials, refinery parts, etc.

2. *Dredge Barge*—the operation of removing material from one part of the water environment and relocating it to another. In all but a few situations the excavation is undertaken by a specialist floating plant, known as a dredger. Dredging is carried out in many different locations and for many different purposes, but the main objectives are usually to recover material that has some value or use, or to create a greater depth of water. Dredging is mandatory to many rivers and harbors to continue keeping the depth and the opening to allow vessels in and out.

3. *Transport Barge*—a made-to-order water transportation vessel. These are built mainly for river and canal transport of bulk goods. Owners can add different walls or winches onto the barge to fit the client's needs.

4. *Crane Barge*—also known as a crane vessel or floating crane, is a vessel with an attached crane specialized in lifting heavy loads. These come in many sizes with the largest crane vessels being used for offshore construction.

5. *Oil Barge*—a vessel with tanks (normally integral tanks) for carriage of oil cargo, including bulk crude oil. Most of these barges are ABS classified. Classifications are defined later in this report. Classes of the vessels are based according to its area of operation, the type of operation, and the nature of cargo. ABS equipment requires thicker steel and more rigorous inspections.

6. *Spar Barge*—a type of floating oil platform typically used in very deep waters and is named for logs used as buoys in shipping that are moored in place vertically. Spar production platforms have been developed as an alternative to conventional platforms. The deep draft design of spars makes them less affected by wind, wave and currents and allows for both dry tree and subsea production.

7. *Shugart Barge*—raked on one end or can be boxed with connecting angle on all 4 sides. These are used for carrying many different materials. These are used on inland waterways.

8. *Spud Barge*—a specialized type of vessel used for marine construction operations. Spud barges are also referred to as jack-up barges and are a flat-decked barge with a large area for storing construction supplies and equipment for use during construction. These barges are not tied together or have a need to be tied to a dock, they are held in position by various length steel spuds (beams) in the ground, this spud is pulled up when relocated. These barges can carry many different materials and come in various sizes.

9. *Pile Driving Barge*—has the ability to assemble Flexifloat® modules into a number of shapes which offers significant advantages in pile-driving operations. For example, it allows a "T"-shaped assemblies permit location for the on-deck machine to get as close to the working edge of the barge as possible while retaining excellent 360-degree stability.

10. *Hopper Barge*—a non-mechanical vessel that cannot move around by itself, unlike some other types of barges. Hopper barges are designed to carry materials, like rocks, sand, soil and rubbish, for dumping into the ocean, a river or lake for land reclamation. Hopper barges are seen in two distinctive types: raked hopper or box hopper barges. The raked hopper barges move faster than the box hoppers;

they are both designed for movement of dry bulky commodities.

11. *Tank Barge*—as storage vessels generally used to carry bulk liquids. They may consist of one or more storage tanks separated by interior walls. Some tank barges can be more expensive by being "double skinned" -which means two layers of interior steel for protection.

12. *Pressure Barge*—a container vessel designed to hold gases or liquids at a pressure substantially different from the ambient pressure. Pressure vessels can be dangerous and fatal accidents have occurred in the history of their development and operation. Consequently, pressure vessel design is manufacture and operations are regulated by engineering authorities backed by legislation. For these reasons, the definition of a pressure barge varies from country to country.

13. *Keyway Barge*—designed with a U shape to it so portable truck-mounted drilling rigs can be backed onto the deck of these barges and up to the edge of the key slot. The barge then can be positioned around inland oil wells to perform a variety of procedures necessary to maintain production of the wells. The barge is then lead in place to work around each location.

14. *Industrial Barge*—as its name implies, is a flat decked cargo hauler vessel. It is designed to serve as a mobile base of operations for construction or mining projects. It has three advanced constructors that can fabricate any needed materials and its deck is large enough to carry everything in the Industrial Machinery line. The basic model comes rather bare and many galactic survivalists modify it to suit their needs. This vessel can also be called a flat deck barge or material barge, due to these barges carrying containers, rigs, power plants and many other items.

15. *Industrial Vessel*—a vessel which, by reason of its special outfit, purpose, design, or function engages in certain industrial ventures. This classification includes such vessels as dredges, cable layers, derrick barges, and construction and wrecking barges, but does not include vessels which carry passengers or freight for hire, OSVs, oceanographic research vessels, or vessels engaged in the fisheries.

16. *Pontoon Barge*—a vessel great for inland applications that can be used to store and transport materials quickly esp. for shallow water. They also are great to transport workers to job sites. These barges can also be convenient to house people working on jobs on unique locations where housing is limited or travel time delays job production.

17. *Dry Dock Barge*—a narrow basin or vessel that can be flooded to allow a load to be floated in, then drained to allow that load to come to rest on a dry platform. Dry dock barges are used for the construction, maintenance, and repairs of marine transportation and other marine equipment.

18. *Quarter Barge*—a vessel that is outfitted with living accommodations, galley rooms, shower and restroom facilities. These barges can be pre-made for crews ranging from 50 people up to 300+ people. They can also be customized to meet the customer's request. They are self-sufficient with generators, potable water and sewage plants

19. *Utility Barge*—a utility barge is a flat-bottomed vessel that can provide a safe working environment and improve confidence when working on the water esp. when carrying freight, typically on canals and rivers.

20. *Utility Vessel*—complements a range of heavy-duty workboats and offshore vessels. The UV Series is comprised of several designs that share the same basic principles: the ability to support a wide variety of light duty operations such as buoy laying, survey and research work, diving operations, lighthouse supply, fire-fighting, pollution control, fish farming and maintenance work.

21. *Jack Up Vessel*—the floating lifting platform, is powered to move around on sea, rivers and canals. When the jack up vessel has reached the desired location, it is then lifted above water level, so the platform is not subjected to the movement of the water. Jack up vessels are mainly used for piling, drilling, building and dredging work. The offshore and maritime sector and the oil and gas industry are the biggest branches in the jack up vessel market. The reason for this is mainly the enormous capacity of the jack up vessels and incredible flexibility.

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

23. *Platform Supply Vessel (PSV)*—a vessel specially designed to supply offshore oil and gas platforms. These vessels range from 15 to 300 feet in length and accomplish a variety of tasks.

24. *Crew Boat*—a vessel specialized in the transportation of offshore support personnel, deck cargo, and below-deck cargo such as fuel and potable water to and from offshore installations such as oil platforms, drilling rigs, drill and dive ships and wind farms. Majority of these vessels are used to carry crew members to and from job sites.

25. *Dive Vessel*—also called diving support vessel is a ship used in professional diving projects as a floating base. Diving vessels are considered a great mode of transportation and can provide valuable deck space in oil and gas production platforms. These vessels work on pipe lay jobs and provide support for deep water jobs.

26. *Pollution Control Vessel*—can rotate 360 degrees in place and has been specially conceived to operate in small harbor areas, nearby waters, bays and open-seas or offshore activities. Features and options of the Pollution Control, Sea Cleaning Vessel is based on a robust steel catamaran hull.

27. *Model Bow Boats*—tug vessels with pointed bows. They are also the most diversified of all tugs. Model bow tugs can be used in the inland waters and offshore as well. They can be shallow draft or very deep draft depending on what the need of the job is. This is the vessel most people can visualize when the work tugboat is mentioned.

28. *Push Boat*—also known as: pusher, pusher craft, pusher boat, pusher tug, or towboat, is a boat designed for pushing barges or car floats. In the United States, the industries that use these vessels refer to them as towboats. These vessels are characterized by a square bow, a shallow draft, and typically have knees, which are large plates mounted to the bow for pushing barges of various heights. These boats usually operate on rivers and inland waterways.

Multiple barges lashed together, or a boat and any barges lashed to it, are referred to as a "tow" and can have dozens of barges. Many of these vessels, especially the long distances, or long-haul boats, include living quarters for the crew.

29. *Offshore and Inland Tugs*—primarily used to tug or pull vessels that cannot move by themselves like disabled ships, oil platforms and barges or those that should not move like a big or loaded ship in a narrow canal or a crowded harbor. In addition to these, tugboats are also used as ice breakers or salvage boats and as they are built with firefighting guns and monitors, they assist in the firefighting duties especially at harbors and when required even at sea. With the continuing developments in the shipping industry the ships are growing larger than they ever have been in the marine history. Since it is much easier to maneuver these large ships at sea, an issue has developed with the exceedingly difficult narrow sea strips and harbors these ships have to travel down but, most all of them have problems with sideways movement- esp. when currents are rapid and river levels are high. This is when the need of tugboats are paired with these large vessels to help navigate the narrow waters. This is known in the industry as tug assist and thus the name of the boats. Most tugboats can also venture out in the ocean but the majority of them are not equipped with strong horsepower like the inland river tugs. The Inland River Tugs are tow boats designed to help out in the rivers and canals. They have a hull design that makes it quite dangerous for these boats to venture into open ocean.

30. *Research Vessel (RV or R/V)*—a ship or boat designed, modified, and equipped to carry out research at sea. Many government agencies now charter these vessels for fisheries and dredging projects.

31. *Skiff*—used for several essentially unrelated styles of small boat. Traditionally, these are coastal craft or river craft boats used for leisure, as a utility craft and for fishing, and have a one-person or small crew capacity. Sailing skiffs have developed into high performance competitive classes.

32. *Steamboats*—a boat that is propelled primarily by steam power, typically driving propellers or paddlewheels. Steamboats sometimes use the prefix designation SS, S.S. or S/S (for 'Screw Steamer') or PS (for 'Paddle Steamer'), however these designations are most often used for steamships. The term steamboat is used to refer to smaller, insular, steam-powered boats working on lakes and rivers, particularly riverboats. As using steam became more reliable, steam power became applied to larger, ocean-going vessels in the marine history. Five major commercial steamboats currently operate on the inland waterways of the United States. The only remaining overnight cruising steamboat is the 432 passenger American Queen, which operates week-long cruises on the Mississippi, Ohio, Cumberland and Tennessee Rivers 11 months out of the year. The others boats only preform day trips: they are the steamers Chautauqua Belle at Chautauqua Lake, New York, Minne Ha-Ha at Lake George, NY, operating on Lake George; the Belle of Louisville in Louisville, Kentucky,

operating on the Ohio River; and the Natchez in New Orleans, Louisiana, operating on the Mississippi River.

33. *Riverboat Casino*—a type of casino on a riverboat found in several states in the United States with frontage on the Mississippi River and its tributaries, or along the Gulf Coast. Several states authorized this type of casino in order to enable gaming but limit the areas where casinos could be constructed; it was a type of legal fiction as the riverboats were seldom if ever taken away from the dock.

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:922 (November 1984), LR 12:36 (January 1986), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 20:198 (February 1994), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 44:579 (March 2018), LR 47:457 (April 2021).

**§703. Tables—Watercraft**

**A. Floating Equipment—Motor Vessels**

Table 703.A.1 Floating Equipment—Motor Vessels				
Cost Index (Average)		Average Economic Life 12 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2020	0.996	1	94	.94
2019	1.001	2	87	.87
2018	1.037	3	80	.83
2017	1.073	4	73	.78
2016	1.094	5	66	.72
2015	1.085	6	58	.63
2014	1.095	7	50	.55
2013	1.110	8	43	.48
2012	1.119	9	36	.40
2011	1.150	10	29	.33
2010	1.187	11	24	.28
2009	1.178	12	22	.26
2008	1.212	13	20	.24

Table 703.A.2 Floating Equipment—Motor Vessels						
Vessel Type/Size	Day Rate	Base Cost	2019	2018-2014	2013-2009	2008 & Earlier
Cost Index			0.92349	0.68481	0.32732	0.3125
Research Vessel						
110'-139'	4000	\$3,000,000	\$2,770,470	\$2,054,430	\$981,960	\$865,771.88
140'-179'	4500	\$2,500,000	\$2,308,725	\$1,712,025	\$818,300	\$781,250
180'-199'	6800	\$4,000,000	\$3,693,960	\$2,739,240	\$1,309,280	\$1,250,000
200'-219'	8500	\$6,000,000	\$5,540,940	\$4,108,860	\$1,963,920	\$1,875,000
220'-279'	10000	\$9,500,000	\$8,773,155	\$6,505,695	\$3,109,540	\$2,968,750
280'-299'	12000	\$12,000,000	\$11,081,880	\$8,217,720	\$3,927,840	\$3,750,000
300'-319'	16000	\$18,000,000	\$16,622,820	\$12,326,580	\$5,891,760	\$5,625,000
320'+	18000	\$20,000,000	\$18,469,800	\$13,696,200	\$6,546,400	\$6,250,000
Dive Vessel						
110'-139'	4000	\$3,000,000	\$2,770,470	\$2,054,430	\$981,960	\$937,500
140'-179'	4500	\$3,000,000	\$2,770,470	\$2,054,430	\$981,960	\$937,500
180'-199'	5000	\$4,000,000	\$3,693,960	\$2,739,240	\$1,309,280	\$1,250,000
200'-219'	6500	\$6,000,000	\$5,540,940	\$4,108,860	\$1,963,920	\$1,875,000
220'-279'	7500	\$9,500,000	\$8,773,155	\$6,505,695	\$3,109,540	\$2,968,750
280'-299'	8500	\$6,500,000	\$6,002,685	\$4,451,265	\$2,127,580	\$2,031,250
300'-319'	9000	\$8,000,000	\$7,387,920	\$5,478,480	\$2,618,560	\$2,500,000
320'+	10000	\$9,500,000	\$8,773,155	\$6,505,695	\$3,109,540	\$2,968,750
Pollution Control Vessel						
110'-139'	4000	\$2,400,000	\$2,216,376	\$1,643,544	\$785,568	\$750,000
140'-179'	4500	\$2,400,000	\$2,216,376	\$1,643,544	\$785,568	\$750,000
180'-199'	6800	\$3,200,000	\$2,955,168	\$2,191,392	\$1,047,424	\$1,000,000
200'-219'	8500	\$4,800,000	\$4,432,752	\$3,287,088	\$1,571,136	\$1,500,000
220'-279'	10000	\$7,600,000	\$7,018,524	\$5,204,556	\$2,487,632	\$2,375,000
280'-299'	12000	\$9,600,000	\$8,865,504	\$6,574,176	\$3,142,272	\$3,000,000
300'-319'	16000	\$14,400,000	\$13,298,256	\$9,861,264	\$4,713,408	\$4,500,000
320'+	18000	\$16,000,000	\$14,775,840	\$10,956,960	\$5,237,120	\$5,000,000
Platform Supply Vessel						
110'-139'	4000	\$3,000,000	\$2,770,470	\$2,054,430	\$981,960	\$937,500
140'-179'	4500	\$3,000,000	\$2,770,470	\$2,054,430	\$981,960	\$937,500
180'-199'	6800	\$4,000,000	\$3,693,960	\$2,739,240	\$1,309,280	\$1,250,000
200'-219'	8500	\$6,000,000	\$5,540,940	\$4,108,860	\$1,963,920	\$1,875,000
220'-279'	10000	\$9,500,000	\$8,773,155	\$6,505,695	\$3,109,540	\$2,968,750

**Table 703.A.2  
Floating Equipment—Motor Vessels**

Vessel Type/Size	Day Rate	Base Cost	2019	2018-2014	2013-2009	2008 & Earlier
Cost Index			<b>0.92349</b>	<b>0.68481</b>	<b>0.32732</b>	<b>0.3125</b>
280'-299'	12000	\$12,000,000	\$11,081,880	\$8,217,720	\$3,927,840	\$3,750,000
300'-319'	16000	\$18,000,000	\$16,622,820	\$12,326,580	\$5,891,760	\$5,625,000
320'+	18000	\$20,000,000	\$18,469,800	\$13,696,200	\$6,546,400	\$6,250,000
Jack Up Vessel						
60'-89'	N/A	\$3,500,000	\$3,232,215	\$2,396,835	\$1,145,620	\$1,093,750
90'-109'	N/A	\$3,800,000	\$3,509,262	\$2,602,278	\$1,243,816	\$1,187,500
110'-139'	N/A	\$4,500,000	\$4,155,705	\$3,081,645	\$1,472,940	\$1,406,250
140'-174'	N/A	\$5,200,000	\$4,802,148	\$3,561,012	\$1,702,064	\$1,625,000
175'-219'	N/A	\$6,500,000	\$6,002,685	\$4,451,265	\$2,127,580	\$2,031,250
220'-239'	N/A	\$8,400,000	\$7,757,316	\$5,752,404	\$2,749,488	\$2,625,000
240'+	N/A	\$9,500,000	\$8,773,155	\$6,505,695	\$3,109,540	\$2,968,750
Inland Tugs						
50-60'X25-35' 600 HP	2000	\$1,000,000	\$923,490	\$684,810	\$327,320	\$312,500
50-60'X25-45' 900 HP	2400	\$1,200,000	\$1,108,188	\$821,772	\$392,784	\$375,000
60-70'X30-45' 1200 HP	2600	\$1,400,000	\$1,292,886	\$958,734	\$458,248	\$437,500
60-70'x30-55' 1500 HP	2850	\$1,500,000	\$1,385,235	\$1,027,215	\$490,980	\$468,750
70-80'X30-55' 1800 HP	3000	\$1,800,000	\$1,662,282	\$1,232,658	\$589,176	\$562,500
80-100'X30-50' 2400 HP	4000	\$2,800,000	\$2,585,772	\$1,917,468	\$916,496	\$875,000
80-100'X30-60' 3000 HP	4200	\$3,500,000	\$3,232,215	\$2,396,835	\$1,145,620	\$1,093,750
100-120'X45-55' 4200 HP	4300	\$3,800,000	\$3,509,262	\$2,602,278	\$1,243,816	\$1,187,500
110-150'X30-75' 6000 HP	4800	\$5,000,000	\$4,617,450	\$3,424,050	\$1,636,600	\$1,562,500
Offshore Tugs						
60-80'X25-35' 1800 HP	3500	\$3,200,000	\$2,955,168	\$2,191,392	\$1,047,424	\$1,000,000
75-90'X25-35' 2400 HP	3800	\$3,500,000	\$3,232,215	\$2,396,835	\$1,145,620	\$1,093,750
95-105'X30-40' 3000 HP	4000	\$3,800,000	\$3,509,262	\$2,602,278	\$1,243,816	\$1,187,500
100-120'X35-50' 4200 HP	4250	\$4,500,000	\$4,155,705	\$3,081,645	\$1,472,940	\$1,406,250
120-140'X40-60' 6000 HP	4500	\$4,800,000	\$4,432,752	\$3,287,088	\$1,571,136	\$1,500,000
140-160'X35-60' 10,000 HP	5000	\$5,000,000	\$4,617,450	\$3,424,050	\$1,636,600	\$1,562,500
Push Boats						
50-60'X25-35' 600 HP	2000	\$1,000,000	\$923,490	\$684,810	\$327,320	\$312,500
50-60'X25-45' 900 HP	2400	\$1,200,000	\$1,108,188	\$821,772	\$392,784	\$375,000
60-70'X30-45' 1200 HP	2600	\$1,400,000	\$1,292,886	\$958,734	\$458,248	\$437,500
60-70'X30-55' 1500 HP	2850	\$1,500,000	\$1,385,235	\$1,027,215	\$490,980	\$468,750
70-80'X30-55' 1800 HP	3000	\$1,800,000	\$1,662,282	\$1,232,658	\$589,176	\$562,500
80-100'X30-50' 2400 HP	4000	\$2,800,000	\$2,585,772	\$1,917,468	\$916,496	\$875,000
80-100'X30-60' 3000 HP	4200	\$3,500,000	\$3,232,215	\$2,396,835	\$1,145,620	\$1,093,750
100-120'X45-55' 4200 HP	4300	\$3,800,000	\$3,509,262	\$2,602,278	\$1,243,816	\$1,187,500
110-150'X30-75' 6000 HP	4800	\$5,000,000	\$4,617,450	\$3,424,050	\$1,636,600	\$1,562,500
Model Bow Boats						
50-60'X25-35' 600 HP	N/A	\$2,200,000	\$2,031,678	\$1,506,582	\$720,104	\$687,500
50-60'X25-45' 900 HP	N/A	\$2,800,000	\$2,585,772	\$1,917,468	\$916,496	\$875,000
60-70'X30-45' 1200 HP	N/A	\$3,200,000	\$2,955,168	\$2,191,392	\$1,047,424	\$1,000,000
75-90'X25-35' 2400 HP	N/A	\$6,500,000	\$6,002,685	\$4,451,265	\$2,127,580	\$2,031,250
95-105'X30-40' 3000 HP	N/A	\$8,200,000	\$7,572,618	\$5,615,442	\$2,684,024	\$2,562,500
100-120'X35-50' 4200 HP	N/A	\$10,500,000	\$9,696,645	\$7,190,505	\$3,436,860	\$3,281,250
120-140'X40-60' 6000 HP	N/A	\$13,500,000	\$12,467,115	\$9,244,935	\$4,418,820	\$4,218,750
140-160'X35-60' 10,000 HP	N/A	\$20,000,000	\$18,469,800	\$13,696,200	\$6,546,400	\$6,250,000
Skiff						
Under 20'	50	\$90,000	\$83,114.10	\$61,632.90	\$29,458.80	\$25,973.16
20'-40'	150	\$180,000	\$166,228.20	\$123,265.80	\$58,917.60	\$56,250
40'-60'	200	\$220,000	\$203,167.80	\$150,658.20	\$72,010.40	\$68,750
Steamboat						
120X30	200	\$250,000	\$230,872.50	\$171,202.50	\$81,830	\$78,125
140X40	400	\$450,000	\$415,570.50	\$308,164.50	\$147,294	\$140,625
180X54	600	\$900,000	\$831,141	\$616,329	\$294,588	\$281,250

Table 703.A.2 Floating Equipment—Motor Vessels						
Vessel Type/Size	Day Rate	Base Cost	2019	2018-2014	2013-2009	2008 & Earlier
<b>Cost Index</b>			<b>0.92349</b>	<b>0.68481</b>	<b>0.32732</b>	<b>0.3125</b>
250X72 Non Class	400	\$1,800,000	\$1,662,282	\$1,232,658	\$589,176	\$562,500
250X72 Class	600	\$2,900,000	\$2,678,121	\$1,985,949	\$949,228	\$906,250
260X72 Non Class	400	\$1,900,000	\$1,754,631	\$1,301,139	\$621,908	\$593,750
260X72 Class	800	\$3,000,000	\$2,770,470	\$1,301,139	\$981,960	\$937,500
300X100 Non Class	1200	\$3,200,000	\$2,955,168	\$2,191,392	\$1,047,424	\$1,000,000
300X100 Class	2400	\$6,400,000	\$5,910,336	\$4,382,784	\$2,094,848	\$2,000,000
400X100 Non Class	3000	\$6,000,000	\$5,540,940	\$4,108,860	\$1,963,920	\$1,875,000
400X100 Class	6000	\$12,000,000	\$11,081,880	\$8,217,720	\$3,927,840	\$3,750,000
Riverboat Casino						
120X30	200	\$250,000	\$230,872.50	\$171,202.50	\$81,830	\$78,125
140X40	400	\$450,000	\$415,570.50	\$308,164.50	\$147,294	\$140,625
180X54	600	\$900,000	\$831,141	\$616,329	\$294,588	\$281,250
250X72 Non Class	400	\$1,800,000	\$1,662,282	\$1,232,658	\$589,176	\$562,500
250X72 Class	600	\$2,900,000	\$2,678,121	\$1,985,949	\$949,228	\$906,250
260X72 Non Class	400	\$1,900,000	\$1,754,631	\$1,301,139	\$621,908	\$593,750
260X72 Class	800	\$3,000,000	\$2,770,470	\$2,054,430	\$981,960	\$937,500
300X100 Non Class	1200	\$3,200,000	\$2,955,168	\$2,191,392	\$1,047,424	\$1,000,000
300X100 Class	2400	\$6,400,000	\$5,910,336	\$4,382,784	\$2,094,848	\$2,000,000
400X100 Non Class	3000	\$6,000,000	\$5,540,940	\$4,108,860	\$1,963,920	\$1,875,000
400X100 Class	6000	\$12,000,000	\$11,081,880	\$8,217,720	\$3,927,840	\$3,750,000

B. Floating Equipment—Barges (Non-Motorized)

Table 703.B.1 Floating Equipment—Barges (Non-Motorized)				
Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2020	0.996	1	97	.97
2019	1.001	2	93	.93
2018	1.037	3	90	.93
2017	1.073	4	86	.92
2016	1.094	5	82	.90
2015	1.085	6	78	.85
2014	1.095	7	74	.81
2013	1.110	8	70	.78
2012	1.119	9	65	.73
2011	1.150	10	60	.69

Table 703.B.1 Floating Equipment—Barges (Non-Motorized)				
Cost Index Average		Average Economic Life 20 Years		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2010	1.187	11	55	.65
2009	1.178	12	50	.59
2008	1.212	13	45	.55
2007	1.259	14	40	.50
2006	1.328	15	35	.46
2005	1.390	16	31	.43
2004	1.494	17	27	.40
2003	1.546	18	24	.37
2002	1.572	19	22	.35
2001	1.582	20	21	.33
2000	1.595	21	20	.32

Table 703.B.2 Floating Equipment—Barges (Non-Motorized)								
Barge Type/Size	Day Rate	Base Cost	2019	2018-14	2013-09	2008-04	2003-1999	1998 & Earlier
<b>Cost Index</b>			<b>0.95328</b>	<b>0.92395</b>	<b>0.74816</b>	<b>0.68218</b>	<b>0.51552</b>	<b>0.51552</b>
Deck								
120x30	100	\$250,000	\$238,320	\$230,987.50	\$187,040	\$170,545	\$128,880	\$128,880
140X40	250	\$450,000	\$428,976	\$415,777.50	\$336,672	\$306,981	\$231,984	\$231,984
180X54	350	\$900,000	\$857,952	\$831,555	\$673,344	\$613,962	\$463,968	\$463,968
250X72 Non Class	400	\$1,800,000	\$1,715,904	\$1,663,110	\$1,346,688	\$1,227,924	\$927,936	\$927,936
250X72 Class	600	\$2,900,000	\$2,764,512	\$2,679,455	\$2,169,664	\$1,978,322	\$1,495,008	\$1,495,008
260X72 Non Class	400	\$1,900,000	\$1,811,232	\$1,755,505	\$1,421,504	\$1,296,142	\$979,488	\$979,488
260X72 Class	700	\$3,000,000	\$2,859,840	\$2,771,850	\$2,244,480	\$2,046,540	\$1,546,560	\$1,546,560
300X100 Non Class	1200	\$3,200,000	\$3,050,496	\$2,956,640	\$2,394,112	\$2,182,976	\$1,649,664	\$1,649,664
300X100 Class	1800	\$6,400,000	\$6,100,992	\$5,913,280	\$4,788,224	\$4,365,952	\$3,299,328	\$3,299,328
400X100 Non Class	2500	\$6,000,000	\$5,719,680	\$5,543,700	\$4,488,960	\$4,093,080	\$3,093,120	\$3,093,120
400X100 Class	6000	\$12,000,000	\$11,439,360	\$11,087,400	\$8,977,920	\$8,186,160	\$6,186,240	\$6,186,240

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

Barge Type/Size	Day Rate	Base Cost	2019	2018-14	2013-09	2008-04	2003-1999	1998 & Earlier
Cost Index			0.95328	0.92395	0.74816	0.68218	0.51552	0.51552
Dredge								
8" Cutter	N/A	\$425,000	\$405,144	\$392,678.75	\$317,968	\$289,926.50	\$219,096	\$219,096
10" Cutter	N/A	\$650,000	\$619,632	\$600,567.50	\$486,304	\$443,417	\$335,088	\$335,088
14" Cutter	N/A	\$950,000	\$905,616	\$877,752.50	\$710,752	\$648,071	\$489,744	\$489,744
16" Cutter	N/A	\$1,100,000	\$1,048,608	\$1,016,345	\$822,976	\$750,398	\$567,072	\$567,072
20" Cutter	N/A	\$3,600,000	\$3,431,808	\$3,326,220	\$2,693,376	\$2,455,848	\$1,855,872	\$1,855,872
24" Cutter	N/A	\$4,500,000	\$4,289,760	\$4,157,775	\$3,366,720	\$3,069,810	\$2,319,840	\$2,319,840
Transport								
120X30	200	\$250,000	\$238,320	\$230,987.50	\$187,040	\$170,545	\$128,880	\$128,880
140X40	400	\$450,000	\$428,976	\$415,777.50	\$336,672	\$306,981	\$231,984	\$231,984
180X54	600	\$900,000	\$857,952	\$831,555	\$673,344	\$613,962	\$463,968	\$463,968
250X72 Non Class	400	\$1,800,000	\$1,715,904	\$1,663,110	\$1,346,688	\$1,227,924	\$927,936	\$927,936
250X72 Class	600	\$2,900,000	\$2,764,512	\$2,679,455	\$2,169,664	\$1,978,322	\$1,495,008	\$1,495,008
260X72 Non Class	400	\$1,900,000	\$1,811,232	\$1,755,505	\$1,421,504	\$1,296,142	\$979,488	\$979,488
260X72 Class	800	\$3,000,000	\$2,859,840	\$2,771,850	\$2,244,480	\$2,046,540	\$1,546,560	\$1,546,560
300X72 Non Class	1200	\$3,200,000	\$3,050,496	\$2,956,640	\$2,394,112	\$2,182,976	\$1,649,664	\$1,649,664
300X72 Class	2400	\$6,400,000	\$6,100,992	\$5,913,280	\$4,788,224	\$4,365,952	\$3,299,328	\$3,299,328
400X100 Non Class	3000	\$6,000,000	\$5,719,680	\$5,543,700	\$4,488,960	\$4,093,080	\$3,093,120	\$3,093,120
400X100 Class	6000	\$12,000,000	\$11,439,360	\$11,087,400	\$8,977,920	\$8,186,160	\$6,186,240	\$6,186,240
Crane								
120X30	250	\$1,800,000	\$1,715,904	\$1,663,110	\$1,346,688	\$1,227,924	\$927,936	\$927,936
150X50	400	\$2,200,000	\$2,097,216	\$2,032,690	\$1,645,952	\$1,500,796	\$1,134,144	\$1,134,144
180X60	450	\$2,600,000	\$2,478,528	\$2,402,270	\$1,945,216	\$1,773,668	\$1,340,352	\$1,340,352
250X72	600	\$3,000,000	\$2,859,840	\$2,771,850	\$2,244,480	\$2,046,540	\$1,546,560	\$1,546,560
300X100	750	\$4,000,000	\$3,813,120	\$3,695,800	\$2,992,640	\$2,728,720	\$2,062,080	\$2,062,080
Oil								
10K	300	\$2,000,000	\$1,906,560	\$1,847,900	\$1,496,320	\$1,364,360	\$1,031,040	\$1,031,040
30K	800	\$4,000,000	\$3,813,120	\$3,695,800	\$2,992,640	\$2,728,720	\$2,062,080	\$2,062,080
80K	2000	\$6,500,000	\$6,196,320	\$6,005,675	\$4,863,040	\$4,434,170	\$3,350,880	\$3,350,880
120K	3000	\$12,000,000	\$11,439,360	\$11,087,400	\$8,977,920	\$8,186,160	\$6,186,240	\$6,186,240
Spar (Holds)								
175X26 (1000 Tons)	200	\$2,000,000	\$1,906,560	\$1,847,900	\$1,496,320	\$1,364,360	\$1,031,040	\$1,031,040
195X35 (2200 Tons)	250	\$2,200,000	\$2,097,216	\$2,032,690	\$1,645,952	\$1,500,796	\$1,134,144	\$1,134,144
290X35 (3000 Tons)	400	\$4,500,000	\$4,289,760	\$4,157,775	\$3,366,720	\$3,069,810	\$2,319,840	\$2,319,840
Shugart								
10X5X2	50	\$50,000	\$47,664	\$46,197.50	\$37,408	\$34,109	\$25,776	\$25,776
20X10X4	50	\$50,000	\$47,664	\$46,197.50	\$37,408	\$34,109	\$25,776	\$25,776
40X12X5	100	\$60,000	\$57,196.80	\$55,437	\$44,889.60	\$40,930.80	\$30,931.20	\$30,931.20
Spud								
110x30	250	\$300,000	\$285,984	\$277,185	\$224,448	\$204,654	\$154,656	\$154,656
120X30	250	\$1,400,000	\$1,334,592	\$1,293,530	\$1,047,424	\$955,052	\$721,728	\$721,728
140X40	400	\$1,600,000	\$1,525,248	\$1,478,320	\$1,197,056	\$1,091,488	\$824,832	\$824,832
140X45	400	\$1,600,000	\$1,525,248	\$1,478,320	\$1,197,056	\$1,091,488	\$824,832	\$824,832
180X54	500	\$2,000,000	\$1,906,560	\$1,847,900	\$1,496,320	\$1,364,360	\$1,031,040	\$1,031,040
200x60	800	\$3,500,000	\$3,336,480	\$3,233,825	\$2,618,560	\$2,387,630	\$1,804,320	\$1,804,320
250X72	900	\$3,800,000	\$3,622,464	\$3,511,010	\$2,843,008	\$2,592,284	\$1,958,976	\$1,958,976
Pile Driver								
120X30	150	\$1,800,000	\$1,715,904	\$1,663,110	\$1,346,688	\$1,227,924	\$927,936	\$927,936
150X50	250	\$2,200,000	\$2,097,216	\$2,032,690	\$1,645,952	\$1,500,796	\$1,134,144	\$1,134,144
180X60	375	\$2,600,000	\$2,478,528	\$2,402,270	\$1,945,216	\$1,773,668	\$1,340,352	\$1,340,352
250X72	450	\$3,000,000	\$2,859,840	\$2,771,850	\$2,244,480	\$2,046,540	\$1,546,560	\$1,546,560
300X100	575	\$4,000,000	\$3,813,120	\$3,695,800	\$2,992,640	\$2,728,720	\$2,062,080	\$2,062,080
Hopper (Holds)								
175X26 (1000 Tons)	200	\$2,000,000	\$1,906,560	\$1,847,900	\$1,496,320	\$1,364,360	\$1,031,040	\$1,031,040
195X35 (2200 Tons)	250	\$2,200,000	\$2,097,216	\$2,032,690	\$1,645,952	\$1,500,796	\$1,134,144	\$1,134,144
290X35	400	\$4,500,000	\$4,289,760	\$4,157,775	\$3,366,720	\$3,069,810	\$2,319,840	\$2,319,840

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

Barge Type/Size	Day Rate	Base Cost	2019	2018-14	2013-09	2008-04	2003-1999	1998 & Earlier
Cost Index			0.95328	0.92395	0.74816	0.68218	0.51552	0.51552
Tank								
10K	400	\$1,600,000	\$1,525,248	\$1,478,320	\$1,197,056	\$1,091,488	\$824,832	\$824,832
30K	800	\$3,200,000	\$3,050,496	\$2,956,640	\$2,394,112	\$2,182,976	\$1,649,664	\$1,649,664
80K	1700	\$5,200,000	\$4,957,056	\$4,804,540	\$3,890,432	\$3,547,336	\$2,680,704	\$2,680,704
120K	3500	\$9,600,000	\$9,151,488	\$8,869,920	\$7,182,336	\$6,548,928	\$4,948,992	\$4,948,992
Pressure								
250X50 (16,000 Barrels)	1500	\$3,200,000	\$3,050,496	\$2,956,640	\$2,394,112	\$2,182,976	\$1,649,664	\$1,649,664
Keyway								
120X30	200	\$200,000	\$190,656	\$184,790	\$149,632	\$136,436	\$103,104	\$103,104
140X40	400	\$360,000	\$343,180.80	\$332,622	\$269,337.60	\$245,584.80	\$185,587.20	\$185,587.20
180X54	500	\$720,000	\$686,361.60	\$665,244	\$538,675.20	\$491,169.60	\$371,174.40	\$371,174.40
250X72 Non Class	400	\$1,440,000	\$1,372,723.20	\$1,330,488	\$1,077,350.40	\$982,339.20	\$742,348.80	\$742,348.80
250X72 Class	600	\$2,320,000	\$2,211,609.60	\$2,143,564	\$1,735,731.20	\$1,582,657.60	\$1,196,006.40	\$1,196,006.40
260X72 Non Class	400	\$1,520,000	\$1,448,985.60	\$1,404,404	\$1,137,203.20	\$1,036,913.60	\$783,590.40	\$783,590.40
260X72 Class	800	\$2,560,000	\$2,440,396.80	\$2,365,312	\$1,915,289.60	\$1,746,380.80	\$1,319,731.20	\$1,319,731.20
300X72 Non Class	1200	\$2,560,000	\$2,440,396.80	\$2,365,312	\$1,915,289.60	\$1,746,380.80	\$1,319,731.20	\$1,319,731.20
300X72 Class	2400	\$5,120,000	\$4,880,793.60	\$4,730,624	\$3,830,579.20	\$3,492,761.60	\$2,639,462.40	\$2,639,462.40
400X100 Non Class	3000	\$4,800,000	\$4,575,744	\$4,434,960	\$3,591,168	\$3,274,464	\$2,474,496	\$2,474,496
400X100 Class	6000	\$9,600,000	\$9,151,488	\$8,869,920	\$7,182,336	\$6,548,928	\$4,948,992	\$4,948,992
Industrial								
120X30	200	\$250,000	\$238,320	\$230,987.50	\$187,040	\$170,545	\$128,880	\$128,880
140X40	400	\$450,000	\$428,976	\$415,777.50	\$336,672	\$306,981	\$231,984	\$231,984
180X54	600	\$900,000	\$857,952	\$831,555	\$673,344	\$613,962	\$463,968	\$463,968
250X72 Non Class	400	\$1,800,000	\$1,715,904	\$1,663,110	\$1,346,688	\$1,227,924	\$927,936	\$927,936
250X72 Class	600	\$2,900,000	\$2,764,512	\$2,679,455	\$2,169,664	\$1,978,322	\$1,495,008	\$1,495,008
260X72 Non Class	400	\$1,900,000	\$1,811,232	\$1,755,505	\$1,421,504	\$1,296,142	\$979,488	\$979,488
260X72 Class	800	\$3,000,000	\$2,859,840	\$2,771,850	\$2,244,480	\$2,046,540	\$1,546,560	\$1,546,560
300X72 Non Class	1200	\$3,200,000	\$3,050,496	\$2,956,640	\$2,394,112	\$2,182,976	\$1,649,664	\$1,649,664
300X72 Class	2400	\$6,400,000	\$6,100,992	\$5,913,280	\$4,788,224	\$4,365,952	\$3,299,328	\$3,299,328
400X100 Non Class	3000	\$6,000,000	\$5,719,680	\$5,543,700	\$4,488,960	\$4,093,080	\$3,093,120	\$3,093,120
400X100 Class	6000	\$12,000,000	\$11,439,360	\$11,087,400	\$8,977,920	\$8,186,160	\$6,186,240	\$6,186,240
Pontoon								
30X11X2	50	\$7,000	\$6,672.96	\$6,467.65	\$5,237.12	\$4,775.26	\$3,608.64	\$3,608.64
60X15X3	100	\$15,000	\$14,299.20	\$13,859.25	\$11,222.40	\$10,232.70	\$7,732.80	\$7,732.80
40X12X3	100	\$12,000	\$11,439.36	\$11,087.40	\$8,977.92	\$8,186.16	\$6,186.24	\$6,186.24
Dry Dock								
100'	N/A	\$1,800,000	\$1,715,904	\$1,663,110	\$1,346,688	\$1,227,924	\$927,936	\$927,936
200'	N/A	\$2,500,000	\$2,383,200	\$2,309,875	\$1,870,400	\$1,705,450	\$1,288,800	\$1,288,800
300'	N/A	\$4,000,000	\$3,813,120	\$3,695,800	\$2,992,640	\$2,728,720	\$2,062,080	\$2,062,080
500'	N/A	\$6,500,000	\$6,196,320	\$6,005,675	\$4,863,040	\$4,434,170	\$3,350,880	\$3,350,880
Quarter								
10 Person	100	\$40,000	\$38,131.20	\$36,958	\$29,926.40	\$27,287.20	\$20,620.80	\$20,620.80
25 Person	250	\$50,000	\$47,664	\$46,197.50	\$37,408	\$34,109	\$25,776	\$25,776
50 Person	300	\$100,000	\$95,328	\$92,395	\$74,816	\$68,218	\$51,552	\$51,552
300 Person	1000	\$2,000,000	\$1,906,560	\$1,847,900	\$1,496,320	\$1,364,360	\$1,031,040	\$1,031,040
500 Person	2000	\$4,000,000	\$3,813,120	\$3,695,800	\$2,992,640	\$2,728,720	\$2,062,080	\$2,062,080
Utility								
30X11X2	50	\$7,000	\$6,672.96	\$6,467.65	\$5,237.12	\$4,775.26	\$3,608.64	\$3,608.64
40X12X3	100	\$12,000	\$11,439.36	\$11,087.40	\$8,977.92	\$8,186.16	\$6,186.24	\$6,186.24

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:924 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR

14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:204 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:479 (March 1998), LR 25:312 (February 1999), LR 26:506

(March 2000), LR 27:425 (March 2001), LR 28:518 (March 2002), LR 29:368 (March 2003), LR 30:487 (March 2004), LR 31:715 (March 2005), LR 32:430 (March 2006), LR 33:490 (March 2007), LR 34:678 (April 2008), LR 35:492 (March 2009), LR 36:772 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1394 (May 2011), LR 38:802 (March 2012),

LR 39:490 (March 2013), LR 40:530 (March 2014), LR 41:673 (April 2015), LR 42:746 (May 2016), LR 43:652 (April 2017), LR 44:579 (March 2018), LR 45:533 (April 2019), LR 46:560 (April 2020), LR 47:460 (April 2021).

**§705. Tables—Vessels**

**A. Table 705.A**

Table 705.A Vessels								
Vessel Type/Size	Base Cost	Day Rate	Multiplier	2019-2014	2013-2009	2008-2004	2003-1999	1998 & Earlier
Cost Index				0.86	0.72	0.58	0.44	0.3
Crew								
60'-70'	\$1,450,000	1800	1.1	\$1,371,700	\$1,148,400	\$925,100	\$701,800	\$478,500
71'-99'	\$1,750,000	2000	1.13	\$1,700,650	\$1,423,800	\$1,146,950	\$870,100	\$593,250
100'-119'	\$2,000,000	2200	1.33	\$2,287,600	\$1,915,200	\$1,542,800	\$1,170,400	\$798,000
120'-140'	\$2,500,000	2400	1.23	\$2,644,500	\$2,214,000	\$1,783,500	\$1,353,000	\$922,500
141'-165'	\$3,250,000	2800	1.17	\$3,270,150	\$2,737,800	\$2,205,450	\$1,673,100	\$1,140,750
165'+	\$3,500,000	3000	1.17	\$3,521,700	\$2,948,400	\$2,375,100	\$1,801,800	\$1,228,500
Supply								
140'-159'	\$2,500,000	2500	1.43	\$3,074,500	\$2,574,000	\$2,073,500	\$1,573,000	\$1,072,500
160'-179'	\$2,800,000	3200	1.43	\$3,443,440	\$2,882,880	\$2,322,320	\$1,761,760	\$1,201,200
180'-199'	\$3,300,000	4000	1.43	\$4,058,340	\$3,397,680	\$2,737,020	\$2,076,360	\$1,415,700
200'-219'	\$4,500,000	4800	1.64	\$6,346,800	\$5,313,600	\$4,280,400	\$3,247,200	\$2,214,000
220'-230'	\$6,000,000	5000	2.5	\$12,900,000	\$10,800,000	\$8,700,000	\$6,600,000	\$4,500,000
231'+	\$6,000,000	5000	2.83	\$14,602,800	\$12,225,600	\$9,848,400	\$7,471,200	\$5,094,000
OSV								
110'-139'	\$2,000,000	3000	1.14	\$1,960,800	\$1,641,600	\$1,322,400	\$1,003,200	\$684,000
140'-159'	\$2,200,000	3500	1.14	\$2,156,880	\$1,805,760	\$1,454,640	\$1,103,520	\$752,400
160'-179'	\$2,200,000	3500	1.21	\$2,289,320	\$1,916,640	\$1,543,960	\$1,171,280	\$798,600
180'-199'	\$2,800,000	4000	1.43	\$3,443,440	\$2,882,880	\$2,322,320	\$1,761,760	\$1,201,200
200'-219'	\$3,500,000	5200	1.71	\$5,147,100	\$4,309,200	\$3,471,300	\$2,633,400	\$1,795,500
220'-230'	\$5,000,000	5700	1.93	\$8,299,000	\$6,948,000	\$5,597,000	\$4,246,000	\$2,895,000
231'-279'	\$5,000,000	5700	2.11	\$9,073,000	\$7,596,000	\$6,119,000	\$4,642,000	\$3,165,000
280'-299'	\$6,000,000	9000	2.11	\$10,887,600	\$9,115,200	\$7,342,800	\$5,570,400	\$3,798,000
300'-319'	\$8,000,000	10500	2.11	\$14,516,800	\$12,153,600	\$9,790,400	\$7,427,200	\$5,064,000
320'+	\$9,000,000	10800	2.11	\$16,331,400	\$13,672,800	\$11,014,200	\$8,355,600	\$5,697,000
Utility								
100'-119'	\$2,200,000	2500	1.27	\$2,402,840	\$2,011,680	\$1,620,520	\$1,229,360	\$838,200
120'-139'	\$2,500,000	2800	1.13	\$2,429,500	\$2,034,000	\$1,638,500	\$1,243,000	\$847,500
140'-165'	\$2,800,000	3200	1.17	\$2,817,360	\$2,358,720	\$1,900,080	\$1,441,440	\$982,800
165'+	\$4,000,000	3600	1.17	\$4,024,800	\$3,369,600	\$2,714,400	\$2,059,200	\$1,404,000

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

**HISTORICAL NOTE:** Promulgated by the Department of Revenue, Tax Commission, LR 33:490 (March 2007), amended LR 35:493 (March 2009), LR 47:465 (April 2021).

**Chapter 9. Oil and Gas Properties**

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

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

Instructions for Use of Tables 907.A-1, 907.A-2 and 907.A-3 and Procedure for Arriving at Assessed Value

1. Determine if well is located in Region 1 by reference to Table 907.B.1. See note for Region 2 or Region 3 (offshore state waters) wells.
2. Multiply the appropriate percent good factor based on age of the well as found in Table 907.B-2.
3. Use Oil cost-new to assess all active service wells for region where located.
4. See explanations in Section 901.E regarding the assessment of multiple completion wells.
5. For wells recompleted, use new perforation depth to determine fair market value.
6. Adjustments for Allowance of Economic Obsolescence



a. All wells producing 10 bbls oil or 100 mcf gas, or less, per day, as well as, all active service wells (i.e. injection, salt water disposal, water source, etc.) shall be allowed a 40 percent reduction. Taxpayer shall provide the assessor with proper documentation to claim this reduction. Once the 40 percent reduction has been applied and calculated, an additional 60 percent reduction shall be applied for any well producing 1 bbl of oil or 10 mcf of gas or less per day.

i. for wells producing 5 mcf or less of gas per day an additional reduction of 33 percent shall be applied;

ii. for wells producing 2 mcf or less of gas per day an additional reduction of 35 percent shall be applied.

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

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

d. All oil and gas property assessments may be based on an individual cost basis.

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

7. Multiply depth of well by appropriate 15 percent of Cost-New amount as indicated in Table 907.A-1, 907.A-2 or 907.A-3.

### 1. Oil, Gas and Associated Wells; Region 1—North Louisiana

Table 907.A.1 Oil, Gas and Associated Wells; Region 1—North Louisiana				
Producing Depths	Cost—New By Depth, Per Foot		15% of Cost—New By Depth, Per Foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0-1,249 ft.	36.45	152.54	5.47	22.88
1,250-2,499 ft.	32.90	112.16	4.94	16.82
2,500-3,749 ft.	25.86	74.29	3.88	11.14
3,750-4,999 ft.	35.78	74.02	5.37	11.10
5,000-7,499 ft.	42.07	72.25	6.31	10.84
7,500-9,999 ft.	92.22	97.38	13.83	14.61
10,000-12,499 ft.	268.91	118.13	40.34	17.72
12,500-14,999 ft.	437.34	178.38	65.60	26.76
15,000-17,499 ft.	559.75	203.40	83.96	30.51
17,500-Deeper ft.	N/A	568.96	N/A	85.34

### 2. Oil, Gas and Associated Wells; Region 2—South Louisiana

Table 907.A.2 Oil, Gas and Associated Wells; Region 2—South Louisiana				
Producing Depths	Cost—New By Depth, Per Foot		15% of Cost—New By Depth, Per Foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0-1,249 ft.	130.65	151.55	19.60	22.73
1,250-2,499 ft.	96.78	251.88	14.52	37.78
2,500-3,749 ft.	94.50	200.82	14.18	30.12
3,750-4,999 ft.	83.30	160.64	12.50	24.10
5,000-7,499 ft.	113.80	182.48	17.07	27.37
7,500-9,999 ft.	155.25	191.06	23.29	28.66
10,000-12,499 ft.	211.69	249.75	31.75	37.46
12,500-14,999 ft.	277.70	323.10	41.66	48.47
15,000-17,499 ft.	449.82	432.59	67.47	64.89
17,500-19,999 ft.	549.21	612.74	82.38	91.91
20,000-Deeper ft.	293.26	919.92	43.99	137.99

### 3. Oil, Gas and Associated Wells; Region 3—Offshore State Waters

Table 907.A.3 Oil, Gas and Associated Wells; Region 3—Offshore State Waters*				
Producing Depths	Cost—New By Depth, Per Foot		15% Of Cost—New By Depth, Per Foot	
	\$ Oil	\$ Gas	\$ Oil	\$ Gas
0 -1,249 ft.	N/A	N/A	N/A	N/A
1,250 -2,499 ft.	1,404.78	1,227.42	210.72	184.11
2,500 -3,749 ft.	722.36	943.32	108.35	141.50
3,750 -4,999 ft.	1,031.08	864.98	154.66	129.75
5,000 -7,499 ft.	513.12	801.16	76.97	120.17
7,500 -9,999 ft.	650.53	758.13	97.58	113.72
10,000 -12,499 ft.	736.46	768.47	110.47	115.27
12,500 -14,999 ft.	640.51	747.87	96.08	112.18
15,000 -17,499 ft.	441.46	775.99	66.22	116.40
17,500 -19,999 ft.	219.90	741.87	32.99	111.28
20,000 - Deeper ft.	N/A	1,166.13	N/A	174.92

B. The determination of whether a well is a Region 2 or Region 3 well is ascertained from its onshore/offshore status as designated on the Permit to Drill or Amended Permit to Drill form (Location of Wells Section), located at the Department of Natural Resources as of January 1 of each tax year. Each assessor is required to confirm the onshore/offshore status of wells located within their parish by referring to the Permit to Drill or Amended Permit to Drill form on file at the Department of Natural Resources.

#### 1. Parishes Considered to be Located in Region I

Table 907.B.1 Parishes Considered to be Located in Region I			
Bienville	DeSoto	Madison	Tensas
Bossier	East Carroll	Morehouse	Union
Caddo	Franklin	Natchitoches	Webster
Caldwell	Grant	Ouachita	West Carroll
Catahoula	Jackson	Red River	Winn
Claiborne	LaSalle	Richland	
Concordia	Lincoln	Sabine	

NOTE: All wells in parishes not listed above are located in Region 2 or Region 3.

#### 2. Serial Number to Percent Good Conversion Chart

Table 907.B.2 Serial Number to Percent Good Conversion Chart			
Year	Beginning Serial Number	Ending Serial Number	20 Year Life Percent Good
2020	252171	Higher	97
2019	251497	252170	93
2018	250707	251496	90
2017	249951	250706	86
2016	249476	249950	82
2015	248832	249475	78
2014	247423	248831	74
2013	245849	247422	70
2012	244268	245848	65
2011	242592	244267	60
2010	240636	242591	55

Year	Beginning Serial Number	Ending Serial Number	20 Year Life Percent Good
2009	239277	240635	50
2008	236927	239276	45
2007	234780	236926	40
2006	232639	234779	35
2005	230643	232638	31
2004	229010	230642	27
2003	227742	229009	24
2002	226717	227741	22
2001	225352	226716	21
2000	Lower	225351	20 *
VAR.	900000	Higher	50

\*Reflects residual or floor rate.

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

C. - C.6. ...

\* \* \*

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

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

**Chapter 11. Drilling Rigs and Related Equipment  
§1103. Drilling Rigs and Related Equipment Tables**

**A. Land Rigs**

Depth "0" to 7,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
3,000	193,900	29,100
4,000	287,600	43,100
5,000	311,000	46,700
6,000	340,400	51,100
7,000	424,800	63,700
Depth 8,000 to 10,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
8,000	590,700	88,600
9,000	845,100	126,800
10,000	1,179,500	176,900

Depth 11,000 to 15,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
11,000	1,573,700	236,100
12,000	1,999,700	300,000
13,000	2,425,100	363,800
14,000	2,817,000	422,600
15,000	3,145,900	471,900
Depth 16,000 to 20,000 Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
16,000	3,389,300	508,400
17,000	3,535,700	530,400
18,000	3,552,000	532,800
19,000	3,567,100	535,100
20,000	3,570,000	535,500
Depth 21,000 + Feet		
Depth (Ft.)	Fair Market Value	Assessment
	\$	\$
21,000	3,534,300	530,100
25,000 +	3,355,800	503,400

1. - 2. ...

**B. Jack-Ups**

Type	Water Depth Rating	Fair Market Value	Assessment
IC	0-199 FT.	\$ 56,600,000	\$ 8,490,000
	200-299 FT.	113,100,000	16,965,000
	300 FT. and Deeper	225,900,000	33,885,000
IS	0-199 FT.	17,000,000	2,550,000
	200-299 FT.	28,300,000	4,245,000
	300 FT. and Deeper	33,900,000	5,085,000
MC	0-199 FT.	5,700,000	855,000
	200-299 FT.	11,300,000	1,695,000
	300 FT. and Deeper	45,200,000	6,780,000
MS	0-249 FT.	11,800,000	1,770,000
	250 FT. and Deeper	23,400,000	3,510,000

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

**C. Semisubmersible Rigs**

Water Depth Rating	Fair Market Value	Assessment
	\$	\$
0- 800 FT.	51,700,000	7,755,000
801-1,800 FT.	92,600,000	13,890,000
1,801-2,500 FT.	169,700,000	25,455,000
2,501 FT. and Deeper	532,500,000	79,875,000

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

C.1. - C.3.b.i. ...  
D. Well Service Rigs Land Only

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

D.1. - E.1. ...  
AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1837 and R.S. 47:2323.  
HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:939 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 22:117 (February 1996), LR 23:205 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:487 (March 1998), LR 25:315 (February 1999), LR 26:508 (March 2000), LR 27:426 (March 2001), LR 28:519 (March 2002), LR 30:488 (March 2004), LR 31:718 (March 2005), LR 32:431 (March 2006), LR 33:493 (March 2007), LR 34:683 (April 2008), LR 35:497 (March 2009), LR 36:778 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1399 (May 2011), LR 38:808 (March 2012), LR 39:495 (March 2013), LR 40:536 (March 2014), LR 41:678 (April 2015), LR 42:748 (May 2016), LR 43:654 (April 2017), LR 44:581 (March 2018), LR 45:535 (April 2019), LR 46:562 (April 2020), LR 47:467 (April 2021).

**Chapter 13. Pipelines**  
**§1307. Pipeline Transportation Tables**  
A. Current Costs for Other Pipelines (Onshore)

Table 1307.A Current Costs for Other Pipelines (Onshore)		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
2	\$ 187,200	\$ 28,080
4	221,070	33,160
6	261,070	39,160
8	308,300	46,250
10	364,080	54,610
12	429,960	64,490
14	507,750	76,160
16	599,610	89,940
18	708,100	106,220
20	836,220	125,430
22	987,510	148,130
24	1,166,180	174,930
26	1,377,170	206,580
28	1,626,340	243,950
30	1,920,590	288,090
32	2,268,080	340,210
34	2,678,430	401,760
36	3,163,030	474,450
38	3,735,310	560,300
40	4,411,130	661,670
42	5,209,230	781,380
44	6,090,200	913,530
46	7,010,470	1,051,570
48	8,150,170	1,222,530

NOTE: Excludes river and canal crossings

B. Current Costs for Other Pipelines (Offshore)

Table 1307.B Current Costs for Other Pipelines (Offshore)		
Diameter (inches)	Cost per Mile	15% of Cost per Mile
2	\$ 1,053,170	\$ 157,980
4	1,057,920	158,690
6	1,063,690	159,550
8	1,081,870	162,280
10	1,104,140	165,620
12	1,136,070	170,410
14	1,171,950	175,790
16	1,217,320	182,600
18	1,272,180	190,830
20	1,336,540	200,480
22	1,410,400	211,560
24	1,493,750	224,060
26	1,586,590	237,990
28	1,688,930	253,340
30	1,800,760	270,110
32	1,922,090	288,310
34	2,052,910	307,940
36	2,193,220	328,980
38	2,343,030	351,450
40	2,489,820	373,470
42	2,644,420	396,660
44	2,806,680	421,000
46	2,976,460	446,470
48	3,153,620	473,040

C. Pipeline Transportation Allowance for Physical Deterioration (Depreciation)

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

\* Reflects residual or floor rate.

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

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

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

**Chapter 15. Aircraft**

**§1503. Aircraft (Including Helicopters) Table**

A. Aircraft (Including Helicopters)

Table 1503 Aircraft (Including Helicopters)				
Cost Index (Average)		Average Economic Life (20 Years)		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2020	0.996	1	97	.97
2019	1.001	2	93	.93
2018	1.037	3	90	.93
2017	1.073	4	86	.92
2016	1.094	5	82	.90
2015	1.085	6	78	.85

Table 1503 Aircraft (Including Helicopters)				
Cost Index (Average)		Average Economic Life (20 Years)		
Year	Index	Effective Age	Percent Good	Composite Multiplier
2014	1.095	7	74	.81
2013	1.110	8	70	.78
2012	1.119	9	65	.73
2011	1.150	10	60	.69
2010	1.187	11	55	.65
2009	1.178	12	50	.59
2008	1.212	13	45	.55
2007	1.259	14	40	.50
2006	1.328	15	35	.46
2005	1.390	16	31	.43
2004	1.494	17	27	.40
2003	1.546	18	24	.37
2002	1.572	19	22	.35
2001	1.582	20	21	.33
2000	1.595	21	20	.32

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

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

**Chapter 25. General Business Assets**

**§2501. Guidelines for Ascertaining the Fair Market Value of Office Furniture and Equipment, Machinery and Equipment and Other Assets Used in General Business Activity**

A. When the information necessary to use the market and income approaches to value is generally not available, the fair market value of office furniture and equipment, machinery and equipment and other assets used in general business activity can generally best be estimated by the cost approach with consideration of information provided by property owners on annual LAT 5 forms, written and verbal description of valuation factors impacting the property, and other sources. This approach allows the assessors across the State of Louisiana to fairly and uniformly assess business and industrial personal property, while, at the same time, allowing each assessor the discretion that is necessary to accommodate modernization, face lifting of equipment, and obsolescence. However, when market and/or income data is presented or reasonably available, all of the three approaches to value with reliable data should be considered to determine the reconciled fair market value of the assessed property.

B. The following data is required to use the cost approach to value:

1. total acquisition costs of equipment (including freight, installation, taxes and fees, as well as, date of purchase) indexed to adjust the cost for the effects of inflation;

i acquisition costs can alternatively be determined using market data and/or through a study of current market conditions when actual costs are not available;

2. the average expected economic life of the equipment;

3. a typical depreciation schedule for the equipment; and

4. information to determine external (economic) and/or functional obsolescence, if any.

C. - H.5. ...

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 10:943 (November 1984), LR 12:36 (January 1986), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), amended by the Department of Revenue, Tax Commission, LR 31:719 (March 2005), LR 33:495 (March 2007), LR 34:685 (April 2008), LR 35:500 (March 2009), amended by the Office of the Governor, Division of Administration, Tax Commission, LR 42:749 (May 2016), LR 47:469 (April 2021).

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

A. - A.1. ...

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B. Cost Indices

Table 2503.B Cost Indices			
Year	Age	National Average 1926 = 100	January 1, 2020 = 100*
2020	1	1736.4	0.996
2019	2	1727.8	1.001
2018	3	1667.7	1.037
2017	4	1612.2	1.073
2016	5	1580.9	1.094
2015	6	1593.7	1.085
2014	7	1578.8	1.095
2013	8	1558.7	1.110
2012	9	1545.9	1.119
2011	10	1503.2	1.150
2010	11	1457.4	1.187
2009	12	1468.6	1.178
2008	13	1427.3	1.212
2007	14	1373.3	1.259
2006	15	1302.3	1.328
2005	16	1244.5	1.390
2004	17	1157.3	1.494
2003	18	1118.6	1.546
2002	19	1100.0	1.572
2001	20	1093.4	1.582
2000	21	1084.3	1.595
1999	22	1065.0	1.624
1998	23	1061.8	1.629
1997	24	1052.7	1.643
1996	25	1036.0	1.669
1995	26	1020.4	1.695
1994	27	985.0	1.756

Table 2503.B Cost Indices			
Year	Age	National Average 1926 = 100	January 1, 2020 = 100*
1993	28	958.0	1.805
1992	29	939.8	1.840
1991	30	928.5	1.863
1990	31	910.2	1.900

\*Reappraisal Date: January 1, 2020 – 1729.4 (Base Year)

C. ...

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D. Composite Multipliers 2021 (2022 Orleans Parish)

Table 2503.D Composite Multipliers 2021 (2022 Orleans Parish)										
Age	3 Yr	5 Yr	6 Yr	8 Yr	10 Yr	12 Yr	15 Yr	20 Yr	25 Yr	30 Yr
1	.70	.85	.87	.90	.92	.94	.95	.97	.98	.98
2	.49	.69	.73	.79	.84	.87	.90	.93	.95	.97
3	.35	.54	.59	.69	.79	.83	.88	.93	.96	.99
4	.17	.36	.44	.58	.72	.78	.85	.92	.97	1.00
5		.25	.33	.47	.63	.72	.80	.90	.95	1.00
6		.20	.21	.36	.53	.63	.74	.85	.91	.97
7			.20	.28	.43	.55	.68	.81	.89	.94
8				.24	.33	.48	.61	.78	.87	.93
9				.22	.27	.40	.55	.73	.84	.92
10					.24	.33	.49	.69	.82	.91
11					.24	.28	.44	.65	.81	.90
12						.26	.37	.59	.75	.87
13						.24	.32	.55	.73	.86
14							.29	.50	.71	.86
15							.28	.46	.69	.86
16							.28	.43	.67	.85
17								.40	.66	.87
18								.37	.60	.83
19								.35	.53	.80
20								.33	.47	.74
21								.32	.45	.70
22									.42	.65
23									.39	.60
24									.33	.56
25									.33	.52
26									.34	.47
27										.46
28										.42
29										.39
30										.37
31										.38

1. Data sources for tables are:

- a. Cost Index—Marshall and Swift Publication Co.;
- b. Percent Good—Marshall and Swift Publication Co.;

c. Average Economic Life—various.

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

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 8:102 (February 1982), amended LR 9:69 (February 1983), LR 10:944 (November 1984), LR 12:36 (January 1986), LR 13:188 (March 1987), LR 13:764 (December 1987), LR 14:872 (December 1988), LR 15:1097 (December 1989), LR 16:1063 (December 1990), LR 17:1213 (December 1991), LR 19:212 (February 1993), LR 20:198 (February 1994), LR 21:186 (February 1995), LR 22:117 (February 1996), LR 23:207 (February 1997), amended by the Department of Revenue, Tax Commission, LR 24:490 (March 1998), LR 25:317 (February 1999), LR 26:509 (March 2000), LR 27:427 (March

2001), LR 28:520 (March 2002), LR 29:370 (March 2003), LR 30:489 (March 2004), LR 31:719 (March 2005), LR 32:433 (March 2006), LR 33:496 (March 2007), LR 34:686 (April 2008), LR 35:500 (March 2009), LR 36:780 (April 2010), amended by the Division of Administration, Tax Commission, LR 37:1402 (May 2011), LR 38:810 (March 2012), LR 39:497 (March 2013), LR 40:538 (March 2014), LR 41:681 (April 2015), LR 42:750 (May 2016), LR 43:656 (April 2017), LR 44:584 (March 2018), LR 45:538 (April 2019), LR 46:564 (April 2020), LR 47:470 (April 2021).

**Chapter 31 Public Exposure of Assessments; Appeals §3103. Appeals to the Louisiana Tax Commission**

A. - C.1. ...

D.1. All parties shall receive notice of the scheduling of an appeal hearing at least 30 days prior to the scheduled hearing date.

2. In addition to the initial filing of Forms 3103.A and 3103.B, the taxpayer or assessor appealing the Board of Review decision may attach a pleading containing further information concerning the appeal.

3. Either party may request a continuance of a scheduled hearing. Such a request must be made in writing and filed and served on the opposing party at least 15 days prior to the scheduled hearing date, unless good cause can be shown why the fifteen-day requirement should be waived. Requests for continuance must contain the grounds on which the continuance is requested and state whether or not the opposing party objects to the request.

4. A taxpayer or assessor who has appealed the decision of the Board of Review shall file and serve on the opposing party at least 15 days prior to the scheduled hearing date all documents and papers that may be offered into evidence at the hearing. The party appealing the decision of the Board of Review must submit evidence that establishes the fair market value of their property or other grounds that would constitute reversal of the Board of Review's decision.

5. The party who has not appealed the Board of Review decision shall file and serve on the opposing party at least eight days prior to the scheduled hearing date all documents and papers that may be offered into evidence at the hearing.

6. Documents and papers offered into evidence for a hearing before the commission shall be marked as exhibits and bound. All exhibits, where it is helpful, to the consideration of such exhibits, shall be indexed, numbered, color coded, tabbed or otherwise so identified as to provide ready accessibility. Exhibits offered by a taxpayer shall be marked "Exhibit Taxpayer \_\_\_\_\_" and shall be consecutively numbered. The taxpayer shall at the time an exhibit is offered state whether the exhibit contains information not furnished to the assessor before the end of the period for public exposure of the assessment lists. Exhibits offered by the assessor shall be marked "Exhibit Assessor \_\_\_\_\_" and shall be consecutively numbered. Exhibits offered by the commission or its staff representative shall be marked "Exhibit Tax Commission \_\_\_\_\_" and shall be consecutively numbered. Legal memorandum submitted by the parties will be made part of the record proceedings before the commission, but shall not be filed as exhibits offered into evidence for the hearing before the commission.

7. Any party, including the taxpayer, assessor, and/or Tax Commission, may request, in writing, that all parties disclose witnesses that may be called to testify at the appeal hearing. Such a request must be made not less than 20 days prior to the hearing and if such a request is made, all parties must disclose, in writing, all witnesses that may be called to testify as follows: the appellant must make such disclosure at least 15 days prior to the hearing and the appellee must make such disclosure at least 8 days prior to the hearing. The admissibility of rebuttal witnesses will be evaluated by the commission on a case-by-case basis.

E. - Y. ...

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

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

**Chapter 33. Financial Institutions §3301. Guidelines for Ascertain the Fair Market Value of Financial Institutions**

A - C. ...

D. For the purposes of determining the fair market value of bank stock, the following criteria shall be used: stockholder equity shall serve as a four times factor, 80 percent and annual net earnings of the individual banking institution shall serve as a onetime factor, 20 percent. Annual net earnings shall be adjusted to remove that portion of earnings based on United States obligations by deducting a percentage of annual net earnings based on the ratio of interest on United States obligations to total operating income. Negative earnings shall be included in this formula, but there shall be no earnings loss carried forward or backward. For the purpose of computing the one time, 20 percent earnings factor, the earnings shall be capitalized by multiplying the annual net earnings or net loss of the banking institution by the average price earnings ratio for such institutions as published by a nationwide recognized bond and securities rating firm.

1. The price earnings ratio to be used for this purpose shall be computed based on the quarterly average of the previous seven years of the index selected by the Tax Commission by dropping the highest and lowest ratio years and averaging the remaining five years.

2. The calculated price earnings ratio, to be used to compute bank shareholders assessments, shall not change, up or down, by more than 1.5 points from the ratio used in the previous year.

E. - F.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1967, R.S. 47:1968, R.S. 47:1969, R.S. 6:942, R.S. 6:943 and R.S. 6:944.

HISTORICAL NOTE: Promulgated by the Department of Revenue and Taxation, Tax Commission, LR 13:249 (April 1987), amended LR 16:1064 (December 1990), LR 20:198 (February 1994), amended by the Department of Revenue, Tax Commission, LR 28:521 (March 2002), LR 47:471 (April 2021).

Lawrence E. Cherhardy  
Chairman

2104#013

## RULE

### Office of the Governor Office of Indian Affairs

#### American Indian Scholarship (LAC 28:VIII.Chapters 1-3)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:953(A), the Office of Indian Affairs has adopted LAC 28:VII.Chapters 1-3, Indian Affairs Scholarship.

With assistance from the Louisiana Indian Educational Association, the Office of Indian Affairs annually provides awards to Native American students from Louisiana tribes to attend a college or higher education institution of their choice. The awards are funded through proceeds received from the renewal and sale of special prestige license plates for motor vehicles representing Native American culture in accordance with RS 47:463.78. Recipients are selected based on academic and financial need.

These provisions incorporate the scholarship eligibility and review process into the Louisiana Administrative Code. This Rule is hereby adopted on the day of promulgation.

#### Title 28

#### EDUCATION

#### Part VIII. Indian Affairs Scholarship

#### Chapter 1. General Provisions

#### §101. Purpose

A. This Part establishes procedures for the Indian Affairs Scholarship Program. LAC 28:VIII outlines the process of applying for and awarding the American Indian Scholarship.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2303 and R.S. 47:463.78.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Indian Affairs, LR 47:472 (April 2021).

#### §103. Enrollment

A. The scholarship applicant can enroll and be accepted into any institute of higher learning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2303 and R.S. 47:463.78.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Indian Affairs, LR 47:472 (April 2021).

#### Chapter 3. Scholarship Application

#### §301. Application

A. Any student applying for the American Indian Scholarship must complete the application packet as provided through the Office of Indian Affairs. This application solicits the following data:

1. personal information;
2. financial information and verification; and
3. academic information and verification.

B. All applicants shall provide proof of tribal enrollment in a state-recognized Louisiana tribe.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2303 and R.S. 47:463.78.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Indian Affairs, LR 47:472 (April 2021).

#### §303. Application Review

A. Applications will be reviewed on a competitive basis and selections will be based on the following criteria:

1. heritage;
2. financial need;
3. short essay answers; and
4. academic performance.

B. All applications must be received or postmarked by the deadline date on the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2303 and R.S. 47:463.78.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Indian Affairs, LR 47:472 (April 2021).

Pat Arnould  
Executive Director

2104#006

## RULE

### Department of Health Bureau of Health Services Financing

#### Crisis Receiving Centers—Licensing Standards (LAC 48:I.Chapters 53 and 54)

The Department of Health, Bureau of Health Services Financing has amended the LAC 48:I.Chapters 53 and 54 as authorized by R.S. 36:254 and R.S. 40:2180.11 et seq. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

#### Title 48

#### PUBLIC HEALTH—GENERAL

#### Part I. General Administration

#### Subpart 3. Licensing

#### Chapter 53. Level III Crisis Receiving Centers

#### Subchapter A. General Provisions

#### §5301. Introduction

A. - A.3. ...

B. The purpose of a CRC is to provide intervention and stabilization services in order for the client to achieve stabilization and be discharged and referred to the lowest appropriate level of care that meets the client's needs. The estimated length of short term stay in a CRC is 3-7 days.

C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:101 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:472 (April 2021).

#### §5303. Definitions

\* \* \*

*Cessation of Business*—provider is non-operational and/or has stopped offering or providing services to the community.

*Change of Ownership (CHOW)*—the addition, substitution, or removal, whether by sale, transfer, lease, gift or otherwise, of a licensed health care provider subject to

this rule by a person, corporation, or other entity, which results in a change of ownership (CHOW) or change of controlling interest of assets or other equity interests of the licensed entity may constitute a CHOW of the licensed entity. An example of an action that constitutes a CHOW includes, but is not limited to, the leasing of the licensed entity.

\*\*\*

*Department*—the Louisiana Department of Health.

\*\*\*

*Disaster or Emergency*—a local, community-wide, regional or statewide event that may include, but is not limited to:

1. - 8. ...

9. declared public health crisis.

*Division of Administrative Law (DAL)*—the Division of Administrative Law or its successor entity.

\*\*\*

*HSS*—the Health Standards Section of the Department of Health, Office of the Secretary, Office of Management and Finance.

\*\*\*

*Level III Crisis Receiving Center (or Center or CRC)*—an agency, business, institution, society, corporation, person or persons, or any other group, licensed by the Department of Health to provide crisis identification, intervention and stabilization services for people in behavioral crisis. CRCs receive, examine, triage, refer, or treat people in behavioral health crisis. A CRC shall have no more than:

a. 36 chairs for crisis stabilization/observation; and

b. 24 beds for short term stay (three to seven days).

NOTE: Refer to physical environment Section of this Chapter for physical space requirements.

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*Major Alteration*—any repair or replacement of building materials and equipment which does not meet the definition of minor alteration.

\*\*\*

*Minor Alteration*—repair or replacement of building materials and equipment with materials and equipment of a similar type that does not diminish the level of construction below that which existed prior to the alteration. This does not include any alteration to the function or original design of the construction.

*OBH*—the Department of Health, Office of Behavioral Health.

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:102 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:472 (April 2021).

## Subchapter B. Licensing

### §5311. Initial Licensure Application Process

A. ...

B. A person/entity/organization applying for an initial license must submit a completed initial licensing application packet which shall include:

1. - 6. ...

7. except for governmental entities or organizations, proof of financial viability, comprised of the following:

a. ...

b. general liability insurance of at least \$500,000 per occurrence;

c. worker's compensation insurance in the amount as required by state law;

d. professional liability insurance of at least \$100,000 per occurrence/\$500,000 per annual aggregate, or proof of self-insurance of at least \$100,000, along with proof of enrollment as a qualified health care provider with the Louisiana Patient's Compensation Fund (PCF):

i. if the CRC is not enrolled in the PCF, professional liability limits shall be \$1,000,000 per occurrence/\$3,000,000 per annual aggregate; and

e. the LDH-HSS shall specifically be identified as the certificate holder on any policies and any certificates of insurance issued as proof of insurance by the insurer or producer (agent);

B.8. - C.2. ...

D. Once the initial licensing application is approved by LDH, notification of such approval shall be forwarded to the applicant.

E. The applicant shall notify LDH of initial licensing survey readiness within the required 90 days of receipt of application approval. If an applicant fails to notify LDH of initial licensing survey readiness within 90 days, the application will be closed.

F. - H.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:104 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:473 (April 2021).

### §5317. Changes in Licensee Information or Personnel

A. - A.4. ...

B. Any change to the CRC's name or "doing business as" name requires the applicable nonrefundable fee for the issuance of an amended license with the new name.

C. - E.3. ...

F. Any request for a duplicate license shall be accompanied by the applicable fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:106 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:473 (April 2021).

### §5319. Renewal of License

A. ...

B. To renew a license, the CRC shall submit a completed license renewal application packet to the department at least 30 days prior to the expiration of the current license. The license renewal application packet includes:

1. - 5. ...

6. except for governmental entities or organizations, proof of financial viability, comprised of the following:

a. a line of credit issued from a federally insured, licensed lending institution in the amount of at least \$100,000;

b. general liability insurance of at least \$500,000 per occurrence;

c. worker's compensation insurance in the amount as required by state law;



d. professional liability insurance of at least \$100,000 per occurrence/\$500,000 per annual aggregate, or proof of self-insurance of at least \$100,000, along with proof of enrollment as a qualified health care provider with the Louisiana Patient's Compensation Fund (PCF):

i. if the CRC is not enrolled in the PCF, professional liability limits shall be \$1,000,000 per occurrence/\$3,000,000 per annual aggregate; and

e. the LDH-HSS shall specifically be identified as the certificate holder on any policies and any certificates of insurance issued as proof of insurance by the insurer or producer (agent).

C. - G.3.d. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:106 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:473 (April 2021).

### **§5327. Cessation of Business**

A. Except as provided in §5407 and §5409 of these licensing regulations, a license shall be immediately null and void if a provider ceases to operate.

B. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:108 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:474 (April 2021).

## **Subchapter C. Organization and Administration**

### **§5337. General Provisions**

A. Purpose and Organizational Structure. The CRC shall develop and implement a statement maintained by the center that clearly defines the purpose of the CRC. The statement shall include:

1. - 3. ...

4. the geographic area served;

A.5. - D.3....

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:110 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:474 (April 2021).

### **§5339. Governing Body**

A. - B.4. ...

C. The responsibilities of a CRC's governing body include, but are not limited to:

1. - 7. ...

8. informing the department, or its designee, prior to initiating any substantial changes in the services provided by the center;

9. ensuring statewide criminal background checks are conducted as required in this Chapter and state law; and

10. ensuring verification of the Louisiana Adverse Action website and the nurse aide registry for direct care staff as required in this Chapter and state law.

D. - E.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:111 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:474 (April 2021).

## **§5341. Policies and Procedures**

A. Each CRC shall develop, implement and comply with center-specific written policies and procedures governing all requirements of this chapter, including, but not limited to the following areas:

1. - 18. ...

19. infection control practices that meets current state and federal infection control guidelines;

20. - 25. ...

B. A center shall develop, implement and comply with written personnel policies in the following areas:

1. - 11. ...

12. obtaining criminal background checks, adverse action, and registry checks.

C. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:111 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:474 (April 2021).

## **Subchapter E. Personnel**

### **§5357. General Requirements**

A. - D.3....

E. The CRC shall review the Louisiana state nurse aide registry and the Louisiana direct service worker registry included in the Louisiana Adverse Action website, or its successor, to ensure that each unlicensed direct care staff member prior to hire or employment and at least annually thereafter, does not have a negative finding on either registry.

F. - F.1.b. ...

2. The center providing services to adults is prohibited from knowingly employing or contracting with, or retaining the employment of or contract with, a member of the direct care staff who:

a. - a.v. ...

b. has a finding placed on the Louisiana state nurse aide registry or the Louisiana direct service worker registry on the Louisiana Adverse Action website, or its successor.

G. - I.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:113 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:474 (April 2021).

## **Subchapter G. Program Operations**

### **§5375. Treatment Services**

A. A CRC shall:

1. ...

2. operate no more than 24 licensed beds;

3. operate no more than 36 chairs/recliners for observation and crisis stabilization

4. provide services to either adults or minors but not both; and

a. - f. Repealed.

5. provide services that include, but are not limited to:

a. emergency screening;

b. assessment;

c. crisis intervention and stabilization;

d. 24 hour observation;

e. medication administration; and

f. referral to the most appropriate and least restrictive setting available consistent with the client's needs.

B. Short Term Stay. A CRC shall admit clients for a short term stay with an estimated length of 3-7 days. If a greater length of stay is needed, the CRC shall maintain documentation of clinical justification for the extended stay.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:118 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:474 (April 2021).

### **§5383. Food and Diet**

A. - A.9. ...

B. The CRC may provide meal service and preparation pursuant to a written agreement with an outside food management company. If provided pursuant to a written agreement, the CRC shall:

1. - 2. ...

3. ensure that the outside food management company possesses a valid OPH retail food permit and meets all requirements for operating a retail food establishment that serves a highly susceptible population, in accordance with the special requirements for highly susceptible populations as promulgated in the current *Louisiana Sanitary Code* provisions governing food display and service for retail food establishments; and

4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:119 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:475 (April 2021).

## **Subchapter I. Physical Environment**

### **§5397. Interior Space**

A. - N.6. ...

O. Observation Area(s)

1. The CRC shall have one or more spaces for the placement of chair/recliners in an observation area. This space may be of a permanent configuration or may be re-arranged based on the needs of the clients in the CRC. There shall be at least three feet between each chair and at least six feet at the foot of each chair/recliner. The head of the chair/recliner may be positioned at a wall.

P. Smoking

1. The CRC shall prohibit smoking in the interior of the center.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:121 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:475 (April 2021).

## **Chapter 54. Crisis Receiving Centers**

### **Subchapter A. Safety and Emergency Preparedness**

#### **§5403. Infection Control**

A. ...

B. The CRC shall have an active Infection Control Program that requires:

1. reporting of infectious disease in accordance with current OPH and federal guidelines;

2. - 3. ...

4. a designated infection control coordinator who:

a. ...

b. develops and implements policies and procedures governing the infection control program that is compliant with most recently published/current state and federal infection control guidelines in preparation for, during, and after a public health emergency or disaster;

c. takes universal precautions, including proper handwashing and face masks, as needed; and

B.4.d. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:123 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:475 (April 2021).

#### **§5405. Emergency Preparedness**

A. The CRC shall have a written emergency preparedness plan to:

1. maintain continuity of the center's operations in preparation for, during and after an emergency or disaster;

2. manage the consequences of all disasters or emergencies that disrupt the center's ability to render care and treatment, or threaten the lives or safety of the clients; and

3. comply with recently published/current state and federal infection control guidelines in preparation for, during, and after a public health emergency or disaster.

B. - D.8.e. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:124 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:475 (April 2021).

#### **§5407. Inactivation of License due to a Declared Disaster or Emergency**

A. A CRC located in a parish which is the subject of an executive order or proclamation of emergency or disaster issued in accordance with R.S. 29:724 or R.S. 29:766, may seek to inactivate its license for a period not to exceed one year, provided that the center:

1. submits written notification to HSS within 60 days of the date of the executive order or proclamation of emergency or disaster that:

a. ...

b. the CRC intends to resume operation as a CRC in the same service area; and

c. the CRC attests that the emergency or disaster is the sole causal factor in the interruption of the provision of services;

NOTE: Pursuant to these provisions, an extension of the 60-day deadline for initiation of request may be granted at the discretion of the department.

A.1.d. - B. ...

C. In order to obtain license reinstatement, a CRC with a department-issued notice of inactivation of license shall:

1. submit a written license reinstatement request to HSS 60 days prior to the anticipated date of reopening that includes:

a. the anticipated date of reopening, and a request to schedule a licensing survey;

b. - c. ...

2. The CRC shall resume operating in the same service area within one year of the issuance of an executive

order or proclamation of emergency or disaster in accordance with R.S. 29:724 or R.S. 29:766.

D. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:124 (January 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 47:475 (April 2021).

**§5409. Inactivation of License due to a Non-Declared Emergency or Disaster**

A. A CRC in an area or areas which have been affected by a non-declared emergency or disaster may seek to inactivate its license, provided that the following conditions are met:

1. the CRC shall submit written notification to the HSS within 30 days of the date of the non-declared emergency or disaster stating that:
  - a. the CRC has experienced an interruption in the provisions of services as a result of events that are due to a non-declared emergency or disaster;
  - b. the facility intends to resume operation as a CRC in the same service area;
  - c. the CRC attests that the emergency or disaster is the sole causal factor in the interruption of the provision of services; and
  - d. the inactivation due to a non-declared emergency or disaster does not exceed one year receipt of notice of approval of renovation/construction plans by OSFM and OPH as required;

NOTE: Pursuant to these provisions, an extension of the 30-day deadline for initiation of request may be granted at the discretion of the department.

EXCEPTION: If the CRC requires an extension of this timeframe due to circumstances beyond the CRC's control, upon written request, the department may consider an extended time period to complete construction or repairs. Such written request for extension shall show the CRC's active efforts to complete construction or repairs and the reasons for request for extension of the CRC's inactive license. Any approvals for extension are at the sole discretion of the department.

2. the CRC continues to pay all fees and costs due and owed to the department including, but not limited to, annual licensing fees and outstanding civil monetary penalties and/or civil fines; and
3. the CRC continues to submit required documentation and information to the department, including but not limited to, cost reports.

B. Upon receiving a completed written request to temporarily inactivate the CRC license due to a non-declared emergency or disaster, the department shall issue a notice of inactivation of license to the CRC.

C. Upon the CRC's receipt of the department's approval of request to inactivate the license, the CRC shall have 90 days to submit plans for the repairs, renovations, rebuilding, or replacement of the CRC to OSFM and OPH as required.

D. The CRC shall resume operating as a CRC in the same service area within one year of the approval of renovation/construction plans by OSFM and OPH as required.

E. Upon completion of repairs, renovations, rebuilding, or replacement of the CRC, a CRC which has received a notice of inactivation of its license from the department shall

be allowed to reinstate its license upon the following conditions being met:

1. the CRC shall submit a written license reinstatement request to the licensing agency of the department;
  2. the license reinstatement request shall inform the department of the anticipated date of re-opening and shall request scheduling of a licensing or physical environment survey; and
  3. the license reinstatement request shall include a completed licensing application with appropriate licensing fees.
- F. Upon receiving a completed written request to reinstate a CRC license, the department may conduct a licensing or physical environment survey. The department may issue a notice of reinstatement if the CRC has met the requirements for licensure including the requirements of this Subsection.

G. No change of ownership of the CRC shall occur until such CRC has completed repairs, renovations, rebuilding, or replacement construction and has resumed operations as a CRC.

H. The provisions of this Section shall not apply to a CRC that has voluntarily surrendered its license and ceased operation.

I. Failure to comply with any of the provisions of this Section shall be deemed a voluntary surrender of the CRC license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2180.14.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:476 (April 2021).

Dr. Courtney N. Phillips  
Secretary

2104#040

**RULE**

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

Nursing Facilities  
Supplemental Payments  
Non-State Governmental Organizations  
(LAC 50:II.20029)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:II.20029 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part II. Nursing Facilities**

**Subpart 5. Reimbursement**

**Chapter 200. Reimbursement Methodology**

**§20029. Supplemental Payments**

A. Non-State Governmental Organization Nursing Facilities

1. Effective for dates of service on or after January 20, 2016, any nursing facility that is owned or operated by a non-state governmental organization (NSGO), and that has entered into an agreement with the department to participate, shall qualify for a Medicaid supplemental payment adjustment, in addition to the uniform Medicaid rates paid to nursing facilities. The only qualifying nursing facilities are:

- a. Gueydan Memorial Guest Home;
- b. LaSalle Nursing Home;
- c. Natchitoches Parish Hospital LTC Unit; and
- d. St. Helena Parish Nursing Home.
- e. Repealed.

2. - 5. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 42:63 (January 2016), amended by the Department of Health, Bureau of Health Services Financing, LR 43:529 (March 2017), LR 47:476 (April 2021).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Dr. Courtney N. Phillips  
Secretary

2104#041

## RULE

### Department of Health Bureau of Health Services Financing

Professional Services Program  
Reimbursement Methodology  
(LAC 50:IX.Chapter 151)

The Department of Health, Bureau of Health Services Financing has amended LAC 50:IX.Chapter 151 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq. This Rule is hereby adopted on the day of promulgation.

#### Title 50

### PUBLIC HEALTH—MEDICAL ASSISTANCE

#### Part IX. Professional Services Program

##### Subpart 15. Reimbursement

#### Chapter 151. Reimbursement Methodology

##### Subchapter B. Physician Services

#### §15111. General Provisions

A. Physicians shall be reimbursed according to the established fee schedule or billed charges, whichever is the lesser amount.

B. Optometrists rendering eye care services shall be reimbursed using the same methodology as physicians rendering the same eye care services.

1. - 3. Repealed.

C. Advanced practice registered nurses, physician assistants, and licensed midwives shall be reimbursed as a percentage of physician reimbursement, as specified by 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, Bureau of Health Services Financing, LR 39:3300 (December 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 47:477 (April 2021).

#### §15113. Reimbursement Methodology

A. For newly added procedure codes for beneficiaries age 0 through 15 years old, the Medicaid fee shall be set at 90 percent of the current year's Louisiana Region 99 Medicare allowable fee. For newly added procedure codes for beneficiaries age 16 years and older, the Medicaid fee shall be set at 75 percent of the current year's Louisiana Region 99 Medicare allowable fee.

1. If there is no corresponding Medicare fee, the Medicaid fee shall be set based on a review of other state Medicaid Program fees, other health insurer fees in Louisiana, or as determined by either the Louisiana Medicaid Medical Director or the contracted physician consultant of the department's fiscal intermediary.

2. If establishing a Medicaid fee based on Medicare rates results in a fee that is reasonably expected to be insufficient to ensure that the service is available to beneficiaries, an alternate methodology shall be used. The Medicaid fee shall be set based on a review of other state Medicaid Program fees, other health insurer fees in Louisiana, or as determined by either the Louisiana Medicaid Medical Director or the contracted physician consultant of the department's fiscal intermediary.

B. Effective for dates of service on or after October 15, 2007, the reimbursement for selected physician services shall be 90 percent of the 2007 Louisiana Medicare Region 99 allowable or billed charges, whichever is the lesser amount, unless otherwise stipulated.

1. The reimbursement shall remain the same for those services that are currently being reimbursed at a rate that is between 90 percent and 120 percent of the 2007 Louisiana Medicare Region 99 allowable.

2. For those services that are currently reimbursed at a rate above 120 percent of the 2007 Louisiana Medicare Region 99 allowable, effective for dates of service on or after October 15, 2007, the reimbursement for these services shall be reduced to 120 percent of the 2007 Louisiana Medicare Region 99 allowable.

C. Effective for dates of service on or after January 1, 2008, the reimbursement for selected physician services shall be 90 percent of the 2008 Louisiana Medicare Region 99 allowable or billed charges, whichever is the lesser amount, unless otherwise stipulated.

1. The reimbursement shall remain the same for those services that are currently reimbursed at a rate that is between 90 percent and 120 percent of the 2008 Louisiana Medicare Region 99 allowable.

2. For those services that are currently reimbursed at a rate above 120 percent of the 2008 Louisiana Medicare Region 99 allowable, effective for dates of service on or after January 1, 2008, the reimbursement for these services shall be reduced to 120 percent of the 2008 Louisiana Medicare Region 99 allowable.

2.a - 3.b. Repealed.

D. Effective for dates of service on or after August 4, 2009, the reimbursement for all physician services rendered to recipients 16 years of age or older shall be reduced to 80

percent of the 2009 Louisiana Medicare Region 99 allowable or billed charges, whichever is the lesser amount.

1. For those services that are currently reimbursed at a rate below 80 percent of the Louisiana Medicare Region 99 allowable, effective for dates of service on or after August 4, 2009, the reimbursement for these services shall be increased to 80 percent of the Louisiana Medicare Region 99 allowable or billed charges, whichever is the lesser amount.

a. - c. Repealed.

2. The following physician services are excluded from the rate adjustment:

- a. preventive medicine evaluation and management;
- b. immunizations;
- c. family planning services; and
- d. select orthopedic reparative services.

3. Effective for dates of service on or after November 20, 2009, the following physician services are excluded from the rate adjustment:

- a. prenatal evaluation and management; and
- b. delivery services.

E. ...

1. The following physician services rendered to recipients 16 years of age or older shall be reimbursed at 80 percent of the 2009 Louisiana Medicare Region 99 allowable or billed charges, whichever is the lesser amount:

- a. prenatal evaluation and management services;
- b. preventive medicine evaluation and management services; and
- c. obstetrical delivery services.

F. Effective for dates of service on or after January 22, 2010, physician services rendered to recipients 16 years of age or older shall be reduced to 75 percent of the 2009 Louisiana Medicare Region 99 allowable or billed charges, whichever is the lesser amount.

G. - H.3. ...

I. Effective for dates of service on or after July 1, 2012, reimbursement shall be as follows for the designated physician services:

1. reimbursement for professional consultation services (procedure codes 99241-99245 and 99251-99255) shall be discontinued;

2. reimbursement for cesarean delivery (procedure codes 59514-59515) shall be reduced to equal reimbursement for vaginal delivery fees (procedure codes 59409-59410); and

3. ...

J. Effective for dates of service on or after February 1, 2013, the reimbursement for certain physician services shall be reduced by 1 percent of the rate in effect on January 31, 2013.

1. - 4. Repealed.

K. Effective for dates of service on or after February 1, 2018, physicians, who qualify under the provisions of §15110 for services rendered in affiliation with a state-owned or operated entity that has been designated as an essential provider, shall receive enhanced reimbursement rates up to the community rate level for qualifying services as determined in §15110.C.

L. Effective for dates of service on or after May 1, 2021, the fee on file for inpatient neonatal critical care services (as specified in CPT) shall be increased by 5 percent.

L.1. - N. 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, Bureau of Health Services Financing, LR 36:1252 (June 2010), amended LR 36:2282 (October 2010), LR 37:904 (March 2011), LR 39:3300, 3301 (December 2013), LR 41:541 (March 2015), LR 41:1119 (June 2015), LR 41:1291 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:62 (January 2018), LR 47:477 (April 2021).

### **Subchapter E. Family Planning Services**

#### **§15141. General Provisions**

A. Reimbursement for family planning services shall be made according to the established fee schedule or billed charges, whichever is the lesser amount.

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

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 47:478 (April 2021).

#### **§15143. Reimbursement Methodology**

A. The reimbursement methodology for family planning services is the same as for physician services.

B. - E.3.a. 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, Bureau of Health Services Financing, LR 36:2566 (November 2010), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:96 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 39:1781 (July 2013), amended by the Department of Health, Bureau of Health Services Financing, LR 47:478 (April 2021).

#### **§15145. Long-Acting Reversible Contraceptives**

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, Bureau of Health Services Financing, LR 40:2261 (November 2014), repealed by the Department of Health, Bureau of Health Services Financing, LR 47:478 (April 2021).

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Dr. Courtney N. Phillips  
Secretary

2104#042

### **RULE**

#### **Department of Health Office of Public Health**

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

Under the authority of R.S. 40:4 and 40:5, and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the state health officer, acting through the Louisiana Department of Health, Office of Public Health

(LDH-OPH), has adopted one new Section and amended certain existing Sections of Chapter 5 (Registration of Foods, Drugs, Cosmetics and Prophylactic Devices) of Title 49 (Public Health—Food, Drugs, and Cosmetics) of the Louisiana Administrative Code. This Rule has updated LDH-OPH's currently existing rule pertaining to industrial hemp-derived cannabidiol products (IHDCP). This rulemaking is proposed pursuant to Section 1483 of Title 3 of the Revised Statutes of 1950, enacted as part of Act 344 of the 2020 Regular Session of the Louisiana Legislature.

For the reason set forth above, the following additions and amendments to LAC 49 are hereby adopted. This Rule is hereby adopted on the day of promulgation.

#### **Title 49**

### **PUBLIC HEALTH—FOOD, DRUGS, AND COSMETICS**

#### **Part I. Regulations**

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

#### **§501. Definitions**

##### **[Formerly 49:2.2100]**

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

\* \* \*

*Certificate of Registration (FD-8)*—certificate issued by the department attesting that products produced or distributed by the holder's company have been registered as required.

*Certificate of IHDCP Registration (FD-8a)*—certificate issued by the department attesting that IHDCP produced or distributed by the holder's company have been registered as required.

\* \* \*

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

\* \* \*

*Federally Defined THC Level for Hemp*—the greater of the following:

a. A delta-9 THC concentration of not more than 0.3 percent on a dry weight basis.

b. The THC concentration for hemp defined in 7 U.S.C. 1639o.

\* \* \*

*Industrial Hemp*—the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with no more than the federally defined THC level for hemp.

*Industrial Hemp-Derived Cannabidiol Products (IHDCP)*—any industrial-hemp derived product that contains CBD intended for consumption or topical use.

\* \* \*

*THC*—delta-9 tetrahydrocannabinol, tetrahydrocannabinolic acid, or a combination of both.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:1483(J), R.S. 40:5(A)(8)(15)(17) and R.S. 40:604.

**HISTORICAL NOTE:** Adopted by the Louisiana State Board of Health, September 1968, amended by the Department of Health, Office of Public Health, LR 46:358 (March 2020), amended by the Department of Health, Office of Public Health, LR 47:479 (April 2021).

#### **§503. Registration Provisions**

##### **[Formerly 49:2.2110]**

A. In accordance with the provisions of R.S. 40:627, each manufacturer, packer or proprietor of processed foods, drugs, proprietary or patent medicines, prophylactic devices and cosmetics in packaged form shall register each separate and distinct product annually with the department.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:1483(J), R.S. 40:5(A)(8)(15)(17) and R.S. 40:604.

**HISTORICAL NOTE:** Adopted by the Louisiana State Board of Health, September 1968, amended by the Department of Health, Office of Public Health, LR 46:358 (March 2020), LR 47:479 (April 2021).

#### **§509. Product Registration Procedure**

##### **[Formerly 49:2.2140]**

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

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:1483(J), R.S. 40:5(A)(8)(15)(17) and R.S. 40:604.

**HISTORICAL NOTE:** Adopted by the Louisiana State Board of Health, September 1968, amended by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 9:562 (August 1983), LR 10:9 (January 1984), amended by the Department of Health and Human Resources, Office of Preventive and Public Health Services LR 11:1161 (December 1985), amended by the Department of Health, Office of Public Health, LR 46:358 (March 2020), LR 47:479 (April 2021).

#### **§513. Late Registration Penalty—New Firms**

##### **[Formerly 49:2.2160]**

Repealed.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 3:1483(J), R.S. 40:5(A)(8)(15)(17) and R.S. 40:604.

**HISTORICAL NOTE:** Adopted by the Louisiana State Board of Health, September 1968, amended by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 9:562 (August 1983), LR 10:9 (January 1984), amended by the Department of Health and Human Resources, Office of Preventive and Public Health Services LR 11:1161 (December 1985), repealed by the Department of Health, Office of Public Health, LR 47:479 (April 2021).

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

A. In accordance with the provisions of R.S. 3:1483as promulgated by the 2020 Legislature, manufacturers or distributors of industrial hemp-derived cannabidiol products must register each separate and distinct product with the

department annually and initially within 90 days of the effective date of these regulations or prior to marketing the products in the state of Louisiana, whichever comes first.

B. ...

C. In lieu of the annual examination and administration charge normally collected under R.S. 40:628(B), the applicant for an industrial hemp-derived cannabidiol product registration must remit to (both initially and on or before July 1 of each year) the department the amount of \$50 per each separate and distinct CBD product. The initial application packet will consist of the required remittance in a form deemed acceptable by the department, a completed application form, specimen copies of each product label in paper or electronic form, and a list of products the firm intends to register with the department. If the packet meets these regulatory requirements and the other requirements described in these regulations, the department will issue to the applicant an FD-8a Certificate of IHDCP (Industrial Hemp-Derived Cannabidiol Products) Registration and the application information will be entered into the Industrial Hemp-Derived Cannabidiol Products Database.

D. No person is authorized to distribute any industrial hemp-derived cannabidiol products regulated by the department in the state of Louisiana unless that person has first obtained a Certificate of IHDCP Registration from the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended LR 47:479 (April 2021).

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

A. ...

B. The certificate of analysis must be from a laboratory that is accredited by the Louisiana Department of Health, Office of Public Health (LDH/OPH). Accreditation will be demonstrated by the availability of a current audit from a third-party entity indicating that the laboratory meets the criteria specified in Standard 17025 of the accrediting body.

C. - C.10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), amended LR 47:480 (April 2021).

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

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:359 (March 2020), repealed LR 47:480 (April 2021).

#### **§527. Industrial Hemp-Derived Cannabidiol Products Requirements: Prohibited Dosage Vehicles/Forms**

A. No industrial hemp derived cannabidiol product will be registered when one or more of the following criteria regarding the product is applicable:

1. it is a food or beverage or it is explicitly intended to be added to a food or beverage;
2. it is explicitly intended for inhalation;

3. it is explicitly intended for subcutaneous or transdermal use;

4. it is explicitly intended for intravenous or intramuscular infusion or injection;

5. it is explicitly intended for rectal insertion;

6. it contains one or more active pharmaceutical ingredients, other than CBD, in approved over-the-counter pharmaceuticals; or

7. it is a product that would not otherwise be registered by the department if it did not contain industrial hemp-derived cannabidiol, including raw plant materials, aromatherapy products not intended for topical use, candles, or products intended for animal use.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:360 (March 2020), amended LR 47:480 (April 2021).

#### **§529. Penalties for Violations of Requirements to Register Industrial Hemp-Derived Cannabidiol Products**

A. Any person who violates the provisions requiring registration of industrial hemp-derived cannabidiol products is subject to the penalties provided for by the State Food, Drug, and Cosmetic Law (R.S. 40:601, et seq.).

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 46:360 (March 2020), amended LR 47:480 (April 2021).

#### **§531. Exemptions**

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1483(J) and R.S. 40:604.

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 47:480 (April 2021).

Dr. Courtney N. Phillips  
Secretary

2104#027

#### **RULE**

#### **Department of Public Safety and Corrections Liquefied Petroleum Gas Commission**

Class I-E Permit  
(LAC 55:IX.Chapter 1)

The Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission has amended LAC 55:IX.Chapter 1, as authorized by R.S. 40:1846 and in accordance with R.S. 49:950 et seq., the Administrative Procedure Act, to create an additional Class I permit, the Class I-E permit, the provisions of which are applicable to emergencies and/or disasters. In particular, LAC 55:IX.Chapter 1, Section 107, is has been amended to permit nonresidents in other jurisdictions to enter any phase of the liquefied petroleum gas business during an emergency

and/or disaster, only after the Commission has reached a reciprocal agreement with the liquefied petroleum gas regulating authority of the state in which the permit applicant resides. The Class I-E permit is an exception to the Class I permit, as it omits the requirement that holders of the permit provide a storage capacity for liquefied petroleum gas of not less than 15,000 gallons in one location, under fence, located within the dealer trade area within the state of Louisiana. It also excludes the requirement that the permit holder show evidence of ownership of the storage tank, or in the alternative, a bona fide lease of five years minimum. This requirement is not applicable due to the fact that the Class I-E permit is only valid during an emergency and/or disaster and is issued for a period of 90 days. However, the permit may be renewed, prior to its expiration date, during the course of the emergency and/or disaster that it was initially applied for. This Rule is hereby adopted on the day of promulgation.

**Title 55  
PUBLIC SAFETY**

**Part IX. Liquefied Petroleum Gas**

**Chapter 1. General Requirements**

**Subchapter A. New Dealers**

**§103. Definitions**

A. The following terms, as used in this Part, have the meanings listed below.

\* \* \*

*Disaster*—the result of a natural or man-made event which causes loss of life, injury, and property damage, including but not limited to natural disasters such as a hurricane, tornado, storm, flood, high winds, and other weather related events, forest and marsh fires, and man-made disasters, including but not limited to nuclear power plant incidents, hazardous materials incidents, oil spills, explosion, civil disturbances, public calamity, acts of terrorism, hostile military action, and other events related hereto.

\* \* \*

*Emergency*—the actual or threatened condition which has been or may be created by a disaster or; any natural or man-made event which results in an interruption in the delivery of utility services to any consumer of such services and which affects the safety, health, or welfare of a Louisiana resident; or

a. any instance in which a utility's property is damaged and such damage creates a dangerous condition to the public;

b. any national or state emergency, including acts of terrorism or a congressional authorization or presidential declaration pursuant to the War Powers Resolution (50 U.S.C. 1541 et seq.).

\* \* \*

*State of Emergency or Disaster*—any event declared by the governor of the state by his authority under the "Louisiana Homeland Security and Emergency Assistance and Disaster Act" under R.S. 29:721 et seq.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR

24:459 (March 1998), LR 29:2508 (November 2003), LR 31:2556 (October 2005), LR 33:1139 (June 2007), effective July 1, 2007, LR 36:2571 (November 2010), LR 38:1255 (May 2012), LR 47:481R (April 2021).

**§107. Requirements**

A. Before any permit or registration may be issued from the office of the director, all applicants shall have complied with or agree to comply with the applicable requirements as follows:

1. Shall deposit filing fee of \$100 for Class I, I-E, IV and VI; \$50 for class VI-X and \$25 for all remaining permits. This fee shall accompany the application.

2. - 5.b....

c. Each location of Class I, Class I-E, Class VI and Class VIII dealers, which fill DOT specification cylinders of 200 lbs. or less, liquefied petroleum gas capacity, that are in commerce or transportation, shall provide a suitable weighing device (scales).

6. Applicants shall have paid a permit fee in the amount of \$150, Class I-E and Class III which shall be \$500 and R-1, R-2 registrations, which shall be \$37.50 and Class VI-X shall be in the amount of \$150 for each location. For fiscal year 2014-2015, and for each subsequent fiscal year, the permit fee shall be 0.1369 of 1 percent of annual gross sales of liquefied petroleum gas with a minimum of \$150 for each location. For classes not selling liquefied petroleum gases in succeeding years the permit fee shall be \$150, except registrations shall be \$37.50 per year.

6.a. - 10. ...

11. Applicants for change of name shall deposit a filing fee of \$25 with a formal application for a name change. The office of the director shall administratively grant the name change after all commission requirements are met. The commission shall ratify the name change at the next commission meeting after which a minimum of 20 days have elapsed since the administrative granting of the name change. A representative of the new firm or corporation shall be required to be present when the application is ratified by the commission, except in the cases of Class VI-X, and R-1 and R-2 registrations, when appearance is waived. All certificates of competency shall be changed to new name, except Class VI-X which does not require certificates of competency.

12. ...

13. The commission shall grant Class I and Class I-E Liquefied Petroleum Gas permits to nonresident applicants only after the commission has reached a reciprocal agreement with the Liquefied Petroleum Gas regulating authority of the state in which the applicant resides.

14. - 15. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 1:315 (July 1975), LR 4:86 (March 1978), LR 7:633 (December 1981), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 15:854 (October 1989), LR 16:1063 (December 1990), LR 20:1400 (December 1994), LR 24:461 (March 1998), LR 24:2311 (December 1998), LR 25:1262 (July 1999), LR 25:2410 (December 1999), LR 26:1487 (July 2000), LR 27:2256 (December 2001), LR 28:2553 (December 2002), LR 29:2509 (November 2003), LR 31:2567 (October 2005), LR 33:1140 (June 2007), effective July 1, 2007, LR 35:2201



(October 2009), LR 35:2465 (November 2009), LR 38:1256 (May 2012), LR 41:395 (February 2015), LR 42:427 (March 2016), LR 42:1671 (October 2016), LR 43:967 (May 2017), LR 46:188 (February 2020), LR 47:481 (April 2021).

### **§109. Compliance with Rules**

A. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement for all permit holders.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 25:2411 (December 1999), LR 31:2567 (October 2005), LR 38:1259 (May 2012), LR 46:188 (February 2020), LR 47:482 (April 2021).

### **§111. Re-Application**

A. Any person, firm or corporation who has made application for a permit to enter the liquefied petroleum gas business and whose request for permit has been denied, may resubmit a permit application 90 days after the date of denial, with the exception of a Class I-E permit application. Any person, firm or corporation who has made application for a Class I-E permit to enter the liquefied petroleum gas business and whose request for permit has been denied, may resubmit a permit application any time during the same disaster and/or emergency that the initial permit application was submitted to the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, LR 7:633 (December 1981), LR 38 1259 (May 2012), LR 47:482 (April 2021).

### **§113. Classes of Permits and Registrations**

A. - A.1.f. ...

2. Class I-E. Holders of these permits may enter any phase of the liquefied petroleum gas business. These permits shall only be granted during an emergency and/or disaster. These permits are valid for 90 days from the date of issuance. Permits may be renewed prior to the expiration date of the permit during the course of the emergency and/or disaster that it was initially applied for.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 coverage per:

- i. products;
- ii. manufacturers and contractors; and
- iii. automobile liability.

b. Where fuel is used direct from cargo tank, an approved valve with proper excess flow device shall be used. Connector to vehicle's engine shall be approved for such use and protected from mechanical injury.

c. No truck shall be parked on a street or highway at night in any city, town, or village, except for the purpose of serving a customer.

d. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

e. The name of the dealer shall appear on all tank trucks, storage tank sites, and/or advertising being used by the dealer. At consumer premises, where the tank or the container is owned by the dealer, the dealer's name shall be

affixed. This requirement is considered met if documentation is provided, upon demand, that the dealer's name was affixed at the time of installation. Consumer premises requirement is not retroactive.

3. Class II. Holders of these permits may install and service liquefied petroleum gas containers, piping, and appliances but shall not sell nor deliver gas with this permit. This class is also applicable to the installation and service of liquefied petroleum gas containers, piping, and appliances on mobile homes, modular homes, manufactured homes, motor homes, travel trailers homes or any other recreational vehicles.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 coverage per:

- i. products;
- ii. manufacturers and contractors; and
- iii. motor vehicle liability.

b. Louisiana manufacturers and dealers of mobile homes, manufactured homes, modular homes, motor homes, travel trailers, or any recreational vehicles shall comply with all state and federal safety standards and perform all safety tests on mobile homes, modular homes, manufacture homes, motor homes, travel trailers, or any recreational vehicles using liquefied petroleum gas.

c. Upon delivery of a mobile home, manufactured homes, modular homes, motor home, travel trailer, or any other recreational vehicle, new or used, the required installation report and inspection and testing of any liquefied petroleum gas system and appliances shall be performed by the dealer or any entity performing functions as a dealer using liquefied petroleum gas in the system. An installation report properly completed and signed by the customer or his/her authorized representative shall be sent to the office of the director verifying that the tests were performed and that the test was eye witnessed by the customer or his/her authorized representative.

d. The mobile home, manufactured homes, modular homes or recreational vehicle dealer or entity performing functions as a dealer shall have a permit with this commission and is responsible to this commission to make the required installation report, perform the required inspection and safety tests, or make arrangements for it to be made by a qualified permit holder.

e. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

4. Class III. Brokers/Special Vendors. Holders of these permits may purchase liquefied petroleum gas only from dealers who hold a valid liquefied petroleum gas permit and resell the aforementioned purchased liquefied petroleum gas product to end users utilizing floor maintenance machines and/or industrial trucks (forklifts) on their premises. Holders of these permits shall not deliver gas or engage in repairing liquefied petroleum gas containers or systems.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products liability coverage.

b. Shall submit a completed "location approval form" for each physical location being served, with a handling fee of \$150 for each location being served.

c. Compliance with all other statutes, rules and regulations is a mandatory requirement.

d. Shall provide 24-hour emergency contact information at each liquefied petroleum gas storage location. The person deemed the emergency contact shall have basic knowledge regarding liquefied petroleum gas emergencies and shall maintain contact information per the servicing liquefied petroleum gas supplier.

e. The Class III permit holder shall post the servicing liquefied petroleum gas supplier's name (name on Louisiana liquefied petroleum gas permit) at each liquefied petroleum gas storage site and each end user's location.

5. Class IV. Resellers (Wholesalers). Holders of these permits may deliver and transport liquefied petroleum gas over the highways of the state; may sell liquefied petroleum gases only to manufacturers of liquefied petroleum gases, or manufacturers of products which liquefied petroleum gases form a component part, or to dealers who hold a permit with this commission; utilize aboveground steel storage and/or approved salt dome, shale and other underground caverns for the storage of liquefied petroleum gases; do general maintenance work on their equipment, using qualified personnel, but shall not sell or install systems and appliances.

a. Shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 coverage per:

- i. products;
- ii. manufacturers and contractors; and
- iii. automobile liability.

b. The name of the dealer shall appear on all tank trucks which require registration with the commission and storage tank sites.

c. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

6. Class V. Carburetion Permit. Holders of these permits may install equipment, including containers, and service liquefied petroleum gas equipment used on internal combustion engines. They shall not deliver liquefied petroleum gas.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per manufacturers and contractors liability coverage.

b. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

7. Class VI. Holders of these permits may engage in the filling of approved cylinders and motor fuel tanks with liquefied petroleum gas on their premises, but shall not deliver gas.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products liability coverage.

b. The name of the dealer shall appear on storage tank sites.

c. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

8. Class VI-X. Holders of these permits may engage in the exchange of approved liquefied petroleum gas cylinders on their premises, but shall not fill cylinders. They shall not deliver gas.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products liability coverage.

b. Any current Class VI permit holder may convert to a Class VI-X permit by filing formal application with the commission and submitting a \$25 filing fee. Presence of the applicant at the commission meeting will be waived. Upon receipt of the application and filing fee, permit shall be issued.

c. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

9. Class VII. Holders of these permits may transport liquefied petroleum gas by motor vehicle over the highways of the state of Louisiana but shall not sell product in the state.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per automobile liability coverage.

b. Where fuel is used direct from cargo tank, an approved valve with proper excess flow device shall be used. Connector to vehicle's engine shall be approved for such use and protected from mechanical injury.

c. No truck shall be parked on a street or highway at night in any city, town, or village, except for the purpose of serving a customer.

d. The name of the dealer shall appear on all tank trucks which require registration with the commission.

e. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

10. Reserved.

11. Class VIII. Holders of these permits may store, transport and sell liquefied petroleum gas used solely in the cutting and metal working industry, sell and install piping and containers for those gases and engage in the filling of approved ASME tanks, ICC or DOT containers used in the metal working industry.

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products, manufacturers and contractors, and automobile liability coverage.

b. The name of the dealer shall appear on all tank trucks which require registration with the commission and storage tank sites.

c. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

12. Class IX. Holders of these permits may inspect, recertify and recondition DOT and ICC cylinders. They shall not sell or deliver liquefied petroleum gas or anhydrous ammonia.

a. Holders of these permits shall obtain from DOT a retesters identification number, and provide proof of such to the commission.

b. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products liability coverage.

c. Holders of these permits shall provide drawing and description of equipment to be installed to retest cylinders. Drawing and description shall be submitted to the office of the director for his approval before installation.

d. Holders of these permits shall maintain an accurate log of all cylinders that have been retested by date, size, manufacturer name, and serial number. The commission reserves the right to inspect such logs at any time through its representative.

e. Compliance with all other applicable statutes, rules and regulations is a mandatory requirement.

13. Registration 1 (R-1). Holders of these registrations shall be a person, firm, or corporation who is engaged in the business of plumbing and holds a master plumber's license issued by the state of Louisiana. They may install liquefied petroleum gas or anhydrous ammonia piping and make alterations or modifications to existing piping systems. These registrations shall be issued by the office of the director upon meeting the applicable requirements of §107 and the following:

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per manufacturers and contractors liability coverage.

b. Compliance with the provisions of NFPA Pamphlet Number 54 (*National Fuel Gas Code*) and NFPA Number 58 (*Standard for the Storing and Handling of Liquefied Petroleum Gas*) and ANSI K 61.1-1989 is a mandatory requirement.

c. Compliance with all other applicable statutes, rules and regulations of the commission is a mandatory requirement.

14. Registration 2 (R-2). Holders of these registrations shall be a person, firm, or corporation engaged in the mechanical contracting business. They may install liquefied petroleum gas and/or anhydrous ammonia appliances and equipment, and make alterations or modifications to existing liquefied petroleum gas and/or anhydrous ammonia appliances and equipment. These registrations shall be issued by the office of the director upon meeting the applicable requirements of §107 and the following:

a. Holders of these permits shall furnish evidence of general liability insurance in the minimum sum of \$1,000,000 per products and manufacturers and contractors liability coverage.

b. Compliance with the provisions of NFPA Pamphlet Number 54 (*National Fuel Gas Code*) and NFPA Number 58 (*Standard for the Storing and Handling of Liquefied Petroleum Gas*) and ANSI K 61.1-1989 is a mandatory requirement.

c. Compliance with all other applicable statutes, rules and regulations of the commission is a mandatory requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended and promulgated LR 3:315 (July 1977), amended LR 7:633 (December 1981), LR 8:53 (January 1982), amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 11:557 (May 1985), LR 12:841 (December 1986), LR 15:855 (October 1989), LR 16:1063 (December 1990), LR 19:904 (July 1993), LR 20:1400 (December 1994), LR 21:701 (July 1995), LR 24:461 (March 1998), LR 25:2411 (December 1999), LR 29:2509 (November 2003), LR 33:1141 (June 2007), effective July 1, 2007, LR 38:1259 (May 2012), LR 41:395 (February 2015), LR 43:967 (May 2017), LR 46:188 (February 2020), LR 47:482 (April 2021).

#### **Subchapter B. Dealers**

##### **§119. Permit Fees**

A. All fees pursuant to R.S. 40:1849 shall be paid before a new permit will be issued each year, with the exception of a Class I-E permit. For a Class I-E permit, all fees shall be

paid prior to a renewal permit being issued by the commission.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 16:1063 (December 1990), LR 38:1262 (May 2012), LR 47:484 (April 2021).

##### **§131. Compliance with Rules**

A. Compliance with all other statutes, rules and regulations will be required for all permit holders.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1846.

HISTORICAL NOTE: Adopted by the Department of Public Safety, Liquefied Petroleum Gas Commission, November 1972, amended December 1974, amended by the Department of Public Safety and Corrections, Liquefied Petroleum Gas Commission, LR 47:484 (April 2021).

John W. Alario  
Executive Director

2104#052

#### **RULE**

#### **Department of Public Safety and Corrections Office of State Fire Marshal**

#### **Transporter License/Modular Homes (LAC 55:V.Chapter 5)**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, and R.S. 51:911.26(E) and (F)(11), the Department of Public Safety and Corrections, Office of State Fire Marshal, Manufactured Housing Commission has amended LAC 55:V.Chapter 5. The amendment reflects statutory changes, including the Commission's regulation of modular homes, the installation of said homes and the implementation of a transporter's license. This Rule is hereby adopted on the day of promulgation.

#### **Title 55**

#### **PUBLIC SAFETY**

#### **Part V. Fire Protection**

#### **Chapter 5. Manufactured and Modular Housing**

#### **Subchapter A. General Requirements**

#### **§501. Definitions**

A. In the regulations which follow, unless contract otherwise requires.

\* \* \*

*Add-On*—any structure (except a structure designed or produced as an integral part of a manufactured or modular home) which, when attached to the basic home unit, increases the area, either living or storage, of the manufactured home.

*Alteration*—the replacement, addition, modification or removal of any equipment or installation after sale by a manufacturer to a retailer, dealer or distributor but prior to sale by a retailer to a purchaser which may affect the construction, fire safety, occupancy, plumbing, heat producing, or electrical system. It includes any modification made in the home which may affect the compliance of the

home with the standards, but it does not include the repair or replacement of a component or appliance requiring connection to an electrical receptacle, where the replacement item is of the same configuration and ratings as the one being replaced. It also does not include an addition of an appliance requiring plug-in to an electrical receptacle, which appliance was not provided with the home by the manufacturer, if the rating of the appliance does not exceed the rating of the receptacle to which it is connected.

\*\*\*

*Component*—any part, material or appliance which is built in as an integral part of the manufactured or modular home during the manufacturing process.

\*\*\*

*Dealer*—any person engaged in the sale, leasing, or distribution of new manufactured or modular homes primarily to persons who in good faith purchase or lease home for purposes other than resale.

\*\*\*

*Developer*—any person, group of persons, firm, partnership, corporation, association, company, or legal entity who sells or offers for sale to the public a lot together with a manufactured home permanently installed and fixed on a foundation on the lot and designed as a single family residence. Developer shall include “contractors” and “residential contractors” as defined in R.S. 37:2157. Developer shall not include an individual selling his personal residence, or a real estate broker or real estate salesman retained by a person to sell a manufactured home together with a lot which the manufactured home has been installed and fixed on a foundation.

\*\*\*

*Distributor*—any person engaged in the sale and distribution of manufactured or modular housing for resale.

\*\*\*

*Manufactured Home*—a new or used structure, transportable in one or more sections, which is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating and air conditioning, and electrical systems contained therein. For purposes of LAC 55:V.Chapter 5, the terms “*manufactured home*” and “*manufactured housing*” may be used interchangeably and apply only to structures bearing the permanently affixed seal of the U.S. Department of Housing and Urban Development.

*Manufactured Housing*—Repealed.

*Modular Home*—a factory-built, residential dwelling unit built to the *International Residential Code* as adopted by the Louisiana State Uniform Construction Code Council.

\*\*\*

*Manufacturer*—any person engaged in manufacturing or assembling manufactured or modular housing, including any person engaged in importing homes for resale.

\*\*\*

*Purchaser*—the first person purchasing a manufactured or modular home in good faith for purposes other than resale.

\*\*\*

*Retailer*—any person who is engaged wholly or in part in the business of buying, selling, distributing, brokering, or exchanging an interest in a manufactured or modular home with the intent to make a profit, monetary gain, or anything of economic value. Any person who buys, sells, distributes, brokers, or exchanges an interest in more than one such manufactured or modular home in any twelve-month period shall be presumed to be a retailer.

*Salesman*—any person employed by a Louisiana licensed retailer or developer for purposes of selling manufactured or modular housing to the public.

\*\*\*

*Transporter*—an individual who transports a manufactured or modular home to a site of installation but does not perform any blocking or anchoring of the home, except a transporter is allowed to put blocks under the hitch on the tongue of the frame.

\*\*\*

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Fire Marshal, LR 8:17 (January 1982), amended by the Department of Public Safety and Corrections, Office of the State Fire Marshal, LR 23:1693 (December 1997), LR 38:3235 (December 2012), LR 47:484 (April 2021).

#### **§502. Manufacturer Requirements**

A. “Manufacturer” means any person who manufactures manufactured or modular housing.

B. Monthly Report

1. A manufacturer shall electronically submit a monthly manufacturer’s report of the previous month’s shipments to the Office of State Fire Marshal by the tenth day of the following month.

2. A report shall be filed every month, despite the fact that no homes were shipped.

3. Reports shall be submitted on forms provided by the Office of State Fire Marshal and the manufacturer shall specify all information requested thereon.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 47:485 (April 2021).

#### **§503. Retailer Requirements**

A. A retail location of new manufactured or modular homes shall have a sign, a listed land line telephone, a public office, which will only be used to sell or offer for sale manufactured or modular homes, a minimum inventory of eight homes, or a letter of intent, and a product line. The office shall be staffed with at least one employee who is a Louisiana licensed salesman during all times that the office is opened for business.

B. A retail location of used manufactured or modular homes shall have a sign, a listed land line telephone and a public office which will only be used to sell or offer for sale manufactured or modular homes. The office shall be staffed with at least one employee who is a Louisiana licensed salesman during all times that the office is opened for business.

C. Retailers of used manufactured or modular homes are any person engaged in the sale, leasing, or distribution of manufactured or modular homes primarily to a person who

in good faith purchases manufactured or modular homes for purposes other than resale.

D. The sign required by this section shall contain the full name of the retailer as it appears on the current license issued by the Commission. The sign shall be visible to the public as they travel on the street or highway on which the retailer is located. No part of the sign shall be concealed or obstructed from view.

E. Monthly Report

1. A retailer shall electronically submit a retailer's monthly retailer report of the previous month's sales to the Office of State Fire Marshal by the tenth day of the following month.

2. A report shall be filed every month, despite the fact that no homes were sold.

3. Reports shall be submitted on forms provided by the Office of State Fire Marshal and the retailer shall specify all information requested thereon.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 38:3236 (December 2012), amended LR 47:485 (April 2021).

**§504. Developer Requirements**

A. "Developer" means any person, group of persons, firm, partnership, corporation, association, company, or legal entity who sells or offers for sale to the public a lot together with a manufactured home permanently installed and fixed on a foundation on the lot and designed as a single family residence. For purposes of this Part, "developer" shall include "contractors" and "residential contractors" as defined in R.S. 37:2157.

B. "Developer" shall not include an individual selling his personal residence, or a real estate broker or real estate salesman retained by a person to sell a manufactured or modular home together with a lot on which the manufactured or modular home has been installed and fixed on a foundation.

C. Monthly Report

1. A developer shall electronically submit a developer's monthly report of the previous month's sales to the Office of State Fire Marshal by the tenth day of the following month.

2. A report shall be filed every month, despite the fact that no homes were sold.

3. Reports shall be submitted on forms provided by the Office of State Fire Marshal and the developer shall specify all information requested thereon.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 47:486 (April 2021).

**§505. Inspections**

A. The Uniform Standards Code for Manufactured Housing and Modular Housing, R.S. 51:911.32, allows employees and personnel under contract to the state fire marshal to enter, at a reasonable time, any factory, warehouse or establishment in which manufactured or modular houses are manufactured, stored or held for sale, for the purpose of ascertaining whether housing construction and safety standards have been and are being met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Fire Marshal, LR 8:16 (January 1982), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 23:1694 (December 1997), LR 47:486 (April 2021).

**§507. Handling of Consumer Complaints**

A. - A.6. ...

6. Where the manufacturer fails to respond to the notice of preliminary determination or if the state fire marshal's inspector decides that the views and evidence presented by the manufacturer are insufficient to rebut the preliminary determination, the state fire marshal may make a final determination that a defect or noncompliance exists and will notify the manufacturer to make a notification and submit a plan in accordance with 24 CFR Section 3282.409. Within 10 days after receipt of the notice of final determination, the manufacturer may appeal to the secretary of the United States Department of Housing and Urban Development.

7. - 8. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1651(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Fire Marshal, LR 8:17 (January 1982), amended by the Department of Public Safety and Corrections, Office of State Fire Marshal, LR 23:1694 (December 1997), LR 38 3236 (December 2012), LR 47:486 (April 2021).

**Subchapter B. Manufactured and Modular Housing (Installation)**

**§521. Definitions**

A. When used in these regulations, these terms shall have the following meanings.

\*\*\*

*Installation*—the construction of a foundation system and the placement or erection of a manufactured or modular home on the foundation system. Installation includes, without limitation, supporting, blocking, leveling, securing, or anchoring such home and connecting multiple or expandable sections of such home together and to the foundation.

*Installation Permit*—a permit issued by the fire marshal to a licensed installer or the homeowner who shall certify that the home is in compliance with this Part.

\*\*\*

*Installer*—a person responsible for the installation of a manufactured home or modular home and who is required to obtain a license pursuant to the provisions of R.S. 51:912.

*Manufactured Home*—a new or used structure transportable in one or more sections, which is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating and air conditioning, and electrical systems contained therein. For purposes of LAC 55:V.Chapter 5, the terms "manufactured home" and "manufactured housing" may be used interchangeably and apply only to structures bearing the permanently affixed seal of the U.S. Department of Housing and Urban Development.

*Modular Home*—a factory-built, residential dwelling unit built to the International Residential Code as adopted by the Louisiana State Uniform Construction Code Council.

*Manufacturer*—any person who constructs or assembles manufactured or modular housing.

\* \* \*

*Retailer*—any person who is engaged wholly or in part in the business of buying, selling, distributing, brokering, or exchanging an interest in a manufactured or modular home with the intent to make a profit, monetary gain, or anything of economic value. Any person who buys, sells, distributes, brokers, or exchanges an interest in more than one such manufactured or modular home in any twelve-month period shall be presumed to be a retailer.

*Salesman*—any person employed by a retailer for purposes of selling manufactured and/or modular housing to the public.

*Transporter*—an individual who transports a manufactured or modular home to the site of installation but does not perform any blocking and/or anchoring of the home, except a transporter is allowed to put blocks under the hitch on the tongue of the frame. However, individuals who transport manufactured or modular homes from the factory to the retailer's location are exempt from this definition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32(A)(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:695 (April 1998), amended LR 26:2009 (September 2000), LR 38:3237 (December 2012), LR 47:486 (April 2021).

### §523. General

A. - C. ...

D. An applicant's license may be granted administratively if all requirements are met and there are no felony arrests on the applicant's criminal background.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32(A)(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:696 (April 1998), amended LR 38:3237 (December 2012), LR 47:487 (April 2021).

### §525. License Exceptions

A. Notwithstanding the provisions of LAC 55:V.523, the following individuals are not required to have an installer's license as provided therein:

1. when the individual installing the manufactured or modular home is the owner thereof, or the manufactured or modular home is owned by a member of the individual's immediate family, and the manufactured or modular home is not intended for sale, exchange, lease, or rent;

2. an individual installing additional blocking for support;

3. an individual installing a manufactured or modular home when the manufactured or modular home is installed on a retailer's, distributor's, or manufacturer's sales or storage lot or at a show and is not occupied or intended to be occupied. This exemption does not include those manufactured or modular homes installed in manufactured or modular homes parks or manufactured or modular homes subdivisions;

4. - 5. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32(A)(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:696 (April 1998), amended LR 38:3237 (December 2012), LR 47:487 (April 2021).

### §526. Manufactured and Modular Housing Transporter's License

A. Individuals engaged in transporting a manufactured or modular home are required to have a transporter's license as provided herein:

B. In addition to the completed application form and license fee of \$125.00, an applicant shall provide the following:

1. personal identification;
2. proof of worker's compensation insurance and
3. proof of vehicle liability and cargo insurance as required by law.

C. If an individual transporter does not have any employees, proof of workers' compensation insurance is not required. An affidavit attesting to such shall be submitted in lieu of proof of worker's compensation insurance. The affidavit may be requested from the Louisiana Manufactured Housing Commission.

D. Monthly Report

1. An transporter shall electronically submit a monthly transporter's report of the previous month's transports to the Office of State Fire Marshal by the tenth day of the following month.

2. A report shall be filed every month, despite the fact that no homes were transported.

3. Reports shall be submitted on forms provided by the Office of State Fire Marshal and the transporter shall specify all information requested thereon.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32(A)(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 47:487 (April 2021).

### §527. Manufactured and Modular Housing Installer's License

A. Effective May 1, 1998, a manufactured or modular home may not be installed without a licensed manufactured or modular housing installer supervising installation work being performed. The licensed manufactured or modular housing installer is responsible for the reading, understanding, and following of the manufacturer's installation instructions and performance of non-licensed workers engaged in the installation of the home.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32(A)(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:696 (April 1998), amended LR 38:3237 (December 2012), LR 47:487 (April 2021).

### §529. Requirements for Installer's License

A. To be licensed as a manufactured or modular housing installer, an applicant shall have at least one year's experience installing manufactured or modular homes.

B. - C.1. ...

2. proof of workers' compensation insurance;

3. proof of vehicle liability and cargo insurance as required by law.

D. If an individual installer does not have any employees, proof of workers' compensation insurance is not

required. An affidavit attesting to such shall be submitted in lieu of proof of worker's compensation insurance. The affidavit may be requested from the Louisiana Manufactured Housing Commission.

E. After January 1, 1999, in addition to the requirement of §529.A, B, and C, the application must include a certificate of completion as evidence of having attended and received a passing grade in a fire marshal-approved manufactured housing installation education program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:696 (April 1998), amended LR 47:487 (April 2021).

### **§531. Installer's Responsibilities and Limits**

A. Work covered by an installer's license shall be limited to:

1. installing manufactured or modular homes in accordance with applicable statutes, administrative rules and regulations, adopted codes, and standards;

2. - 4. ...

5. supervising individuals installing manufactured or modular homes.

B. An installer shall:

1. assure the manufactured or modular home is in compliance with the Louisiana Uniform Standard Code for Manufactured Housing and Modular Housing;

2. - 3. ...

4. assure the manufactured or modular home installation is in compliance with the applicable statutes, rules and regulations, adopted codes, and standards;

5. - 8. ...

9. utilize the standard transportation and installation contract issued by the Office of State Fire Marshal to indicate what services were done and cost of those services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:696 (April 1998), amended LR 47:488 (April 2021).

### **§535. Monthly Report**

A. An installer shall electronically submit a monthly installation report of the previous month's installations to the Office of State Fire Marshal by the tenth day of the following month.

B. ...

C. Reports shall be submitted on forms provided by the Office of State Fire Marshal and the installer shall specify all information requested thereon.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:697 (April 1998), amended LR 26:2009 (September 2000), LR 38:3237 (December 2012), LR 47:488 (April 2021).

### **§537. Issuance and Possession of License**

A. A manufactured or modular home installer's license shall be issued to the person named on the application and shall be nontransferable.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32.A(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:697 (April 1998); amended LR 47:488 (April 2021).

### **§539. License Renewal**

A. - C. ...

D. A license renewal application shall be submitted to the fire marshal prior to the expiration date of the license. Persons wishing to apply for a license after their license has expired shall reapply for a new license and meet all requirements of a new applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32(A)(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:697 (April 1998), amended LR 38:3237 (December 2012), LR 47:488 (April 2021).

### **§543. License Suspension or Revocation; Imposition of Civil Penalties**

A. - B.1.b. ...

2. First offense of the following violations:

a. failure to properly set up and install the manufactured or modular home—\$500.

C. The schedule of fines shall be as follows:

1. performance of any installation services under the Uniform Standards Code for Manufactured Housing and Modular Housing by a non-licensed person excluding a homeowner—\$1,000;

2. - 3. ...

4. soliciting or contracting for service from unlicensed installer or transporter by a retailer, homeowner, or other party—\$1,000;

5. holding oneself or one's business out for hire to perform any installation or transport service or otherwise offering to perform any such task by an unlicensed installer or transporter—\$1,000;

6. failure to properly complete and electronically file monthly installation report timely with all information required—\$100;

7. the re-inspection report indicates that the required corrections were not made to home after the installer notified the Office of State Fire Marshal that the corrective work was done—\$750 and

8. installing a manufactured or modular home in an improper wind zone—\$1,000.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32(A)(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:697 (April 1998), amended LR 26:2009 (September 2000), LR 38:3237 (December 2012), LR 47:488 (April 2021).

### **§544. Habitual Offender**

A. A habitual offender is someone who has been cited for the same violation five or more times within a 12-month period.

1. If the commission determines a violation was intentional or the violator is a habitual offender, the commission may:

a. double the civil penalty up to \$5,000 for each violation;

b. require installer to retake class and/or

c. suspend license for 30, 60, or 90 days or revoke license indefinitely.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:912.29.

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 47:488 (April 2021).

**§545. Education: Requirements, Installer's and Transporter's License**

A. Beginning January 1, 1999, all licensed installers shall attend at least one fire marshal-approved installation continuing education class per calendar year. Beginning January 1, 2022, all licensed transporters shall attend at least one fire marshal approved transportation continuing education class.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32(A)(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:698 (April 1998), amended LR 47:489 (April 2021).

**§547. Course Curriculum Requirements for Education Provider Training**

A. ...

B. The course curriculum for manufactured house installers and transporters shall, at a minimum, include the following area of training:

1. definitions, as provided in the "Louisiana Minimum Standards for Installation of Manufactured and Modular Homes and Transportation Requirements" law;

B.2. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32(A)(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:698 (April 1998), amended LR 38:3238 (December 2012), LR 47:489 (April 2021).

**§551. Inspections by the Office of State Fire Marshal**

A. Upon request for inspection by a Louisiana licensed retailer, manufacturer, installer, transporter, or the homeowner, the Office of State Fire Marshal shall inspect the home to determine compliance with the applicable sections of R.S. 51:912.21-R.S. 912.28 regarding installation and transportation.

B. Upon completion of the requested inspection the Office of State Fire Marshal shall present to the requesting party and the homeowner an inspection report indicating the findings of said inspection.

C. The requesting party shall reimburse the Office of State Fire Marshal for the inspection in accordance with the provisions of R.S. 51:911.32(3).

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:911.32(A)(2).

HISTORICAL NOTE: Promulgated by Department of Public Safety and Corrections, Office of State Fire Marshal, LR 24:698 (April 1998), amended LR 38:3238 (December 2012), LR 47:489 (April 2021).

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

2104#053

**RULE**

**Department of Public Safety and Corrections  
Office of State Police**

**Motor Carrier Safety and Hazardous Materials  
(LAC 33:V.10301 and 10303)**

Under the authority of R.S. 32:1501 et seq. and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Office of State Police, has promulgated and re-enacted rules regarding Motor Carrier Safety and Hazardous Materials. These rules revise current rules by updating the Code of Federal Regulations reference due to the reference that currently exists has been re-categorized from 49 CFR 350.211 to 49 CFR 350.207. 49 CFR 350.207 sets forth the conditions for a state to qualify for Motor Carrier Safety Assistance Program (MCSAP) funds. Louisiana receives MCSAP funds. The Rule further updates the revision date of the referenced United States Department of Transportation rules and regulations from January 2018 to January 2021. It is imperative that a recent reference be indicated so that the State of Louisiana can continue to receive federal motor carrier funds. These rules are for clarification and reference purposes and not a substantive change. This Rule is hereby adopted on the day of promulgation.

**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**

**§10301. General Provisions**

A. Through contract between the Department of Public Safety and Corrections and the United States Department of Transportation, the state has agreed to adopt and assume responsibility for enforcing certain federal regulations as required by 49 CFR 350.207 and additional regulations listed below. The authority to adopt such regulations is provided in R.S. 32:1501 et seq.

B. - E. ...

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 47:489 (April 2021).

**§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 January 1, 2021, and contained in the following parts of 49 CFR as now in effect or as hereafter amended, are made a part of this Chapter.

\* \* \*

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 34:882 (May 2008), amended by the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, LR 37:1613 (June 2011), LR 38:1417 (June 2012), amended by the Department of Public Safety and Corrections, Office of State Police, LR 40:371 (February 2014), LR 42:280 (February 2016), amended by the Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section, LR 43:537 (March 2017), amended by the Department of Public Safety and Corrections, Office of State Police, LR 44:921 (May 2018), LR 47:489 (April 2021).

Lt. Colonel Jason Starnes  
Chief Administrative Officer

2104#007

### RULE

#### Department of Transportation and Development Offshore Terminal Authority

##### Superport Environmental Protection Plan

Under the authority of R.S. 34:3101 et seq., the Department of Transportation and Development, Offshore Terminal Authority has amended Section 7 of Chapter 5 of the Authority's Superport Environmental Protection Plan in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and pursuant to the power delegated under the laws of the state of Louisiana.

The amendments will add additional provisions:

- requiring the Authority, in considering the air quality effects of a project or activity, to examine whether the project or activity has a significant effect on onshore air quality by considering compliance with applicable National Ambient Air Quality Standards (NAAQS) through air quality monitoring; and

- assuring continuing compliance with the NAAQS by requiring the owner or operator to maintain records of operating data necessary to estimate actual annual emissions in each calendar year and to submit a report to the Authority by March 31 of the following calendar year on those emissions and a comparison to modeled potential emissions, which have been demonstrated to comply with the NAAQS. This Rule is hereby adopted on the day of promulgation.

#### Environmental Protection Plan of the Offshore Terminal Authority State of Louisiana

#### Chapter 5. Operation and Enforcement Procedures Section 7. Approval of Projects and Activities

a. - j.(2).(a). ...

j.(2).(b).(1). In considering the effect on air quality of a project or activity, the Authority shall examine whether the project or activity has a significant effect on onshore air quality in the State of Louisiana through consideration of compliance with applicable National Ambient Air Quality Standards (NAAQS) through air quality modeling based on

the project or activity's location, projected operations, and potential emission rates.

k. - l. ...

m. Each owner or operator shall establish and maintain such records, make such reports and provide such information as the Authority shall reasonably require or request to assure compliance with this Protection Plan. Each such owner or operator shall submit such reports and make available such records and information to the Authority as required under this Protection Plan or under other rules, regulations, or orders of the Authority.

(1). The Authority shall require the owner or operator to establish and maintain records of operating parameters necessary to estimate actual air emissions in each calendar year and to submit a report to the Authority by March 31 of the following calendar year on those emissions and a comparison to modeled potential emissions, which have been demonstrated to comply with the NAAQS.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:3113.

HISTORICAL NOTE: Promulgated by the Offshore Terminal Authority (January 1974), amended (October 1975), amended (August 1976), LR 47:490 (April 2021).

Julie Silva  
Designee

2104#021

### RULE

#### Department of Transportation and Development Professional Engineering and Land Surveying Board

Accredited Land Surveying Curriculum, Military Members/Spouses/Dependents and Continuing Professional Development (LAC 46:LXI.105, 903, 905, 909, 911, 1101, 3105, 3109, 3113, 3115, 3119 and 3121)

Under the authority of the Louisiana professional engineering and land surveying licensure law, R.S. 37:681 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., the Louisiana Professional Engineering and Land Surveying Board has amended its rules contained in LAC 46:LXI.105, 903, 905, 909, 911, 1101, 3105, 3109, 3113, 3115, 3119 and 3121.

This is a technical revision of existing rules under which LAPELS operates. The revision (a) updates the definition of accredited land surveying curriculum, (b) incorporates the recent changes made to the state statute dealing with the licensure of military members, spouses and dependents and (c) removes certain expired provisions relating to continuing professional development. This Rule is hereby adopted on the day of promulgation.

#### Title 46

#### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LXI. Professional Engineers and Land Surveyors Chapter 1. General Provisions

#### §105. Definitions

A. The words and phrases defined in R.S. 37:682 shall apply to these rules. In addition, the following words and

phrases shall have the following meanings, unless the content of the rules clearly states otherwise.

\*\*\*

*Accredited Land Surveying Curriculum*—a curriculum approved by ANSAC/ABET, EAC/ABET or ETAC/ABET as a land surveying or geomatics academic program that satisfies the academic requirements for the practice of land surveying at the professional level.

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*ETAC/ABET*—the Engineering Technology Accreditation Commission of ABET.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Surveyors, LR 4:298 (August 1978), amended LR 5:110 (May 1979), LR 7:643 (December 1981), LR 14:449 (July 1988), LR 16:772 (September 1990), LR 17:804 (August 1991), LR 20:901 (August 1994), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1020 (July 2001), LR 30:1704 (August 2004), LR 32:1618 (September 2006), LR 35:1908 (September 2009), LR 38:835 (March 2012), repromulgated LR 38:1030 (April 2012), amended LR 44:612 (March 2018), LR 45:75 (January 2019), LR 47:490 (April 2021).

**Chapter 9. Requirements for Certification and Licensure of Individuals and Temporary Permit to Practice Engineering or Land Surveying**

**§903. Professional Engineer Licensure**

A. - A.2. ...

B. The requirements for licensure as a professional engineer under the alternatives provided in R.S. 37:3651(A) are as follows:

1. the applicant for licensure as a professional engineer shall be a member of the military, or a United States Department of Defense civilian employee assigned to duty in this state, who holds a current and valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has held such license for at least one year, who has passed any examinations and met any education, training, or experience standards as required by such other jurisdiction, who is held in good standing by such other jurisdiction, who has received education and experience as a member of the military at a level that is comparable to the requirements for licensure under R.S. 37:693(B)(2)(a) and Paragraph 1 of Subsection A herein, who does not have a disqualifying criminal record as determined by the board under the laws of this state, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has

submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board; or

2. the applicant for licensure as a professional engineer shall be a spouse or dependent of a member of the military or a United States Department of Defense civilian employee, if the member or civilian employee has received military orders for a change of station to a military installation or assignment located in this state or has established this state as their state of legal residence as reflected in their military record, who holds a current and valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has held such license for at least one year, who has passed any examinations and met any education, training, or experience standards as required by such other jurisdiction, who is held in good standing by such other jurisdiction, who does not have a disqualifying criminal record as determined by the board under the laws of this state, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board.

C. The requirements for licensure as a professional engineer under the alternatives provided in R.S. 37:3651(B) are as follows:

1. the applicant for licensure as a professional engineer shall be a member of the military who has lawfully engaged in the practice of engineering for at least three years in a state, territory, or possession of the United States, or the District of Columbia, that does not use a professional or occupational license or government certification to regulate the practice of engineering, who has received education and experience as a member of the military at a level that is comparable to the requirements for licensure under R.S. 37:693(B)(2)(a) and Paragraph 1 of Subsection A herein, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has

submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board; or

2. the applicant for licensure as a professional engineer shall be a spouse or dependent of a member of the military or United States Department of Defense civilian employee assigned duty in this state, who has lawfully engaged in the practice of engineering for at least three years in a state, territory, or possession of the United States, or the District of Columbia, that does not use a professional or occupational license or government certification to regulate the practice of engineering, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board.

D. The requirements for licensure as a professional engineer under the alternatives provided in R.S. 37:3651(C) are as follows:

1. the applicant for licensure as a professional engineer shall be a member of the military, or a United States Department of Defense civilian employee assigned duty in this state, who has lawfully engaged in the practice of engineering for at least two years in a state, territory, or possession of the United States, or the District of Columbia, that does not use a professional or occupational license or government certification to regulate the practice of engineering, who holds a current and valid private certification to engage in the practice of engineering, who is held in good standing by the organization that issued such private certification, who has received education and experience as a member of the military at a level that is comparable to the requirements for licensure under R.S. 37:693(B)(2)(a) and Paragraph 1 of Subsection A herein, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has submitted an application for licensure in accordance with the

requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board; or

2. the applicant for licensure as a professional engineer shall be a spouse or dependent of a member of the military or United States Department of Defense civilian employee, who has lawfully engaged in the practice of engineering for at least two years in a state, territory, or possession of the United States, or the District of Columbia, that does not use a professional or occupational license or government certification to regulate the practice of engineering, who holds a current and valid private certification to engage in the practice of engineering, who is held in good standing by the organization that issued such private certification, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board.

E. The provisions of Subsections B, C and D shall not apply to any applicant who received a dishonorable discharge or to a military spouse whose spouse received a dishonorable discharge.

F. In Subsections B, C and D, the term *military* shall mean the armed forces or reserves of the United States, including the Army, Navy, Marine Corps, Coast Guard, Air Force, and the reserve components thereof, the National Guard of any state, the military reserves of any state, or the naval militia of any state.

G. In Subsections B, C and D, the term *dependent* shall mean a resident spouse or resident unmarried child under 21 years of age, a child who is a student under 24 years of age and who is financially dependent upon the parent, or a child of any age who is disabled and dependent upon the parent.

H. The authority for the executive director to issue a license can only be granted by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688 and 37:3651.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:352 (November 1976), amended LR 5:114 (May 1979), LR 5:365 (November 1979), LR 6:735 (December 1980), LR 7:644 (December 1981), LR 10:804 (October 1984), LR 11:362 (April 1985), LR 19:56 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1028 (July 2001), LR 30:1712 (August 2004), LR 32:1619 (September 2006), LR 37:2412 (August 2011), LR 38:2564 (October 2012), LR 39:1060 (April 2013), LR 39:2801 (October 2013), LR 43:538 (March 2017), LR 43:1419 (July 2017), LR 44:616 (March 2018), LR 47:491 (April 2021).

## §905. Temporary Permit to Practice Engineering

A. ...

B. An individual who has applied to the board for licensure pursuant to §903.B, §903.C, or §903.D shall be granted a temporary permit to practice or offer to practice engineering in Louisiana for the period from the time the individual has applied to the board for licensure until either the license has been granted or notice of denial of licensure has been issued, provided that before beginning such temporary practice in Louisiana, the individual shall have applied to the board for a temporary permit, paid the prescribed fee, and received a temporary permit.

C. The provisions of Subsection B shall not apply to any applicant who received a dishonorable discharge or to a military spouse whose spouse received a dishonorable discharge.

D. In Subsection C, the term *military* shall mean the armed forces or reserves of the United States, including the Army, Navy, Marine Corps, Coast Guard, Air Force, and the reserve components thereof, the National Guard of any state, the military reserves of any state, or the naval militia of any state.

E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688 and 37:3651.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 8:192 (April 1982), amended LR 16:773 (September 1990), LR 19:56 (January 1993), LR 22:286 (April 1996), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1028 (July 2001), LR 30:1712 (August 2004), LR 37:2412 (August 2011), LR 39:2802 (October 2013), LR 44:616 (March 2018), LR 47:493 (April 2021).

## §909. Professional Land Surveyor Licensure

A. - A.2. ...

B. The requirements for licensure as a professional land surveyor under the alternatives provided in R.S. 37:3651(A) are as follows:

1. the applicant for licensure as a professional land surveyor shall be a member of the military, or a United States Department of Defense civilian employee assigned to duty in this state, who holds a current and valid license to engage in the practice of land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has held such license for at least one year, who has passed any examinations and met any education, training, or experience standards as required by such other jurisdiction, who is held in good standing by such other jurisdiction, who has received education and experience as a member of the military at a level that is comparable to the requirements for licensure under R.S. 37:693(B)(4)(a) and Paragraph 1 of Subsection A herein, who does not have a disqualifying criminal record as determined by the board under the laws of this state, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or

possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has passed the examination required by the board in the Louisiana laws of land surveying, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional land surveyor by the board; or

2. the applicant for licensure as a professional land surveyor shall be a spouse or dependent of a member of the military or a United States Department of Defense civilian employee, if the member or civilian employee has received military orders for a change of station to a military installation or assignment located in this state or has established this state as their state of legal residence as reflected in their military record, who holds a current and valid license to engage in the practice of land surveying issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, who has held such license for at least one year, who has passed any examinations and met any education, training, or experience standards as required by such other jurisdiction, who is held in good standing by such other jurisdiction, who does not have a disqualifying criminal record as determined by the board under the laws of this state, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has passed the examination required by the board in the Louisiana laws of land surveying, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional land surveyor by the board.

C. The requirements for licensure as a professional land surveyor under the alternatives provided in R.S. 37:3651(B) are as follows:

1. the applicant for licensure as a professional land surveyor shall be a member of the military who has lawfully engaged in the practice of land surveying for at least three years in a state, territory, or possession of the United States, or the District of Columbia, that does not use a professional or occupational license or government certification to regulate the practice of land surveying, who has received education and experience as a member of the military at a level that is comparable to the requirements for licensure under R.S. 37:693(B)(4)(a) and Paragraph 1 of Subsection A herein, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in

the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has passed the examination required by the board in the Louisiana laws of land surveying, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional land surveyor by the board; or

2. the applicant for licensure as a professional land surveyor shall be a spouse or dependent of a member of the military or United States Department of Defense civilian employee assigned duty in this state, who has lawfully engaged in the practice of land surveying for at least three years in a state, territory, or possession of the United States, or the District of Columbia, that does not use a professional or occupational license or government certification to regulate the practice of land surveying, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has passed the examination required by the board in the Louisiana laws of land surveying, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional land surveyor by the board.

D. The requirements for licensure as a professional land surveyor under the alternatives provided in R.S. 37:3651(C) are as follows:

1. the applicant for licensure as a professional land surveyor shall be a member of the military, or a United States Department of Defense civilian employee assigned duty in this state, who has lawfully engaged in the practice of land surveying for at least two years in a state, territory, or possession of the United States, or the District of Columbia, that does not use a professional or occupational license or government certification to regulate the practice of land surveying, who holds a current and valid private certification to engage in the practice of land surveying, who is held in good standing by the organization that issued such private certification, who has received education and experience as a member of the military at a level that is comparable to the requirements for licensure under R.S. 37:693(B)(4)(a) and Paragraph 1 of Subsection A herein, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional

misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has passed the examination required by the board in the Louisiana laws of land surveying, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional land surveyor by the board; or

2. the applicant for licensure as a professional land surveyor shall be a spouse or dependent of a member of the military or United States Department of Defense civilian employee, who has lawfully engaged in the practice of land surveying for at least two years in a state, territory, or possession of the United States, or the District of Columbia, that does not use a professional or occupational license or government certification to regulate the practice of land surveying, who holds a current and valid private certification to engage in the practice of land surveying, who is held in good standing by the organization that issued such private certification, who has not had a professional or occupational license revoked by another state, territory, or possession of the United States, or the District of Columbia, because of negligence or intentional misconduct related to their work in the profession or occupation, who has not surrendered a professional or occupational license because of negligence or intentional misconduct related to their work in the profession or occupation in another state, territory, or possession of the United States, or the District of Columbia, who does not have a complaint, allegation, or investigation pending in another state, territory, or possession of the United States, or the District of Columbia, which relates to unprofessional conduct or an alleged crime, who has passed the examination required by the board in the Louisiana laws of land surveying, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional land surveyor by the board.

E. The provisions of Subsections B, C and D shall not apply to any applicant who received a dishonorable discharge or to a military spouse whose spouse received a dishonorable discharge.

F. In Subsections B, C and D, the term *military* shall mean the armed forces or reserves of the United States, including the Army, Navy, Marine Corps, Coast Guard, Air Force, and the reserve components thereof, the National Guard of any state, the military reserves of any state, or the naval militia of any state.

G. In Subsections B, C and D, the term *dependent* shall mean a resident spouse or resident unmarried child under 21 years of age, a child who is a student under 24 years of age and who is financially dependent upon the parent, or a child of any age who is disabled and dependent upon the parent.

H. The authority for the executive director to issue a license can only be granted by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688 and 37:3651.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:244 (August 1976), amended LR 2:352 (November 1976), LR 5:114 (May 1979), LR 6:735 (December 1980), LR 7:645 (December 1981), LR 11:362 (April 1985), LR 16:773 (September 1990), LR 19:56 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1029 (July 2001), LR 30:1713 (August 2004), LR 32:1619 (September 2006), LR 35:1909 (September 2009), LR 37:2413 (August 2011), LR 38:2564 (October 2012), LR 39:2802 (October 2013), LR 43:539 (March 2017), LR 44:617 (March 2018), LR 47:493 (April 2021).

#### **§911. Temporary Permit to Practice Land Surveying**

A. An individual who has applied to the board for licensure pursuant to §909.B, §909.C, or §909.D shall be granted a temporary permit to practice or offer to practice land surveying in Louisiana for the period from the time the individual has applied to the board for licensure until either the license has been granted or notice of denial of licensure has been issued, provided that before beginning such temporary practice in Louisiana, the individual shall have applied to the board for a temporary permit, paid the prescribed fee, passed the examination required by the board in the Louisiana laws of land surveying, and received a temporary permit.

B. The provisions of Subsection A shall not apply to any applicant who received a dishonorable discharge or to a military spouse whose spouse received a dishonorable discharge.

C. In Subsection B, the term *military* shall mean the armed forces or reserves of the United States, including the Army, Navy, Marine Corps, Coast Guard, Air Force, and the reserve components thereof, the National Guard of any state, the military reserves of any state, or the naval militia of any state.

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3651.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 39:2803 (October 2013), amended LR 44:618 (March 2018), LR 47:495 (April 2021).

### **Chapter 11. Curricula**

#### **§1101. Approved Curricula**

A. - E. ...

F. Based on an investigation by a committee of the board, the board may, by a majority vote at a regular meeting, recognize as an approved curriculum a non-accredited land surveying curriculum of four years or more from a school of satisfactory standing that does not meet the specifications of §1101.E. The board shall keep a record of the land surveying curricula thus approved.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended LR 5:365 (November 1979), LR 7:646 (December 1981), LR 10:805 (October 1984), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1029 (July 2001), LR 30:1713 (August 2004), LR 44:618 (March 2018), LR 45:77 (January 2019), LR 47:495 (April 2021).

### **Chapter 31. Continuing Professional Development (CPD)**

#### **§3105. Requirements**

A. Every professional engineer, including those listed in two or more disciplines, is required to earn 15 PDHs per calendar year in engineering-related acceptable activities. Professional engineers may not earn more than 8 PDHs within a single calendar day.

1. At least one of the PDHs per calendar year shall be earned in professional ethics. Professional ethics concerns the standard of professional conduct and responsibility required of a professional engineer.

2. At least four of the PDHs per calendar year shall be earned in *Life Safety Code*, building codes and/or Americans with Disabilities Act Accessibility Guidelines by every professional engineer who designs buildings and/or building systems in Louisiana during such calendar year.

B. Every professional land surveyor is required to earn 8 PDHs per calendar year in land surveying-related acceptable activities.

1. At least one of the PDHs per calendar year shall be earned in professional ethics. Professional ethics concerns the standard of professional conduct and responsibility required of a professional land surveyor.

2. At least one of the PDHs per calendar year shall be earned in the standards of practice for boundary surveys in Louisiana.

C. Each dual licensee is required to earn 15 PDHs per calendar year; however, at least one-third of the PDHs for each calendar year shall be earned separately for each profession.

1. At least one of the PDHs per calendar year shall be earned in professional ethics. Professional ethics concerns the standard of professional conduct and responsibility required of a professional engineer and/or professional land surveyor.

2. At least one of the PDHs per calendar year shall be earned in the standards of practice for boundary surveys in Louisiana.

3. At least four of the PDHs per calendar year shall be earned in *Life Safety Code*, building codes and/or Americans with Disabilities Act Accessibility Guidelines by every professional engineer who designs buildings and/or building systems in Louisiana during such calendar year.

D. Excess PDHs

1. If a licensee exceeds his/her annual requirement of PDHs, up to a maximum of 7 PDHs may be carried forward into the subsequent calendar year.

D.2. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2152 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1047 (July 2001), LR 30:1730 (August 2004), LR 37:2420 (August 2011), LR 42:1104 (July 2016), LR 44:629 (March 2018), LR 47:495 (April 2021).

#### **§3109. Exemptions**

A. A licensee may be exempt from the CPD requirements in this Chapter for any one or more of the following reasons.

1. New licensees shall be exempt from the CPD requirements during the calendar year in which they are licensed.

2. Licensees serving on active duty in the United States military for a period of time exceeding 180 consecutive days in a calendar year shall be exempt from the CPD requirements during that calendar year.

3. Licensees experiencing disability, serious illness, or serious injury of a nature and duration which prevent them from satisfying the CPD requirements during a calendar year may be granted an exemption from such requirements for said year. Supporting documentation, such as a signed letter from a physician who has treated the disability, illness or injury, is required. This documentation shall be on the letterhead of the physician, shall set forth the nature of the disability, illness or injury and the period of time under treatment by the physician, and shall contain a statement by the physician as to any limitations placed upon the licensee which impaired his/her ability to satisfy the CPD requirements. This exemption may only be granted for one calendar year at a time.

4. Licensees working outside of the United States for more than 90 days in a calendar year where compliance with the CPD requirements is impractical due to location, working hours, mail restrictions, etc., may be granted an exemption from such requirements for said calendar year. Supporting documentation, such as a signed letter from the licensee's employer, is required. This documentation shall be on the letterhead of the employer, shall set forth both the location and the period of time in which the licensee has been working outside of the United States, and shall contain a statement by the employer as to why it was impractical for the licensee to satisfy the CPD requirements.

A.5. - A.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2153 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1048 (July 2001), LR 30:1731 (August 2004), LR 42:1105 (July 2016), LR 44:630 (March 2018), LR 47:495 (April 2021).

### §3113. Units

A. - A.3. ...

B. PDH credit will be awarded as follows:

1. fifty contact minutes of verified attendance at an activity in accordance with §3111.A.1-2, or problem preparation for a NCEES or state professional engineering or land surveying exam in accordance with §3111.A.7 = one PDH. A maximum of five PDHs will be allowed per calendar year for problem preparation;

2. membership in an engineering or land surveying professional association or technical society in accordance with §3111.A.4 = one PDH per calendar year for each association or society. A maximum of two PDHs will be allowed per calendar year for all such memberships;

3. teaching/instructing or presenting an activity in accordance with §3111.A.1-3 = twice the PDHs allowed for attending the activity. A maximum of 15 PDHs will be allowed per calendar year for teaching, instructing and presenting;

4. authoring and publishing a peer reviewed (refereed) article/paper in an engineering or land surveying journal, or authoring and publishing a peer reviewed (refereed) book related to engineering or land surveying, in accordance with §3111.A.5 = 5 PDHs per calendar year for all such articles/papers or books;

5. authoring and publishing a non-peer reviewed (non-refereed) article/paper in an engineering or land surveying journal in accordance with §3111.A.5 = 3 PDHs per calendar year for all such articles/papers;

6. obtaining a patent in accordance with §3111.A.6 = 10 PDHs for each patent;

7. serving as a thesis director for a student pursuing a masters or doctoral degree in engineering in accordance with §3111.A.8 = 1 PDH per hour of thesis credit. A maximum of 5 PDHs will be allowed per calendar year for all such students;

8. serving on a technical committee that is assisting federal, state or local governmental agencies in developing standards related to engineering or land surveying in accordance with §3111.A.9 = 1 PDH per 50 contact minutes of attendance at a committee meeting. A maximum of 5 PDHs will be allowed per calendar year for service on all of such committees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1048 (July 2001), LR 30:1732 (August 2004), LR 37:2421 (August 2011), LR 39:1481 (June 2013), LR 42:1106 (July 2016), LR 44:631 (March 2018), LR 47:496 (April 2021).

### §3115. Record Keeping

A. ...

B. All licensees are required to maintain a board-approved professional development activity log outlining all PDHs claimed during a calendar year. Licensees must complete all sections of the log and be prepared to submit the completed log and any corresponding documentation to the board upon request. Blank log forms can be obtained from the board's website.

C. Maintaining records to be used to support PDHs claimed is the responsibility of the licensee. These records must be maintained for at least six consecutive calendar years and copies may be requested by the board at any time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying

Board, LR 27:1049 (July 2001), LR 30:1732 (August 2004), LR 42:1107 (July 2016), LR 44:632 (March 2018), LR 47:496 (April 2021).

### §3119. Failure to Comply

A. ...

B. PDHs earned and used to satisfy a not-in-compliance situation may not also be used to satisfy the CPD requirements for the current calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1049 (July 2001), LR 30:1732 (August 2004), LR 42:1107 (July 2016), LR 44:632 (March 2018), LR 47:497 (April 2021).

### §3121. CPD Reinstatement

A. To become reinstated to an active status, a licensee in an expired, inactive, or retired status must have earned all PDHs which he/she would have been required to earn if he/she had been in an active status during the previous two calendar years as provided in §3105.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1049 (July 2001), LR 30:1732 (August 2004), LR 42:1107 (July 2016), LR 44:633 (March 2018), LR 47:497 (April 2021).

Donna D. Sentell  
Executive Director

2104#020

## RULE

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### Yo-Yo and Trotline Regulations (LAC 76:VII.134)

The Wildlife and Fisheries has modified the yo-yo and trotline regulations to include Lake Bruin in Tensas Parish, Louisiana. The Rule change limits the number of yo-yo or trigger devices to 50 devices per fisher and requires that the devices (other than those attached to private land-based structures) must be checked and re-baited once every 24 hours. Also, the Rule limits the number of trotlines to three per person, limits the number of hooks per line to a maximum of 50 hooks each, and requires that the trotlines must be checked every 24 hours when in use. This Rule is hereby adopted on the day of promulgation.

## Title 76

### WILDLIFE AND FISHERIES

#### Part VII. Fish and Other Aquatic Life

##### Chapter 1. Freshwater Sport and Commercial Fishing

### §134. Black Lake, Clear Lake, Prairie Lake, Caddo Lake, Chicot Lake, D'Arbonne Lake, Lake St. Joseph, and Lake Bruin

A. The following regulations are applicable to the use of yo-yo and trigger devices when used in Black Lake, Clear Lake and Prairie Lake (Natchitoches Parish), Caddo Lake (Caddo Parish), Chicot Lake (Evangeline Parish), D'Arbonne Lake (Union Parish), Lake St. Joseph (Tensas Parish), and Lake Bruin, including the portion known as Brushy Lake (Tensas Parish), Louisiana.

1. No more than 50 yo-yos or trigger devices shall be allowed per person.

2. Except for those devices that are attached to a privately owned pier, boathouse, seawall, or dock, each yo-yo or trigger device shall be clearly tagged with the name, address, and telephone number of the owner or user.

3. When in use, each yo-yo or trigger device shall be checked at least once every 24 hours, and all fish and any other animal caught or hooked, shall be immediately removed from the device.

4. Except for those devices that are attached to a privately owned pier, boathouse, seawall, or dock, each yo-yo or trigger device must be re-baited at least once every 24 hours.

5. Except for those metal objects located above the water that are affixed to a private pier, dock, houseboat, or other manmade structure which is designed for fishing, no yo-yo or trigger device shall be attached to any metal object.

6. Except for an object used strictly in the construction of a pier, boathouse, seawall, or dock, no object which is driven into the lake bottom, a stump, tree, or the shoreline shall be used to anchor a yo-yo or trigger device.

*Object*—rebar or other metal material, cane, PVC tubing, construction material, or any other type of material.

7. Except for those devices that are attached to a privately owned pier, boathouse, seawall, or dock, when not being used in accordance with the provisions of this Section, each yo-yo or trigger device shall be removed from the waterbody immediately.

B. The following regulations are applicable to the use of trotlines when used in Black Lake, Clear Lake and Prairie Lake (Natchitoches Parish), Caddo Lake (Caddo Parish), Chicot Lake (Evangeline Parish), D'Arbonne Lake (Union Parish), Lake St. Joseph (Tensas Parish), and Lake Bruin, including the portion known as Brushy Lake (Tensas Parish), Louisiana.

1. All trotlines shall be clearly tagged with the name, address, and phone number of the owner or user and the date of placement. The trotline shall be marked on each end with a floating object that is readily visible.

2. At any given time, no person shall set more than three trotlines with a maximum of 50 hooks each.



# Notices of Intent

## NOTICE OF INTENT

### Department of Agriculture and Forestry Agriculture Finance Authority

Louisiana Agricultural Workforce  
Development Program  
(LAC 7:III.Chapter 7)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in Act 23 of 2020 (Second Extraordinary Session), R.S. 3:266 and 285., notice is hereby given that the Department of Agriculture and Forestry (“Department”) intends to adopt the rules set forth below by promulgating LAC 7:III.701-711. These rules will establish guidelines for a monetary incentive program to encourage the creation and employment of agricultural business internships through the development and establishment of the Louisiana Agricultural Workforce Development Program.

#### Title 7

### AGRICULTURE AND ANIMALS

#### Part III. Agricultural Finance

#### Chapter 7. Louisiana Agricultural Workforce Development Program

##### §701. Purpose

A. The purpose of these rules is to:

1. establish eligibility requirements of the Louisiana Agricultural Workforce Development program;
2. establish eligibility requirements for agricultural businesses and interns for participation in the program;
3. establish application processes for agricultural businesses and intern candidates seeking approval to become program participants;
4. establish qualification requirements for reimbursement of internship costs within the program; and
5. establish processes for reimbursement of internship costs to participating agricultural businesses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266 and 3:285

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agriculture Finance Authority, LR 47:

##### §703. Definitions

A. The words and terms defined in R.S. 3:285 are applicable to this Chapter.

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

*Actual Cost*—the wages paid to an intern, reasonable allocation of fixed overhead expenses, and all incidental costs directly related to the internship.

*Agricultural Business*—an agricultural producer, or a person or legal entity who engages in agriculture or provides support activities, products, or services to an agricultural producer and such products or services that are directly related to the planting, growing, production, harvesting, or processing of Louisiana products.

*Beginning Farmer*—a farmer, rancher, or operator of non-industrial private forestland who is in the first 10 years

of operation or a person intending or aspiring to begin such an operation.

*Commissioner*—the commissioner of the Department of Agriculture and Forestry.

*Department*—the Department of Agriculture and Forestry.

*Director*—the director of the Louisiana Agricultural Finance Authority (LAFA).

*Immediate Family Member*—the spouse, parent, sibling, or child of the owner, manager, chief executive officer, or president of an agricultural business; a person to whom the owner, manager, chief executive officer, or president stands as legal guardian or tutor; or any other person living in the household of the owner, manager, chief executive office, or president of an agricultural business by blood or marriage.

*Intern*—an individual who is a student enrolled at a Louisiana secondary or postsecondary institution or a young and beginning farmer or rancher employed by an agricultural business pursuant to the program.

*LAFA*—the Louisiana Agricultural Finance Authority which is within the Department of Agriculture and Forestry.

*Program*—the Louisiana Agricultural Workforce Development Program created with passage of House Bill 69/ Act 23 of the 2020 Second Extraordinary Session, which enacted R.S. 3:285.

*Qualifying Internship*—an internship meeting the requirements as necessary for the partial reimbursement of costs to employ intern(s).

*Student*—an individual who is enrolled in a Louisiana secondary or postsecondary institution.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266 and 3:285

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agriculture Finance Authority, LR 47:

##### §705. Eligibility Requirements of Applicants

A. Agricultural businesses must meet the following eligibility requirements in order to be considered for the program. Agricultural business applicants shall:

1. be physically located within the State of Louisiana;
2. provide an internship with a place of work located within the state of Louisiana;
3. have the ability to effectively supervise an intern;
4. offer the intern an opportunity to obtain meaningful work experience, including, but not limited to:
  - a. at least one hundred thirty hours of work experience;
  - b. not to exceed one year in duration; and
  - c. an hourly wage rate that is no less than the state’s prevailing minimum wage rate.
5. Ensure compliance with all federal, state, and local laws including, but not limited to, the Fair Labor Standards Act as well as any other applicable labor and /or occupational safety laws and regulations. In such instances when both federal and state laws apply, the more stringent standard must be observed.

B. Intern applicants must meet the following eligibility requirements in order to be considered for the program.

1. Intern applicants shall be:
  - a. be a student enrolled in a Louisiana secondary or postsecondary institution; or
  - b. be a beginning farmer or rancher, as defined by this Chapter, employed by an agricultural business.

2. Intern applicants shall not be:
  - a. a current or past employee of the participating agricultural business for which he or she will be an intern; or
  - b. an immediate family member of the participating business applicant as defined in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266 and 3:285

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agriculture Finance Authority, LR 47:

#### **§707. Internship Requirements**

A. A qualifying internship shall be considered eligible for reimbursement from LDAF upon meeting each of the following requirements. The internship must:

1. include an educational focus preparing interns for a career in one or more occupational areas including, but not limited to:

- a. agribusiness;
- b. animal husbandry;
- c. crop production;
- d. farm management;
- e. agronomy;
- f. natural resources;
- g. forestry;
- h. research and development;
- i. marketing and sales;
- j. food safety and/or maintenance; or
- k. repair of machinery and equipment.

2. provide an educational experience of at least 130 hours per intern and not exceed one year in duration per intern;

3. pay intern(s) at a rate no less than the state's prevailing minimum wage to be paid in accordance with the participating business' normal payroll processes, but paid at least monthly;

4. provide a supervisor for intern(s);

5. provide worker's compensation insurance coverage for intern(s);

6. commence within 30 days of the projected start date identified in the business application; and

7. ensure that intern(s) do not displace current employee(s) of the participating business.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266 and 3:285

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agriculture Finance Authority, LR 47:

#### **§709. Application Process**

A. Participating businesses and prospective intern(s) must receive approval by the LAFA director in order for a qualifying internship to be eligible for reimbursement.

1. Agricultural businesses interested in participating may apply for the program during the open application period from July 1 through September 1 of every year. Eligible applications will be reviewed and funded on a first-come, first-serve basis. An agricultural business must complete and submit the necessary application to LAFA within the application period. Only application forms prepared by LAFA for this purpose may be used. If funds remain, the director of LAFA will consider business

applications on a rolling basis after the close of the open application period.

- a. Eligible business applications will be reviewed upon receipt by LAFA staff. Decisions will be based on the needs of the program, legislative intent, applicable statute, and these rules.

- b. Acceptance and rejection notifications will be sent via email within 30 days of completion of application review.

- c. An agricultural business applicant shall submit a separate application for every internship position that it is requesting.

2. Upon approval of the agricultural business applicant, the intern candidate(s) selected by a participating business must complete and submit an intern application to the LAFA Director. Only application forms prepared by LAFA for this purpose may be used.

- a. In addition to the internship application, intern candidates must also submit a statement of career goals to the LAFA director.

- b. Intern applications will be reviewed by LAFA staff and a determination of approval will be sent via email to the participating business within 10 business days of receipt of a fully completed intern application and statement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266 and 3:285

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agriculture Finance Authority, LR 47:

#### **§711. Reimbursement**

A. Participating agricultural businesses will be reimbursed up to the agreed upon amount at the conclusion of the internship upon presentation of an invoice and supporting documentation. Reimbursement will not exceed 50 percent of the actual cost to the business. The maximum amount a business may be reimbursed per internship is \$5,000.

1. An invoice requesting reimbursement shall be submitted to LAFA within 30 business days of the conclusion of the internship. The invoice must include the reimbursement amount requested and the actual costs incurred by the business to employ the intern.

2. The participating agricultural business shall submit copies of time sheets and pay stubs verifying the total amount paid to the intern during the internship. If the invoice includes costs for incidental expenses, those costs must be supported with proof of payment by the participating business.

3. The participating agricultural business shall also, as a requirement of reimbursement, complete a post-internship evaluation form, to be provided by LAFA staff.

4. In the event an internship ends prior to its scheduled completion, participating businesses may still be partially reimbursed for costs incurred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:266 and 3:285

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Agriculture Finance Authority, LR 47:

#### **Family Impact Statement**

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;

2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

**Poverty Impact Statement**

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

**Small Business Analysis**

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

**Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Michelle Ribera, Director of the Louisiana Agricultural Finance Authority, Department of Agriculture & Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806 and must be received no later than 4 p.m. on the 10th day of May, 2020.

Mike Strain, DVM  
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

**RULE TITLE: Louisiana Agricultural Workforce Development Program**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

In FY 21, the proposed rule will not result in any increased costs or revenues to the Louisiana Department of Agriculture and Forestry ("LDAF"), the state or local government units besides the cost of rule promulgation that is normally included

in the department's annual operating budget. The proposed rule establishes the Louisiana Agricultural Workforce Development Program, an internship program, in the Louisiana Agricultural Finance Authority (LAFA) within the Louisiana Department of Agriculture and Forestry ("LDAF"). The LAFA will reimburse approved agricultural businesses the costs associated with providing internships for qualified candidates. The LAFA has approved \$50,000 to implement the program for FY 22.

The proposed rule will not result in any costs or revenues to local government 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 units as the Louisiana Agricultural Workforce Development Program would not yield any additional revenue to LAFA, LDAF, or to other state or local government units.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule would result in economic benefits to agricultural businesses who participate in the program and, indirectly, to the interns those businesses take on. Specifically, the program allows an agricultural business to apply for a maximum of \$5,000 per year per intern to assist in the costs of paying an intern.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This program will work to ensure the continuation of a quality workforce for the agricultural industry and assist in the expansion of agricultural jobs by providing incentive payments to Louisiana agricultural businesses to encourage the creation and employment of internships.

Dane Morgan  
Assistant Commissioner  
2104#048

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Agriculture and Forestry  
Office of Agro-Consumer Services**

**Annual Fee for Registration of Mass Flow Meters  
(LAC 7:XXXV.125)**

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:4622(4), notice is hereby given that the Department of Agriculture and Forestry ("Department") and the Weights and Measures Commission intends to adopt the rule change set forth below by amending LAC 7:XXXV.125. This amendment deletes the tiered fee structure for registration of mass flow meters, which was based on internal tube diameter, and replaces said schedule with a flat, per device fee. This change will result in an increased fee that is aligned with various factors including, but not limited to, the time it takes to conduct inspections, average employee salaries and benefits, as well as equipment variables such as fuel and maintenance.

**Title 7**

**AGRICULTURE AND ANIMALS**

**Part XXXV. Agro-Consumer Services**

**Chapter 1. Weights and Measures**

**§125. Weights and Measures Fee Structure**

A. - G. ...

H. The annual fee for registration of mass flow meters will be \$250 per device.

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

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

#### **Family Impact Statement**

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

#### **Poverty Impact Statement**

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Analysis**

Pursuant to R.S. 49:965.6, methods for reduction of the impact on small business, as defined in the Regulatory Flexibility Act, have been considered when creating this proposed Rule. This proposed Rule is not anticipated to have an adverse impact on small businesses; therefore, a Small Business Economic Impact Statement has not been prepared.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Paul Floyd, Weights and Measures Program, Department of Agriculture and Forestry, 5825 Florida Boulevard, Suite 5000, Baton Rouge, LA 70806, and must be received by no later than 4 p.m. on the 10<sup>th</sup> day of May, 2021.

Mike Strain, DVM  
Commissioner

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

##### **RULE TITLE: Annual Fee for Registration of Mass Flow Meters**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change increases costs from the Weights and Measures Fund by \$7,500 per year. The proposed rule change deletes the current tiered fee structure for mass flow meters registration and replaces it with a flat per device fee of \$250. Under the proposed rule change, the current annual registration fee for mass flow meters in Class 1 will increase by \$170 from \$80 to \$250 and Class 2 will increase by \$65 from \$185 to \$250. The current fees collected from the registration of mass flow meters do not cover the cost of testing and certifying mass flow meters incurred by the Weights and Measures Division within the Louisiana Department of Agriculture and Forestry (LDAF). The proposed rule change will help to recover the costs of testing and certifying these devices.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change is anticipated to result in increased annual collections of \$7,500 in the Weights and Measures Fund. There are approximately 100 of these commercial meters in Louisiana. The cost estimate for certifying a mass flow meter is \$252 (1 Inspector position in the Weights and Measures Division at an average salary of \$42/hour for 6 hours). Currently, the department collects a maximum fee of \$185 per meter, which is only 73% of the cost of the inspection. An increase to \$250 per meter will cover the cost of inspection; thereby increasing revenue collections by \$7,500 (\$65 increase from the maximum fee of \$185 to \$250 x 100 meters).

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change is anticipated to increase annual registration costs by \$65 per commercial meter and \$185 per mass flow meter (typically chemical and petroleum industries), which is estimated to be an overall increase of \$7,500 annually.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change is not anticipated to effect competition or employment.

Dane Morgan  
Assistant Commissioner  
2104#050

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Agriculture and Forestry  
Office of Agriculture and Environmental Sciences  
Horticulture Commission**

**Minimum Examination Performance Levels Required  
(LAC 7:XXIX.111)**

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:3801(F), notice is hereby given that the Department of Agriculture and Forestry (“Department”) and the Horticulture Commission intend to amend LAC 7:XXIX.111 to allow an exam applicant who fails to complete or pass an examination for licensure to reapply for examination after a period of seven days instead of two weeks. Horticulture licensing exams are now administered using computer-based software instead of written paper exams. The software system automatically grades the exams and generates an exam score as soon as the applicant completes the exam, omitting the need for manual grading. The automated system has also dispensed with the mailing of paper exams between satellite test-taking sites at the department’s district offices and LDAF Headquarters, further reducing the timeframe for administering and processing exams. Reducing the time interval for reapplication would benefit test-takers and prospective licensees insofar as it could potentially lessen the time that they must wait to obtain their license.

**Title 7**

**AGRICULTURE AND ANIMALS**

**Part XXIX. Horticulture Commission**

**Chapter 1. Horticulture**

**§111. Minimum Examination Performance Levels Required**

A. Any person taking an examination for licensure must score a 70 percent or above to pass the examination.

B. An applicant who fails to complete or pass an examination for licensure must wait at least seven days before reapplying to take the examination.

C. A passing score on an examination is valid for five years, after which time the applicant must apply to retake the examination.

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

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Horticulture Commission, LR 8:184 (April 1982), amended by the Department of Agriculture and Forestry, Horticulture Commission, LR 20:153 (February 1994), LR 35:1229 (July 2009), LR 37:3464 (December 2011), LR 40:759 (April 2014), , amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Horticulture Commission, LR 44:2127 (December 2018), LR 47:

**Family Impact Statement**

The proposed Rule should not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

- 1. the stability of the family;
- 2. the authority and rights of persons regarding the education and supervision of their children;
- 3. the functioning of the family;
- 4. family earnings and family budget;

5. the behavior and personal responsibility of children;

6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

**Poverty Impact Statement**

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

- 1. the effect on household income, assets, and financial security;
- 2. the effect on early childhood development and preschool through postsecondary education development;
- 3. the effect on employment and workforce development;
- 4. the effect on taxes and tax credits;
- 5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

**Small Business Analysis**

The proposed Rule should have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

**Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

- 1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
- 2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
- 3. the overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Tina Peltier, Director of the Horticulture Commission, Department of Agriculture & Forestry, 5825 Florida Blvd., Baton Rouge, LA 70806 and must be received no later than 4 p.m. on the 10<sup>th</sup> day of May, 2021.

Mike Strain, DVM  
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Minimum Examination Performance  
Levels Required**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change will not result in any costs or savings to state or local governmental units. The proposed rule change allows an exam applicant who fails to complete or pass a horticultural licensing examination to wait seven days instead of two weeks before reapplying to take an examination again. Additional examinations will not increase costs or require additional resources within the Louisiana Department of Agriculture and Forestry. (LDAF).

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will not have any effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule change will not result in any additional costs to exam applicants since only the length of time before reapplying to take an examination is being changed. The proposed rule change provides an exam applicant who failed the examination an opportunity to retake the exam sooner; thereby potentially obtaining their license in less time.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will shorten the time frame before reapplying for an examination, which may allow individual to obtain a license in less time resulting in more employment opportunities.

Dane Morgan  
Assistant Commissioner  
2104#045

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Agriculture and Forestry  
Office of Agriculture and Environmental Sciences  
Structural Pest Control Commission**

Structural Pest Control  
(LAC 7:XXV.101, 141, and 145)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and pursuant to the authority set forth in R.S. 3:3362 and R.S. 3:3366., notice is hereby given that the Department of Agriculture and Forestry (“Department”) and the Structural Pest Control Commission (“Commission”) intends to adopt the rules set forth below by amending LAC 7:XXV.101 and 141 and repealing LAC 7:XXV.145. These amendments add the definition for ‘inspection diagram’, which was previously not defined, and changes the term “graph” to “inspection diagram,” in order to provide more consistency in the records that are maintained by pest control companies. The amendments further remove the term ‘Borates’ and replaces it with ‘wood treatment’, a more appropriate terminology for the kind of treatment described in the existing rules. The amendments also set minimum specification requirements associated with Exterior Perimeter/Localized Interior (EP/LI) treatments, which were recently approved by the structural pest control commission. And finally, the proposed repeal of LAC 7:XXV.145 will remove requirements for treatments of Wood-Destroying Beetles. This will allow pest control companies to perform preventative treatments not previously permitted.

**Title 7**

**AGRICULTURE AND ANIMALS**

**Part XXV. Structural Pest Control**

**Chapter 1. Structural Pest Control Commission**

**§101. Definitions**

A. - B. ...

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*Inspection Diagram*—a diagram that provides an accurate representation of the structure, including measurements, treatment types (trench and treat, rodding, bath trap, etc.), construction types, and specific treatment locations.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3362 and R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission LR 15:954 (November 1989), 17:251 (March 1991), LR 23:855 (July 1997), LR 30:1143 (June 2004), amended by the Department of Agriculture and Forestry, Office of Agriculture and Environmental Sciences, LR 31:26 (January 2005), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 32:796 (May 2006), repromulgated LR 32:1015 (June 2006), amended LR 33:39 (January 2007), LR 35:204 (February 2009), LR 35:1468 (August 2009), LR 37:272 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:300 (February 2013), LR 41:333 (February 2015), LR 42:213 (February 2016), LR 44:1235 (July 2018), LR 46:1541 (November 2020), LR 47:

**§141. Minimum Specifications for Termite Control Work**

A. - G.1. ...

H. Waiver of Requirements of Minimum Specifications for Termite Control Work

1. ...

a. inspection diagram identifying the structure and the specific area(s) where treatment is waived;

1.b. - 2....

I. Requirements for Baits and Baiting Systems

1. - 7. ...

8. Records of contracts, inspection diagrams, monitoring, and bait applications shall be kept according to LAC 7:XXV.117.I.

9. - 10. ...

J. Requirements for Combination Liquid Spot and Baits and Baiting Systems Treatments

1. - 3. ...

4. Records of contracts, inspection diagrams, monitoring (if required), and applications shall be kept according to LAC 7:XXV.117.I. At termination of the contract, the pest control operator shall remove all components of bait and baiting systems.

J.5. - K.3. ...

L. Requirements for Wood Pre-Construction Treatments

1. Treat according to the wood treatment label approved by the commission.

2. - 9. ...

M. Requirements for Exterior Perimeter / Localized Interior (EP/LI) Treatments

1. Treat according to the EP/LI section of the product label that has been approved by the Commission for EP/LI use.

2. EP/LI treatments may only be used for Post Construction treatments.

3. EP/LI treatment must be specified on the termite contract, inspection diagram and subsequent annual renewal documentation.

4. The pest control operator shall provide written information to the homeowner, detailing the EP/LI treatment, at the time of issuance of the contract and treatment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:330 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:958 (November 1989), LR 20:644 (June 1994), LR 21:931 (September 1995), LR 23:1285 (October 1997), LR 25:235 (February 1999), LR 25:1620 (September 1999), LR 26:2437 (November 2000), LR 27:1180 (August 2001), LR 29:1063 (July 2003), LR 30:1145 (June 2004), repromulgated LR 30:1614 (August 2004), amended LR 35:207 (February 2009), LR 35:1469 (August 2009), repromulgated LR 35:1872 (September 2009), amended, LR 37:286 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:301 (February 2013), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:1413 (June 2013), LR 41:333 (February 2015), LR 42:214 (February 2016), LR 46:1542 (November 2020), LR 47:

#### **§145. Wood-Destroying Beetles**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3366.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:332 (April 1985), amended LR 35:1470 (August 2009), LR 37:292 (January 2011), amended by the Department of Agriculture and Forestry, Office of Agricultural and Environmental Sciences, Structural Pest Control Commission, LR 39:302 (February 2013), repealed LR 47:

#### **Family Impact Statement**

The proposed Rule does not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

1. the stability of the family;
2. the authority and rights of persons regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed Rule.

#### **Poverty Impact Statement**

The proposed Rule does not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;
2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

#### **Small Business Analysis**

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

#### **Provider Impact Statement**

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of

the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to Kelly Moore, Assistant Director of the Structural Pest Control Commission, Department of Agriculture & Forestry, 5825 Florida Blvd., Suite 3003, Baton Rouge, LA 70806 and must be received no later than 12:00 p.m. on May 10, 2021.

#### **Public Hearing**

A public hearing will be held on May 27, 2021, at 9 a.m. in the Veterans' Auditorium at the Louisiana Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 3003, Baton Rouge, LA 70806. 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 Kelly Moore at the address given above or at (225) 952-8100.

Mike Strain, DVM  
Commissioner

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Structural Pest Control Revisions**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes will not result in any costs or savings to state or local governmental units. The proposed rule changes set minimum specification requirements associated with newly approved Exterior Perimeter/Localized Interior (EP/LI) treatments (Section 141M) and repeals requirements for treatments of Wood-Destroying Beetles (Section 145). Also, the proposed rule makes technical changes such as adding a new definition and changing terms to provide consistency in the records that are maintained by pest control companies (Section 101) as well as removing old terminology and replacing it with more appropriate terminology (Section 141L).

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will not affect revenue collections for state or local government units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rules are not anticipated to have any estimated costs or economic benefits that directly affect persons, small businesses, or non-governmental groups.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change adding the newly approved EP/LI treatment (Section 141M) may be beneficial to the industry by allowing another method of application. Also, the proposed rule change repealing requirements for the treatment

of wood-destroying beetles (Section 145) may benefit the industry and homeowners by allowing pest control operators to apply preventative treatments for wood-destroying beetles that currently are not allowed.

Dane Morgan  
Assistant Commissioner  
2104#051

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Civil Service Board of Ethics

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

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Louisiana Board of Ethics, has initiated rulemaking procedures to make amendments to the rules for the Board of Ethics to bring the rules into compliance with current statutory provisions and Section 1115.1C of the Code of Governmental Ethics.

#### **Title 52 ETHICS**

#### **Part 1. Board of Ethics**

#### **Chapter 17. Code of Governmental Ethics**

#### **§1703. Food and Drink Limit**

A. In accordance with R.S. 42:1115.1(C), beginning on July 1, 2021, the limit for food, drink or refreshments provided in R.S. 42:1115.1(A) and (B) is \$65.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 36:304 (February 2010), amended LR 36:1466 (July 2010), LR 38:1951 (August 2012), LR 39:3062 (November 2013) LR 40:1678 (September 2014), LR 41:1262 (July 2015), LR 44:1237 (July 2018), LR 47:

#### **Family Impact Statement**

The proposed Rule changes have no known impact on family formation, stability or autonomy, as described in R.S. 49:972.

#### **Poverty Impact Statement**

The proposed Rule changes have no known impact on poverty, as described in R.S. 49:972.

#### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session.

#### **Small Business Analysis**

The proposed Rule should not have any known or adverse impact on small business as described in R.S. 49:956.6

#### **Public Comments**

Interested persons may direct their comments to Kathleen M. Allen, Louisiana Board of Ethics, P.O. Box 4368, Baton Rouge, Louisiana 70821, telephone (225) 219-5600, until 4:45 p.m. on May 10, 2021.

Kathleen M. Allen  
Ethics Administrator

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: **Food and Drink Limit**

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The estimated cost to implement the proposed rule change is \$320 in FY 20-21, which accounts for the cost to publish the Notice of Intent and the rule in the State Register. The proposed rule will create no other estimated implementation costs or savings to state or local governmental units. The proposed rule provides for raising the monetary limit on the receipt of food and drink by a public employee and public servant from sixty-three (\$63) dollars to sixty-five (\$65) dollars pursuant to Section 1115.1C of the Code of Governmental Ethics.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no anticipated effect on revenue collections of state or local governmental units.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed action will affect all public employees and public servants by setting a standard monetary limit on the receipt of food and drink.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change will have no anticipated effect on competition and employment.

Kristy Gary  
Deputy Ethics Administrator  
2104#016

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Board of Elementary and Secondary Education

Bulletin 746—Louisiana Standards for  
State Certification of School Personnel  
(LAC 28:CXXXI.203)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:CXXXI (Bulletin 746). Proposed revisions are in response to the Educational Testing Services' (ETS) recent discontinuation of the Middle School Science exam (5440). The current exam (5440) will not be available after March 31, 2022. The new PRAXIS Middle School Science exam (5442) reflects expectations for teachers to be ready to engage, instruct, and support 21<sup>st</sup> century students. The new exam is aligned to Next Generation Science Standards (NGSS) and National Science Teacher Association (NSTA) standards which incorporate the Tasks of Teaching Science and the Science and Engineering Practices, in addition to input from national advisory committees and over 1000 educators.



**Title 28  
EDUCATION**

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

**Chapter 2. Initial Teacher Certification  
Subchapter B. Testing Required for Certification Areas**

**§203. Certification Exams and Scores  
(Formerly §243)**

- A. - A.2. ...
- B. Content and Pedagogy Requirement

Certification Area	Name of Praxis Test	Content Exam Score	Pedagogy: Principles of Learning and Teaching		
			PLT K-6 (#0622 or 5622)	PLT 5-9 (#0623 or 5623)	PLT 7-12 (#0624 or 5624)
* * * * *					
Grades 4-8 Science	Middle School Science (0439) Prior to 6/8/14	150	---	160	---
	Middle School Science (5440) Effective 6/8/14 to 3/31/2022	150			
	Middle School Science (5442) Effective 4/1/2021	152			
* * * * *					

C. - F. ...

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 32:1833 (October 2006), amended LR 36:485 and 488 (March 2010), LR 36:2265 (October 2010), LR 37:551 (February 2011), repromulgated LR 37:556 (February 2011), amended LR 37:3210 (November 2011), LR 39:1461 (June 2013), LR 40:277 (February 2014), LR 40:1680 (September 2014), LR 41:645 (April 2015), LR 41:916 (May 2015), LR 42:233 (February 2016), LR 43:1292 (July 2017), LR 44:264 (February 2018), LR 44:1999 (November 2018), LR 45:228, 230 (February 2019), repromulgated LR 45:403 (March 2019), amended LR 45:1458 (October 2019), LR 46:325 (March 2020), LR 46:557 (April 2020), LR 46:1374 (October 2020), LR 47:

**Family Impact Statement**

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.
2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.
3. Will the proposed Rule affect the functioning of the family? No.
4. Will the proposed Rule affect family earnings and family budget? No.
5. Will the proposed Rule affect the behavior and personal responsibility of children? No.
6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

**Poverty Impact Statement**

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the

purposes of this section, the word “poverty” means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.
2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.
3. Will the proposed Rule affect employment and workforce development? No.
4. Will the proposed Rule affect taxes and tax credits? No.
5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

**Small Business Statement**

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

**Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;
2. the cost to the providers to provide the same level of service; or
3. the ability of the provider to provide the same level of service.

**Public Comments**

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), May 10, 2021, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201

North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**  
**RULE TITLE: Bulletin 746—Louisiana Standards for  
State Certification of School Personnel**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
The proposed revisions will not have a financial impact to state or local governmental units. The proposed revisions phase out the current PRAXIS Middle School Science exam (5440), which will be replaced by PRAXIS Middle School Science exam (5442). The current exam (5440) is discontinued and will be unavailable after March 21, 2022.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
There are no estimated impacts on revenue collections as a result of the proposed revisions.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
The proposed revisions will not result in costs or benefits to persons, small businesses, or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
The proposed revisions will have no effect on employment or competition.

Beth Scioneaux  
Deputy Superintendent  
2104#047

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Board of Elementary and Secondary Education**

High School Assessment Requirements  
(LAC 28:XL.6821; CXV.2318 and 2319)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and R.S. 17:6(A)(10), the Board of Elementary and Secondary Education proposes to amend LAC 28:XI, *Accountability/Testing*, Subpart 1, *Bulletin III—The Louisiana School, District, and State Accountability System*; and LAC 28:CXV in *Bulletin 741—Louisiana Handbook for School Administrators*. In light of the COVID-19 pandemic, the aforementioned revisions enable high school seniors enrolled during the spring 2021 semester and graduating by August 31, 2021, to substitute the following in lieu of the LEAP 2025 high school assessment requirement:

1. an ACT composite score of 17 or higher for all students; or

2. a score of Silver or higher on ACT WorkKeys for students pursuing a Career Diploma; or
3. an ACT subject score of 17 or higher in the corresponding LEAP 2025 high school assessment; or
4. the student participates in 20 or more extended learning hours per LEAP 2025 high school assessment subject pair for which the student has yet to achieve level 2 (approaching basic/fair) or above, with such instruction provided by a qualified teacher.

**Title 28  
EDUCATION**

**Part XI. Accountability/Testing**

**Subpart 3. Bulletin 118—Statewide Assessment  
Standards and Practices**

**Chapter 68. LEAP 2025 Assessments for High School  
Subchapter C. LEAP 2025 for High School**

**Administrative Rules**

**§6821. High School Test Cohorts  
[Formerly LAC 28:CXL1821]**

A. - B. ...

1. For high school seniors enrolled during spring 2021 and graduating by August 31, 2021, the following may be substituted for the LEAP 2025 high school assessment requirement, provided the student has initially participated in all LEAP 2025 high school assessments.

- a. an ACT composite score of 17 or higher for all students; or
- b. a score of Silver or higher on ACT WorkKeys for students pursuing a Career Diploma; or
- c. an ACT subject score of 17 or higher in the corresponding LEAP 2025 high school assessment pair, as follows:

i. a score of 17 or higher on the ACT English or Reading tests shall satisfy the English I/English II LEAP 2025 high school assessment requirement;

ii. a score of 17 or higher on the ACT Mathematics test shall satisfy the Algebra I/Geometry LEAP 2025 high school assessment requirement; and

iii. a score of 17 or higher on the ACT Science test shall satisfy the Biology/U.S. History LEAP 2025 high school assessment requirement; or

d. the student participates in 20 or more extended learning hours per LEAP 2025 high school assessment subject pair for which the student has yet to achieve level 2 (approaching basic) or above, with such instruction provided by a qualified teacher.

i. The instruction must take place following the academic year, and the student must demonstrate proficiency corresponding to level 2 (approaching basic) or above, as determined by either the school or school system.

ii. For purposes of this Section, a qualified teacher is defined as a teacher holding a valid and current Louisiana teaching certificate or has received a final COMPASS evaluation of effective: emerging or higher.

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 36:977 (May 2010),

amended LR 38:36 (January 2012), LR 44:470 (March 2018), LR 47:

**Part CXV. Bulletin 741—Louisiana Handbook for School Administrators**

**Chapter 23. Curriculum and Instruction**

**Subchapter A. Standards and Curricula**

**§2318. The TOPS University Diploma**

A. - B.1.c. ...

2. For incoming freshmen in 2010-2011 and beyond, students must meet the assessment requirements below to earn a standard diploma.

a. Students must pass three end-of-course tests in the following categories:

- i. English II or English III;
- ii. algebra I or geometry;
- iii. biology or American history.

b. Students with disabilities identified under IDEA who meet the LAA 2 participation criteria and entered high school during or prior to the 2013-2014 school year may meet the assessment requirements by passing the English language areas and mathematics components of the LAA 2 and either the science or social studies component of LAA 2

2. Students who entered traditional grade 9 in 2010–2011 through 2016-2017 are required to score level 2 (approaching basic) or above on English II or English III, algebra I or geometry, and biology or U.S. history to be eligible for a standard high school diploma.

a. Students with disabilities identified under IDEA who meet the LAA 2 participation criteria and entered high school during or prior to the 2013-2014 school year may meet the assessment requirements by passing the English language areas and mathematics components of the LAA 2 and either the science or social studies component of LAA 2.

3. Students who enter traditional grade 9 during or after 2017-2018 are required to score level 2 (approaching basic) or above on English I or English II, algebra I or geometry, and biology or U.S. history to be eligible for a standard high school diploma.

a. For high school seniors enrolled during spring 2021 and graduating by August 31, 2021, the following may be substituted for the LEAP 2025 high school assessment requirement, provided the student has initially participated in all required assessments:

- i. an ACT composite score of 17 or higher for all students; or
- ii. an ACT subject score of 17 or higher in the corresponding LEAP 2025 high school assessment pair, as follows:

(a). a score of 17 or higher on the ACT English or Reading tests shall satisfy the English I/English II LEAP 2025 high school assessment requirement;

(b). a score of 17 or higher on the ACT Mathematics test shall satisfy the Algebra I/Geometry LEAP 2025 high school assessment requirement; and

(c). a score of 17 or higher on the ACT Science test shall satisfy the Biology/U.S. History LEAP 2025 high school assessment requirement; or

iii. the student participates in 20 or more extended learning hours per LEAP 2025 high school assessment subject pair for which the student has yet to achieve level 2 (approaching basic) or above, with such instruction provided by a qualified teacher.

(a). the instruction must take place following the academic year, and the student must demonstrate proficiency corresponding to level 2 (approaching basic) or above, as determined by either the school or school system.

(b). a qualified teacher is defined as a teacher holding a valid and current Louisiana teaching certificate or has received a final COMPASS evaluation of Effective:Emerging or higher.

(c). for purposes of this Section, a qualified teacher is defined as a teacher holding a valid and current Louisiana teaching certificate or has received a final COMPASS evaluation of Effective:Emerging or higher.

B.3. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 36:1486 (July 2010), LR 37:547 (February 2011), LR 37:1128 (April 2011), LR 37:2129 (July 2011), LR 37:2132 (July 2011), LR 37:3193 (November 2011), LR 38:754, 761 (March 2012), LR 38:1001 (April 2012), LR 38:1584 (July 2012), LR 40:994 (May 2014), LR 40:1328 (July 2014), LR 40:1679 (September 2014), LR 40:2525 (December 2014), LR 41:915 (May 2015), LR 41:1482 (August 2015), LR 41:2126 (October 2015), LR 42:232 (February 2016), LR 42:1062 (July 2016), LR 42:1878 (November 2016), LR 42:2176 (December 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2483 (December 2017), LR 44:263 (February 2018), LR 44:1868 (October 2018), repromulgated LR 44:1998 (November 2018), amended LR 45:1454 (October 2019), LR 46:556 (April 2020), LR 47:

**§2319. The Career Diploma**

A. - A.1. ...

a. For high school seniors enrolled during spring 2021 and graduating with a Career Diploma by August 31, 2021, a score of Silver or higher on ACT WorkKeys may substitute as the culminating IBC.

A.2 - B.1.c. ...

2. For incoming freshmen in 2010-2011 and beyond, students must meet the assessment requirements below to earn a standard diploma.

a. Students must pass three end-of-course tests in the following categories:

- i. English II or English III;
- ii. Algebra I or Geometry;
- iii. Biology or American History.

b. Students with disabilities identified under IDEA that entered high school during or prior to the 2013-2014 school year and meet the LAA 2 participation criteria may meet the assessment requirements by passing the English language areas and mathematics components of the LAA 2 and either the science or social studies component of LAA 2.

2. Students who entered traditional grade 9 in 2010–2011 through 2016-2017 are required to score level 2 (approaching basic) or above on English II or English III, algebra I or geometry, and biology or U.S. history to be eligible for a standard high school diploma.

a. Students with disabilities identified under IDEA who meet the LAA 2 participation criteria and entered high school during or prior to the 2013-2014 school year may

meet the assessment requirements by passing the English language areas and mathematics components of the LAA 2 and either the science or social studies component of LAA 2.

3. Students who enter traditional grade 9 during or after 2017-2018 are required to score level 2 (approaching basic) or above on English I or English II, algebra I or geometry, and biology or U.S. history to be eligible for a standard high school diploma.

a. For high school seniors graduating during the 2020-2021 academic year, the following may be substituted for the LEAP 2025 high school assessment requirement, provided the student has initially participated in all required assessments:

i. an ACT composite score of 17 or higher for all students; or

ii. a score of Silver or higher on ACT WorkKeys for students pursuing a Career Diploma; or

iii. an ACT subject score of 17 or higher in the corresponding LEAP 2025 high school assessment pair, as follows:

(a). a score of 17 or higher on the ACT English or Reading tests shall satisfy the English I/English II LEAP 2025 high school assessment requirement;

(b). a score of 17 or higher on the ACT Mathematics test shall satisfy the Algebra I/Geometry LEAP 2025 high school assessment requirement; and

(c). a score of 17 or higher on the ACT Science test shall satisfy the Biology/U.S. History LEAP 2025 high school assessment requirement; or

iv. the student participates in 20 or more extended learning hours per LEAP 2025 high school assessment subject pair for which the student has yet to achieve level 2 (approaching basic) or above, with such instruction provided by a qualified teacher.

(a). The instruction must take place following the academic year, and the student must demonstrate proficiency corresponding to level 2 (approaching basic) or above.

(b). For purposes of this section, a qualified teacher is defined as a teacher holding a valid and current Louisiana teaching certificate or has received a final COMPASS evaluation of Effective:Emerging or higher.

B.3 - C.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6, 17:7, 17:24.4, 17:183.2, 17:183.3, 17:274, 17:274.1, and 17:395.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 31:1291 (June 2005), amended LR 31:2211 (September 2005), LR 31:3070 (December 2005), LR 31:3072 (December 2005), LR 32:1414 (August 2006), LR 33:429 (March 2007), LR 33:432 (March 2007), LR 33:2050 (October 2007), LR 33:2354 (November 2007), LR 33:2601 (December 2007), LR 34:1607 (August 2008), LR 35:1230 (July 2009), LR 35:1876 (September 2009), LR 35:2321 (November 2009), LR 35:2750 (December 2009), LR 36:1490 (July 2010), LR 37:548 (February 2011), LR 37:1130 (April 2011), LR 37:2130 (July 2011), LR 37:3197 (November 2011), LR 38:761 (March 2012), LR 38:1005 (April 2012), LR 40:2522 (December 2014), LR 41:1482 (August 2015), LR 41:2594 (December 2015), LR 42:232 (February 2016), LR 43:1287 (July 2017), LR 43:2132 (November 2017), LR 43:2484 (December 2017), LR 44:1868 (October 2018), LR 45:1747 (December 2019), LR 46:557 (April 2020), LR 46:1086 (August 2020), LR 47:

### Family Impact Statement

In accordance with section 953 and 974 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Family Impact Statement on rules proposed for adoption, repeal, or amendment. All Family Impact Statements will be kept on file in the state board office which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records.

1. Will the proposed Rule affect the stability of the family? No.

2. Will the proposed Rule affect the authority and rights of parents regarding the education and supervision of their children? No.

3. Will the proposed Rule affect the functioning of the family? No.

4. Will the proposed Rule affect family earnings and family budget? No.

5. Will the proposed Rule affect the behavior and personal responsibility of children? No.

6. Is the family or a local government able to perform the function as contained in the proposed Rule? Yes.

### Poverty Impact Statement

In accordance with section 973 of title 49 of the *Louisiana Revised Statutes*, there is hereby submitted a Poverty Impact Statement on rules proposed for adoption, amendment, or repeal. All Poverty Impact Statements will be in writing and kept on file in the state agency which has adopted, amended, or repealed rules in accordance with the applicable provisions of the law relating to public records. For the purposes of this section, the word "poverty" means living at or below 100 percent of the federal poverty line.

1. Will the proposed Rule affect the household income, assets, and financial authority? No.

2. Will the proposed Rule affect early childhood development and preschool through postsecondary education development? Yes.

3. Will the proposed Rule affect employment and workforce development? No.

4. Will the proposed Rule affect taxes and tax credits? No.

5. Will the proposed Rule affect child and dependent care, housing, health care, nutrition, transportation, and utilities assistance? No.

### Small Business Statement

The impact of the proposed Rule on small businesses as defined in R.S. 49:965.6, the Regulatory Flexibility Act, has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental, and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed Rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed Rule on small businesses.

### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the staffing level requirements or qualifications required to provide the same level of service;

2. the cost to the providers to provide the same level of service; or

3. the ability of the provider to provide the same level of service.

### Public Comments

Interested persons may submit written comments via the U.S. Mail until 12 p.m. (noon), May 10, 2021, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may be hand-delivered to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date-stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis  
Executive Director

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: High School Assessment Requirements

### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed revisions may result in increased costs to school districts to provide extended learning hours to high school seniors. Due to disruptions caused by the COVID-19 pandemic, many seniors in the class of 2021 have not yet satisfied the LEAP 2025 High School Assessment requirements. The proposed revisions would allow such students to meet the LEAP 2025 High School Assessment requirement through alternate pathways, such as by achieving certain scores on the ACT or ACT WorkKeys assessments, or through the completion of extended learning hours.

This may result in workload adjustments for local school systems to the extent students pursue the extended learning hour pathway to satisfy the LEAP 2025 High School Assessment requirement. Because the proposed revision requires extended learning hours to take place after the end of the academic year, there may be costs associated with securing educators to provide this instruction. The number of students eligible to pursue the extended learning pathway is currently unknown, therefore any associated costs are indeterminable at this time.

### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no estimated impacts on revenue collections as a result of the proposed revisions.

### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed revisions will not result in costs or benefits to directly affected persons, small businesses, or non-governmental groups.

### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed revisions may result in increased employment of educators in order to provide extended learning hours to students who do not satisfy the other graduation criteria provided by the revisions to high school seniors enrolled during spring 2021 and graduating by August 31, 2021. Students who do not meet applicable ACT and WorkKeys scoring criteria must complete at least 20 hours of

extended learning in each LEAP 2025 high school assessment subject pair for which the student has yet to achieve level 2 (approaching basic) or above. Instruction must be provided by a qualified teacher.

Beth Scioneaux  
Deputy Superintendent  
2104#046

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Environmental Quality Office of the Secretary Legal Affairs and Criminal Investigations Division

Brownfields Cleanup Revolving Loan Fund Program  
(LAC 33:VI.1103, 1107, 1109, 1111, and 1113)(IA06)

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 Inactive and Abandoned Hazardous Waste and Hazardous Substance Site Remediation regulations, LAC 33:VI.1103, 1107, 1109, 1111, and 1113 (IA06).

A brownfields site is real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Such property may also be referred to as a brownfields or as brownfields property.

Currently, only brownfields sites enrolled in the LDEQ Voluntary Remediation Program qualify for the LDEQ Brownfields Cleanup Revolving Loan Fund. The proposed Rule will remove the requirement that only sites enrolled in the LDEQ Voluntary Remediation Program are eligible for funding from the LDEQ Brownfields Cleanup Revolving Loan Fund. The proposed Rule change allows LDEQ to financially expand the LDEQ Brownfields Cleanup Revolving Loan Fund to a wider base of properties, and therefore cleanup and redevelop a larger number of brownfields properties. The basis and rationale for this proposed Rule change are to expand the use of the LDEQ Brownfields Cleanup Revolving Loan Fund by increasing the number of brownfields projects eligible for funding. 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 VI. Inactive and Abandoned Hazardous Waste and Hazardous Substances Site Remediation Chapter 11. Brownfields Cleanup Revolving Loan Fund Program

### §1103. Authority

A. - B. ...

C. Act 612 of the 2018 Regular Session of the Louisiana Legislature amended R.S. 30:2552 to repeal the Brownfields Cleanup Revolving Loan Fund Program, effective July 1, 2020. However, Act 91 of the 2020 Regular Session of the Louisiana Legislature repealed the provisions of Act 612 on

June 5, 2020, prior to the effective date of Act 612. As such, the Brownfields Cleanup Revolving Loan Fund Program was reinstated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2217 (September 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division LR 47:

#### **§1107. Eligibility for Participation in the Program**

A. - B.1. ...

2. The nature and extent of contamination to be remediated at the site using loan funds must be defined and documented in a department-approved Risk Evaluation / Corrective Action Program (RECAP) investigation report, voluntary remediation investigation report as provided in LAC 33:VI.Chapter 9, and/or other applicable report, such as a lead and asbestos containing materials survey. A site cleanup plan shall be submitted to the department's brownfields coordinator within 120 days of the execution of the loan agreement, unless an extension is granted by the administrative authority. The cleanup must be conducted with department oversight to remain eligible for the loan program. All application and oversight fees associated with the remediation shall be paid in a timely fashion in accordance with applicable regulations.

3. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2217 (September 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division LR 47:

#### **§1109. Ineligible and Eligible Costs**

A. - A.11. ...

B. Eligible Costs. Loan funds may be used for:

1. programmatic costs that are integral to achieving the purposes of the loan as described in the terms and conditions of the applicable federal cooperative agreement funding the loan;

2. preparation of cleanup planning documents such as:  
a. a voluntary remediation application, including development of the voluntary remedial action plan, as described in LAC 33:VI.911.B;

b. a Risk Evaluation/Corrective Action Program (RECAP) compliant corrective action plan;

c. a department-approved remedial action plan;

d. a Quality Assurance Project Plan (QAPP) for data collection activities to be conducted during the remedial action;

e. a community relations plan; and

f. an Analysis of Brownfields Cleanup Alternatives (ABCA) to meet federal grant requirements;

3. remediation of an eligible site pursuant to and in conformance with department oversight and approval;

4. preparation of a remedial action report, as detailed in the approved loan agreement;

5. - 6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2218 (September 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division LR 47:

#### **§1111. Loan Requirements**

A. The maximum loan amount shall be \$500,000 per brownfields site and shall not exceed the estimated cost of the project. Under special circumstances this maximum loan amount may be increased by the department. The department may award loans that are less than the total project cost for a brownfields site. Loan amounts cannot be increased after the loan award due to cost overruns or other reasons. The borrower must apply for another loan to get additional funds.

B. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2218 (September 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division LR 47:

#### **§1113. Loan Application Process**

A. - B.4. ...

5. a department-approved remedial investigation report;

6. - 11. ...

12. an appraisal of the estimated value of the property after the remedial action is complete;

B.13. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq. and in particular R.S. 30:2551-2552.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 31:2218 (September 2005), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division LR 47:

#### **Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

#### **Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:978.1 - 978.8.

#### **Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

#### **Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by IA06. Such comments must be received no later than June 1, 2021, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of these proposed regulations can be purchased by contacting the LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of IA06.

These proposed regulations are available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

**Public Hearing**

A public hearing will be held on May 25, 2021, 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 Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Courtney J. Burdette  
General Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: **Brownfields Cleanup  
Revolving Loan Fund Program****

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule change will not result in implementation costs or savings to state or local governmental units. The proposed rule change removes the requirement that a site is enrolled in the Voluntary Remediation Program in order to be eligible for funding from the Louisiana Department of Environmental Quality (LDEQ) Brownfields Cleanup Revolving Loan Fund.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

No effects on revenue collections of state or local governmental units are anticipated from the proposed rule change.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change would affect developers and local governments applying for funding to clean up a brownfields property under LDEQ's Brownfields Cleanup Revolving Loan Fund by expanding funding eligibility to brownfields sites remediated under any LDEQ program, as opposed to only brownfields sites enrolled in the Voluntary Remediation Program. This action is not anticipated to affect costs, workloads, or additional paperwork they may have to incur as a result of the proposed action.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no anticipated effect on competition and employment as a result of this proposed rule change.

Courtney J. Burdette  
General Counsel  
2104#024

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs and Criminal Investigations Division**

**Lead-Based Paint Activities—Recognition, Accreditation, Licensure, and Standards for Conducting Lead-Based Paint Activities (LAC 33:III.2803 and 2811)(AQ390FT)**

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.2803 and 2811 (Log #AQ390FT).

This Rule is identical to federal regulations found in 40 CFR Part 745 which is applicable in Louisiana. For more information regarding the federal requirement, contact Deidra Johnson at (225) 219-3985. 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).

Chapter 28, Lead-Based Paint Activities: Recognition, Accreditation, Licensure and Standards for Conducting Lead-Based Paint Activities outlines the requirements for persons who disturb lead-based paint in target housing and child-occupied facilities. The Environmental Protection Agency (EPA) and the Department of Housing and Urban Development (HUD) adopted new dust-lead hazard standards and dust-lead clearance levels for surface dust and windowsills in target housing and child-occupied facilities effective January 6, 2020, and March 8, 2021. As an EPA-authorized state, LDEQ is required to adopt the new standards within two years of federal promulgation. The basis and rationale for this Rule are to mirror the federal regulations. As an EPA-authorized state for lead-based paint activities, we are required to adopt revisions to the federal Rule, in this case, the lead-dust hazard standards and dust-lead clearance levels. This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

**Title 33**

**ENVIRONMENTAL QUALITY**

**Part III. Air**

**Chapter 28. Lead-Based Paint  
Activities—Recognition, Accreditation,  
Licensure, and Standards for Conducting  
Lead-Based Paint Activities**

**§2803. Definitions**

A. ...

\*\*\*

*Clearance Levels*—values that indicate the maximum amount of lead permitted in soil or dust on a surface following completion of an abatement activity. Clearance levels that are appropriate for the purposes of this Chapter are listed in LAC 33:III.2811.A.4. To achieve clearance when dust sampling is required, values below these levels must be achieved.

\*\*\*

*Dust-Lead Hazard*—surface dust in a residential building or child-occupied facility, or their exteriors, that contains a mass-per-area concentration of lead equal to or exceeding 10 micrograms per square foot on floors or 100 micrograms per square foot on window sills based on wipe samples.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1663 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 28:2335 (November 2002), amended by the Office of Environmental Assessment, LR 30:2022 (September 2004), amended by the Office of the Secretary, Legal Division, LR 39:1466 (June 2013), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 47:

**§2811. Work Practice Standards for Conducting Lead-Based Paint Activities for Target Housing and Child-Occupied Facilities**

A. - A.3c. ...

i. in a residential dwelling or child-occupied facility on floors and interior window sills where the weighted arithmetic mean lead loading for all single surface or composite samples of floors and interior window sills are 10 micrograms per square foot or greater for floors and 100 micrograms per square foot or greater for interior window sills, respectively;

c.ii. - d.ii. ...

4. Clearance levels that are appropriate for the purposes of this Section are listed as follows:

a. dust wipes from floors/carpets: less than 10 micrograms per square foot;

b. dust wipes on window sills: less than 100 micrograms per square foot;

c. dust wipes on window troughs: less than 400 micrograms per square foot;

d. dust wipes from exterior surfaces: less than 400 micrograms per square foot;

A.4.e. - F.1. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1672 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2459 (November 2000), repromulgated LR 27:39 (January 2001), amended LR 28:2338 (November 2002), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2446 (October 2005), LR 33:644 (April 2007), LR 33:2092 (October 2007), amended by the Office of the Secretary, Legal Division, LR 39:1467 (June 2013), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 47:

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:978.1-978.8.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Hearing**

A public hearing will be held on May 25, 2021, 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 Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

**Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ390FT. Such comments must be received no later than May 25, 2021, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or by fax (225) 219-4068 or by e-mail to DEQ.Reg.Dev.Comments@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 LDEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ390FT. This regulation is available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

This proposed regulation is available for inspection at the following LDEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Courtney J. Burdette  
General Counsel

2104#023

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs and Criminal Investigations Division**

Requirements for Credits  
(LAC 33:IX.2619)(WQ109)

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 Water Quality regulations, LAC 33:IX.2619.H (WQ109).

The proposed Rule will include a revision to the Water Quality Trading (WQT) program at LAC 33:IX.2619.H to allow eligibility consideration of water quality benefits



obtained from public conservation funds. This rulemaking is necessary to provide credit eligibility consideration of water quality benefits from public conservation funded projects in the WQT program unless otherwise prohibited by the terms and conditions of the public funded project. In LAC 33:IX.2619.H, eligibility to generate credits with public conservation funds, even when it is allowed by the funding source, is not currently considered. The use of public conservation funding sources can be critical to implementing larger projects and broader watershed improvement strategies, thereby increasing the potential for improved water quality. Eligibility of credits generated with public conservation funds, when allowed by the funding source, encourages participation in the WQT program and remains consistent with the goal of water quality improvement. The basis and rationale for this Rule are to incorporate eligibility considerations for public conservation funded projects. This has the potential to support WQT on a broader scale, thereby accelerating efforts to restore and improve water quality. 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 IX. Water Quality**

**Subpart 2. The Louisiana Pollutant Discharge  
Elimination System (LPDES) Program**

**Chapter 26. Water Quality Trading**

**§2619. Requirements for Credits**

A. - G. ...

H. Credit-generating projects may include water quality benefits obtained with public conservation funds unless otherwise prohibited by the terms and conditions of the public funded project. Funding in part by prohibited public conservation funds shall be prorated based on the ratio of nonprohibited funding used to generate credits.

I. - M.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(9).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 45:1467 (October 2019), LR 47:

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:978.1 - 978.8.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by WQ109. Such comments must be received no later than June 1, 2021, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney

Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to [DEQ.Reg.Dev.Comments@la.gov](mailto:DEQ.Reg.Dev.Comments@la.gov). Copies of these proposed regulations 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 WQ109. These proposed regulations are available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

**Public Hearing**

A public hearing will be held on May 25, 2021, 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 Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Courtney J. Burdette  
General Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Requirements for Credits**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule will not result in implementation costs or savings to the Department of Environmental Quality or local governmental units. The proposed rule change makes revisions to the Water Quality Trading (WQT) program that allow eligibility consideration of water quality benefits obtained from public conservation funds.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no estimated increase or decrease in revenues anticipated from the proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no significant costs and/or economic benefits to directly affected persons, small businesses, or non-governmental groups from the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule.

Courtney J. Burdette  
General Counsel  
2104#026

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs and Criminal Investigations Division**

Water Pollution Control  
(LAC 33:IX.1109 and 1123)(WQ108)

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 Water Quality regulations, LAC 33:IX.1109 and 1123 Table 3 (WQ108).

Late in the rulemaking process for WQ097, items were found requiring a cleanup Rule to rectify them including a deleted “use”, an extraneous “are” and two inaccurate subsegment boundary descriptions. Republishing WQ097 to include these items would have extended the finalization of the Rule past its regulatory expiration date. The basis and rationale for this Rule are to make regulatory language clear and provide accurate subsegment descriptions. 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 IX. Water Quality**

**Subpart 1. Water Pollution Control**

**Chapter 11. Surface Water Quality Standards**

**§1109. Policy**

Water quality standards policies concerned with the protection and enhancement of water quality in the state are discussed in this Section. Policy statements on antidegradation, water use, water body exception classification, compliance schedules, variances, short-term activity authorization, errors, severability, revisions to standards, and sample collection and analytical procedures are described.

A. - B.5. ...

C. Water Body Exception Classification. Some water bodies may qualify for a water body exception classification. This classification will be made on a case-by-case basis. Whenever data indicate that a water body exception classification is warranted, the department will recommend the exception to the administrative authority for approval. In

**§1123. Numeric Criteria and Designated Uses**

A. - E. ...

all cases where exceptions are proposed, the concurrence of EPA must be obtained and the opportunity for public participation must be provided during the exceptions review process. The general criteria of these standards shall apply to all water bodies classified as a water body exception except where a particular water body is specifically exempted. A use attainability analysis shall be conducted to justify a water body exception classification if an accompanying downgrade of a 101(a)(2) use and application of less stringent criteria is being proposed. Exceptions are allowed for the following three classifications of water bodies.

1. - 2.d. ...

**3. Naturally Dystrophic Waters**

a. Naturally dystrophic waters include waters that receive large amounts of natural organic material largely of terrestrial plant origin, are commonly stained by the decomposition of such organic material, and are low in dissolved oxygen because of natural conditions. Only those water bodies primarily affected by nonanthropogenic sources of oxygen-demanding substances or naturally occurring cycles of oxygen depletion will be considered for classification as naturally dystrophic waters. These water bodies typically include or are surrounded by wetlands (e.g., bottomland hardwood forests, freshwater swamps and marshes, or intermediate, brackish, or saline marshes) and have sluggish, low-gradient flows most of the year. Naturally dystrophic water bodies, though seasonally deficient in dissolved oxygen, may fully support fish and wildlife propagation and other water uses. Low dissolved oxygen concentrations (less than 5 mg/l) may occur seasonally during the warmer months of the year in naturally dystrophic water bodies.

C.3.b. - K.6. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2074(B)(1).

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:966 (October 1991), LR 20:883 (August 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2546 (November 2000), LR 29:557 (April 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 33:457 (March 2007), LR 33:828 (May 2007), amended by the Office of the Secretary, Legal Division, LR 40:2243 (November 2014), amended by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 46:1546 (November 2020), LR 47:

Table 3. Numeric Criteria and Designated Uses									
A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish and Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Numeric Criteria						
			CL	SO <sub>4</sub>	DO	pH	BAC	°C	TDS
Atchafalaya River Basin (01)									
***									
Barataria Basin (02)									
***									
Calcasieu River Basin (03)									
***									

Table 3. Numeric Criteria and Designated Uses									
A-Primary Contact Recreation; B-Secondary Contact Recreation; C-Fish and Wildlife Propagation; L-Limited Aquatic Life and Wildlife Use; D-Drinking Water Supply; E-Oyster Propagation; F-Agriculture; G-Outstanding Natural Resource Waters									
Code	Stream Description	Designated Uses	Numeric Criteria						
			CL	SO <sub>4</sub>	DO	pH	BAC	°C	TDS
031002	Intracoastal Waterway—From West Calcasieu River Basin boundary to Calcasieu Lock (Estuarine)	A B C	N/A	N/A	4.0	6.0-8.5	1 [25]	35	N/A
* * *									
<b>Lake Pontchartrain Basin (04)</b>									
* * *									
041901	Mississippi River Gulf Outlet (MRGO)—From ICWW to Breton Sound at MRGO mile 30	A B C E	N/A	N/A	5.0	6.5-9.0	4 [25]	35	N/A
* * *									
<b>Mermentau River Basin (05)</b>									
* * *									
<b>Vermilion-Teche River Basin (06)</b>									
* * *									
<b>Mississippi River Basin (07)</b>									
* * *									
<b>Ouachita River Basin (08)</b>									
* * *									
<b>Pearl River Basin (09)</b>									
* * *									
<b>Red River Basin (10)</b>									
* * *									
<b>Sabine River Basin (11)</b>									
* * *									
<b>Terrebonne Basin (12)</b>									
* * *									

**ENDNOTES:**

[1]. - [25]. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 30:2074(B)(1).

**HISTORICAL NOTE:** Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended LR 17:264 (March 1991), LR 20:431 (April 1994), LR 20:883 (August 1994), LR 21:683 (July 1995), LR 22:1130 (November 1996), LR 24:1926 (October 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2405 (December 1999), LR 27:289 (March 2001), LR 28:462 (March 2002), LR 28:1762 (August 2002), LR 29:1814, 1817 (September 2003), LR 30:1474 (July 2004), amended by the Office of Environmental Assessment, LR 30:2468 (November 2004), LR 31:918, 921 (April 2005), amended by the Office of the Secretary, Legal Affairs Division, LR 32:815, 816, 817 (May 2006), LR 33:832 (May 2007), LR 34:1901 (September 2008), LR 35:446 (March 2009), repromulgated LR 35:655 (April 2009), amended LR 36:2276 (October 2010) amended by the Office of the Secretary, Legal Division, LR 41:2603 (December 2015), LR 42:737 (May 2016), amended by the Office of the Secretary, Legal Affairs and Criminal Investigation Division, LR 44:1178 (September 2019), LR 46:1087 (August 2020), LR 46:1555 (November 2020), LR 47:

**Family Impact Statement**

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Poverty Impact Statement**

This Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

This Rule has no known impact on small business as described in R.S. 49:978.1 - 978.8.

**Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

**Public Comments**

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by WQ108. Such comments must be received no later than June 1, 2021, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to DEQ.Reg.Dev.Comments@la.gov. Copies of these proposed regulations 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 WQ108. These proposed regulations are available on the Internet at [www.deq.louisiana.gov/portal/tabid/1669/default.aspx](http://www.deq.louisiana.gov/portal/tabid/1669/default.aspx).

**Public Hearing**

A public hearing will be held on May 25, 2021, 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 Deidra Johnson at the address given below or at (225) 219-3985. Two hours of free parking are allowed in the Galvez Garage with a validated parking ticket.

These proposed regulations are available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Courtney J. Burdette  
General Counsel

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Water Pollution Control**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)  
The proposed rule will not result in implementation costs or savings to state or local governmental units. The proposed rule makes technical corrections.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)  
The proposed rule is not anticipated to have any impact on the revenues of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)  
There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of the proposed rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)  
There is no estimated effect on competition and employment as a result of the proposed rule change.

Courtney J. Burdette  
General Counsel  
2104#025

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT  
Uniform Local Sales Tax Board**

Audit Protocols for Local Sales and Use Taxes  
(LAC 72:I.119)

Act 274 of the 2017 Regular Legislative Session enacted R.S. 47:337.102 to establish the Uniform Local Sales Tax Board and define its powers and authority. R.S. 47:337.102(C)(2) authorizes the board to promulgate rules and regulations in accordance with Part H of Chapter 2-D of Subtitle II of Title 47 of the Revised Statutes of 1950. Under the authority of the Uniform Local Sales Tax Code, R.S. 47:337.1 et seq., and in accordance with the Uniform Local Sales Tax Administrative Procedure Act, R.S. 47:337.91 et seq., the Uniform Local Sales Tax Board proposes to adopt

LAC 72:I.119 to establish protocols in the performance of audits for local sales and use taxes.

R.S. 47:337.35 states, "As soon as practicable after each return or report is filed ... the collector shall cause it to be examined and may make such further audit or investigation as he may deem necessary for the purpose of determining the correct amount of tax." R.S. 47:337.36 adds, "For the purpose of administering the provisions of the local ordinance and this Chapter, the collector, whenever he deems it expedient, may make or cause to be made ... an examination or investigation of the place of business, if any, the tangible personal property, and the books, records, papers, vouchers, accounts, and documents of any taxpayer." These statutes express the authority and obligation for collectors to establish audit programs, or to secure these services, to ensure the proper reporting and payment of sales and use taxes. Audits programs must adhere to specific protocols that comply with statutory requirements and ensures transparency and fairness to taxpayers and local taxing authorities. This proposed regulation identifies audit protocols for local sales and use tax audits.

**Title 72  
UNIFORM LOCAL SALES TAX**

**Part I. General Provisions  
Chapter 1. Administrative Procedures  
§119. Audit Protocols for Local Sales and Use Taxes**

A. Definitions. For purposes of this Section, the following terms have the meanings ascribed to them.

*Collector*—the single collector for a parish as defined in Article VII, Section 3 of the Constitution of Louisiana and the collector's duly authorized representatives.

*Confidential Information*—information involving the reporting and payment of taxes maintained pursuant to a statute or tax ordinance, excluding ad valorem property taxes and ad valorem property tax assessment rolls.

*Private Auditing Firm*—a private agency or auditing firm contracted by a collector for the examination or investigation of the place of business, if any; the tangible personal property; and the books, records, papers, vouchers, accounts, and documents of any taxpayer for the purposes of enforcement and collection of any tax imposed by that taxing authority.

*Public Information*—sources of information available to the general public including, but not limited to, public records of an Assessor's Office, Secretary of State, Economic Development, US Census Bureau or any other governmental agency; industry publications, press releases, news articles, or directories; researchable data of a commercial or nonprofit entity; common knowledge about a taxpayer or industry; and personal observation or experience.

*Taxpayer*—any person defined in R.S. 47:301(8) who is subject to audit under R.S. 47:337.35.

**B. Audit Selection and Assignment**

1. Collectors may identify possible accounts for audit by researching public information, confidential information contained in the collector's records, confidential information received from other collectors under written reciprocal exchange agreements in accordance with R.S. 47:1508(B)(5) and recommendations from private auditing firms, individuals, businesses or organizations.

2. Private auditing firms that have entered into agreements with a collector under the provisions of R.S. 47:337.26 may identify potential audits on behalf of that collector by researching public information and reviewing prior audits the private auditing firm performed on behalf of that collector.

3. Private audit firms may not identify leads for or request audit assignments from collectors based on confidential information disclosed by the records of a taxpayer under audit or previously audited for a different collector under the provision of R.S. 47:337.26(C)(2)(a). However, nothing herein shall prohibit a collector from providing confidential information disclosed through an audit of the records of a taxpayer with another collector when the collectors have entered into a written reciprocal exchange agreement in accordance with R.S. 47:1508(B)(5).

4. Requests for audits submitted to a collector by private auditing firms should include the following information:

- a. the legal identity of the taxpayer;
- b. evidence of the taxpayer's nexus within the jurisdiction as such is defined in R.S. 47:301(4);
- c. a statement of assurance that the lead was developed in compliance with R.S. 47:1508 and R.S. 47:337.26(C);
- d. a description of the general nature of the business;
- e. the reason the collector might want to audit this taxpayer;
- f. an address where records are expected to be reviewed;
- g. an estimated timeline for the review of the records provided;
- h. any additional notes on known or anticipated special circumstances; and
- i. when available:
  - i. the registered account number of the legal entity being requested;
  - ii. the dates of taxable activity to determine if a waiver of prescription is necessary; and
  - iii. any previous audit findings including the audit period, tax liability and issues discovered.

5. Collectors shall establish procedures to ensure that an audit is assigned to only one private auditing firm or staff auditor for a given audit period.

C. Notice of intent to audit to the taxpayer prior to initiating the examination.

1. A notice of intent to audit shall be sent by certified mail from the collector's office. If the audit will be performed by a private auditing firm, the firm is prohibited from contacting the taxpayer before mailing of the notice of intent to audit.

2. The notice of intent to audit shall be sent in a timely manner so the taxpayer can make preparations for the audit.

3. The notice of intent to audit shall include the following items:

- a. the nature of the audit;
- b. the name, office, address and contact phone number of the auditor or the private auditing firm that will perform the audit;

c. a summary of the remedies available to the taxpayer should the taxpayer elect to contest the audit findings; and

d. any interest, penalties, fees or other costs for which the taxpayer may be liable if taxes are determined to be due.

4. If the audit is to be performed by a private auditing firm, the notice of intent to audit shall include the following statements:

a. that the taxpayer may receive a copy of the audit agreement between the collector and the private auditing firm; and

b. how the private auditing firm shall be compensated, whether contingent upon the actual collection of tax or in any other way dependent on the outcome of the audit.

D. Protocols for Performing the Examination

1. Under R.S. 47:337.36, the taxpayer shall exhibit to the collector the place of business, tangible personal property, all books, records, papers, vouchers, accounts, and documents. Because the auditor must determine the scope of the audit and the accounts that will be reviewed, the auditor shall have access to all statewide documentation to verify that transactions are sourced to the proper jurisdictions. Statewide information may be restricted to a specific collector provided the taxpayer can substantiate to the auditor that all appropriate transactions have been presented.

2. R.S. 47:337.38 provides, wherever possible, the taxpayer must provide reports and other documents in electronic (i.e., machine-sensible) format to expedite the auditor's selection and review process. The taxpayer must provide the means to access the electronic records when standard programming or hardware to access the records is unavailable. Access may be secured by conversion of the data into a form useable by the auditor, allowing access through the taxpayer's equipment or any other reasonable method of access.

3. Sampling agreements between the collector and the taxpayer

a. Audit sampling methods must be approved by the collector (either on a case-by-case or blanket approval basis) before they are presented to the taxpayer for consideration.

b. The auditor or private auditing firm, under the authority of the collector, and taxpayer may then agree to sampling procedures that comply with the provisions of R.S. 47:337.35.

c. The auditor or private auditing firm, under the authority of the collector, shall send written notice to the taxpayer of the sampling procedure to be used, including how the tax will be computed, the population to be sampled, and the type of tax for which the tax liability will be established.

d. Claims by the taxpayer or auditor regarding non-representative transactions shall be addressed prior to submission of the work papers to the collector. If the auditor and taxpayer disagree regarding transactions disputed as non-representative of the sample, they shall be so noted in the work papers.

4. Unless otherwise agreed, the auditor's schedules shall include credits for overpayment of taxes. However, the

auditor and taxpayer may agree in writing prior to the start of the field work that the taxpayer shall identify credit transactions subject to review and inclusion in the preliminary audit findings.

5. In accordance with R.S. 47:337.78, a collector may authorize the tax balance method to prepare audit schedules whenever it is determined that overpayments exist within an audit period that may be offset by a liability. The taxpayer must be notified whenever this method is used.

6. If a taxpayer fails or refuses to provide some or all of the documents requested for an audit, the following actions will be taken.

a. The collector shall determine which documentation a taxpayer is refusing or failing to provide and determine if the failure or refusal is reasonable.

b. If appropriate, the collector may contact the taxpayer to discuss the taxpayer's refusal or failure before making the determination.

c. The collector may take measures allowed by statute in order to compel the taxpayer to provide the records, including:

i. advise the taxpayer of the requirements to maintain records in accordance with R.S. 47:337.29, the collector's authority to determine the tax in R.S. 47:337.28 and the collector's obligation to perform an audit under R.S. 47:337.35;

ii. subpoena the records and request the appropriate court to compel the taxpayer to provide the records in accordance with R.S. 47:337.41, 42, and 43; or

iii. estimate the assessment in accordance with R.S. 47:337.28.

#### E. Additional Protocols for Private Auditing Firms

1. The audit staff of private auditing firms and their superiors shall comply with the provisions of Title 42, Chapter 15 of the Revised Statutes, Code of Governmental Ethics.

2. All employees, agents, and contractors of private auditing firms are subject to the provisions of R.S. 47:1508, et seq.

3. In accordance with R.S. 47:337.26(C)(4), a lead auditor of a private auditing firm performing an examination or audit function shall possess or have attained any of the following:

a. an active certified public accountant license;

b. a Bachelor's degree with a minimum of eighteen hours of accounting;

b. an active tax examiner certification issued by the Louisiana Association of Tax Administrators; or

c. a minimum of six years of experience in the field of state or local sales and use tax.

4. An auditor for a private auditing firm who does not possess or has not attained any of the requirements in Subsection E, Paragraph 3 may perform audits under the supervision of a lead auditor, supervisor, manager or director who possesses or has attained any of those criteria.

5. The retention or return of taxpayer records shall occur in accordance with R.S. 47:337.26(D)(3).

a. Upon completion of the audit or examination, all original information obtained by the private auditing firm from the taxpayer in connection with the audit or

examination, whether written or in electronic form, shall be returned to the taxpayer, and the private auditing firm shall not retain any copies of such information. All taxpayer related information derived, compiled, or generated by the private auditing firm in any form whatsoever, including audit schedules, working papers, and copies of information received from the taxpayer, shall be delivered to the collector, except to the extent such information may be retained by certified public accountants in accordance with the Louisiana Accountancy Act.

b. No provision of this Section shall prohibit a private auditing firm from retaining the books and records of a taxpayer until the termination of any legal proceedings related to the audit or examination.

c. The collector and the private auditing firm may enter into a written agreement in accordance with this Subparagraph, authorizing such private auditing firm to act as agent for the storage and safekeeping of documents otherwise required to be maintained by the collector. Such documents shall be maintained in accordance with R.S. 47:1508 et seq.

6. In accordance with R.S. 47:337.26(C)(2)(a), if the audit is performed by a private auditing firm, additional collectors cannot be solicited to participate in the audit after confidential information has been disclosed by the taxpayer. Only the taxpayer may initiate an expansion of the audit to another collector. The auditor shall avoid any appearance of soliciting audit assignments from additional collectors.

7. When requested, the private auditing firm is required to provide the taxpayer with either:

a. access to the original contract, which may be reviewed and copied by the taxpayer; or

b. a copy of the audit contract specifying the terms under which the firm was engaged.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:337.102(C)(2).

HISTORICAL NOTE: Promulgated by the Uniform Local Sales Tax Board, LR 47:

#### Public Comments

Interested persons may submit written data, views, arguments or comments by mail to the Louisiana Uniform Local Sales Tax Board at P.O. Box 404, Port Allen, LA 70767 or by email to rogerb@localtaxboard.com. Written comments will be accepted until 4:30 p.m., Friday, May 21, 2021.

#### Public Hearing

A public hearing will be held on Wednesday, May 26, 2021 at 10 a.m. at the offices of the Louisiana Uniform Local Sales Tax Board located in the Municipal Police Employees' Retirement System Building, 7722 Office Park Boulevard, Baton Rouge, LA 70809. Masks and social distancing are required. Members of the public may view the hearing on Zoom and submit comments and questions via the Zoom chat feature. The login to participate in the hearing is: <https://zoom.us/j/93955109963?pwd=WS9vbTRwaW0ycUkySDU1aFB1c3Q1UT09>

Roger Bergeron  
Executive Director

2104#015

## NOTICE OF INTENT

### Department of Health Bureau of Pharmacy

#### Transfer of Marijuana Recommendations (LAC 46:LIII.2457)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend §2457 of its rules relative to marijuana pharmacies. The proposed change in Subsection E will require a marijuana pharmacy to transfer an unexpired recommendation for marijuana products to another marijuana pharmacy when requested by a patient or caregiver.

#### Title 46

### PROFESSIONAL AND OCCUPATIONAL STANDARDS

#### Part LIII. Pharmacists

#### Chapter 24. Limited Service Providers

#### Subchapter E. Marijuana Pharmacy

#### §2457. Standards of Practice

A. - D.5. ...

E. Professional Practice Standards

1. Recommendation/opinion/referral (hereinafter, "request") for Therapeutic Marijuana

a. - c. ...

d. A marijuana pharmacy shall transfer an unexpired request for marijuana product to another marijuana pharmacy when requested by the patient or his caregiver.

2. - 6.e.iv. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1046.

HISTORICAL NOTE: Promulgated by the Department of Health, Board of Pharmacy, LR 43:1550 (August 2017), amended LR 45:1473 (October 2019), LR 47:

#### Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a family impact statement on the Rule proposed for adoption, repeal, or amendment. The following statements will be published in the *Louisiana Register* with the proposed agency Rule.

1. The Effect on the Stability of the Family. The proposed rule change will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed rule change will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The Effect on the Functioning of the Family. The proposed rule change will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed rule change will have no effect on family earnings or family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule change will

have no effect on the behavior and personal responsibility of children.

6. The Ability of the Family or a Local Government to Perform the Function as Contained in the Proposed Rule. The proposed rule change will have no effect on the ability of the family or a local government to perform the activity as contained in the proposed Rule.

#### Poverty Impact Statement

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a poverty impact statement on the Rule proposed for adoption, repeal, or amendment.

1. The Effect on Household Income, Assets, and Financial Security. The proposed rule change will have no effect on household income, assets, or financial security.

2. The Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed rule change will have no effect on early childhood development or preschool through postsecondary education development.

3. The Effect on Employment and Workforce Development. The proposed rule change will have no effect on employment or workforce development.

4. The Effect on Taxes and Tax Credits. The proposed rule change will have no effect on taxes or tax credits.

5. The Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation, and Utilities Assistance. The proposed rule change will improve the ability of the patient to obtain marijuana products from the marijuana pharmacy of their choice, which could affect healthcare of children or other dependents as well as transportation to obtain such care.

#### Small Business Analysis

In accordance with Section 965 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a regulatory flexibility analysis on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, each of the following methods of reducing the impact of the proposed Rule on small businesses:

1. The Establishment of Less Stringent Compliance or Reporting Requirements for Small Businesses. The proposed rule change will have no effect on compliance or reporting requirements for small businesses.

2. The Establishment of Less Stringent Schedules or Deadlines for Compliance or Reporting Requirements for Small Businesses. The proposed rule change will have no effect on schedules or deadlines for compliance or reporting requirements for small businesses.

3. The Consolidation or Simplification of Compliance or Reporting Requirements for Small Businesses. The proposed rule change will have no effect on compliance or reporting requirements for small businesses.

4. The Establishment of Performance Standards for Small Businesses to Replace Design or Operational Standards Required in the Proposed Rule. The proposed rule change does not contain design standards but does impose an operational standard to require a marijuana pharmacy to transfer an unexpired recommendation for marijuana products to another marijuana pharmacy when requested by the patient or caregiver. Such transfers may be accomplished electronically or by facsimile.

5. The Exemption of Small Businesses from All or Any Part of the Requirements Contained in the Proposed Rule. There are no exemptions for small businesses.

#### **Provider Impact Statement**

In accordance with House Concurrent Resolution No. 170 of the Regular Session of the 2014 Legislature, there is hereby submitted a provider impact statement on the Rule proposed for adoption, repeal, or amendment. This will certify the agency has considered, without limitation, the following effects on the providers of services to individuals with developmental disabilities:

1. The effect on the staffing level requirements or qualifications required to provide the same level of service. The proposed rule change will have no effect on the staffing level requirements or the qualifications for that staff to provide the same level of service.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed rule change will have no effect on the cost to the provider to provide the same level of service.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of service. The proposed rule change will have no effect on the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested persons may submit written comments, via United States Postal Service or other mail carrier, or in the alternative by personal delivery to Malcolm J Broussard, Executive Director, at the office of the Louisiana Board of Pharmacy, 3388 Brentwood Drive, Baton Rouge, LA 70809-1700. He is responsible for responding to inquiries regarding the proposed Rule amendment.

#### **Public Hearing**

A public hearing to solicit comments and testimony on the proposed Rule amendment is scheduled for 9:00 a.m. on Friday, May 28, 2021 at the Embassy Suites Hotel located at 4914 Constitution Avenue in Baton Rouge, Louisiana. During the hearing, 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 comments is 12 p.m. noon that same day. To request reasonable accommodations for persons with disabilities, please call the board office at 225.925.6496.

Malcolm J Broussard  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Transfer of Marijuana Recommendations**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will require the Louisiana Board of Pharmacy (LBP) to publish the proposed and final rules in the state register, resulting in printing expenses of \$250 in FY 21 and the same amount in FY 22. There will be no additional expenditures or cost savings for LBP or other state or local governmental units.

The proposed change in Section 2457 requires a marijuana pharmacy to transfer an unexpired recommendation for therapeutic marijuana to another marijuana pharmacy when requested by the patient or caregiver.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule change will not affect revenue collections of state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change will require a marijuana pharmacy to transfer an unexpired recommendation for therapeutic marijuana to another marijuana pharmacy when requested by the patient or caregiver. Such transfers may be accomplished electronically or by facsimile at minimal cost to the pharmacy. The proposed rule change could have an impact on the income of the marijuana pharmacies: negative for the pharmacy transferring a recommendation, and positive for the pharmacy receiving a transferred recommendation. The extent of the impact will vary from one pharmacy to another and is indeterminable.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule change could have an impact on competition among marijuana pharmacies, the extent of which is indeterminable. The rule change will have no effect on employment.

Malcolm J. Broussard  
Executive Director  
2104#014

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

### **NOTICE OF INTENT**

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

Home and Community-Based Services Waivers  
Community Choices Waiver  
( LAC 50:XXI.Chapters 83 and 95)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services proposes to amend LAC 50:XXI.Chapters 83 and 95 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services (OAAS) propose to amend the provisions governing the Community Choices Waiver in order to: 1) clarify that instrumental activities of daily living can be provided outside of the participant's home, if approved by OAAS or its designee on a case-by-case basis; 2) remove language regarding relatives that can be direct service workers (DSWs); 3) remove respiratory therapy as a service; 4) clarify the language regarding payment of DSWs at least at the current federal or state minimum hourly wage; and 5)



add language regarding the state's authority to set and change provider rates and/or provide lump sum payments to providers based upon funds allocated by the legislature.

#### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

## **Part XXI. Home and Community-Based Services**

### **Waivers**

#### **Subpart 7. Community Choices Waiver**

### **Chapter 83. Covered Services**

#### **§8307. Personal Assistance Services**

A. - A.6.b. ...

B. PAS is provided in the participant's home or in another location outside of the home if the provision of these services allows the participant to participate in normal life activities pertaining to the ADLs and IADLs cited in the POC. IADLs may not be performed in the participant's home when the participant is absent from the home unless it is approved by OAAS or its designee on a case-by-case basis. There shall be no duplication of services. PAS may not be provided while the participant is admitted to or attending a program which provides in-home assistance with ADLs or IADLs or while attending or admitted to a program or setting where such assistance is provided.

C. - D.8....

E. PAS may be provided by one worker for up to three waiver participants who live together and who have a common direct service provider. Waiver participants may share PAS staff when agreed to by the participants and as long as the health and welfare of each participant can be reasonably assured. Shared PAS is to be reflected in the POC of each participant. Reimbursement rates shall be adjusted accordingly.

F. - I.6. ...

J. Participants are not permitted to receive PAS while living in a home or property owned, operated, or controlled by an owner, operator, agent, or employee of a licensed provider of long-term care services and providers are prohibited from providing and billing for services under these circumstances. Participants may not live in the home of their direct support worker unless the direct support worker is related to, and it is the choice of, the participant.

J.1. - K. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3519 (December 2011), amended LR 39:320 (February 2013), LR 39:1778 (July 2013), LR 40:791 (April 2014), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1898 (October 2018), LR 47:

#### **§8323. Skilled Maintenance Therapy**

A. ...

B. Skilled maintenance therapy services include physical therapy, occupational therapy, and speech and language therapy.

C. Therapy services provided to participants are not necessarily tied to an episode of illness or injury and instead focus primarily on the participant's functional need for maintenance of, or reducing the decline in, the participant's ability to carry out activities of daily living.

D. - F.3.i. ...

4. - 4.g. Repealed.

G. - H. ...

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3522 (December 2011), amended LR 39:321 (February 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1899 (October 2018), LR 47:

### **Chapter 95. Reimbursement**

#### **§9501. Reimbursement and Rate Requirements**

A. - F. ...

G. The minimum hourly rate paid to direct support professionals shall be at least the current federal or state minimum hourly rate.

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

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3525 (December 2011), amended LR 39:322 (February 2013), LR 39:508, 508 (March 2013), repromulgated LR 39:1048 (April 2013), amended LR 39:1779 (July 2013), LR 40:793 (April 2014), LR 42:897 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 44:1902 (October 2018), LR 47:

#### **§9503. Direct Support Professionals Wage Enhancement**

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, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 37:3525 (December 2011), amended LR 39:323 (February 2013), repealed by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 47:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

#### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

#### **Small Business Analysis**

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is

anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.2 et seq.

**Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider’s ability to provide the same level of service as described in HCR 170.

**Public Comments**

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on May 30, 2021.

**Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on May 10, 2021. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on May 27, 2021 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after May 10, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Home and Community-Based Services  
Waivers—Community Choices Waiver**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed rule may result in a fiscal impact to the state for FY 20-21, FY 21-22, and FY 22-23, due to the state’s ability to adjust rates or pay lump-sum payments as a result of legislative appropriations, if the legislature appropriates funds in the future. It is anticipated that \$864 (\$432 SGF and \$432 FED) will be expended in FY 20-21 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 have no effect on revenue collections other than the federal share of the promulgation costs for FY 20-21. It is anticipated that \$432 will be collected in FY 20-21 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 proposed Rule amends the provisions governing the Community Choices Waiver (CCW) in order to: 1) clarify that instrumental activities of daily living can be provided outside of the participant’s home, if approved by OAAS or its designee on a case-by-case basis; 2) remove language regarding relatives that can be direct service workers (DSWs); 3) remove respiratory therapy as a service because this service was never implemented nor utilized; 4) clarify the language regarding payment of DSWs at least at the current federal or state minimum hourly wage, which does not impact the fee schedule and/or payments that the state pays to provider agencies; and 5) add language regarding the state’s authority to set and change provider rates and/or provide lump sum payments to providers based upon funds allocated by the legislature. It is anticipated that implementation of this proposed rule may result in cost for CCW services for FY 20-21, FY 21-22 and FY 22-23 due to the state’s ability to adjust rates or pay lump-sum payments as a result of legislative appropriations, if the legislature appropriates funds in the future, and will be beneficial to providers and small businesses by clarifying and updating the CCW requirements in the administrative Rule.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

This rule has no known effect on competition and employment.

Tara A. LeBlanc  
Interim Medicaid Executive Director  
2104#037

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

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

Home and Community-Based Services Waivers  
Support Coordination Standards for Participation  
(LAC 50:XXI.501)

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services propose to amend LAC 50:XXI.501 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services (OAAS) propose to amend the provisions governing the standards for participation for providers of support coordination services under home and community-based

services waivers administered by OAAS in order to remove outdated language and to allow OAAS to perform some of the mandatory duties of the support coordination agencies when necessary to ensure participant health and welfare and continuity of services.

#### **Title 50**

### **PUBLIC HEALTH—MEDICAL ASSISTANCE**

## **Part XXI. Home and Community-Based Services**

### **Subpart 1. General Provisions**

## **Chapter 5. Support Coordination Standards for Participation for Office of Aging and Adult Services Waiver Programs**

### **Subchapter A. General Provisions**

#### **§501. Introduction**

A. The Department of Health (LDH) establishes these minimum standards for participation which provides the core requirements for support coordination services provided under home and community-based services waiver programs administered by the Office of Aging and Adult Services (OAAS). OAAS must determine the adequacy of quality and protection of waiver participants in accordance with the provisions of these standards.

B. - C. ...

D. If, in the judgement of OAAS, application of the requirements stated in these standards would be impractical in a specified case; such requirements may be modified by the OAAS assistant secretary to allow alternative arrangements that will secure as nearly equivalent provision of services as is practical. In no case will the modification afford less quality or protection, in the judgement of OAAS, than that which would be provided with compliance of the provisions contained in these standards.

1. Requirement modifications may be reviewed by the OAAS assistant secretary and either continued or canceled.

E. If a support coordination agency fails to comply with their requirements as a certified support coordination agency and/or requests assistance from OAAS, OAAS may temporarily perform the mandatory duties of the support coordination agency to ensure the continuity of the participants' services and the participants' health and welfare. The support coordination agency shall not be reimbursed for support coordination duties performed by OAAS.

1. Repealed.

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

**HISTORICAL NOTE:** Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 39:3086 (November 2013), amended by the Department of Health, Bureau of Health Services Financing and the Office of Aging and Adult Services, LR 47:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

#### **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.

#### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

#### **Small Business Analysis**

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule may impact small businesses, as described in R.S. 49:965.2 et seq., if OAAS is required to perform the mandatory duties of the support coordination agency instead of the provider.

#### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, but may result in decreased payments to the provider and may impact the provider's ability to provide the same level of service as described in HCR 170, if OAAS is required to perform the mandatory duties of the support coordination agency instead of the provider.

#### **Public Comments**

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on May 30, 2021.

#### **Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on May 10, 2021. If the criteria set forth in R.S.49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on May 27, 2021 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225)342-1342 after May 10, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Home and Community-Based  
Services Waivers—Support Coordination  
Standards for Participation**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO  
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the cost of promulgation for FY 20-21. It is anticipated that \$648 (\$324 SGF and \$324 FED) will be expended in FY 20-21 for the state's administrative expense for promulgation of this proposed rule and 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 have no effect on revenue collections other than the federal share of the promulgation costs for FY 20-21. There may be an indeterminable savings to the Medicaid program in FY 20-21, FY 21-22, and FY 22-23 if the Office of Aging and Adult Services (OAAS) is required to assume the support coordination agency's responsibilities, since the providers will not be able to bill, nor be reimbursed, for the functions OAAS provides. It is anticipated \$324 will be collected in FY 20-21 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 proposed rule amends the provisions governing the standards for participation for providers of support coordination services under home and community-based services waivers administered by the Office of Aging and Adult Services (OAAS) in order to remove outdated language and to allow OAAS to conduct assessments and complete Plans of Care with participants for support coordination agencies that request assistance and/or fail to comply with their requirements. This rule may impact small businesses and providers if OAAS is required to assume the support coordination agency's responsibilities, since the providers will not be able to bill, nor be reimbursed, for the functions OAAS provides. As a result, there may be an indeterminable savings to the Medicaid program in FY 20-21, FY 21-22, and FY 22-23.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT  
(Summary)**

This rule has no known effect on competition and employment.

Tara A. LeBlanc  
Interim Medicaid Executive Director  
2104#038

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

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

Reimbursement for Vaccine Administration during a  
Declared Public Health Emergency  
(LAC 50:IX.8305, 8505, 15113 and XXIX.Chapter 9)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:IX.8305, §8505, §15113, and XXIX.Chapter 9 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, Bureau of Health Services Financing promulgated an Emergency Rule which amended the provisions governing reimbursement in the Professional Services and Pharmacy programs in order to adopt provisions governing vaccine administration during a declared public health emergency (PHE) (*Louisiana Register*, Volume 47, Number 1). The department determined that it was necessary to amend the December 23, 2020 Emergency Rule in order to add language specifying the requirement for Medicaid reimbursement to pharmacies for administration of vaccines related the PHE (*Louisiana Register*, Volume 47, Number 4). This proposed Rule is being promulgated to continue the provisions of the December 23, 2020 and April 20, 2021 Emergency Rules.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**

**Part IX. Professional Services Program**

**Subpart 7. Immunizations**

**Chapter 83. Children's Immunizations**

**§8305. Reimbursement Methodology**

A. - C.1. ...

D. Administration of vaccines related to a declared public health emergency shall be reimbursed at up to 100 percent of the Louisiana Region 99 Medicare rate for the duration deemed necessary by the Medicaid Program to ensure access. If providers are required to purchase vaccines, the vaccines will be reimbursed.

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 35:71 (January 2009), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:96 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1289 (July 2015), amended by the Department of Health, Bureau of Health Services Financing LR 47:49 (January 2021), LR 47:

**Chapter 85. Adult Immunizations**

**§8505. Reimbursement Methodology**

A. - C. ...

D. Administration of vaccines related to a declared public health emergency shall be reimbursed at up to 100 percent of the Louisiana Region 99 Medicare rate for the duration deemed necessary by the Medicaid Program to ensure access. If providers are required to purchase vaccines, the vaccines will be reimbursed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office of Public Health, LR 39:97 (January 2013), amended by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1290 (July 2015), amended by the Department of Health, Bureau of Health Services Financing LR 47:50 (January 2021), LR 47:

**Chapter 151. Reimbursement Methodology**

**Subchapter B. Physician Services**

**§15113. Reimbursement Methodology**

A. - N. ...

O. Administration of treatments related to a declared public health emergency shall be reimbursed at up to 100

percent of the Louisiana Region 99 Medicare rate for the duration deemed necessary by the Medicaid Program to ensure access.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1252 (June 2010), amended LR 36:2282 (October 2010), LR 37:904 (March 2011), LR 39:3300, 3301 (December 2013), LR 41:541 (March 2015), LR 41:1119 (June 2015), LR 41:1291 (July 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 44:62 (January 2018), LR 47:

### **Part XXIX. Pharmacy**

#### **Chapter 9. Methods of Payment**

##### **Subchapter H. Vaccines**

##### **§991. Vaccine Administration Fees**

A. ...

B. Administration of vaccines related to a declared public health emergency shall be reimbursed at up to 100 percent of the Louisiana Region 99 Medicare rate for the duration deemed necessary by the Medicaid Program to ensure access. If providers are required to purchase vaccines, then the vaccines will be reimbursed.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 36:1783 (August 2010), amended LR 40:82 (January 2014), amended by the Department of Health, Bureau of Health Services Financing, LR 43:1555 (August 2017), LR 46:345 (March 2020), LR 47:

##### **§993. Vaccine Reimbursement**

A. Vaccines for beneficiaries aged 19 and over shall be reimbursed at wholesale acquisition cost (WAC) or billed charges, whichever is the lesser amount.

B. Vaccines related to a declared public health emergency shall not be reimbursed if furnished at no cost to providers. When providers are responsible for purchasing the vaccine, the Medicaid Program shall reimburse.

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

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 40:82 (January 2014), amended LR 46:345 (March 2020), amended by the Department of Health, Bureau of Health Services Financing, LR 47:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

##### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have no impact on family functioning, stability and autonomy as described in R.S. 49:972.

##### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

##### **Small Business Analysis**

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.2 et seq.

##### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

##### **Public Comments**

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on May 30, 2021.

##### **Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on May 10, 2021. If the criteria set forth in R.S. 49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on May 27, 2021 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225) 342-1342 after May 10, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage, which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips  
Secretary

#### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Reimbursement for Vaccine Administration during a Declared Public Health Emergency**

##### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

Implementation of this proposed rule will not have a net programmatic fiscal impact to the state for FY 20-21, FY 21-22, and FY 22-23, as it is anticipated that costs associated with

vaccine administration will be reimbursed at 100 percent Federal Medical Assistance Percentage (FMAP) rate. Total reimbursement for administration costs is indeterminable. It is anticipated that \$540 (\$270 SGF and \$270 FED) will be expended in FY 20-21 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 have an indeterminable effect on revenue collections for FY 20-21, FY 21-22, and FY 22-23. Programmatic costs for the administration of vaccines will be reimbursed at 100 percent FMAP rate. It is anticipated that \$270 will be collected in FY 20-21 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 proposed rule continues the provisions of the December 23, 2020 and April 20, 2021 Emergency Rules which amend the provisions governing reimbursement in the Professional Services and Pharmacy programs in order to adopt provisions governing vaccine administration during a declared public health emergency (PHE). This rule will be beneficial to recipients by increasing access to vaccines during a PHE. It is anticipated that implementation of this proposed rule will result in an indeterminable increase in payments to the Professional Services and Pharmacy providers in FY 20-21, FY 21-22 and FY 22-23 and will be beneficial by establishing a reimbursement methodology for vaccine administration during a declared PHE.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

Tara A. LeBlanc  
Interim Medicaid Executive Director  
21044#039

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Insurance  
Office of the Commissioner**

Regulation 29—Correlated Sales of  
Life Insurance and Equity Products  
(LAC 37:XIII.Chapter 79)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950, et seq., hereby gives notice of its intent to repeal Regulation 29. Regulation 60, "Advertising of Life Insurance," LAC 37:XIII.Chapter 41, was promulgated in 2002. It addresses the same issues and is the most current regulation pertaining to advertising for life and annuity products. Therefore, Regulation 29 is obsolete.

**Title 37  
INSURANCE**

**Part XIII. Regulations**

**Chapter 79. Regulation 29—Correlated Sales of Life Insurance and Equity Products**

**§7901. Purpose**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, March 1, 1969, repealed LR 47:

**§7903. Applicability**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, March 1, 1969, repealed LR 47:

**§7905. Statement of Policy**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, March 1, 1969, repealed LR 47:

**§7907. Responsibility of Company and Agent**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, March 1, 1969, repealed LR 47:

**§7909. Tie-In Sales**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, March 1, 1969, repealed LR 47:

**§7911. Written Proposal**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, March 1, 1969, repealed LR 47:

**§7913. Contents of Proposal**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, March 1, 1969, repealed LR 47:

**§7915. Statement to Be Separate**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, March 1, 1969, repealed LR 47:

**§7917. Maintenance of File by Company**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, March 1, 1969, repealed LR 47:

**§7919. Effective Date**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, March 1, 1969, repealed LR 47:

### **Family Impact Statement**

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

5. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

### **Small Business Analysis**

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.

1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

### **Poverty Impact Statement**

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation

should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

### **Provider Impact Statement**

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

### **Public Comments**

Interested persons who wish to make comments may do so by writing to Lisa Henson, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, or by faxing comments to (225) 342-1632. Comments will be accepted through the close of business, 4:30 p.m., May 21, 2021.

James J. Donelon  
Commissioner

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **RULE TITLE: Regulation 29—Correlated Sales of Life Insurance and Equity Products**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes will not result in additional costs or savings for state or local governmental units. The rule revisions repeal Regulation 29, which was originally implemented in 1969. Regulation 60—Advertising of Life Insurance, LAC 37:XIII.Chapter 41, was promulgated in 2002, and it addresses the same issues. Regulation 29 is being repealed to avoid duplication of guidance.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule changes will not affect revenue collections of state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups. The rule revisions repeal Regulation 29,

which was originally implemented in 1969. Regulation 60—Advertising of Life Insurance, LAC 37:XIII.Chapter 41, was promulgated in 2002, and it addresses the same issues. Regulation 29 is being repealed to avoid duplication of guidance.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not affect competition or employment.

Denise Gardner  
Chief of Staff  
2104#044

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Insurance  
Office of the Commissioner**

Regulation 112—Adoption of NAIC Handbooks,  
Guidelines, Forms, and Instructions  
(LAC 37:XIII.Chapter 161)

The Department of Insurance, pursuant to the authority of the Louisiana Insurance Code, R.S. 22:1 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby gives notice of its intent to amend Regulation 112.

The purpose of the amendment to Regulation 112 is to identify and to incorporate by reference the current edition of handbooks, guidelines, forms, and instructions adopted by the National Association of Insurance Commissioners (NAIC) and referenced in the Louisiana Insurance Code.

**Title 37**

**INSURANCE**

**Part XIII. Regulations**

**Chapter 161. Regulation 112 - Adoption of NAIC  
Handbooks, Guidelines, Forms, and  
Instructions**

**§16101. NAIC Handbooks, Guidelines, Forms, and  
Instructions Incorporated by Reference**

A. ...

B. The following NAIC handbooks, guidelines, forms, and instructions are hereby adopted and incorporated by reference:

1. The Financial Condition Examiner's Handbook, 2020 edition.
2. The Annual and Quarterly Statement Instructions, Property and Casualty, 2020 edition.
3. The Annual and Quarterly Statement Instructions, Life, Accident, and Health, 2020 edition.
4. The Annual and Quarterly Statement Instructions, Health, 2020 edition.
5. The Annual and Quarterly Statement Instructions, Title, 2020 edition.
6. The Annual and Quarterly Statement Instructions, Fraternal, 2020 edition.
7. The Annual and Quarterly Statement Blanks, Property and Casualty, 2020 edition.
8. The Annual and Quarterly Statement Blanks, Life, Accident, and Health, 2020 edition.
9. The Annual and Quarterly Statement Blanks, Health, 2020 edition.

10. The Annual and Quarterly Statement Blanks, Title, 2020 edition.

11. The Annual and Quarterly Statement Blanks, Fraternal, 2020 edition.

12. The Accounting Practices and Procedures Manual, 2020 edition.

13. The Financial Analysis Handbook, 2020 edition.

14. The Own Risk and Solvency Assessment Guidance Manual, 2020 edition.

15. The Purposes and Procedures Manual of the NAIC Investment Analysis Office, 2020 edition.

16. The Risk-Based Capital Forecasting and Instructions, 2020 edition.

17. The Market Regulation Handbook, 2020 edition.

C. - D.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:11, 258, 586(G), 619(B), 640(B), 675, 661(A), 691.11, 691.54, and 1804.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Commissioner of Insurance, LR 45:1208 (September 2019), amended LR 46:993 (July 2020), LR 47:

**Family Impact Statement**

1. Describe the Effect of the Proposed Regulation on the Stability of the Family. The proposed amended regulation should have no measurable impact upon the stability of the family.

2. Describe the Effect of the Proposed Regulation on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. The proposed amended regulation should have no impact upon the rights and authority of children regarding the education and supervision of their children.

3. Describe the Effect of the Proposed Regulation on the Functioning of the Family. The proposed amended regulation should have no direct impact upon the functioning of the family.

4. Describe the Effect of the Proposed Regulation on Family Earnings and Budget. The proposed amended regulation should have no direct impact upon family earnings and budget.

5. Describe the Effect of the Proposed Regulation on the Behavior and Personal Responsibility of Children. The proposed amended regulation should have no impact upon the behavior and personal responsibility of children.

6. Describe the Effect of the Proposed Regulation on the Ability of the Family or a Local Government to Perform the Function as Contained in the Rule. The proposed amended regulation should have no impact upon the ability of the family or a local governmental unit to perform the function as contained in the rule.

**Small Business Analysis**

The impact of the proposed regulation on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed regulation that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed regulation on small businesses.



1. Identification and Estimate of the Number of the Small Businesses Subject to the Proposed Rule. The proposed amended regulation should have no measurable impact upon small businesses.

2. The Projected Reporting, Record Keeping, and Other Administrative Costs Required for Compliance with the Proposed Rule, Including the Type of Professional Skills Necessary for Preparation of the Report or Record. The proposed amended regulation should have no measurable impact upon small businesses.

3. A Statement of the Probable Effect on Impacted Small Businesses. The proposed amended regulation should have no measurable impact upon small businesses.

4. Describe any Less Intrusive or Less Costly Alternative Methods of Achieving the Purpose of the Proposed Rule. The proposed amended regulation should have no measurable impact on small businesses; therefore, will have no less intrusive or less cost alternative methods.

#### **Poverty Impact Statement**

1. Describe the Effect on Household Income, Assets, and Financial Security. The proposed amended regulation should have no effect on household income assets and financial security.

2. Describe the Effect on Early Childhood Development and Preschool through Postsecondary Education Development. The proposed amended regulation should have no effect on early childhood development and preschool through postsecondary education development.

3. Describe the Effect on Employment and Workforce Development. The proposed amended regulation should have no effect on employment and workforce development.

4. Describe the Effect on Taxes and Tax Credits. The proposed amended regulation should have no effect on taxes and tax credits.

5. Describe the Effect on Child and Dependent Care, Housing, Health Care, Nutrition, Transportation and Utilities Assistance. The proposed amended regulation should have no effect on child and dependent care, housing, health care, nutrition, transportation and utilities assistance.

#### **Provider Impact Statement**

1. Describe the Effect on the Staffing Level Requirements or Qualifications Required to Provide the Same Level of Service. The proposed amended regulation will have no effect.

2. The Total Direct and Indirect Effect on the Cost to the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

3. The Overall Effect on the Ability of the Provider to Provide the Same Level of Service. The proposed amended regulation will have no effect.

#### **Public Comments**

Interested persons who wish to make comments may do so by writing to Lisa Henson, Staff Attorney, Louisiana Department of Insurance, P.O. Box 94214, Baton Rouge, LA 70804-9214, or by faxing comments to (225) 342-1632. Comments will be accepted through the close of business, 4:30 p.m., May 21, 2021.

James J. Donelon  
Commissioner

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

### **RULE TITLE: Regulation 112—Adoption of NAIC Handbooks, Guidelines, Forms, and Instructions**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

The proposed rule changes will not result in additional costs or savings for state or local governmental units. The proposed rule updates and incorporates by reference the current edition of handbooks, guidelines, forms, and instructions adopted by the National Association of Insurance Commissioners (NAIC) and referenced in the Louisiana Insurance Code.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The proposed rule changes will not affect revenue collections for state or local governmental units.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change will not result in any costs and/or economic benefits to directly affected persons or non-governmental groups. The proposed rule updates and incorporates by reference the current edition of handbooks, guidelines, forms, and instructions adopted by the National Association of Insurance Commissioners (NAIC) and referenced in the Louisiana Insurance Code.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

The proposed rule changes will not affect competition or employment.

Denise Gardner  
Chief of Staff  
2104#049

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

## **NOTICE OF INTENT**

### **Department of Public Safety and Corrections Corrections Services**

Access to and Release of Active  
and Inactive Offender Records  
(LAC 22:I.101)

In accordance with the provisions of the Administrative Procedure Act (R.S.49:950), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to amend the contents of Section 101 Access to and Release of Active and Inactive Offender Records. Pursuant to 2020 Act No. 108 and R.S. 15:714, the Department of Public Safety and Corrections-Corrections Services shall issue upon request a "letter of incarceration" to an offender or to an ex-offender, which letter provides to the requesting offender or ex-offender documentation, verification, or proof of the offender's or ex-offender's confinement in a prison, jail, work release facility, or correctional institution or supervision while on probation or parole. The proposed amendment incorporates the new statute and provides the process and procedure for issuing a letter of incarceration upon the request for one by an offender or an ex-offender. Also included in the proposed amendment are minor language and punctuation changes.

**Title 22**  
**CORRECTIONS, CRIMINAL JUSTICE AND LAW**  
**ENFORCEMENT**  
**Part I. Corrections**

**Chapter 1. Secretary's Office**

**§101. Access to and Release of Active and Inactive Offender Records**

A. Purpose. This department regulation establishes the secretary's policy and procedures for access to and release of active and inactive offender records.

B. Applicability. Deputy Secretary, Chief of Operations, Undersecretary, Assistant Secretary, Regional Wardens, Wardens, Director of Probation and Parole and Director of Prison Enterprises. Each unit head shall ensure appropriate unit written policies and procedures are in place to comply with the provisions of this regulation and for conveying its contents to all affected people.

C. Policy. The secretary's policy is access to and release of active and inactive offender records shall be governed in accordance with federal and state laws and by the procedures contained within this department regulation.

D. Definitions

*Law Enforcement Agencies*—those agencies designed to enforce federal, state or municipal laws and who receive public funds as their primary source for operation, for example: sheriffs' offices, local police departments, and state police, departments of corrections, U.S. attorneys, district attorneys and the Federal Bureau of Investigation (FBI.)

*Offender/Ex-Offender*—anyone in the physical custody of the Department of Public Safety and Corrections (DPS and C) or under the supervision of the Division of Probation and Parole. For the purpose of this regulation, ex-offenders are those offenders who are no longer in the physical custody of the DPS&C or no longer under the supervision of the Division of Probation and Parole.

*Incarceration Verification (Letter of Incarceration)*—a standardized form used to fulfill requests for letters of incarceration, pursuant to R.S. 15:714. The incarceration verification shall contain, at a minimum, the offender's or ex-offender's name, the dates of incarceration or supervision, the admission date, the release date, and the last location of incarceration. The incarceration verification is not to be used as a comprehensive criminal history record. The incarceration verification verifies the period of time an offender/ex-offender was incarcerated or on supervision and is related to the most recent felony charges recorded in the DPS and C system-of-record as of the date of the form's completion. The document is intended to support an individual's successful transition from incarceration or supervision as it relates to employment, healthcare, housing, transportation, or family reunification.

E. Release of Information and Records

1. The presentence investigation report, the pre-parole report, the clemency report, the information and data gathered by the staffs of the Board of Pardons and Committee on Parole, the prison record, and any other information obtained by the boards or the department, in the discharge of official duties, shall be confidential, shall not be subject to public inspection, and shall not be disclosed directly or indirectly to anyone, except as in accordance with this regulation.

2. All information pertaining to an offender's misconduct while incarcerated, statistical information, information pertaining to disposition of criminal charges and incarcerations, and information of a general nature (including an individual's age, offense, date of conviction, length of sentence, any correspondence by a public official which requests, or may be determined to be in support of, or in opposition to, the parole or pardon of an offender, and discharge date) shall be released to the general public at any time upon proper request.

NOTE: This provision shall not apply to any public official correspondence which requests, or may be determined to be in support of, or in opposition to, the parole or pardon of an offender which was received prior to August 15, 1997.

3. Except as noted below, any communication with the Committee on Parole or Board of Pardons urging parole, pardon, clemency, commutation of sentence, or otherwise regarding an offender shall be deemed a public record and subject to public inspection.

EXCEPTION: Any letter written by, or on behalf of, any victim of a crime committed by an offender under consideration for parole, pardon, clemency, or commutation of sentence, or any letter written in opposition to parole, pardon, clemency, or commutation of sentence shall be confidential and shall not be deemed a public record and subject to public inspection.

This exception shall not apply to letters written by any elected or appointed public official, meaning: these letters are not confidential and may be released in accordance with Paragraph E.2 of this Section.

4. Information on a particular offender may be released without special authorization, subject to other restrictions that may be imposed by federal law or by other provisions of state law, to the following:

- a. Committee on Parole;
- b. Board of Pardons;
- c. governor;
- d. sentencing judge;
- e. district attorneys;
- f. law enforcement agencies;
- g. DPS and C personnel, including legal representatives and student workers;

h. appropriate governmental agencies or public officials, when access to such information is imperative for the discharge of the responsibilities of the requesting agency, official, or court officer and the information is not reasonably available through any other means; and

i. court officers with court orders specifying the information requested.

5. Fingerprints, photographs, and information pertaining to arrests and disposition of criminal charges, as well as information regarding escapes, may be released to law enforcement agencies without special authorization.

6. The unit head or designee may approve the reading but not copying, of confidential information by the following:

- a. social service agencies assisting in the treatment of the offender or ex-offender; or
- b. approved researchers who have guaranteed in writing anonymity of all subjects.

NOTE: No information shall be given or shall be allowed to be read without the offender's or ex-offender's written consent to the release of the information.

7. The unit head or designee may approve the selective reading (but not copying) of information by a private citizen or organization aiding in the rehabilitation of, or directly involved in the hiring of, the offender or ex-offender under the following conditions:

a. It appears the withholding of the information would be to the offender's or ex-offender's disadvantage;

b. The requested information is necessary to further the rehabilitation or the likelihood of hiring the offender or ex-offender;

c. The requested information is not reasonably available through other means.

NOTE: No information shall be given or shall be allowed to be read without the offender's or ex-offender's written consent to the release of the information.

8. Each unit head or designee shall utilize a consent to release information for the purpose of releasing information pursuant to Paragraphs E.6 and 7 of this Section, and a copy shall be placed in the offender's master prison record.

#### F. Release of Information Regarding Registered Crime Victims

1. Both the information contained in a Victim Notice and Registration and the fact that a notification request exists are confidential. Any questions from outside the department about whether or not particular individuals have requested notification or whether or not there has been a notification request for particular offenders shall be referred to the Crime Victims Services Bureau.

2. See established policy and procedures for additional information.

#### G. Subpoenaed Records

1. Whenever records of an offender or ex-offender are subpoenaed, they shall be submitted to the appropriate court for a ruling to determine whether or not the information should be turned over to the party who caused the subpoena to be issued. The court shall make this determination in camera. If the court makes any one of the following determinations, the information shall be withheld:

a. the information is not relevant to the proceedings; or

b. the information was derived from communications which were obviously made in the confidence that they would not be disclosed; or

c. the confidentiality is essential to the future useful relations between the source and the recorder of the information.

2. Should the court authorize disclosure of the records in accordance with the subpoena, the party who caused the subpoena to be issued shall pay a fee for the cost of production of the records in accordance with R.S. 39:241, unless the court determines that the party has been granted pauper status in accordance with law. (See established policy and procedures for additional information.)

#### H. Records Not Subpoenaed Submitted to the Courts for Review

1. The department reserves the right to submit any record to the appropriate court for a ruling as to whether or not the information should be provided to the party requesting the information.

#### I. Access and Release of Medical Records

1. R.S. 44:7 and established policy and procedures shall govern access to and release of offender medical records.

#### J. Department's Access to Information and Records of Other Agencies

1. During the course of any investigation which the department is legally authorized to conduct, or for the purpose of rehabilitation of offenders or ex-offenders, the department shall have access to information and records under the control of any state or local agencies which records are reasonably related to the investigation or rehabilitation of the offender.

#### K. Offender Access to Records

1. Information contained in the offender's record shall be confidential and shall not be released to the offender except in accordance with this regulation.

2. An offender may have access to his master prison record, a sentence computation worksheet, any court documents that are related to the term of his instant incarceration, non-confidential unusual occurrence reports, disciplinary reports, and information related to educational achievements and participation.

3. Letter of Incarceration. An offender or ex-offender who was or is confined to any Louisiana prisons, jail, work release facility, or correctional institution or who was or is under probation or parole supervision is entitled to receive, upon request, a Letter of Incarceration, which document shall provide documentation, verification, or proof the offender's or ex-offender's confinement in the prison, jail, work release facility, or correctional institution or supervision while on probation or parole.

a. Within seven days of receipt of a request, the offender or ex-offender shall be provided with a letter of incarceration, utilizing the Incarceration Verification.

b. The warden at each facility shall designate personnel responsible for completing the form for those individuals who are incarcerated at, or who release from, their respective facilities.

c. The probation and parole director shall designate personnel responsible for completing the form for those individuals who are on active supervision or who have completed supervision by the Division of Probation and Parole.

d. The chief of operations shall designate personnel responsible for completing the form for those individuals who are incarcerated at, or who release from, local-level basic jail guidelines (BJG) facilities.

e. If a releasing offender requests an Incarceration Verification, it shall be included in the transition document envelope for individuals releasing with them from secure custody, in accordance with established policy and procedures.

4. An offender may view and make notes of his State Police and/or FBI rap sheet, but shall not be given a copy.

5. An offender shall not have access to another offender's active or inactive records.

6. The following is a non-exhaustive list of additional information which shall not be accessible to the offender:

a. presentence reports;

b. post-sentence reports;

c. pre-parole reports;

d. clemency investigations;

e. information revealing or tending to reveal the identity of confidential informants;

f. admission summary;

g. correspondence from any non-departmental source directed solely to institutional officials;

h. correspondence or inquiries originated by institutional personnel;

i. investigations conducted by non-departmental agencies, for example: District Attorney, State Police, FBI, etc.;

j. investigations conducted by Corrections Services;

k. non-disciplinary, court-related institutional investigations; and

l. correspondence from victims or witnesses, including Victim Notice and Registration.

NOTE: Each unit head shall ensure written procedures are established for offenders to follow when requesting copies of documents from their records and the fees charged for such copies as stated in Subsection K. of this Section.

#### L. Information Requests

1. Verbal requests for information are acceptable to the extent a verbal request complies with this regulation. However, the unit head or designee shall reserve the right to require a written request before releasing any information. In that case, the individual or entity making the request shall certify in writing that they shall not release the information to any other individual or entity.

#### M. Fees

1. The fee schedule for copies of public records is set in accordance with established policy and procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 44:7, 15:540-542, 15:546-548, 15:549(C), 15:574.12, 15:840.1, C.Cr.P. Art. 877 and 894.1

HISTORICAL NOTE: Promulgated by the Department of Corrections, Office of the Director, LR 2:107 (April 1976), amended by the Department of Public Safety and Corrections, Corrections Services, LR 30:75 (January 2004), repromulgated LR 30:264 (February 2004), repromulgated LR 30:264 (February 2004), amended by the Department of Public Safety and Corrections, Corrections Services, amended LR 35:85 (January 2009) LR 47:

#### Family Impact Statement

Amendment to the current Rule should not have any known or foreseeable impact on family formation, stability or autonomy, as described in R.S. 49:972.

#### Poverty Impact Statement

The proposed Rule should not have any known or foreseeable impact on poverty as described in R.S. 49:973.

#### Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

#### Public Comments

Written comments may be addressed to Natalie LaBorde, Executive Counsel, Department of Public Safety and Corrections, P. O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. on May 10, 2021.

James M. Le Blanc  
Secretary

## FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

### RULE TITLE: Access to and Release of Active and Inactive Offender Records

#### I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no impact on expenditures of the Department of Public Safety and Corrections (DPS&C) or local governmental units as a result of the proposed rule setting forth guidelines required by Act 108 of the 2020 Regular Session. The proposed rule aligns the administrative code with statutory provisions and administrative practices, including creating the new *Letter of Incarceration* and the procedure for its issuance. The letter verifies the period of time an offender/ex-offender was incarcerated or on supervision and is intended to support an individual's successful transition from incarceration or supervision as it relates to employment, healthcare, housing, transportation, or family reunification. Any administrative duties brought about by the proposed rule change will be carried out utilizing existing staff and resources at DPS and C.

#### II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units as a result of the proposed rule changes.

#### III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no estimated cost and/or economic benefit to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule changes.

#### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule changes.

Thomas C. Bickham, III  
Undersecretary  
2104#018

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

## NOTICE OF INTENT

### Department of Public Safety and Corrections Corrections Services

#### Restoration of Good Time (LAC 22:I.319)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to amend the contents of §319, Restoration of Good Time. R.S. 15:571.4 requires the Secretary of the Department of Public Safety and Corrections to determine whether or not an offender earned good time or credits toward the reduction of the projected good time parole supervision date within the good time or credits set by statute and limits the circumstances by which an offender forfeits earned good time or credits. The statute also permits the secretary to restore forfeited good time or credits under the circumstances and limits set by the statute.

The proposed amendment reorganizes the Rule and makes minor language changes to make the Rule easier to understand and apply.

## Title 22

### CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

#### Part I. Corrections

#### Chapter 3. Adult Services

##### §319. Restoration of Good Time

A. Purpose—this department regulation states the secretary’s policy regarding the restoration of previously forfeited good time for disciplinary violations for offenders who have demonstrated satisfactory progress in faithfully observing the disciplinary rules and procedures for adult offenders.

B. Applicability—deputy secretary, chief of operations, regional wardens, wardens, the sheriff or administrator of local jail facilities and the director of the office of local information services. Each unit head is responsible for ensuring that appropriate unit written policies and procedures are in place to comply with the provisions of this regulation.

C. Policy. It is the secretary’s policy to strengthen the department’s commitment to an offender’s successful reentry efforts by implementing positive rewards for offenders who have demonstrated improved institutional behavior.

##### D. Definitions

*ARDC Supervisor/Manager*—a member of the records section staff, whether employed at a state correctional facility or in the office of adult services at headquarters.

*Major Rule Violation*—an offense identified as a schedule B offense in 341 of this Part.

*Minor Rule Violation*—an offense identified as a schedule A offense in in 341 of this Part.

*Unit Head*—the head of an operational unit, specifically, the warden or sheriff or administrator of a local jail facility or transitional work program.

##### E. General Procedures

1. Any offender who has received a forfeiture of good time as a result of disciplinary action shall be eligible to be considered for restoration of previously forfeited good time when the following requirements are met:

a. The offender has not been found guilty of a major rule violation for a period of at least 24 consecutive months since the last date of forfeiture; and

b. The offender has not been found guilty of a minor rule violation for a period of at least six consecutive months since the last date of forfeiture; and

c. The forfeited good time was not result of a violation of Rule #8, Escape or Attempted to Escape, (see §341.I of this Part) or from any rule violation imposed as a result of battery of an employee, visitor, guest, or their families.

2. Restoration of previously forfeited good time may be in part or in full, but shall not exceed 540 days during an offender’s instant term of incarceration nor the total amount of good time forfeited during an offender’s instant term of incarceration.

3. Revocation from Supervision: The amount of good time that may be restored to offenders previously released on parole or good time parole supervision and then subsequently returned to custody as a parole violator, shall

be limited to the amount of good time earned during the instant term of incarceration and shall not exceed 540 days. Time spent in custody prior to release on parole or good time parole supervision shall not apply toward the 24 consecutive month period required for the review of major rule violations or to the six consecutive month period required for the review of minor rule violations.

4. In addition to the ordinary evaluation procedures, the consideration of the restoration of good time previously forfeited due a Rule #1 and/or Rule #21 violation(s) (see §341.I of this Part) shall include a thorough evaluation of the underlying circumstances which lead to the Rule #1 and/or Rule #21 violation(s) (see §341.I of this Part).

5. At any time during the offender’s instant incarceration, the Department may void or adjust the amount of good time restored during the offender’s instant incarceration if the restoration calculation was either inaccurate or inconsistent with the provision in the regulation.

6. Under no circumstances shall an offender’s restoration of previously forfeited good time, restored under the provisions of this regulation, cause an offender to be considered overdue for release at the time of approval of the restoration of good time.

7. If an offender’s application for restoration of good time is denied or approved in part, the offender may reapply for reconsideration six months from the date of the original application, unless the offender has already received the maximum amount of good time restoration allowable under the provisions of this regulation.

8. Decisions regarding applications for restoration of good time are final and cannot be appealed through the department’s administrative remedy procedure.

##### F. Review and Outcome Process

##### 1. State Correctional Facilities

a. Offenders housed in state correctional facilities who meet the eligibility requirements for consideration in Subsection E of this Section may complete an application for restoration of good time and submit the application to the facility’s records office.

b. The ARDC supervisor/manager or designee shall review the offender’s application and disciplinary record to verify the offender’s eligibility for restoration of forfeited good time. (If the offender is ineligible for restoration of forfeited good time, the ARDC supervisor/manager shall indicate the reason for ineligibility on the application form and return a copy to the offender. The original application shall be filed in the offender’s master record.) If the offender is eligible for restoration of forfeited good time, ARDC supervisor/manager shall indicate the number of days eligible for restoration on the application for restoration of good time. Upon completion, the ARDC supervisor/manager shall forward the offender’s application to the warden or designee for consideration.

c. The warden or designee (warden’s designee shall be an assistant warden or higher) shall review the offender’s application and verification of eligibility. The warden or designee may deny, approve in full, or approve in part the offender’s application for restoration of good time. When reviewing the application, the warden or designee shall consider the offender’s participation or failure to participate in rehabilitative programs, if such programs are available

and warranted. If approved, the ARDC supervisor/manager or designee shall restore the amount of good time approved by the warden subject to the requirements set forth in Paragraph E.3. of this Section. A copy of the approved application, as well as a copy of the revised master prison record shall be sent to the offender. The originals shall be filed in the offender's master record.

d. If the application is denied, the ARDC supervisor/manager or designee shall provide a written reason on the application for restoration of good time and provide a copy to the offender (including the justification(s) for denial). The original application shall be filed in the offender's master record.

## 2. Local Jail Facilities

a. The office of adult services shall ensure that an application for restoration of good time provided by the basic jail guidelines team leaders to the sheriff or administrator of each local jail facility within their region on an annual basis.

b. Offenders housed in local jail facilities who meet the eligibility requirements stated in Subsection E of this Section, who wish to apply for restoration of previously forfeited good time, shall complete an application for restoration of good time and submit it to the sheriff or administrator of the jail where the offender is housed, who shall forward all completed applications to the chief of operations at headquarters. The sheriff or administrator of the jail shall verify that the offender meets the requirements to apply and, if so, shall forward the completed application to the chief of operations at headquarters.

c. The chief of operations shall designate OAS staff to review the offender's application and disciplinary record to verify the offender's eligibility for restoration of forfeited good time. (If the offender is ineligible for restoration of forfeited good time, the reviewing staff member shall indicate the reason(s) for ineligibility on the application form and return a copy to the sheriff or administrator of the local jail facility; and the sheriff or administrator shall notify the offender. The original application shall be filed in the offender's master record). If the offender is eligible for restoration of good time, the number of days to be restored shall include consideration of the offender's participation or failure to participate in rehabilitative programs (if available at the local jail facility). If the offender is eligible for restoration of forfeited good time, the reviewing staff member shall indicate the number of days eligible for restoration on the application for restoration of good time. Upon completion, the reviewing staff member shall forward the offender's application to the chief of operations or designee for consideration.

d. The chief of operations or designee shall review the offender's application and verification of eligibility. The chief of operations or designee may deny, approve in full, or approve in part the offender's application for restoration of good time. When reviewing the application, the chief of operations or designee shall consider the offender's participation or failure to participate in rehabilitative programs, if such programs are available and warranted. If approved, the ARDC supervisor/manager or designee shall restore the amount of good time approved by the warden; and a copy of the approved application, as well as the

revised master prison record, shall be sent to the offender. The originals shall be filed in the offender's master record.

e. If approved, an OAS ARDC supervisor/manager or designee shall restore the amount of good time approved by the chief of operations subject to the requirements set forth in Paragraph E.3. of this Section. A copy of the approved application, as well as a copy of the revised master prison record, shall be returned to the sheriff or administrator of the local jail facility; and the sheriff or administrator shall notify the offender. The originals shall be filed in the offender's master record.

f. If the application is denied, an OAS ARDC supervisor/manager or designee shall provide a written reason(s) on the application for restoration of good time and return the application (including the justification(s) for denial) to the sheriff or administrator of the local jail facility; and the sheriff or administrator shall notify the offender. The original application shall be filed in the offender's master record.

3. The amount of good time forfeited and restored shall be displayed on the offender management system master prison record screen. In addition to the current offender management system procedures in place regarding the maintenance of the amount of good time forfeited per offender, the office of data and information systems shall track the total amount of good time restored department-wide pursuant to this regulation on an annual basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:953.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services LR 36:533 (March 2010), amended LR 40:2268 (November 2014), LR 47:

### **Family Impact Statement**

Amendment to the current Rule should not have any known or foreseeable impact on family formation, stability or autonomy, as described in R.S. 49:972.

### **Poverty Impact Statement**

The proposed Rule should not have any known or foreseeable impact on poverty as described in R.S. 49:973.

### **Provider Impact Statement**

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session.

### **Public Comments**

Written comments may be addressed to Natalie LaBorde, Executive Counsel, Department of Public Safety and Corrections, P. O. Box 94304, Baton Rouge, LA 70804 until 4:30 p.m. on May 10, 2021.

James M. Le Blanc  
Secretary

## **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Restoration of Good Time**

### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There is no impact on expenditures of the Department of Public Safety and Corrections (DPS and C) or local governmental units as a result of the proposed rules. The proposed revisions clarify language, provide technical

revisions, and revise procedures within the rule regarding the restoration of good time.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no effect on revenue collections of state or local governmental units as a result of the proposed rule changes.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There is no estimated cost and/or economic benefit to directly affected persons, small businesses, or non-governmental groups as a result of the proposed rule changes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment as a result of the proposed rule changes.

Thomas C. Bickham, III  
Undersecretary  
2104#019

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Revenue  
Policy Services Division**

**Installment Agreement for Payment of Tax  
(LAC 61.I.4919)**

Under the authority of R.S. 47:105(B), 47:1511, and 47:1576.2 and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, gives notice that rulemaking procedures have been initiated to amend LAC 61.I.4919 relative to installment agreements for the payment of tax.

R.S. 47:105(B) and 47:1576.2 authorize the payment of taxes in installments and gives the secretary authority to promulgate rules to administer the installment program. The purpose of this regulation is to clarify that a continuing guaranty agreement may be required for installment agreements requested by limited liability companies, partnerships and limited partnerships, to extend the payment period for which an informal installment agreement is authorized, and to make technical changes.

**Title 61**

**REVENUE AND TAXATION**

**Part I. Administrative and Miscellaneous Provisions**

**Chapter 49. Tax Collection**

**§4919. Installment Agreement for Payment of Tax**

A. - B.2. ...

3. The taxpayer shall file returns for all tax periods included in the installment agreement.

4. The taxpayer shall agree to waive all restrictions and delays on all liabilities not assessed for periods included in the installment agreement.

5. The taxpayer shall agree to timely file all returns and pay all taxes that become due after the periods included in the installment agreement.

6. The taxpayer may be required to pay a down payment of 20 percent and to make installment payments by automatic bank draft.

7. All installment agreement payments shall be applied to accounts, taxes, and periods as determined by the department.

8. Any and all future credits and overpayments of any tax shall be applied to outstanding liabilities covered by the installment agreement.

9. The taxpayer shall notify the department before selling, encumbering, alienating, or otherwise disposing of any of their real (immovable) or personal (movable) property.

10. Tax liens may be filed in any parish wherein the department has reason to believe the taxpayer owns immovable property.

11. A continuing guaranty agreement may be required on installment agreements requested by a corporation, limited liability company, partnership, or limited partnership.

C. - C.4. ...

**D. Forms of Installment Agreements**

1. Informal installment agreements shall be allowed only if the amount owed is less than \$25,000 and the payment period is 36 months or less.

2. Formal installment agreements shall be required if the amount owed is \$25,000 or more or the payment period exceeds 36 months. Information relative to the taxpayer's employment, bank account, credit, income statement, balance sheets, cash-flow data, and any other information shall be provided to the department upon request.

D.3. - E.2. ...

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 47:105 and R.S. 47:1576.2.

**HISTORICAL NOTE:** Promulgated by the Department of Revenue, Policy Services Division, LR 42:281 (February 2016), amended LR 47:

**Family Impact Statement**

The proposed adoption of this Rule might have a slight positive impact on family as defined by R.S. 49:972(D) or on family formation, stability and autonomy as the length of the installment agreement period is being extended giving families more time over which to pay their liabilities. The proposed adoption should have no other known or foreseeable impact on:

1. the stability of the family.
2. the authority and rights of parents regarding the education and supervision of their children.
3. the functioning of the family.
4. family earnings and family budget.
5. the behavior and personal responsibility of children.
6. the ability of the family or a local government to perform this function.

**Poverty Impact Statement**

The proposed Rule has no known impact on poverty as described in R.S. 49:973.

**Small Business Analysis**

The proposed Rule has no known measurable impact on small businesses as described in R.S. 49:965.6.

**Provider Impact Statement**

The proposed Rule has no known or foreseeable effect on:

1. The staffing levels requirements or qualifications required to provide the same level of service.
2. The total direct and indirect effect on the cost to the provider to provide the same level of service.

3. The overall effect on the ability of the provider to provide the same level of service.

**Public Comments**

All interested persons may submit written data, views, arguments or comments regarding this proposed Rule to Brandea Averett, Attorney, Policy Services Division, Office of Legal Affairs, P.O. Box 44098, Baton Rouge, LA 70804-4098. Written comments will be accepted until 4:30 p.m., May 25, 2021.

**Public Hearing**

A public hearing will be held on May 26, 2021 at 9 a.m. in the LaBelle Room, located on the 1st floor of the LaSalle Building, 617 North Third Street, Baton Rouge, Louisiana. Masks are required in the LaSalle Building.

Kimberly Lewis Robinson  
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: Installment Agreement  
for Payment of Tax**

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

This proposed rule will not result in any increased costs or revenues to the state or local government units. This proposal amends the rule to extend the maximum payment period for an informal installment agreement from 24 months to 36 months and provides for a formal agreement if the payment period exceeds 36 months. The installment agreement fee of \$105 remains unchanged as does the reinstatement fee. If the taxpayer defaults on the installment agreement, a fee of \$60 is charged to reinstate the agreement. The fees do not apply to establish an installment agreement with a taxpayer whose adjusted gross income is less than or equal to \$25,000. The installment agreement fees cannot be paid in installments nor waived or applied against any tax debt.

This proposal adds that a continuing guaranty agreement may also be required of limited liability companies, partnerships, and limited partnerships in addition to corporations.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

Currently, any installment agreement over 24 months or that has a debt of more than \$25,000 is considered a formal installment agreement. Taxpayers requesting a formal installment agreement must complete a Statement of Financial Condition and provide copies of bills. Often there are delays in establishing formal agreements because it takes the taxpayer time to complete the paperwork and the financial information has to be reviewed and approved by staff or appointed officials, depending on the years and the amount of debt. Extending the informal installment agreement to 36 months could allow taxpayers to enter into installment agreements faster and will improve the default rate. The taxpayers will be able to log onto LaTap to establish the agreement without the necessity of more extensive paperwork.

Extending the time for payments in an informal installment agreement could cause a slight decrease in the annual collections due to the longer pay-off period since the payments would be extended an additional year. However, because the default rate of installment agreements is expected to decrease and more informal installment agreements are anticipated given the longer payment period, the state's annual collections may increase slightly.

Local governmental units are not affected.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

This proposed rule will have a slight economic impact on the affected taxpayer by providing additional time to resolve outstanding liabilities.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

This proposed rule should not affect competition or employment.

Kimberly L. Robinson  
Secretary  
2104#056

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

**NOTICE OF INTENT**

**Department of Transportation and Development  
Professional Engineering and Land Surveying Board**

Engineering and Land Surveying  
(LAC 46:LXI.705, 709, 903, 1301, 1305, 1309,  
1311, 1313, 1315, 1509, 1901, 2103,  
2301, 2305, 2501, 3109, 3115 and 3117)

Under the authority of the Louisiana professional engineering and land surveying licensure law, R.S. 37:681 et seq., and in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Louisiana Professional Engineering and Land Surveying Board has initiated procedures to amend its rules contained in LAC 46:LXI.705, 709, 903, 1301, 1305, 1309, 1311, 1313, 1315, 1509, 1901, 2103, 2301, 2305, 2501, 3109, 3115 and 3117.

This is a technical revision of existing rules under which LAPELS operates. The revision (a) makes several minor housekeeping changes, (b) incorporates the recent change made to LAPELS' licensure law dealing with requirements for professional engineer licensure, (c) updates the processes with respect to examinations, (d) provides for alternative methods of changing licensure and certification status, (e) clarifies the exemption from firm licensure for certain sole proprietorships, (f) imposes a requirement for licensees to be truthful in all communications with LAPELS and (g) clarifies several requirements with respect to continuing professional development.

**Title 46  
PROFESSIONAL AND OCCUPATIONAL  
STANDARDS  
Part LXI. Professional Engineers and Land Surveyors  
Chapter 7. Bylaws  
§705. Meetings**

- A. ...
- B. Special Meetings. The chairman or the secretary may call special meetings when considered necessary. Upon written request of at least six board members, the chairman is required to call a special meeting.
- C. Open Meetings. Every meeting of the board shall be open to the public, unless closed as an executive session.
- D. Meeting Dates. Written public notice of the dates, times, and places of all regular meetings shall be given at the beginning of each calendar year.
- E. Separate Notice of All Meetings. In addition, separate written public notice of any regular, special, or rescheduled



meeting shall be given no later than 24 hours before the holding of the meeting. This separate notice shall include the agenda, date, time and place of the meeting.

F. Posting of Notice. The written public notice discussed in §705.D and E shall include:

1. posting a copy of the notice at the office of the board; or

2. publication of the notice on the board website no less than 24 hours before the meeting.

G. Notice to Board Members. Notice of all meetings, in conformity with §705.D and E, shall be given in writing to each board member by the executive director.

H. Quorum. A simple majority of board members shall constitute a quorum for the transaction of business.

I. *Robert's Rules of Order*. *Robert's Rules of Order* shall govern the proceedings of the board at all meetings, except as otherwise provided herein or by law.

J. Location of Meetings. All meetings shall be held at the board office, unless, in the judgment of the chairman, it is necessary, convenient or preferable to meet elsewhere.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:52 (February 1976), amended LR 5:118 (May 1979), LR 11:1181 (December 1985), LR 19:55 (January 1993), LR 21:1354 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1023 (July 2001), LR 30:1707 (August 2004), LR 44:614 (March 2018), LR 47:

### **§709. Executive Director**

A. – B. ...

C. Duties of the Executive Director. The executive director shall:

C.1. - C.7. ...

8. supervise the administration of the Louisiana laws of land surveying examination;

C.9. - C.25. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation, Board of Registration for Professional Engineers and Land Surveyors, LR 2:53 (February 1976), amended LR 5:118 (May 1979), LR 11:1180 (December 1985), LR 19:55 (January 1993), LR 21:1354 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1025 (July 2001), LR 30:1709 (August 2004), LR 37:2412 (August 2011), LR 38:2563 (October 2012), LR 44:614 (March 2018), LR 45:76 (January 2019), LR 47:

### **Chapter 9. Requirements for Certification and Licensure of Individuals and Temporary Permit to Practice Engineering or Land Surveying**

#### **§903. Professional Engineer Licensure**

A. The requirements for licensure as a professional engineer under the alternatives provided in the licensure law are as follows:

A.1. ...

2. the applicant for licensure as a professional engineer shall be an individual who holds a valid license to engage in the practice of engineering issued to him/her by proper authority of a state, territory, or possession of the United States, or the District of Columbia, based on requirements that do not conflict with the provisions of the

licensure law and which were of a standard not lower than that specified in the applicable licensure law in effect in Louisiana at the time such license was issued, who is of good character and reputation, who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and if the state, territory, or possession, or the District of Columbia, in which he/she is licensed will accept the licenses issued by the board on a comity basis, and who was duly licensed as a professional engineer by the board; or

3. the applicant for licensure as a professional engineer shall be a graduate of an accredited engineering curriculum of four years or more approved by the board as being of satisfactory standing who has a verifiable record of twenty years or more of progressive experience obtained subsequent to meeting the educational qualification on engineering projects of a level and scope satisfactory to the board, who is of good character and reputation, who has passed the examination(s) required by the board in the principles and practice of engineering in the discipline(s) of engineering in which the applicant seeks to be listed, who was recommended for licensure by five personal references (at least three of whom must be professional engineers who have personal knowledge of the applicant's engineering experience and character and ability), who has submitted an application for licensure in accordance with the requirements of R.S. 37:694, and who was duly licensed as a professional engineer by the board.

B. - H. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688 and 37:3651.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:352 (November 1976), amended LR 5:114 (May 1979), LR 5:365 (November 1979), LR 6:735 (December 1980), LR 7:644 (December 1981), LR 10:804 (October 1984), LR 11:362 (April 1985), LR 19:56 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1028 (July 2001), LR 30:1712 (August 2004), LR 32:1619 (September 2006), LR 37:2412 (August 2011), LR 38:2564 (October 2012), LR 39:1060 (April 2013), LR 39:2801 (October 2013), LR 43:538 (March 2017), LR 43:1419 (July 2017), LR 44:616 (March 2018), LR 47:47:

### **Chapter 13. Examinations**

#### **§1301. General**

A.1. Only individuals who have been authorized by NCEES will be allowed to take the fundamentals of engineering and fundamentals of land surveying examinations, and registration for these examinations must be made with NCEES.

2. Individuals who are seeking licensure as a professional engineer based on having met the educational qualifications described in §901.A.1 or §903.A.3 must obtain authorization from NCEES in order to be allowed to take the principles and practice of engineering examination, and registration for this examination must be made with NCEES.

3. Individuals who are seeking licensure as a professional engineer based on having met the educational qualifications described in §901.A.2 or §901.A.3 must obtain authorization from the board in order to be allowed to take the principles and practice of engineering examination,

and registration for this examination must be made with the board.

4. Only individuals who have been authorized by the board will be allowed to take the principles and practice of land surveying and Louisiana laws of land surveying examinations, and all applications for these examinations must be timely filed with the board.

B. An individual must present appropriate documents to establish his/her eligibility and identification prior to being admitted to any examination.

C. Examinations in the fundamentals of engineering, fundamentals of land surveying, the principles and practice of engineering, the principles and practice of land surveying and the Louisiana laws of land surveying will be offered at times and places designated by the board or NCEES. Descriptions of typical content of the examinations will be made available to individuals through the board or NCEES.

D. Any individual found to have engaged in conduct which subverts or attempts to subvert the examination process may, at the discretion of the board, have his/her scores on the examination withheld and/or declared invalid, have disciplinary action taken as described in R.S. 37:698-700 and/or be subject to the imposition of other appropriate sanctions.

E. The board may require individuals who are seeking to take an examination to demonstrate their knowledge of the laws and rules of the board, and the English language. Such individuals must be able to speak and write the English language. Proficiency in English may be evidenced by possession of a baccalaureate degree taught exclusively in English, or by passage of both the TOEFL (test of English as a foreign language) paper-based exam with a score of 550 or better (213 or better on the TOEFL computer-based exam) and the TSE (test of spoken English) exam with a score of 45 or better. Individuals requesting a waiver from the TOEFL and/or TSE requirements must submit a written request and supporting reasoning to the board. A waiver from the TOEFL and/or TSE requirements may be granted by the board upon receipt of one of the following:

1. a passing score on the Graduate Record Examination (GRE); or

2. transcripts which verify the successful completion of 6 full-time semesters (6 credit hours per semester) toward a graduate engineering degree in the United States.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended LR 7:647 (December 1981), LR 11:363 (April 1985), LR 16:774 (September 1990), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1030 (July 2001), LR 30:1714 (August 2004), LR 35:1909 (September 2009), LR 37:2413 (August 2011), repromulgated 37:2752 (September 2011), amended LR 38:2565 (October 2012), LR 39:2282 (August 2013), LR 42:1104 (July 2016), LR 44:618 (March 2018), LR 47:

#### **§1305. Approval to Take the Examination in the Principles and Practice of Engineering**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for

Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended LR 7:647 (December 1981), LR 11:363 (April 1985), LR 11:950 (October 1985), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1030 (July 2001), LR 30:1715 (August 2004), LR 40:1390 (July 2014), LR 44:619 (March 2018), repealed LR 47:

#### **§1309. Approval to Take the Examinations in the Principles and Practice of Land Surveying and in the Louisiana Laws of Land Surveying**

A. Only an individual who meets all of the other requirements for licensure as a professional land surveyor may be permitted to take the examinations in the principles and practice of land surveying and in the Louisiana laws of land surveying.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:113 (May 1979), amended LR 7:647 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1030 (July 2001), LR 30:1715 (August 2004), repromulgated LR 44:619 (March 2018), LR 47:

#### **§1311. Examination for Record Purposes**

A. The board provides the opportunity for professional engineers who were previously licensed in Louisiana to take the examination in the principles and practice of engineering in the discipline(s) of engineering in which they seek to be listed without affecting their current licensure status with the board. These examinations are offered at times and places designated by the board or NCEES. Each individual will be charged a fee for this service.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:114 (May 1979), amended LR 7:647 (December 1981), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1030 (July 2001), LR 30:1715 (August 2004), LR 44:619 (March 2018), LR 47:

#### **§1313. Examination Results**

A. The board or NCEES will specify the minimum passing score for all examinations for certification or licensure of individuals.

B. Individuals will be informed only as to whether they passed or failed an examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:114 (May 1979), amended LR 7:647 (December 1981), LR 11:363 (April 1985), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1031 (July 2001), LR 30:1715 (August 2004), LR 39:2282 (August 2013), LR 44:619 (March 2018), LR 47:

#### **§1315. Re-Examinations**

A. An individual who fails an examination is eligible to apply to retake the examination.

B. After an individual has failed a principles and practice of engineering examination, principles and practice of land surveying examination or Louisiana laws of land surveying examination a minimum of three times, he/she may be

required to appear before the board, or a committee of the board, for an oral interview.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:688.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 2:353 (November 1976), amended LR 4:516 (December 1978), LR 5:114 (May 1979), LR 7:647 (December 1981), LR 12:692 (October 1986), LR 16:774 (September 1990), LR 19:57 (January 1993), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1031 (July 2001), LR 30:1715 (August 2004), LR 32:1620 (September 2006), LR 35:1909 (September 2009), LR 36:1034 (May 2010), LR 39:2283 (August 2013), LR 42:2196 (December 2016), LR 47:

## **Chapter 15. Experience**

### **§1509. Experience at Time of Application**

A. ...

B. For applicants for professional engineer licensure under §903.A.1 of these rules, the “verifiable record of four years or more of progressive experience obtained subsequent to meeting the educational and applicable experience qualifications to be an engineer intern” must be gained by the time of application for licensure.

C. For applicants for professional engineer licensure under §903.A.3 of these rules, the “verifiable record of twenty years or more of progressive experience obtained subsequent to meeting the educational qualification” must be gained by the time of application for licensure.

D. For applicants for professional land surveyor licensure under §909.A.1 of these rules, the “verifiable record of four years or more of combined office and field experience in land surveying including two years or more of progressive experience on land surveying projects under the supervision of a professional land surveyor” must be gained by the time of application for licensure.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:688.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Professional Engineering and Surveying Board, LR 27:1031 (July 2001), amended LR 30:1716 (August 2004), LR 37:2413 (August 2011), LR 38:2565 (October 2012), LR 40:1390 (July 2014), LR 42:443 (March 2016), LR 47:

## **Chapter 19. Disciplines of Engineering**

### **§1901. Disciplines**

A. Professional engineers will be issued licenses by the board as a professional engineer, and the board shall list a professional engineer in one or more of the disciplines of engineering approved by NCEES based on such individual having passed the examination in the principles and practice of engineering in such discipline(s).

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 37:688.

**HISTORICAL NOTE:** Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:118 (May 1979), amended LR 5:365 (November 1979), LR 7:646 (December 1981), LR 11:362 (April 1985), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1033 (July 2001), LR 30:1718 (August 2004), LR 39:1061 (April 2013), LR 43:1420 (July 2017), LR 44:622 (March 2018), LR 47:

## **Chapter 21. Certificates of Licensure and Certification of Individuals or Firms**

### **§2103. Licensure and Certification Status**

A. The board has established the following licensure statuses for licensees.

*Active Status*—the licensure status which exists for a licensee of the board who has complied with all the licensure and licensure renewal requirements of the board and who has either elected to be in this status on his/her biennial licensure renewal form or otherwise received authorization from the board to be in this status.

*Expired Status*—the licensure status which exists for a licensee of the board who has either failed to properly renew licensure as required in R.S. 37:697 or otherwise received authorization from the board to be in this status. A licensee in an expired status cannot practice or offer to practice engineering or land surveying in Louisiana.

*Inactive Status*—the licensure status which exists for an individual licensee of the board who has chosen not to practice or offer to practice engineering and/or land surveying in Louisiana and who has either elected to be in this status on his/her biennial licensure renewal form or otherwise received authorization from the board to be in this status. A licensee in an inactive status can represent himself/herself to the public as a P.E. inactive or a P.L.S. inactive, as applicable, but cannot otherwise practice or offer to practice engineering and/or land surveying in Louisiana.

*Retired Status*—the licensure status which exists for an individual licensee of the board who has chosen not to practice or offer to practice engineering and/or land surveying in Louisiana and who has either elected to be in this status on his/her biennial licensure renewal form or otherwise received authorization from the board to be in this status. To qualify for the retired status, the licensee must be at least 70 years of age or have been a licensee of the board for at least 35 years. Unless the licensee is granted a waiver by the board, the renewal fee for the retired status shall be one-half of the current renewal fee for the active status. A licensee qualified for the retired status may be granted a waiver of this renewal fee if the licensee is at least 70 years of age, has been a licensee of the board for at least 35 years continuously, has never been subject to disciplinary action in any jurisdiction, has never committed any of the offenses described in R.S. 37:698(A)(3), (4) or (5), and is of good character and reputation. A licensee in a retired status can represent himself/herself to the public as a P.E. retired or a P.L.S. retired, as applicable, but cannot otherwise practice or offer to practice engineering and/or land surveying in Louisiana.

B. The board has established the following certification statuses for certificate holders.

*Active Status*—the certification status which exists for a certificate holder of the board who has complied with all the certification and certification renewal requirements of the board and who has either elected to be in this status on his/her biennial certification renewal form or otherwise received authorization from the board to be in this status.

*Expired Status*—the certification status which exists for a certificate holder of the board who has either failed to

properly renew certification as required in R.S. 37:697 or otherwise received authorization from the board to be in this status.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2151 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1035 (July 2001), LR 30:1719 (August 2004), LR 36:1034 (May 2010), LR 44:622 (March 2018), LR 47:

## **Chapter 23. Firms**

### **§2301. General**

A. - B.3. ...

C. Unless otherwise provided, sole proprietorships which are not legal entities and which bear the full name of the owner who is a licensed professional are exempt from the application of this Chapter. Such sole proprietorships are not required to be licensed as engineering or land surveying firms with the board. Sole proprietorships which are not legal entities and which do not bear the full name of the owner who is a licensed professional must be licensed with the board as an engineering or land surveying firm and must comply with all the provisions of this Chapter. For purposes of this §2301.C, legal entities is defined as domestic or foreign partnerships, associations, cooperatives, ventures, corporations, limited liability companies, limited liability partnerships, or other entities.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 3:502 (December 1977), amended LR 5:116 (May 1979), LR 8:191 (April 1982), LR 16:774 (September 1990), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1035 (July 2001), LR 30:1719 (August 2004), LR 37:2414 (August 2011), LR 44:622 (March 2018), LR 47:

### **§2305. Supervising Professional**

A.1. Each firm licensed with the board shall designate one or more supervising professionals. Each supervising professional shall be a licensed professional in an active status:

A.1.a. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:689.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 5:115 (May 1979), amended LR 8:191 (April 1982), LR 10:343 (April 1984), LR 11:362 (April 1985), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1036 (July 2001), LR 30:1719 (August 2004), LR 33:2789 (December 2007), LR 35:2856 (December 2009), LR 38:1418 (June, 2012), LR 44:623 (March 2018), LR 46:1398 (October 2020), repromulgated LR 46:1695 (December 2020), LR 47:

## **Chapter 25. Professional Conduct**

### **§2501. Scope; Knowledge; Definition of Licensee**

A. - E. ...

F. Licensees shall be truthful in all communications with the board. Licensees shall not engage in any fraud, deceit or perjury, make any material misstatements, or submit any false or forged evidence, in connection with such communications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 4:299 (August 1978), amended LR 7:648 (December 1981), LR 16:776 (September 1990), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1036 (July 2001), LR 30:1720 (August 2004), LR 44:623 (March 2018), LR 47:

## **Chapter 31. Continuing Professional Development (CPD)**

### **§3109. Exemptions**

A. A licensee may be exempt from the CPD requirements in this Chapter for any one or more of the following reasons.

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

4. Licensees working in a location for more than 180 days in a calendar year where compliance with the CPD requirements is impractical due to location, working hours, mail restrictions, etc., may be granted an exemption from such requirements for said calendar year. Supporting documentation, such as a signed letter from the licensee's employer, is required. This documentation shall be on the letterhead of the employer, shall set forth both the location and the period of time in which the licensee has been working outside of the United States, and shall contain a statement by the employer as to why it was impractical for the licensee to satisfy the CPD requirements.

A.5. - A.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2153 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1048 (July 2001), LR 30:1731 (August 2004), LR 42:1105 (July 2016), LR 44:630 (March 2018), LR 47:

### **§3115. Record Keeping**

A. ...

B. All licensees are required to obtain and maintain certificates, transcripts or other proof of attendance/completion substantiating any PDHs earned. Such certificates, transcripts or other proof should include, at a minimum, the dates and titles/descriptions of the courses/activities, the names of the sponsors/providers, the licensee's name, and the number of PDHs earned.

C. All licensees are required to maintain a board-approved professional development activity log outlining all PDHs claimed during a calendar year. Licensees must complete all sections of the log and be prepared to submit the completed log and any corresponding documentation to the board upon request. Blank log forms can be obtained from the board's website.

D. Maintaining records to be used to support PDHs claimed is the responsibility of the licensee. These records must be maintained for at least six consecutive calendar

years and copies may be requested by the board at any time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1049 (July 2001), LR 30:1732 (August 2004), LR 42:1107 (July 2016), LR 44:632 (March 2018), LR 47:

### **§3117. Audit and Review of Records**

A. ...

B. Additionally, the board will conduct random audits twice per year in connection with impending biennial licensure renewals of up to 30% of all board licensees renewing in that calendar year. A license will not be renewed and will be deemed to have expired, unless the licensee provides proof of compliance with all CPD requirements and there are no discrepancies or deficiencies discovered.

C. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:697.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Board of Registration for Professional Engineers and Land Surveyors, LR 24:2154 (November 1998), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1049 (July 2001), LR 30:1732 (August 2004), LR 35:2856 (December 2009), LR 44:632 (March 2018), LR 47:

#### **Family Impact Statement**

In accordance with R.S. 49:953(A)(1)(a)(viii) and 972, the following Family Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known impact on family formation, stability or autonomy.

#### **Poverty Impact Statement**

In accordance with R.S. 49:953(A)(1)(a)(ix) and 973, the following Poverty Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known impact on child, individual or family poverty in relation to individual or community asset development.

#### **Small Business Analysis**

In accordance with R.S. 49:953(A)(1)(a)(x) and 978.5, the following Small Business Regulatory Flexibility Analysis is submitted with the Notice of Intent for publication in the *Louisiana Register*: The impact of the proposed Rule on small businesses has been considered. LAPELS has, consistent with health, safety, environmental and economic welfare, considered utilizing regulatory methods that will accomplish the objectives of applicable statutes while minimizing adverse impact on small businesses. The proposed Rule is not anticipated to have an adverse impact on small businesses.

### **Provider Impact Statement**

In accordance with HCR No. 170 of the 2014 Regular Session, the following Provider Impact Statement is submitted with the Notice of Intent for publication in the *Louisiana Register*: The proposed Rule has no known effect on the staffing level requirements or qualifications required to provide the same level of service, the cost to the provider to provide the same level of service or the ability of the provider to provide the same level of service.

#### **Public Comments**

Interested parties are invited to submit written comments on the proposed Rule through May 10, 2021 at 4:30 p.m., to Donna D. Sentell, Executive Director, Louisiana Professional Engineering and Land Surveying Board, 9643 Brookline Avenue, Suite 121, Baton Rouge, LA 70809-1433.

Donna D. Sentell  
Executive Director

### **FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES**

#### **RULE TITLE: Engineering and Land Surveying**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no estimated implementation costs or savings to state or local governmental units resulting from this proposed rule change. The proposed rule change revises existing rules under which LAPELS operates to (a) make several minor housekeeping changes, (b) incorporate the recent change made to LAPELS' licensure law dealing with requirements for professional engineer licensure, (c) update the processes with respect to examinations, (d) provide for alternative methods of changing licensure and certification status, (e) clarify the exemption from firm licensure for certain sole proprietorships, (f) impose a requirement for licensees to be truthful in all communications with LAPELS and (g) clarify several requirements with respect to continuing professional development.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There will be no estimated effect on revenue collections of state or local governmental units as a result of this proposed rule change.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)**

The proposed rule change will have no estimated impact on costs and/or economic benefits to directly affected persons, small businesses or non-governmental groups.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There will be no estimated effect on competition and employment in the public and private sectors as a result of the proposed rule change.

Donna D. Sentell  
Executive Director  
2104#059

Alan M. Boxberger  
Staff Director  
Legislative Fiscal Office

3. All trotlines shall have an eight-foot cotton leader on each end of the trotline.

4. Except for those metal objects located above the water that are affixed to a private pier, dock, houseboat, or other manmade structure which is designed for fishing, no trotline shall be attached to any metallic object.

5. Each trotline shall be attended daily when in service.

6. When not in use, each trotline shall be removed from the waterbody by the owner or user.

C. A violation of any of the provisions of this Section shall be a class one violation, except there shall be no imprisonment. In addition, any device found in violation of

this Paragraph shall be immediately seized by and forfeited to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:326.3 and 56:6(32).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 38:2567 (October 2012), amended LR 39:3101 (November 2013), LR 47:497 (April 2021).

Jack Montoucet  
Secretary

2104#005

# Administrative Code Update

**CUMULATIVE: Jan-Mar 2021**

LAC Title	Part #.Section #	Action	Location:		LAC Title	Part #.Section #	Action	Location:			
			Month	LR 46 Page #				Month	LR 46 Page #		
7	XXXV.701,703,705,707,709,711,713,715 XXXIX.539	Adopted	Mar.	348	46	LIII.2903,2905,2907,2909 LIII.2914	Repealed	Jan.	084		
		Amended	Feb.	229			Adopted	Jan.	084		
13	I.3303,3307	Amended	Jan..	037		LIII.2719,2829,2901,2911,2917,2921,2929 LIII.2903,2905,2907,2909	Amended	Jan.	084		
17	I.101	Amended	Jan.	079			LIII.Chapter 12	Repealed	Jan.	084	
22	V.203,205,211 XI.102,103,121,501,504,511,513,514,705 XIII.301	Amended	Mar.	358	48	I.5038	Amended	Feb.	240		
		Amended	Mar.	358			LIII.Chapter 29	Amended	Feb.	247	
		Amended	Mar.	364			LV.101,301	Amended	Feb.	274	
28	IV.509,703,705,803,805 VI.311 CXLVII.105,301,305 CXLIX.2101	Amended	Jan.	038	50	I.2111 II.10137 IX.601,701,703,705,901,903,905 IX.8301,8305 IX.8501,8501 IX.8503 IX.8505 VII.32903	Amended	Mar.	369		
		Amended	Jan.	042			Amended	Mar.	371		
		Amended	Mar.	354			Amended	Jan.	048		
		Amended	Mar.	355			Amended	Jan.	049		
		Amended	Mar.	355			Repealed	Jan.	049		
33	III.505,507,2160,3003,5116,5122,5311,5901 IX.4901,4903	Amended	Mar.	355		XI.10301,10303,10503,10701 XI.16301,16303,16503,16701 XIX.Chapters 39,41,43 XXII.8101,8103,8105,8107,8109 XXII.8111,8301,8303,8501 XXVII.541	Repealed	Jan.	049		
		Amended	Mar.	357			Amended	Mar.	370		
37	XIII.705 XIII.1101	Amended	Jan.	052		XXII.8111,8301,8303,8501 XXVII.541	Amended	Jan.	046		
		Amended	Jan.	052			Amended	Jan.	050		
42	III.102,104,105,107,120,1907 VII.Chapters 1-13 XV.103,105,107,123,127,129,703,705,707 XV.713,725,727,729,731,733,735,737	Amended	Feb.	255	51	II.105,107	Repromulgated	Jan.	043		
		Amended	Feb.	255			Repromulgated	Jan.	043		
		Amended	Mar.	366			Amended	Mar.	371		
		Amended	Mar.	366			Amended	Jan.	051		
43	XVII.601,603,605,607,609,611,613,615 XVII.617,619,621,623,625,627,629,631,633	Adopted	Jan.	053	55	V.Chapter 34 VII.801,803,805,807	Adopted	Feb.	253		
		Adopted	Jan.	053			Adopted	Jan.	080		
46	V.2701,2801,2901-2907,3101,3701,3901 V.4301,4401-4405,4501,4701-4710 XXIX.129 XXXIII.203,701 XXXIII.322,1502 LI.503,507,801 LIII.506,904 LIII.2457	Amended	Feb.	230	61	III.1539-1546	Adopted	Feb.	272		
		Amended	Feb.	230			67	III.5553 III.5591 V.3903 V.6953,7103,7303,7503 V.7311,7313,7315,7321,7323 VII.901,903,905,907,909,911,913,915 VII.917,919,921	Adopted	Jan.	036
		Amended	Mar.	364					Amended	Mar.	350
		Amended	Feb.	236					Amended	Jan.	036
		Repromulgated	Jan.	042					Amended	Feb.	229
		Amended	Feb.	237					Amended	Mar.	350
		Amended	Feb.	244					Amended	Mar.	371
		Amended	Feb.	246					Amended	Mar.	371

# Potpourri

## POTPOURRI

Department of Agriculture and Forestry  
Office of Agriculture and Environmental Sciences

Annual Quarantine Listing 2021

In accordance with LAC 7:XV.107 and 109, we are hereby publishing the annual quarantine.

### 1.0 Sweetpotato Weevil

#### (*Cylas formicarius elegantulus* Sum)

(a) In the United States: the states of Alabama, California, Florida, Georgia, Mississippi, North Carolina, South Carolina, Texas and any other state found to have the sweetpotato weevil.

(b) In the State of Louisiana:

1) The entire parishes of: Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Cameron, DeSoto, East Baton Rouge, East Feliciana, Evangeline, Grant, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Natchitoches, Orleans, Plaquemines, Pointe Coupee, Rapides, Red River, Sabine, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Washington, Webster, West Baton Rouge, West Feliciana.

### 2.0 Pink Bollworm (*Pectinophora gossypiella* Saunders)

Pink bollworm quarantined areas are divided into generally infested and/or suppressive areas as described by USDA-PPQ.

#### ARIZONA

(1) Generally infested area: the entire state.

#### CALIFORNIA

(1) Generally infested area: The entire counties of: Imperial, Inyo, Los Angeles, Orange, Riverside, San Bernardino, and San Diego.

(2) Suppressive area: The entire counties of: Fresno, Kern, Kings, Madera, Merced, San Benito, and Tulare.

#### NEW MEXICO

(1) Generally infested area: The entire state.

#### TEXAS

(1) Generally infested area: The entire state.

### 3.0 Phytophagous Snails

The states of Arizona and California.

### 4.0 Sugarcane Pests and Diseases

All states outside of Louisiana.

### 5.0 Lethal Yellowing

The state of Florida.

### 6.0 Texas Phoenix Decline

The states of Texas and Florida.

### 7.0 Tristeza, Xyloporosis, Psorosis, Exocortis.

All citrus growing areas of the United States.

### 8.0 Burrowing Nematode (*Radopholus similis*)

The States of Florida and Hawaii and the Commonwealth of Puerto Rico.

### 9.0 Oak Wilt (*Ceratocystis fagacearum*)

#### ARKANSAS

Infected counties: Baxter, Benton, Boone, Carroll, Clay, Craighead, Crawford, Franklin, Fulton, Independence, Izard, Johnson, Lawrence, Logan, Madison, Marion, Mississippi, Nevada, Newton, Poinsett, Pope, Randolph, Scott, Searcy, Sharp, Stone, Washington, and Yell.

#### ILLINOIS

Entire state.

#### INDIANA

Entire state.

#### IOWA

Entire state.

#### KANSAS

Infected counties: Anderson, Atchison, Cherokee, Doniphan, Douglas, Franklin, Jackson, Jefferson, Johnson, Leavenworth, Linn, Miami, Neosho, Pottawatomie, Shawnee, and Wyandotte.

#### KENTUCKY

Infected counties: Adair, Allen, Ballard, Bath, Bell, Boyd, Breathitt, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carter, Casey, Christian, Clay, Clinton, Cumberland, Daviess, Edmonson, Elliott, Estill, Fleming, Floyd, Graves, Grayson, Green, Greenup, Hancock, Hardin, Harlan, Hart, Henderson, Hopkins, Jefferson, Johnson, Knott, Knox, Lawrence, Lee, Leslie, Letcher, Lewis, Logan, McCracken, McLean, Magoffin, Marshall, Martin, Menifee, Metcalfe, Montgomery, Morgan, Muhlenberg, Nelson, Ohio, Oldham, Owsley, Perry, Pike, Powell, Pulaski, Rowan, Russell, Taylor, Todd, Trigg, Union, Warren, Wayne, and Webster.

#### MARYLAND

Infected Counties: Allegany, Frederick, Garrett, and Washington.

#### MICHIGAN

Infected counties: Barry, Barrien, Calhoun, Cass, Clare, Clinton, Grand Traverse, Kalamazoo, Kent, Lake, Livingston, Manistee, Missaukee, Muskegon, Oakland, Roscommon, St. Joseph, Van Buren, Washtenaw, Wyne, and Menominee.

#### MINNESOTA

Infected counties: Anoka, Aitkin, Blue Earth, Carver, Cass, Chicago, Crow Wing, Dakota, Dodge, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Le Sueur, McLeod, Mille Lacs, Morrison, Mower, Nicollet, Olmsted, Ramsey, Rice, Scott, Sherburne, Sibley, Steele, Wabasha, Waseca, Washington, Winona, and Wright.

#### MISSOURI

Entire state.

#### NEBRASKA

Infected counties: Cass, Douglas, Nemaha, Otoe, Richardson, and Sarpy.

#### NORTH CAROLINA

Infected counties: Buncombe, Burke, Haywood, Jackson, Lenoir, Macon, Madison, and Swain.



OHIO

Entire state.

OKLAHOMA

Infected counties: Adair, Cherokee, Craig, Delaware, Haskell, Latimer, LeFlore, Mayes, McCurtain, McIntosh, Ottawa, Pittsburg, Rogers, Sequoyah, and Wagoner.

PENNSYLVANIA

Infected counties: Adams, Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Centre, Clarion, Clinton, Cumberland, Erie, Fayette, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lawrence, Mifflin, Perry, Somerset, Venango, Washington, and Westmoreland.

SOUTH CAROLINA

Infected counties: Chesterfield, Kershaw, Lancaster, Lee, and Richland.

TENNESSEE

Infected Counties: Blount, Carter, Cocke, Cumberland, Grainger, Greene, Hamblen, Hancock, Hardeman, Hawkins, Jefferson, Knox, Lincoln, Loudon, Montgomery, Rhea, Roane, Robertson, Sevier, Sullivan, Union, Washington, and White.

TEXAS

Infected counties: Bandera, Bastrop, Bexar, Blanco, Basque, Burnett, Dallas, Erath, Fayette, Gillespie, Hamilton, Kendall, Kerr, Lampasas, Lavaca, McLennan, Midland, Tarrant, Travis, Williamson.

VIRGINIA

Infected counties: Aleghany, Augusta, Bath, Botetoust, Clarke, Frederick, Giles, Highland, Lee, Loudoun, Montgomery, Page, Rockbridge, Rockingham, Scott, Shenandoah, Smyth, Warren, Washington, Wise, and Wythe.

WEST VIRGINIA

Infected counties: all counties except Tucker and Webster.

WISCONSIN

Infected counties: Adams, Brown, Buffalo, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Dunn, Eau Claire, Fond du Lac, Grant, Green, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Lincoln, Marquette, Milwaukee, Monroe, Oconto, Outagamie, Ozaukee, Pepin, Pierce, Polk, Portage, Racine, Richland, Rock, St. Croix, Sauk, Shawano, Trempealeau, Vernon, Walworth, Washington, Waukesha, Waupaca, Waushara, Winnebago, and Wood.

10.0 Phony Peach

ALABAMA

Entire state.

ARKANSAS

Counties of Arkansas, Ashley, Bradley, Chicot, Columbia, Crittendon, Cross, Desha, Drew, Hempstead, Howard, Jefferson, Lafayette, Lee, Lincoln, Little River, Miller, Monroe, Nevada, Phillips, Pike, Poinsett, St. Francis, Sevier, Union, and Woodruff.

FLORIDA

Entire state.

GEORGIA

Entire state.

KENTUCKY

County of McCracken.

LOUISIANA

Parishes of Bienville, Bossier, Caddo, Claiborne, DeSoto, Jackson, Lincoln, Morehouse, Natchitoches, Ouachita, Red River and Union.

MISSISSIPPI

Entire state.

MISSOURI

County of Dunklin.

NORTH CAROLINA

Counties of Anson, Cumberland, Gaston, Hoke, Polk and Rutherford.

SOUTH CAROLINA

Counties of Aiken, Allendale, Bamberg, Barnwell, Cherokee, Chesterfield, Edgefield, Greenville, Lancaster, Laurens, Lexington, Marlboro, Orangeburg, Richland, Saluda, Spartanburg, Sumter, and York.

TENNESSEE

Counties of Chester, Crockett, Dyer, Fayette, Hardman, Hardin, Lake, Lauderdale, McNairy, Madison, and Weakley.

TEXAS

Counties of Anderson, Bexar, Brazos, Cherokee, Freestone, Limestone, McLennan, Milan, Rusk, San Augustine, Smith, and Upshur.

11.0 Citrus Canker (*Xanthomonas citri subsp. citri*)

LOUISIANA

Infested parishes: Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, and St. John.

Any areas designated as quarantined under the Federal Citrus Canker quarantine 7 CFR 301.75 et seq.

12.0 Citrus Greening [*Candidatus Liberibacter asiaticus*]

LOUISIANA

Infested parishes: Jefferson, Orleans, Plaquemines, St. Bernard and Washington.

Any other areas or states designated as infested under the Federal Citrus Greening and Asian Citrus Psyllid quarantine 7 CFR 301.76 et seq.

13.0 Asian Citrus Psyllid [*Diaphorina citri Kuwayama*]

LOUISIANA

Infested parishes: Jefferson, Orleans, Lafourche, Plaquemines, St. Bernard, St. Charles, St. James, St. Tammany, Tangipahoa and Terrebonne.

Any other areas or states designated as infested under the Federal Citrus Greening and Asian Citrus Psyllid quarantine 7 CFR 301.76 et seq.

14.0 Emerald Ash Borer [*Agrilus planipennis*]

LOUISIANA

Infested parishes: Bienville, Bossier, Caddo, Claiborne, Jackson, Lincoln, Morehouse, Ouachita, Union and Webster.

15.0 Roseau Cane Scale (*Nipponaclerda biwakoensis*)

LOUISIANA

Infested parishes: Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Vernon, Washington, and West Feliciana.

**17.0 Guava root knot nematode  
(Meloidogyne enterolobii)**

The entire states of Florida, North Carolina, and South Carolina.

Mike Strain DVM  
Commissioner

2104#010

**POTPOURRI**

**Department of Environmental Quality  
Office of the Secretary  
Legal Affairs and Criminal Investigations Division**

Regional Haze State Implementation Plan  
for the Second Implementation Period

Under the authority of the Louisiana Environmental Quality Act, R.S. 30:2051 et seq., the secretary gives notice that the Office of Environmental Assessment, Air Planning and Assessment Division, will submit to the Environmental Protection Agency (EPA) a proposed revision to the Louisiana State Implementation Plan (SIP) for the Regional Haze Program as required under the Clean Air Act, Part C, Section 169 Part 51.308, namely the Regional Haze Implementation Plan for the Second Implementation Period as required by 40 CFR 51.308 (f).(2104Pot1)

Section 169A of the Clean Air Act sets forth a national goal for visibility, which is the “prevention of any future, and the remedying of any existing, impairment of visibility in Class I areas which impairment results from manmade air pollution.” Breton Wilderness Area, a chain of barrier islands approximately 30 miles off the southeast coast of Louisiana, is classified as a Class I Federal Area, and is afforded visibility protection under the Clean Air Act, Part C, Section 169, and 40 CFR Part 51.308.

All interested persons may submit written comments concerning the revision no later than 4:30 p.m., Friday, June 11, 2021, to Vivian H. Johnson, Office of Environmental Assessment, P. O. Box 4314, Baton Rouge, LA. 70821-4314 or by email at vivian.johnson2@la.gov. A public hearing will be held upon request. The deadline for requesting a public hearing is Friday, May 7, 2021. The revision is available for review via LDEQ’s electronic document management service (EDMS), AI# 174156, or at LDEQ Headquarters, 602 N. 5th Street, Baton Rouge, Louisiana, 70802.

Courtney J. Burdette  
General Counsel

2104#022

**POTPOURRI**

**Department of Natural Resources  
Office of Conservation**

Orphaned Oilfield Sites

Office of Conservation records indicate that the Oilfield Sites listed in the table below have met the requirements as

set forth by Section 91 of Act 404, R.S. 30:80 et seq., and as such are being declared Orphaned Oilfield Sites.

Operator	Field	District	Well Name	Well Number	Serial Number
BPR Energy, Inc.	Bayou Choctaw	L	E B Schwing et al B	004	51675
BPR Energy, Inc.	Bayou Choctaw	L	E B Schwing B SI 2249 swd	003	48687
BPR Energy, Inc.	Pinewood	L	Temple 16	001	219537
BPR Energy, Inc.	Bayou Choctaw	L	SI 26926	001	50980
E C Wentworth	Ravenswood	L	Gosserand	001	99917
N. H. Leases, Inc	Greenwood-Waskom	S	Grey-Hickey	001	82245
Westland Oil Development Corp.	Wildcat-So La New Orleans Dis	L	Foster E Creppel	001	101400

Richard P. Ieyoub  
Commissioner

2104#017

**POTPOURRI**

**Department of Natural Resources  
Office of Conservation  
Environmental Division**

Public Hearing—Commercial Deep Well  
Injection Waste Disposal Facility

Notice is hereby given that the Commissioner of Conservation will conduct a hearing at 6:00 p.m., Thursday, May 20, 2021, via internet video conference in accordance with the Certification of Inability to Meet in Person due to Covid-19 Public Health Emergency for The Office of Conservation Public Hearings Dated March 1, 2021. The internet video conference access information can be found at the following web link: <http://www.dnr.louisiana.gov/index.cfm/page/135>.

At such hearing, the Commissioner, or his designated representative, will hear testimony relative to the application of PA Prospect Corporation, 1655 1st Ave. S #5, Columbus, Montana 59019. The applicant requests approval from the Office of Conservation to construct and operate a commercial deep well injection waste disposal facility for disposal of exploration and production waste (E&P Waste) fluids located on US Hwy 84 in Section 27, Township 13 North, Range 11 West in Red River Parish.

The application is available for inspection by contacting Mr. Christopher Delmar, Office of Conservation, Environmental Division, Eighth Floor of the LaSalle Office Building, 617 North 3rd Street, Baton Rouge, Louisiana. Copies of the application will be available for review at the

Red River Parish Police Jury located at 615 East Carroll Street, Coushatta, Louisiana and the Red River Parish Public Library located at 410 East Carroll Street, Coushatta, Louisiana in accordance with each locations COVID-19 policies. In addition, an electronic copy of the application will be available for review at the following web link: <http://www.dnr.louisiana.gov/index.cfm/page/135>. All application copies shall be available for review no later than 30 days prior to the hearing date. Verbal information may be received by calling Mr. Delmar at (225) 342-3019.

All interested persons will be afforded an opportunity to present data, views or arguments, orally or in writing, at said public hearing. Written comments must be received no later

than 4:00 p.m., Thursday, June 3, 2021, at the Baton Rouge Office. Comments should be directed to:

Office of Conservation  
Environmental Division  
P.O. Box 94275  
Baton Rouge, Louisiana 70804  
Re: Docket No. ENV 2021-01  
Commercial Facility Well Application  
Red River Parish

Richard P. Ieyoub  
Commissioner

2104#012

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