

OFFICE OF THE STATE REGISTER INSERTION ORDER (eff.08/02)

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(SUBMIT A SEPARATE INSERTION ORDER PER DOCUMENT)

[] EMERGENCY RULE (ER); [] NOTICE OF INTENT (NOI); [X] RULE; [] POTPOURRI

REFER TO INSTRUCTIONS ON REVERSE SIDE

This is your authority to publish in the (month) MAY, 20 16 Louisiana Register the document indicated above.

Office of Forestry
Office/Board/Commission promulgating this document

Department of Agriculture and Forestry
Department under which office/board/commission is classified

Mike Strain DVM, Commissioner of Agriculture & Forestry
(name) (title)
Name and title of person whose signature will appear in the publication (at the end of the document)

Lindsey Hunter (225) 922-1250 (225) 922-1253
(name) (phone) (fax)
Name, phone number, and FAX number of person to contact regarding this document

LHunter@daf.state.la.us
E-mail address of contact person

Provide a short descriptive listing for this document to be used in the Louisiana Register's TABLE OF CONTENTS/INDEX (note: this description should match the fiscal statement title, if sending a Notice of Intent:

*Name of electronic document/file:

N/A

Forest Productivity Program and Electronic Timber Records
(LAC 7:XXXIX.1307, 1501 and 1503)

Handwritten signature of Dane Morgan

Signature of Agency Head or Designee

Important: If submitting both an Emergency Rule (ER) and a Notice of Intent (NOI) to be published this month, AND if the rule text in the ER is identical to the rule text in the NOI, check here:

Dane Morgan, Assistant Commissioner of Management and Finance
Print Name and Title of Agency Head or Designee

CERTIFICATION OF AVAILABLE FUNDS DOCUMENT #

[X] ISIS AGENCY: I certify the availability of fiscal year 2015-2016 appropriated funds for the payment of the above referenced publication and authorize the processing of an Interagency Billing with the following coding on the 30th of the month of the publication. Attach supplemental sheet for additional lines of coding.

160 2693 4950
AGENCY ORGANIZATION OBJECT SUB-OBJECT REPORTING CATEGORY

[] NON-ISIS AGENCY: I certify the availability of fiscal year 2015-2016 appropriated funds for the payment of the above referenced publication and agree to place corresponding invoice in line for payment upon receipt.

Billing Address for Agencies:

Louisiana Department of Agriculture and Forestry
Office of Management and Finance
5825 Florida Blvd., Suite 1000
Baton Rouge, LA 70806

Handwritten signature of Dane Morgan
Signature of Agency Head or Designee - Phone # (225) 952-8142
Dane Morgan, Assistant Commissioner of Management and Finance
Print Name and Title of Agency Head or Designee

Lines/Other Charges Typesetting \$ TOTAL \$

ACT OF ADOPTION OF REGULATIONS

LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY OFFICE OF FORESTRY

RE: Forest Productivity Program and Electronic Timber Records (LAC 7:XXXIX.1307, 1501 and 1503)

I, Mike Strain, DVM, Commissioner of Agriculture and Forestry, have proposed to adopt the above cited rules and regulations. The steps required by the Administrative Procedure Act, La. R.S. 49:950, *et. seq.*, for promulgation of these rules and regulations have been substantially complied with, except for the final steps of formal adoption and publication in the State Register.

A Notice of Intent to amend and adopt the above cited regulations was published in the Louisiana Register at LR 42:301-302 (February 20, 2016). More than 90 days but less than one year has elapsed since the publishing of the notice of intent.

Therefore, I, in my official capacity as commissioner of agriculture and forestry, hereby adopt these rules and regulations, which become effective when published in the State Register.

Signed this 10th day of May 2016 at Baton Rouge, Louisiana.



MIKE STRAIN DVM,
COMMISSIONER OF AGRICULTURE AND FORESTRY

RULE

~~NOTICE OF INTENT~~

Department of Agriculture and Forestry
Office of Forestry

Forest Productivity Program and Electronic
Timber Records (LAC 7:XXXIX.1307, 1501 and 1503)

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., and through authority granted in accordance with Act 591 of 1970 and R.S. 3:4402, notice is hereby given that the Department of Agriculture and Forestry ("department"), through the Office of Forestry, ~~intends to amend and enact~~ the above cited regulations. LAC 7:XXXIX.1307 ~~is being~~ amended to increase the maximum cost share amount available to a landowner. This will result in more efficient use of timber management practices. LAC 7:XXXIX.1501 and 1503 ~~are being~~ amended in order to allow for the use of certain electronic records.

hereby adopts

~~is being~~ amended to increase the maximum cost share amount available to a landowner. This will result in more efficient use of timber management practices. LAC 7:XXXIX.1501 and 1503 ~~are being~~ amended in order to allow for the use of certain electronic records.

Title 7

AGRICULTURE AND ANIMALS

Part XXXIX. Forestry

Chapter 13. Forestry Productivity Program

§1307. Extent of State Participation

A. - C. ...

D. The maximum cost share rates are established as follows. Fifty percent of the cost per acre shall not exceed the following rates.

1. Artificial Regeneration: Tree Planting
 - a. Pine (loblolly, slash or shortleaf, planting and seedling cost): \$50/acre
 - b. Containerized Pine (loblolly, slash or shortleaf, planting and seedling cost): \$60/acres
 - c. Hardwood (planting and seedling cost): \$90/acre
 - d. Containerized Hardwood (planting and seedling cost): \$110/acre
 - e. Labor Only (pine or hardwood): \$25/acre
 - f. Labor Only (containerized pine or hardwood): \$35/acre
 - g. Longleaf Pine (planting and seedling cost): \$60/acre
 - h. Containerized Longleaf Pine (planting and seedling cost): \$80/acre
2. Artificial Regeneration: Direct Seeding
 - a. Pine (seed and labor cost): \$15/acre
 - b. Hardwood (seed and labor cost): \$30/acre
3. Artificial Regeneration: Site Preparation
 - a. Light (disking, mowing, or sub-soiling): \$15/acre
 - b. Burn Only (cut-over areas or agriculture lands): \$20/acre
 - c. Chemical and Burn (aerial, ground, or injection): \$75/acre
 - d. Chemical Only: \$60/acre
 - e. Mechanical and Burn: \$115/acre
 - f. Mechanical Only: \$100/acre
 - g. Post-site Preparation (aerial, ground, or injection): \$50/acre
 - h. Chemical and Herschal Drag: \$90/acre
4. Site Preparation for Natural Regeneration
 - a. Burning Only: \$15/acre
 - b. Chemical or Mechanical: \$65/acre
 - c. Chemical and Burning: \$75/acre

5. Control of Competing Vegetation

- a. Chemical Release (aerial, ground, or injection): \$50/acre
- b. Precommercial Thinning (mechanical): \$65/acre
- c. Burning Only: \$15/acre
- E. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4412 and R.S. 3:4413.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 24:1679 (September 1998), amended by the Department of Agriculture and Forestry, Office of Forestry, LR 28:267 (February 2002), LR 34:2338 (November 2008), LR 41:2102 (October 2015), LR 42:

Chapter 15. Timber Harvesting and Receiving Records

§1501. Loaders Log: Required Information; Distribution; Maintenance of Records

A. - B.9. ...

C. A loaders log may be kept in an electronic form. If a loaders log is kept in electronic form, it shall contain all required information set forth in Subsection B of this regulation and be maintained for a period of not less than six years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4278.3.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, Forestry Commission, LR 27:31 (January 2001), amended LR 27:1005 (July 2001), LR 37:2985 (October 2011), LR 42:

§1503. Scale/Load Tickets: Required Information; Distribution; Maintenance of Records

A. - C.9. ...

D. A scale ticket may be kept in an electronic form. If a scale ticket is kept in electronic form, it shall contain all required information set forth in Subsection C of this regulation and be maintained for a period of not less than six years. The use of an electronic scale ticket does not relieve the purchaser of the timber from the obligations set forth in Subsection B of this regulation. If scale tickets are kept in electronic form as provided by this Rule, the signature required by Paragraph C.9 of this Section may also be in electronic form.

E. Restrictions. Wood-receiving facilities cannot accept any load of timber unless all information required by these regulations is provided at the time of delivery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4278.3.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Forestry, Forestry Commission, LR 27:31 (January 2001), amended LR 27:1005 (July 2001), LR 37:2985 (October 2011), LR 42:

~~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 Wade Dubea, State Forester, Department of Agriculture and Forestry, 5825 Florida Blvd., Suite 6000, Baton Rouge, LA 70806 and must be received no later than 12 p.m., April 7, 2016. No preamble is available.

Mike Strain, DVM
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Office of Forestry Forest Productivity Program and Electronic Timber Records

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed amendment to LAC 7:XXXIX.1307 will result in an increase in expenditures for the LDAF Forestry Program. The proposed rule allows private landowners to cost share and receive reimbursements for two new services, chemical only site preparation (up to \$60/acre) and mechanical only site preparation (up to \$100/acre), through the Forest Productivity Program. The Forest Productivity Program provides financial assistance in the form of reimbursements to eligible landowners for establishing and improving crops of trees. To the extent that landowners make use of the new services available for cost sharing, LDAF will realize an indeterminable increase in expenditures. The amendments to Rule 1307 will not require additional paperwork for the Forest Productivity Program, as paperwork is already filled out by the

landowner and any changes to the paperwork to reflect the amended rules would be minimal.

The proposed amendments to LAC 7:XXXIX.1501-1503 will not result in any material savings or costs to state or local governmental units.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule changes are not anticipated to have a direct material 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 amendment to Rule 1307 will allow private landowners to cost share two new services, chemical only site preparation (up to \$60/acre) and mechanical only site preparation (up to \$100/acre), through the Forest Productivity Program. Landowners who utilize the two new services now included in the cost share program will be entitled to a per-acre reimbursement at the rates outlined in Rule 1307.

The amendments to Rules 1501 and 1503 will permit members of the timber industry who want to use electronic records for loaders logs and/or scale/load tickets to do so. All costs to track loaders logs and/or scale/load tickets electronically will be borne by operators who choose to do so.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule changes will not have a material effect on competition and employment.

Dane Morgan
Assistant Commissioner
1602#033

Evan Brasseaux
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 118—Statewide Assessment Standards and Practices—Parental Viewing of Assessments (LAC 28:CXI.321)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement revisions to *Bulletin 118—Statewide Assessment Standards and Practices* §321. Parental Viewing of Assessments. Through House Resolution 195 of the 2015 Regular Legislative Session (HR 195), the Louisiana Legislature requested the State Board of Elementary and Secondary Education to promulgate rules relative to teacher and parental access to and review of student assessments. In response to this request, the proposed revisions establish a process for student assessment(s) to be viewed by the parent or legal custodian of a student beginning with the assessments administered to students during the 2015-2016 school year.

**Title 28
EDUCATION**

Part CXI. Bulletin 118—Statewide Assessment Standards and Practices

**Chapter 3. Test Security
§321. Parental Viewing of Assessments**

A. State assessments serve as valid and reliable measurements of students' learning of academic content and skills at the end of grade levels or courses. They provide