

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 45:74 (January 2019).

Juana Marine-Lombard
Commissioner

1901#019

RULE

Department of Revenue Office of Alcohol and Tobacco Control

Governmental Entity Special Events (LAC 55:VII.403)

Under the authority of R.S. 26:793(A)(4) and R.S. 26:922 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Office of Alcohol and Tobacco Control, has adopted §403 to address issuance of special event permits to governmental entities, quasi-governmental entities, quasi-governmental development districts, and their agents and assigns by the commissioner of the Office of Alcohol and Tobacco Control since these entities are not addressed otherwise by existing law or regulation. The promulgation of §403 will assist the Office of Alcohol and Tobacco Control by providing guidelines for the issuance of special event permits to governmental entities, quasi-governmental entities, quasi-governmental development districts, and their agents and assigns. This Rule is hereby adopted on the day of promulgation.

Title 55

PUBLIC SAFETY

Part VII. Alcohol and Tobacco Control

Chapter 4. Alcohol Public Safety Regulations

§403. Governmental Entity Special Events

A. The commissioner shall have the authority to issue alcohol and tobacco special event permits to governmental entities, quasi-governmental entities, quasi-governmental development districts, and their agents and assigns. Special event permits issued to governmental entities, quasi-governmental entities, and quasi-governmental development districts, shall be classified as Type B Special Events pursuant to R.S. 26:793(A)(1)(c) and LAC 55:VII.323(B)(1)(b). Special event permits issued to the agents and assigns of governmental entities, quasi-governmental entities, and quasi-governmental development district shall be classified as Type C Special Events pursuant to R.S. 26:793(A)(1)(d) and LAC 55:VII.323(B)(1)(c). Special event permits issued to governmental entities, quasi-governmental entities, quasi-governmental development districts and their agents and assigns shall not be subject to the twelve special event permit per year limitation imposed on non-governmental entities. The agents and assigns of governmental entities, quasi-governmental entities, and quasi-governmental development district shall still be restricted to 12 special events for those events wherein they are not acting as an agent or assign of a governmental entities, quasi-governmental entities, or quasi-governmental development district

AUTHORITY NOTE: Promulgated in accordance with R.S. 26:793(A)(4) and R.S. 26:922.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Office of Alcohol and Tobacco Control, LR 45:75 (January 2019).

Juana Marine-Lombard
Commissioner

1901#020

RULE

Department of Transportation and Development Professional Engineering and Land Surveying Board

Engineering and Land Surveying (LAC 46:LXI.105, 707, 709, 1101, 1107, 2701, and 3107)

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, 707, 709, 1101, 1107, 2701, and 3107.

This is a housekeeping revision of existing rules under which LAPELS operates. 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.

* * *

Practice of Land Surveying—defined in R.S. 37:682. The board recognizes that there exists a close relationship between land surveying and some areas of engineering, with some activities common to both professions; however, survey work related to property boundaries must be performed under the responsible charge of a professional land surveyor. Presented below are guidelines which shall be used as an aid in determining the types of surveying services which may be rendered by professional land surveyors or professional engineers.

a. Surveying and mapping functions which require the establishment of relationships to property ownership boundaries are unique to land surveying and must be performed by or under the responsible charge of a professional land surveyor. These functions include:

- i. boundary surveys;
- ii. subdivision surveys and plats;
- iii. public land surveys;
- iv. surveys of servitudes (easements) and rights of way;
- v. surveys of leases.

b. Surveying and mapping functions not unique to land surveying must be performed by or under the responsible charge of a professional land surveyor whenever they require the establishment of relationships to property ownership boundaries. These functions include:

- i. topographical surveys;
- ii. surveys for record drawing;
- iii. layout surveys for construction;
- iv. hydrographic surveys;
- v. mine surveys;
- vi. mapping.

c. Surveying and mapping functions which do not require the establishment of relationships to property ownership boundaries must be performed by or under the responsible charge of either a professional engineer or a professional land surveyor. These surveying and mapping functions include:

- i. topographical surveys;
- ii. surveys for record drawing;
- iii. layout surveys for construction;
- iv. hydrographic surveys;
- v. mine surveys;
- vi. mapping;
- vii. geodetic surveys;
- viii. cartographic surveys;
- ix. horizontal and vertical control surveys;
- x. quantity and measurement surveys;
- xi. profiles and cross-sections;
- xii. site grading plans.

d. Professional services which require the application of engineering principles and the interpretation of engineering data must be performed by or under the responsible charge of a professional engineer.

* * *

Topographical Survey—the measurement by any method of natural or man-made features in the air, on the surface or in the subsurface of the earth, or within bodies of water for the purpose of determining or establishing their size, shape, grade and/or contour. This also includes the preparation of any data depicting the above-described features. Such surveys may include the use of conventional survey methods, LIDAR and scanning technologies, and hydrographic survey methods to gather this data.

* * *

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).

Chapter 7. Bylaws

§707. Board Organization

A. - C. ...

D. Duties

1. Chairman. The chairman shall preside at all meetings, appoint all committees, except as otherwise provided, and shall, together with the secretary, sign all certificates issued by the board. The chairman shall, with the assistance of the executive director, compile the agenda for each regular and special meeting.

2. ...

3. Secretary. The secretary shall:

a. - b. ...

c. sign the minutes of the board meetings after approval of the minutes by the board.

4. Treasurer. The treasurer shall be responsible for the annual budget of the board. The treasurer shall present a financial report to the board at each regular meeting.

E. Committees. The board may establish standing committees, including but not limited to the following: executive committee, engineering committees, land surveying committee, engineer intern committee, laws and rules committee, education/accreditation committee, finance committee, nominations and awards committee, complaint review committees, continuing professional development committee, firm licensure committee, and enforcement committee. The board may also establish ad hoc committees from time-to-time as necessary.

1. - 3.b. ...

4. Land Surveying Committee. The chairman of the board shall appoint a land surveying committee composed of not less than two board members. At least two of the board members on the land surveying committee shall be professional land surveyors. The land surveying committee shall:

a. - c. ...

d. conduct oral examinations or interviews of applicants, as necessary; and

e. supervise the development and administration of examinations on the Louisiana laws of land surveying.

5. - 13. ...

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 5:110 (May 1979), LR 11:1179 (December 1985), LR 19:54 (January 1993), LR 21:1353 (December 1995), amended by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 27:1024 (July 2001), LR 30:1707 (August 2004), LR 33:2788 (December 2007), LR 35:1908 (September 2009), LR 37:2411 (August 2011), LR 38:2563 (October 2012), LR 40:1388 (July 2014), LR 42:1104 (July 2016), LR 44:614 (March 2018), LR 45:76 (January 2019).

§709. Executive Director

A. - B. ...

C. Duties of the Executive Director. The executive director shall:

1. - 13. ...

14. assist the board in the adoption and amendment of rules and bylaws in accordance with the state law;

15. represent the board at meetings of technical and professional societies and appear before student groups and legislative committee meetings;

16. write articles for publication to inform licensees, certificate holders and the public of activities and actions of the board;

17. be an associate member of NCEES;

18. assist the finance committee in the preparation of the budget;

19. assist in ensuring that expenditures are within the budget;

20. receive and account for all monies derived from the operation of the board;

21. comply with R.S. 37:690 in all matters relating to receipts and disbursements;

22. audit all bills and accounts covering expenditures and prepare all vouchers and checks for payment of approved bills;

23. keep a register of receipts and expenditures, maintaining such financial books, and show the financial condition of the board and the validity of the licenses and of the certificates which have been issued;

24. assist in the legislative audit made of all receipts and disbursements at the close of each fiscal year by a certified public accountant; and

25. assist the chairman with planning and compiling the agenda for each regular and special meeting of the board.

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).

Chapter 11. Curricula

§1101. Approved Curricula

A. - C. ...

D. To qualify for certification as an engineer intern pursuant to §901.A.2 or §901.A.3, a graduate of a non-accredited engineering or related science or engineering technology curriculum must submit to the board an evaluation of the curriculum prepared by a board-approved education credential evaluation service.

E. In general, the board will recognize as approved all accredited land surveying curricula of four years or more. The board may recognize as approved a land surveying curriculum that was not accredited at the time of the applicant's graduation, but which became accredited within the following two years.

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.D. 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).

§1107. Land Surveying, Mapping and Real Property Courses

A. To qualify for certification as a land surveyor intern pursuant to §907.A.1, the "30 semester credit hours, or the

equivalent, in land surveying, mapping, and real property courses approved by the board" shall include:

1. 15 semester credit hours, or the equivalent, in land surveying courses, at least three of which shall be in boundary surveying;

2. three semester credit hours, or the equivalent, in mapping courses;

3. three semester credit hours, or the equivalent, in real property courses; and

4. nine semester credit hours, or the equivalent, in either land surveying or mapping courses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:688.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 45:77 (January 2019).

Chapter 27. Use of Seals

§2701. Seal and Signature

A. - A.3.b.ii.(d). ...

* * *

iii. - iii.(c). Repealed.

4. Seal Use

a. Completed Work

i. - iv.(a). ...

v. Compiled As-Built Record Drawings

(a). The preparation of compiled engineering as-built record drawings is not considered to be the practice of engineering and such drawings are not required to be sealed or signed by a professional engineer. If the professional engineer was in responsible charge of the original underlying engineering work, he/she should (in lieu of a seal) include on the title page of the compiled engineering as-built record drawings a disclaimer (with date) which incorporates the following:

These compiled engineering as-built record drawings are a compilation of a copy of the original sealed engineering design drawings for this project, modified by addenda, change orders and information furnished by the contractor or others associated with the construction of the project. The information shown on these compiled engineering as-built record drawings that was provided by the contractor and/or others cannot be verified for accuracy or completeness. The compilation of this information does not relieve the contractor or others of responsibility for errors resulting from incorrect, incomplete or omitted data on their as-built record drawings - nor does it relieve them of responsibility for non-conformance with the original contract documents. The original sealed engineering drawings are on file in the offices of (name of professional engineer).

4..a.v.(b). - 5.b. ...

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:696.

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 12:692 (October 1986), LR 16:774 (September 1990), LR 17:273 (March 1991), LR 19:58 (January 1993), LR 22:287 (April 1996), LR 23:869 (July 1997), amended by the Louisiana Legislature, House Concurrent Resolution Number 2 of the 1998 First Extraordinary Session, LR 24:1207 (June 1998), repromulgated by the Department of Transportation and Development, Professional Engineering and Land Surveying Board, LR 25:1525 (August 1999), amended LR 27:1039 (July 2001), LR 30:1723 (August 2004), LR 33:2789 (December 2007), LR 34:2415 (November 2008), LR 35:1910 (September 2009), LR 38:1418 (June 2012), LR 39:1481 (June 2013), LR 42:443 (March

2016), LR 43:344 (February 2017), LR 43:540 (March 2017), LR 44:625 (March 2018), LR 45:77 (January 2019).

Chapter 31. Continuing Professional Development (CPD)

§3107. Reciprocity/Out-of-Jurisdiction Resident

Repealed.

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), repealed LR 45:78 (January 2019).

Donna D. Sentell
Executive Director

1901#013

RULE

Depart of Wildlife and Fisheries Office of Fisheries and Wildlife and Fisheries Commission

Removal of Abandoned Crab Traps (LAC 76:VII.367)

Notice is hereby given in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:332(N), that the Wildlife and Fisheries Commission has amended LAC 76:VII.367 to temporarily close a portion of state inside waters to the use of crab traps in order to facilitate the removal of abandoned crab traps in these waters.

The Wildlife and Fisheries Commission has amended the provisions in LAC 76:VII.367 governing the locations of temporary crab trap closures to address problems in portions of state waters resulting from large numbers of abandoned and derelict crab traps (*Louisiana Register*, Volume 30, Number 1; Volume 31, Number 1; Volume 32, Number 2; Volume 33, Number 1; Volume 34, Number 1; Volume 36; Number 1; Volume 38, Number 1; Volume 38, Number 12; Volume 40, Number 1; Volume 41, Number 1; Volume 42, Number 1; Volume 42, Number 12; Volume 44, Number 1). The Wildlife and Fisheries Commission took action on October 4, 2018 to describe a new portion of state waters to be temporarily closed to the use of crab traps for the purpose of conducting a crab trap cleanup. This Rule is hereby adopted on the day of promulgation.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§367. Removal of Abandoned Crab Traps

A. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. February 1, 2019 through 11:59 p.m. February 14, 2019 within portions of Plaquemines and Jefferson Parishes as described below:

1. from a point originating on the western boundary of the Barataria Waterway (29 degrees 34 minutes 54.52 seconds north latitude, 90 degrees 3 minutes 41.24 seconds

west longitude); thence easterly to the intersection of Highway 23 and Reddick Lane (29 degrees 34 minutes 53.36 seconds north latitude, 89 degrees 49 minutes 38.29 seconds west longitude); thence southerly on Highway 23 to the intersection of Caroline Avenue and Highway 23; thence southwesterly to a point where Little Pass and the southern bank of the Freeport Sulphur Canal intersect (29 degrees 27 minutes 19.15 seconds north latitude, 89 degrees 42 minutes 25.96 seconds west longitude); thence southwesterly following the southern bank of the Freeport Sulphur Canal to a point located at 29 degrees 23 minutes 51.08 seconds north latitude, 89 degrees 46 minutes 30.00 seconds west longitude; thence westerly to a point located on the western shore of the Barataria Waterway at 29 degrees 24 minutes 17.19 seconds north latitude, 89 degrees 59 minutes 24.00 seconds west longitude; thence northerly following the western shore of the Barataria Waterway and terminating at the origin.

B. The use of crab traps shall be prohibited for a 10-day period from 12 a.m. February 1, 2019 through 11:59 p.m. February 10, 2019 within Jefferson, St. John the Baptist, St. Charles, St. Tammany, and Tangipahoa Parishes as described below:

1. from a point of origin where I-55 intersects Pass Manchac (30 degrees 17 minutes 7.08 seconds north latitude, 90 degrees 24 minutes 6.07 seconds west longitude); thence easterly following the northern bank of Pass Manchac to the point where Pass Manchac exits at the northwest bank of Lake Pontchartrain; thence northerly following the bank of Lake Pontchartrain to the south bound lane of the Lake Pontchartrain Causeway (30 degrees 21 minutes 51.75 seconds north latitude, 90 degrees 5 minutes 38.59 seconds west longitude); thence southerly to a point where the Lake Pontchartrain Causeway crosses the Lakefront Trail located at 30 degrees 1 minutes 10.06 seconds north latitude, 90 degrees 9 minutes 17.28 seconds west longitude; thence westerly following the Lakefront Trail along the south bank of Lake Pontchartrain until it intersects the Duncan Canal (30 degrees 2 minutes 50.56 seconds north latitude, 90 degrees 16 minutes 45.21 seconds west longitude); thence westerly past the Duncan Canal continuing to follow the south bank of Lake Pontchartrain to a point where I-10 passes over the southern bank of Lake Pontchartrain (30 degrees 3 minutes 21.43 seconds north latitude, 90 degrees 22 minutes 17.79 seconds west longitude); thence westerly on I-10 to the intersection of I-55, thence northerly on I-55 and terminating at the origin.

C. The use of crab traps shall be prohibited for a 14-day period from 12 a.m. February 15, 2019 through 11:59 p.m. February 28, 2019 within portions of Terrebonne Parish as described below:

1. from a point originating at the intersection of the eastern shoreline of Bayou Dularge and the northern shoreline of Falgout Canal (29 degrees 24 minutes 44.098 seconds north latitude, 90 degrees 46 minutes 58.47 seconds west longitude); thence westerly along the northern shoreline of Falgout Canal to Lake de Cade; thence westerly along the northern shoreline of Lake de Cade to the mouth of Bayou de Cade; thence southwesterly along the northern shoreline of Bayou de Cade to Lost Lake; thence westerly along the northern shoreline of Lost Lake to the mouth of Rice Bayou; thence southerly along the western shoreline of Rice Bayou