

Provider Impact Statement

The proposed Rule has no known or foreseeable effect on the provider. Specifically;

1. This Rule will not affect the staffing levels, requirements or qualifications required to provide the same level of service.

2. This Rule will not affect the total direct and indirect costs to the provider to provide the same level of service.

3. This Rule will not affect the overall ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written data, views, arguments, or comments regarding this proposed rule to Stacey Greaud, Attorney, Department of Revenue, Office of Legal Affairs, Policy Services Division, P.O. Box 44098, Baton Rouge, LA 70804-4098. Written comments must be received no later than 4:30 p.m. on Monday, November 25, 2019.

Public Hearing

A public hearing will be held on Tuesday, November 26, 2019 at 1:30 p.m. in the LaBelle Room on the first floor of the LaSalle Building, 617 North Third Street, Baton Rouge, LA.

Jeanine P. Theriot
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Policy Statements and Guidance

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

The purpose of this rule is to provide general definitions as well as to define the types of policy statements and guidance for use by the Louisiana Sales and Use Tax Commission for Remote Sellers ("commission") to communicate the commission's position and to ensure the correct, consistent and fair enforcement of tax laws.

Implementation of this proposed regulation will not result in material additional costs or cost savings to governmental units.

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

There is no anticipated direct material effect on state or local revenues as a result of this measure.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will not result in any cost to directly affected persons or non-governmental groups. However, they should benefit from improved accessibility to pertinent tax information and guidance.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition or employment is anticipated by this proposal.

Jeanine P. Theriot
Chairman
1910#040

Gregory V. Albrecht
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

Department of Transportation and Development Professional Engineering and Land Surveying Board

Practice of Engineering and Supervising Professionals
(LAC 46:LXI.105 and 2305)

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.105 and 2305.

This is a technical revision of existing rules under which LAPELS operates. The revision clarifies (a) the circumstances under which an architect can perform minor mechanical, electrical or civil-structural engineering work necessarily incidental to his/her practice of architecture and (b) the amount of time that certain licensed professionals must work for (and/or the amount of ownership interest that certain licensed professionals must have in) a licensed firm to be able to serve as the firm's supervising professional.

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 Engineering—

a. practice of engineering is defined in R.S. 37:682. The board recognizes in the design of buildings and similar structures that there is overlap between the work of architects and professional engineers. It is recognized that an architect who has complied with all of the current laws of Louisiana relating to the practice of architecture has a right to engage in some activities properly classifiable as the practice of engineering insofar as it is necessarily incidental to his/her work as an architect. Likewise, it is recognized that the professional engineer who has complied with all of the current laws of Louisiana and is properly licensed has the right to engage in some activities properly classifiable as architecture insofar as it is necessarily incidental to his/her work as a professional engineer. Furthermore, the architect or the professional engineer, as the case may be, shall assume all responsibility for compliance with all the laws or ordinances relating to the designs or projects in which he/she may be engaged.

b.i. an architect may perform minor mechanical, electrical or civil-structural engineering work necessarily incidental to his/her practice of architecture, but such incidental engineering work shall not include a complete engineering system unless such complete engineering

system does not exceed the area thresholds under the occupancy types listed in clause v below. The incidental engineering work shall be of a secondary nature and shall be substantially less in scope and magnitude when compared to the architectural portion of the work. Incidental engineering work includes renovations or alterations of any size building that do not require significant adjustments to the engineering calculations for the changes to the engineering system(s) or component(s). The incidental work must be safely and competently performed by the architect without jeopardizing the life, health, property and welfare of the public. The incidental engineering work must also satisfy all of the following conditions in new or renovated projects:

(a). the total occupant load must not exceed 49 individuals. The occupant load is defined and determined by the method set forth in the currently enforced building code;

(b). the construction value of the incidental engineering work must not exceed 15 percent of the total construction value for new construction;

(c). any addition to a building or structure must not cause the gross floor areas of the entire building or structure to exceed those listed in clause v below;

(d). any renovations or alterations must not cause the overall construction cost to exceed \$125,000, exclusive of building finishes and furnishings; and

(e). any incidental engineering work must not exceed the area thresholds under the following occupancy types:

- (i). storage—6,250 sq. ft.;
- (ii). factory and industrial—5,000 sq. ft.;
- (iii). mercantile—4,000 sq. ft.;
- (iv). residential (excluding single family)—4,000 sq. ft.;
- (v). educational—2,500 sq. ft.;
- (vi). institutional—2,500 sq. ft.;
- (vii). high hazard—1,500 sq. ft.;
- (viii). assembly—2,650 sq. ft.;
- (ix). business—4,000 sq. ft.;
- (x). utility and maintenance—5,000 sq. ft.

ii. Professional judgment should be exercised in determining the need for an architect or professional engineer on complex projects that do not exceed these area thresholds.

c. teaching of engineering design and the responsible charge of the teaching of engineering design shall be considered as the practice of engineering. An accredited engineering curriculum ensures the minimum quality requirements for the teaching of engineering design. Thus, the teaching of engineering design courses and the responsible charge of the teaching of engineering design courses must be conducted by professional engineers or by engineering faculty in an accredited engineering curriculum. These unlicensed engineering faculty members are exempt from licensure by the board only for the purpose of teaching of engineering design courses and the responsible charge of the teaching of engineering design courses in an accredited engineering curriculum and shall not otherwise practice or offer to practice engineering in the state of Louisiana as defined by R.S. 37:682 without being licensed by the board.

* * *

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 45:

Chapter 23. Firms

§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:

a. whose primary employment is with the firm, provided the supervising professional works for the firm for a 12-month average of at least 30 hours per week or 130 hours per month; or

b. whose employment is with the firm, provided the supervising professional has at least a 25 percent ownership interest in the firm.

A.2. - 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 45:

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.

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 November 11, 2019 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: Practice of Engineering
and Supervising Professionals**

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 provide further clarity on (a) the circumstances under which an architect can perform minor mechanical, electrical or civil-structural engineering work incidental to his/her practice of architecture and (b) the amount of time that certain licensed professionals must work for (and/or the amount of ownership interest that certain licensed professionals must have in) a licensed firm to be able to serve as the firm's supervising professional.

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 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 impact on costs and/or economic benefits to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated impact on competition and employment in the public and private sectors as a result of the proposed rule change.

Donna D. Sentell
Executive Director
1909#035

Gregory V. Albrecht
Chief Economist
Legislative Fiscal Office

NOTICE OF INTENT

**Department of the Treasury
Board of Trustees of the Louisiana State
Employees' Retirement System**

Emergency Refund, Transferring Credit,
Survivor's Benefits, and Disability Applications
(LAC 58:I.1301, 1503, 1901-1909, 2501 and 2503)

The Department of the Treasury, Board of Trustees of the Louisiana State Employees' Retirement System ("LASERS") proposes amendment in part and repeal in part of provisions contained in Chapters 13, 15, 19 and 25 of Part I of LAC Title 58. Sections 1901, 1903, 1905, 1907, 1909, 2501 and 2503 are recommended for repeal in their entirety because they are redundant and simply repeat provisions found in statutory law. In addition, the proposed rule changes remove an outdated prohibition in §1503 forbidding DROP participants from transferring credit and add a

provision in §1301 to allow review, on a case-by-case basis, to persons seeking an emergency refund who have received a notice of repossession of their vehicle. The proposed rule changes comply with and are enabled by R.S. 11:515. The intent is to put the rule changes into place on January 20, 2020.

**Title 58
RETIREMENT**

**Part I. Louisiana State Employees' Retirement System
Chapter 13. Emergency Refunds
§1301. Conditions Giving Rise to an Emergency Refund**

A. - A.2. ...

3. an emergency situation of the member, which shall consist of the foreclosure on a member's domicile, repossession of the member's vehicle, or eviction of the member from his or her apartment. A document filed in the official legal proceeding for foreclosure or repossession or a notice of eviction shall be required as proof to qualify under this provision. Notices of repossession drafted in compliance with R.S. 6:966 may be reviewed by staff on a case-by-case basis.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:515 and R.S. 11:537(B).

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 23:1710 (December 1997), LR 31:107 (January 2005), LR 32:1466 (August 2006), amended LR 46:

**Chapter 15. Purchases and Transfers of Service
§1503. Transfers of Service; Other Requirements**

A. - A.1. ...

2. an active member of a public retirement system maintained primarily for officers and employees of the state of Louisiana, or any political subdivision thereof, or of any district, board, commission, or other agency of either, or any other such public entity who has been a member of such system for at least six months and who has membership credit in such system shall have the option of transferring all of his credit from such system he is currently contributing to or to the system in which he last contributed. However, membership in a public retirement system cannot be changed to another public retirement system.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:143 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), amended LR 46:

**Chapter 19. Survivors' Benefits
§1901. Application for Benefits**

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:471 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), repealed LR 46:

§1903. Qualified Survivors

Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:472, R.S. 11:473, R.S. 11:474, R.S. 11:475, R.S. 11:480 and R.S. 11:515.

HISTORICAL NOTE: Promulgated by the Department of Treasury, Board of Trustees of the State Employees' Retirement System, LR 22:373 (May 1996), repealed LR 46: