

Table 407.B	
Letter Grade	Point Value
D	60 - 69
F	≤ 59

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8), R.S. 40:5.A.(2)(3)(5)(6)(17)(20) and R.S. 40:5.9.1.D.(1).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:1103 (April 2022).

§409. Financial Sustainability Requirements

A. Community water systems shall have a rate assessment or study performed every 5 years by a qualified entity approved by the state health officer. Qualified entities include, but are not limited to, a Louisiana licensed professional engineer, a certified public accountant (CPA), or the Louisiana Rural Water Association (LRWA).

1. A rate study shall include a rate analysis completion report containing the following:

- a. the completed rate analysis;
- b. the rate analysis summary letter that includes the rate analysis findings and recommendations to maintain sustainability; and
- c. documentation that includes the dates that the rate analysis was presented to the legally responsible person for the community water system and the decision to implement or reject the rate analysis findings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8), R.S. 40:5.A.(2)(3)(5)(6)(17)(20) and R.S. 40:5.9.1.D.(1).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:1104 (April 2022).

§411. Reporting Requirements

A. Community water systems shall submit the following information to LDH-OPH in a format approved by LDH-OPH by January 31 of each year starting 2023 unless specified otherwise in this Section.

1. A rate study performed on or after April 20, 2017 and in accordance with §409.A of this Part along with the current water rates for the community water system and any documentation authorizing and adopting the last rate increase. Unless updated, a rate study is not required to be submitted every year.

2. The last annual report (as submitted to Louisiana Secretary of State) and the prior year financial report for the company owning the community water system, or a prior year audit report (as submitted to the Louisiana Legislative Auditor) for the political subdivision (e.g., municipality) over the community water system.

3. A demonstrated flushing plan with verification of implementation if directed by LDH-OPH to have a flushing program to mitigate poor water quality in the distribution system as required by Louisiana Revised Statutes 40:1281.12.

4. A complaint log containing all water related complaints received by the community water system for the previous calendar year as required by Louisiana Revised Statutes 40:1281.12.

5. The documentation for items listed in §405.B.1 of this Part if the community water system wants to receive extra points per §§405.B and 407.A.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8), R.S. 40:5.A.(2)(3)(5)(6)(17)(20) and R.S. 40:5.9.1.D.(1).

HISTORICAL NOTE: Promulgated by the Department of Health, Office of Public Health, LR 48:1104 (April 2022).

Chapter 19. Public Notification Rule

§1905. Tier 1 Public Notice

A. Delivery. When a Tier 1 public notice is required under the National Primary Drinking Water Regulations, §913, §1139.B, or §1317.A.1 of this Part, and after consultation with the Office of Public Health (see Subsection C of this Section for after-hours contact procedures), the public water system shall, unless directed otherwise by the Office of Public Health in writing, furnish a notice to customers via broadcast media (such as radio and television stations) and daily newspapers serving the area as soon as possible but not later than 24 hours after the public water system learns of the violation or situation. The public water system shall also ensure that the actual public notice prepared by the water system is published in a daily or weekly newspaper serving the area as soon as possible but no later than 48 hours after the violation or failure.

* * *

B. – C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4(A)(8) and 40:5(2)(3)(5)(6)(17)(20).

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 35:486 (March 2009), amended by the Department of Health, Office of Public Health, LR 48:1104 (April 2022).

Joseph Kanter, MD, MPH
 State Health Officer
 and
 Dr. Courtney N. Phillips
 Secretary

2204#047

RULE

**Department of Insurance
 Office of the Commissioner**

Regulation 120—Administrative and Agency
 Proceedings Instituted Against a License
 (LAC 37:XIII.Chapter 181)

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., has promulgated Regulation 120—Administrative and Agency Proceedings Instituted Against a License. Regulation 120 establishes three types of notice requirements applicable to administrative and agency proceedings instituted against a license, including (1) notice of wrongful conduct, (2) notice of regulatory action, and (3) notice of summary suspension. Regulation 120 also prescribes the time delays for each of the respective notices sent to a licensee. Lastly, Regulation 120 provides a mechanism for requesting a stay, and it further addresses related procedures governing administrative actions against

a license in accordance with R.S. 22:2191, et seq. This Rule is hereby adopted on the day of promulgation.

Title 37

INSURANCE

Part XIII. Regulations

Chapter 181. Regulation Number 120—Administrative and Agency Proceedings Instituted Against a License

§18101. Authority

A. This regulation is promulgated on behalf of the Department of Insurance by the Commissioner of Insurance pursuant to the authority granted under Title 22.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1105 (April 2022).

§18103. Purpose

A. The purpose of this regulation is to establish procedures for governing the institution of administrative and agency proceedings resulting in administrative action with respect to a license in accordance with R.S. 22:2191, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1105 (April 2022).

§18105. Scope and Applicability

A. Regulation 120 sets forth procedures and time delays that govern the institution of administrative and agency proceedings resulting in administrative action instituted against any licensee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1105 (April 2022).

§18107. Severability

A. The provisions of this Subpart are severable. If any provision or item of this Subpart, or application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of this Subpart which are to be given effect without the invalid provision, item, or application of the Subpart.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 30:2834 (December 2004), amended LR 48:1105 (April 2022).

§18109. Definitions

A. Strictly for purposes of Regulation 120, the following terms are defined as follows.

License—any and all authorizations, certificates of authority, licenses, registrations, or other written instruments, acknowledgements, or statutory decrees, establishing that a person or entity is authorized to conduct the business of insurance in accordance with Title 22.

Licensee—all persons and entities issued a “license” by the Department of Insurance or otherwise authorized by statute to conduct the business of insurance in this state. Additionally, the term “licensee,” as used in this regulation,

includes approved unauthorized insurers, as defined in Chapter 2 of the Louisiana Insurance Code.

Administrative Proceedings—proceedings in an administrative tribunal adjudicated by an administrative law judge and conducted in accordance with Chapter 12 of the Louisiana Insurance Code, R.S. 22:2191, et seq. and the Administrative Procedure Act, R.S. 49:950, et seq.

Agency Proceedings—proceedings instituted or conducted by the Commissioner of Insurance.

Commissioner—the Commissioner of Insurance, his deputy, or the Department of Insurance, as appropriate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1105 (April 2022).

§18111. Actions Against License; Notice of Wrongful Conduct; Opportunity to Show Compliance

A. Prior to the institution of an agency proceeding regarding the revocation, suspension, annulment, or withdrawal of a license, the Commissioner shall give the licensee notice of the wrongful conduct alleged and an opportunity to show compliance with all lawful requirements for the retention of the license in accordance with R.S. 49:950 et seq. The notice of wrongful conduct shall be in writing, mailed or delivered personally to the licensee at the last known address or principal place of business identified in the Department’s database for the licensee, and it must include the particulars set forth under Subpart B. herein.

B. The notice of wrongful conduct shall include a statement of the legal authority and alleged facts or conduct under which the Department’s enforcement action is based. The notice of wrongful conduct shall also include references to the applicable provisions of Title 22 and regulations promulgated by the Department, and it shall advise the licensee of the opportunity to show compliance with all lawful requirements for retention of the license.

C. The licensee shall have 20 calendar days from the mailing or personal delivery of the notice of wrongful conduct by the Commissioner to demonstrate compliance with all lawful requirements for retention of the license as specified in the notice of wrongful conduct, unless the Commissioner determines that an extension of time is warranted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1105 (April 2022).

§18113. Notice of Regulatory Action

A. If the licensee fails to demonstrate compliance with all lawful requirements of Title 22 for retention of the license to the satisfaction of the Commissioner within 20 calendar days of the mailing or personal service of the notice of wrongful conduct, or within any extension of time approved by the Commissioner, a notice of regulatory action may be issued. The notice shall be in writing and issued via mail or by personal delivery to the last known address or principal place of business identified in the Department’s database for the licensee. The revocation, suspension, annulment, or withdrawal of a license shall take effect 10 calendar days from the date of issuance of the notice of

RULE

**Department of Revenue
Policy Services Division**

regulatory action, unless otherwise provided in Title 22. The licensee shall have the right to timely demand an administrative hearing to contest the notice of regulatory action in accordance with R.S. 22:2191, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1105 (April 2022).

§18115. Notice of Summary Suspension or Order

A. Notwithstanding any other provision of this regulation, if the Commissioner finds that the public health, safety, or welfare of Louisiana citizens imperatively requires emergency action, the Commissioner may issue a notice of summary suspension or order to the licensee, setting forth the basis for such a finding. The notice of summary suspension or order shall be in writing, mailed or delivered personally to the licensee at the last known address or principal place of business identified in the Department’s database for the licensee, and it may be issued while agency proceedings for license revocation or other adverse actions authorized by R.S. 49:961(C) are pending, unless otherwise provided in Title 22. The licensee shall have the right to timely demand an administrative hearing to contest the notice of summary suspension or order in accordance with R.S. 22:2191, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1106 (April 2022).

§18117. Stay of Action

A. A demand for an administrative hearing shall not operate as an automatic stay of any order issued by the Commissioner or any action taken or proposed to be taken by the Commissioner unless such relief is granted by the Division of Administrative Law pursuant to R.S. 22:2204 and the Administrative Procedure Act, R.S. 49:950, or as otherwise provided in Title 22. All demands for hearing and requests for a stay of action shall be filed in accordance with Chapter 12 of the Louisiana Insurance Code, R.S. 22:2191, et seq. and held in accordance with the Administrative Procedure Act, R.S. 49:950, et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2204, and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1106 (April 2022).

§18119. Effective Date

A. This regulation shall become effective upon final publication in the Louisiana Register.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:2, 22:11, 22:18, 22:2191, et seq., and the Administrative Procedure Act, R.S. 49:950, et seq.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 48:1106 (April 2022).

James J. Donelon
Commissioner

2204#016

Partnership Returns-Electronic Filing Requirements; Filing Extensions for Partnerships Filing Partnership/Partnership Composite Returns (LAC 61:III.1507 and 2505)

Under the authority of R.S. 47:201, R.S. 47:1511, R.S. 47:1514, and R.S. 47:1520 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Revenue, Policy Services Division, has amended LAC 61:III.1507 and 2505.

The primary purpose of these amendments is to require electronic submission for both the filing and requests for extension of filing the partnership/partnership composite tax return by any partnership required to so file. This Rule is hereby adopted on the day of promulgation.

Title 61

REVENUE AND TAXATION

Part III. Administrative and Miscellaneous Provisions

Chapter 15. Mandatory Electronic Filing of Tax Returns and Payment

§1507. Partnership Returns-Electronic Filing Requirements

A. Every partnership that files a Louisiana Partnership Tax Return, except for those partnerships filing composite partnership returns, shall be required to file the return electronically with the Department of Revenue using the electronic format prescribed by the department. For taxable periods beginning on or after January 1, 2021, partnerships filing composite partnership returns must also file a Louisiana Partnership Return electronically. The format shall be as follows:

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:201, R.S. 47:1511, and R.S. 47:1520.

HISTORICAL NOTE: Promulgated by the Department of Revenue, Policy Services Division, LR 44:1639 (September 2018), amended by the Department of Revenue, Policy Services Division, LR 48:1106 (April 2022).

Chapter 25. Returns

§2505. Filing Extensions for Partnerships filing Partnership/Partnership Composite Returns

A. Revised Statute Title 47, Section 1514 provides that the secretary may grant a reasonable extension to file any tax return due under this subtitle, not to exceed six months, from the date the return is due.

1. To obtain a filing extension for filing a partnership/partnership composite return, partnerships must make the request on or before the tax return’s due date.

2. A partnership must request a state filing extension by submitting an electronic application.

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

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:1511 and R.S. 47:1514.