

# Emergency Rules

## DECLARATION OF EMERGENCY

### Student Financial Assistance Commission Office of Student Financial Assistance

Tuition Opportunity Program for Students (TOPS)  
(LAC 28:IV.301, 705, 805, 907)

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend rules of the Tuition Opportunity Program for Students (R.S. 17:3042.1 and R.S. 17:3048.1).

The emergency rules are necessary to allow the Louisiana Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. The commission has, therefore, determined that these emergency rules are necessary in order to prevent imminent financial peril to the welfare of the affected students.

This declaration of emergency is effective December 14, 1999, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

#### Title 28

#### EDUCATION

#### Part IV. Student Financial Assistance, Higher Education Scholarship and Grant Programs

#### Chapter 3. Definitions

#### §301. Definitions

\* \* \*

##### *Full-Time Student*

a. a student enrolled in an institution of higher education who is carrying a full-time academic workload as determined by the school under the standards applicable to all students enrolled;

b. for continuation purposes, a student is considered to have met the full-time requirement if by the completion of the academic year he has earned at least 24 hours of total credit as reported by the institution for the fall and spring semesters at institutions defining 12 semester hours as the minimum for standing as a full-time undergraduate or as reported by the institution for the fall, winter and spring quarters at institutions defining 8 quarter hours as the minimum for standing as a full-time undergraduate. For purposes of TOPS and except where specified otherwise within these rules, a student shall be credited for hours earned as reported by the institution which the student attends in accordance with that institution's published policies. Students should be aware that these policies may differ depending on the school the student attends. (see 705.A.7., 705.D., 805.A.7., and 907.A.2. for more expanded TOPS requirements);

c. for programs which permit graduate study, a graduate student must have earned at least 18 hours of total credit during the fall, winter and spring terms;

d. a workload of at least 30 clock hours per week is the full-time equivalent at a technical college.

\* \* \*

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 17:959 (October 1991), amended LR 22:338 (May 1996), LR 23:1645, 1648 (December 1997), repromulgated LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 24:2237 (December 1998), LR 25:256 (February 1999), LR 25:654 (April 1999), LR 25:1458, 1460 (August 1999), LR 25:1794 (October 1999), LR 26:65 (January 2000).

#### Chapter 7. Tuition Opportunity Program for Students (TOPS) Opportunity; Performance and Honors Awards

#### §705. Maintaining Eligibility

A.1. - 6. ...

7. by the end of each academic year, earn a total of at least 24 college credit hours during the fall and spring semesters or fall, winter and spring quarters, as determined by totaling the earned hours reported by the institution for each semester or quarter in the academic year. These hours shall include remedial course work required by the institution, but shall not include hours earned during summer sessions or intersessions or by advanced placement course credits. Unless granted an exception for cause by LASFAC, failure to earn the required number of hours will result in permanent cancellation of the recipient's eligibility; and

A.8. - C. ...

D. It is the student's responsibility to ensure that all requirements necessary to maintain award eligibility are completed. The Office of Student Financial Assistance shall only consider the official report of grades and hours earned which are received from the school attended. Students should be aware that individual school policies may affect the reporting of grade point average and hours earned for the academic year and accordingly, should become familiar with these policies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 17:959 (October 1991), amended LR 22:338 (May 1996), LR 23:1648 (December 1997), repromulgated LR 24:637 (April 1998), amended LR 24:1904 (October 1998), LR 25:257 (February 1999); LR 25:656 (April 1999), LR 25:1091 (June 1999), LR 26:67 (January 2000).

#### Chapter 8. TOPS-TECH Award

#### §805. Maintaining Eligibility

A.1. - 6. ...

7. By the end of each academic year, earn at least 24 credit hours during the fall and spring semesters or fall, winter and spring quarters, or complete an average of 30 clock hours per week, as determined by totaling the earned hours reported by the institution for each semester in the academic year. These hours shall include remedial course work required by the institution, but shall not include hours earned during summer sessions or intersessions or by

advanced placement course credit. Unless granted an exception for cause by LASFAC, failure to earn the required number of hours will result in permanent cancellation of the recipient's eligibility; (See also §705.D) and

A.8. - 9. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1905 (October 1998), LR 25:1091 (June 1999), LR 26:68 (January 2000).

**Chapter 9. TOPS Teacher Award**

**§907. Maintaining Eligibility**

A.1. ...

2. by the end of each academic year, earn a total of at least 24 hours college credit during the fall and spring semesters or fall, winter and spring quarters, as determined by totaling the earned hours reported by the institution for each semester in the academic year. These hours shall not include remedial course work nor hours earned during summer sessions or intersessions or by advanced placement course credits; (See also §705.D) and

A.3. - B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 23:1650 (December 1997), repromulgated LR 24:638 (April 1998), amended LR 24:1907 (October 1998), LR 25:1092 (June 1999), LR 26:68 (January 2000).

Jack L. Guinn  
Executive Director

0001#016

**DECLARATION OF EMERGENCY**

**Student Financial Assistance Commission  
Office of Student Financial Assistance**

Tuition Opportunity Program for Students  
(TOPS) Eligibility (LAC 28:IV.703)

The Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act [R.S. 49:953(B)] to amend rules of the Tuition Opportunity Program for Students (TOPS) (R.S. 17:3042.1 and R.S. 17:3048.1).

The emergency rules are necessary to implement changes to the TOPS rules to allow the Louisiana Office of Student Financial Assistance and state educational institutions to effectively administer these programs. A delay in promulgating rules would have an adverse impact on the financial welfare of the eligible students and the financial condition of their families. The commission has, therefore, determined that these emergency rules are necessary in order to prevent imminent financial peril to the welfare of the affected students.

This declaration of emergency is effective December 14, 1999, and shall remain in effect for the maximum period allowed under the Administrative Procedure Act.

**Title 28**

**EDUCATION**

**Part IV. Student Financial Assistance, Higher Education Scholarship and Grant Programs  
Chapter 7. Tuition Opportunity Program for Students (TOPS) Opportunity; Performance and Honors Awards**

**§703. Establishing Eligibility**

A. - A.5.a.i. ...

ii. for purposes of satisfying the requirements of §703.A.5.a.i., above, the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses:

| Core Curriculum Course   | Equivalent (Substitute) Course  |
|--|---|
| Physical Science   | General Science   |
| Algebra I, Algebra II and Geometry                                   | Integrated Mathematics I, II and III  |
| Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics | Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III* |
| Fine Arts Survey   | Speech Debate (2 units)   |
| Western Civilization   | European History  |

\*Applied Mathematics III was formerly referred to as Applied Geometry

or

A.5.b. - G.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3021-3036, R.S. 17:3042.1 and R.S. 17:3048.1.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 17:959 (October 1991), amended LR 22:338 (May 1996), LR 23:1648 (December 1997), repromulgated LR 24:632 (April 1998), amended LR 24:1902 (October 1998), LR 25:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64 (January 2000).

Jack L. Guinn  
Executive Director

0001#017

**DECLARATION OF EMERGENCY**

**Department of Environmental Quality  
Office of Environmental Assessment  
Environmental Planning Division**

Program Requirements Implementation  
(OS035E) (LAC 33:I.4719)

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, which allow the Department of Environmental Quality (Department) to use emergency procedures to establish rules, and of R.S. 30:2011 and R.S. 30:2074, which allow the department to establish standards, guidelines, and criteria, to promulgate rules and regulations, and to issue compliance schedules, the Secretary of the Department hereby finds that imminent peril to the public welfare exists and accordingly adopts the following emergency rule.

The department relies on analytical data submitted both directly and indirectly to the department to determine compliance with both State and Federal regulations. As a

result of deadlines established in current Louisiana regulations, the department is prohibited from accepting data from commercial laboratories that have not received accreditation by the department. Presently, no commercial laboratories have received departmental accreditation. This rule will extend the deadline to apply for accreditation to July 1, 2000, and the deadline for accreditation by the department to December 31, 2000. A finding of imminent peril to public health, safety and welfare is based on the inability to accept and review analytical data. Furthermore, the environmental analytical laboratory industry could suffer a loss of jobs.

The department relies on the analytical data to determine permit compliance, enforcement issues, and effectiveness of remediation of soils and groundwater. Permit issuance and compliance are effective means of determining the impact on human health and the environment. The department must have access to accurate, reliable, precise data in order to meet its mandate to protect human health and the environment.

This emergency rule is effective on December 15, 1999, and shall remain in effect for the maximum of 120 days or until a final rule is promulgated, whichever occurs first. For more information concerning OS035E, you may contact the Regulation Development Section at (225) 765-0399.

#### **Title 33**

### **ENVIRONMENTAL QUALITY**

#### **Part I. Office of the Secretary**

#### **Subpart 3. Laboratory Accreditation**

#### **Chapter 47. Program Requirements**

#### **§4719. Implementation**

A. All commercial laboratories analyzing data as of the effective date of these regulations that are directly or indirectly submitting data to the department must submit an application for accreditation as required in LAC 33:I.4701.A.1, including the review fee by July 1, 2000. The department shall not accept laboratory data generated by laboratories that do not comply with this deadline until such laboratories receive accreditation and fully comply with the requirements of this Section. The department shall not accept environmental data submitted to the department either directly or indirectly until the laboratory has applied for accreditation under these regulations.

B. All laboratories subject to these regulations must receive accreditation from the department, as provided in these regulations, undergo an on-site inspection as specified in LAC 33:I.4701.A.2, and successfully participate in proficiency evaluations as required in LAC 33:I.4701.A.3 by December 31, 2000, or as otherwise agreed to by the department and the applicant, not to exceed one year from December 31, 2000. The department will not accept data generated by laboratories that do not comply with these deadlines until such laboratories receive accreditation and fully comply with the requirements of this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:922 (May

1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

J. Dale Givens  
Secretary

0001#018

### **DECLARATION OF EMERGENCY**

#### **Department of Health and Hospitals Office of the Secretary Bureau of Health Services Financing**

#### **Prospective Reimbursement Methodology for Nursing Facilities**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following emergency rule in the Medical Assistance Program as authorized by LA. R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This emergency rule is adopted in accordance with 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 rule whichever occurs first.

The Department of Health and Hospitals, Bureau of Health Services Financing provides coverage under the Medicaid Program for private nursing facility services. Payments for nursing facility services are made in accordance with the prospective reimbursement methodology adopted effective August 1, 1984 (*Louisiana Register*, Volume 10, No. 6). A rule was subsequently adopted to establish patient specific classifications of care in accordance with requirements of the Omnibus Budget Reconciliation Act (OBRA) of 1987 (*Louisiana Register*, Volume 16, No. 12). Subsequent rules were adopted to establish specialized nursing facility levels of care for specific types of patients in skilled nursing units such as Skilled Nursing/Infectious Disease (SN/ID) and Skilled Nursing/Technology Dependent Care (SN/TDC). The payment for SN/ID and SN/TDC was established as a cost-based reimbursement methodology (*Louisiana Register*, Volume 14, Number 12 and Volume 15, Number 11). The Bureau has decided that it is necessary to amend the December 20, 1988 and November 20, 1989 rules to convert the reimbursement methodology from a cost-based to a prospective methodology for SN/ID and SN/TDC services.

This emergency rule is being adopted to continue the provisions of the October 21, 1999 rule in force.

#### **Emergency Rule**

Effective February 18, 2000 the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing will reimburse nursing facilities for Skilled Nursing-Infectious Disease (SN/ID) and Skilled Nursing-Technology Dependent Care (SN/TDC) services under a prospective reimbursement methodology. This methodology utilizes the skilled nursing (SN) rate based on the 1993 cost report inflated to the applicable rate year, plus an average

allowable cost per day. The allowable cost per day is determined through the Department's audit process in accordance with allowable cost guidelines for SN/ID and SN/TDC and based on audited cost reports for calendar year 1997 for the provision of these services plus a five percent (5 percent) incentive factor inflated to the midpoint of the year preceding the rate year.

A. Reimbursement Methodology. Reimbursement for SN/ID and SN/TDC services shall be limited to the same rates paid for skilled nursing level of care plus a prospective statewide enhancement to ensure reasonable access to appropriate services. The enhancement shall be based on average allowable incremental costs of all acceptable cost reports for the year on which the rates are based and in accordance with guidelines for allowable incremental costs and inflated forward to reflect current costs. In addition, the following requirements must be met:

1. the facility must have a valid Title XIX provider agreement for provision of nursing facility services;
2. the facility must be licensed to provide nursing services; and
3. the facility must have entered into a separate contractual agreement with the Bureau to provide SN/ID and/or SN/TDC services in accordance with standards for the care of individuals with infectious diseases or technological dependency and meet all applicable staffing and services requirements.

B. Allowable incremental costs for SN/ID

1. Direct nursing costs are based on demonstrated salary and related benefits cost of nursing service personnel directly related to providing SN/ID services. Nursing services personnel includes head/charge nurse, registered nurses (RNs), licensed practical nurses (LPNs), nurse assistants, and orderlies. These costs exclude administrative nursing costs not directly related to patient care.

a. A minimum of 4.0 nursing hours per patient day for infectious disease residents is required. However, HCFA does not grant exceptions that include direct patient care in excess of 9.6 hours per patient day.

b. The marginal portion of demonstrated salary and related benefits cost of nursing service personnel directly related to providing SN/ID services in excess of nursing requirements for routine skilled nursing services will be allowed as SN/ID cost.

2. Other direct care services are based on demonstrated appropriate services including the following:

a. respiratory therapy, social services or any other specialized services that are directly attributable to SN/ID status and not covered in the SN rate;

b. specialized nursing supplies related to SN/ID status must be supported by detailed justification that substantiate the cost of any specialized nursing supplies;

c. specialized dietary needs related to SN/ID status must be supported by detailed justification that to substantiate the cost of any specialized dietary needs.

3. Plant and maintenance costs are based on demonstrated dependency of SN/ID special equipment. Costs associated with demonstrated enhanced infection control measures are included. Capitalized purchases are not included.

4. Allocated costs are based on the ratio of direct nursing hours required for SN/ID service not covered in the

regular skilled rate (1.4 hours per resident day) related to total facility direct nursing hours. The following costs are allocated: administrative, general, nursing administration, housekeeping, medical supplies and dietary.

5. Incentive factor is equal to 5 percent of the average allowable incremental costs added to the enhanced rate in order to assure reasonable access to SN/ID services.

C. Allowable incremental costs for SN/TDC

1. Direct nursing costs are based on demonstrated salary and related benefits cost of nursing service personnel directly related to providing SN/TDC services. Nursing service personnel includes head/charge nurse, registered nurses (RNs), licensed practical nurses (LPNs), nurse assistants, and orderlies. These costs exclude administrative nursing costs not directly related to patient care.

a. A minimum of 4.5 nursing hours per patient day for technology dependent care residents is required. However, HCFA does not grant exceptions that include direct patient care in excess of 9.6 hours per patient day.

b. The marginal portion of demonstrated salary and related benefits cost of nursing service personnel directly related to providing SN/TDC services in excess of nursing requirements for routine skilled nursing services will be allowed as SN/TDC cost.

2. Other direct care services are based on demonstrated appropriate services including the following:

a. respiratory therapy, social services or any other specialized services that are directly attributable to SN/TDC status and not covered in the SN rate;

b. specialized nursing supplies related to SN/TDC status must be supported by detailed justification that substantiate the cost of any specialized nursing supplies;

c. specialized dietary needs related to SN/TDC status must be supported by detailed justification that substantiate the cost of any specialized dietary needs.

3. Plant and maintenance costs are based on demonstrated dependency of SN/TDC special equipment. Capitalized purchases are not included.

4. Allocated costs are based on the ratio of direct nursing hours required for SN/TDC service not covered in the regular skilled rate (1.9 hours per resident day) related to total facility direct nursing hours. The following costs are allocated: administrative, general, nursing administration, housekeeping, medical supplies and dietary.

5. Incentive factor is equal to 5 percent of the average allowable incremental costs added to the enhanced rate, in order to assure reasonable access to SN/TDC services.

Facilities shall submit cost reports at the end of each twelve (12) month period. Providers shall be required to segregate SN/ID or SN/TDC costs from other long term care costs and to submit a separate cost report which shall be subject to audit. No duplication of costs shall be allowed and allowable costs shall be in accordance with Medicare cost principles.

Rates for SN/ID and SN/TDC services will be rebased as determined necessary by the Department to ensure that appropriate services are reimbursed on a reasonable cost basis, recognizing the need for accountability for public funds, as well as the provider's right to a fair payment for services rendered. Base rate adjustments will result in a new base rate component which will be used to calculate the rate for subsequent years. A base rate adjustment may be made

when the event, or events, causing the adjustment is not one that would be reflected in inflationary indices.

Annual inflationary adjustments shall be contingent upon appropriation by the Legislature.

Interested persons may submit written comments to the following address: Thomas D. Collins, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is the person responsible for responding to all inquiries regarding this emergency rule. A copy of this emergency rule is available for review by interested parties at parish Medicaid offices.

David W. Hood  
Secretary

0001#073

## DECLARATION OF EMERGENCY

### Department of Insurance Office of the Commissioner

#### Fraud Assessment (LAC 37:XI.Chapter 23)

In accordance with the provisions of Louisiana Revised Statutes (La. R.S.) Title 49, Section 953(B) of the Administrative Procedure Act, the Department of Insurance has adopted an emergency rule, Rule 13, in order to implement without delay the provisions of La. R.S. 40:1428. Emergency Rule 13 will assess a fee on certain insurers to pay the cost of investigation, enforcement, and prosecution of insurance fraud in this state, as more fully described in La. R.S. 40:1421-1429.

Emergency rulemaking is necessary to immediately implement this fee assessment to combat the threat to the public welfare caused by insurance fraud in this state. This emergency rule is effective January 1, 2000, and will remain in effect for the maximum time allowed by law or until the adoption of Rule 13 by the Department of Insurance, whichever occurs first.

### Title 37 INSURANCE Part XI. Rules

#### Chapter 23. Emergency Rule 13

##### §2301. Purposes

A. The purpose of this rule is to implement the provisions of La. R.S. 40:1428 by assessing a fee on insurers to pay the cost of investigation, enforcement, and prosecution of insurance fraud in this state as more fully described in La. R.S. 40:1421-1429 and this rule.

B. The fees collected shall be used solely for the purposes of Subpart B of Part III of Chapter 6 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of La. R.S. 40:1421 through 1429, entitled "Insurance Fraud Investigation Unit."

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:

##### §2303. Fee Assessment

A. As authorized by La. R.S. 40:1428, and subject to the limitations provided therein and in this rule, there is hereby assessed an annual fee not to exceed .000375 multiplied

times the direct premiums received by each insurer licensed by the Department of Insurance to conduct business in this state. This emergency rule is effective January 1, 2000, and will remain in effect either for the maximum time allowed by law or until the adoption of Rule 13 by the Department of Insurance, whichever occurs sooner.

B. The fee shall be assessed July 1, 2000, and each fiscal year thereafter, and shall be based on premiums received in the previous calendar year. The Commissioner of Insurance will notify insurers in writing of the fee assessment owed each fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:

##### §2305. Limitations on the Fee Assessment

The fee shall not be assessed on premiums received on life insurance policies, annuities, credit insurance, reinsurance contracts, reinsurance agreements, or reinsurance claims transactions. The fee shall not be assessed on fifty percent of the premiums received on health and accident insurance policies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:

##### §2307. Allocation of the Fee Assessment

A. The fees shall be allocated as follows:

1. seventy-five percent of the fees collected shall be allocated to the Insurance Fraud Investigation Unit within the Office of State Police;

2. fifteen percent of the fees collected shall be allocated to the Department of Justice to be used solely for the Insurance Fraud Support Unit;

3. ten percent of the fees collected shall be allocated to the Department of Insurance to be used solely for the Section of Insurance Fraud.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:

##### §2309. Payment of the Fee Assessment

The fee established in La. R.S. 40:1428 and in this rule shall be paid to the Commissioner of Insurance as required by La. R.S. 40:1428(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3 and R.S. 40:1428.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:

##### §2311. Sunset

This rule shall be null, void, and unenforceable on July 1, 2004 in accordance with the sunset provision of La. R.S. 40:1429, unless legislative authorization for this rule is reenacted prior to July 1, 2004. If such legislation authorization is reenacted prior to July 1, 2004, then this Rule shall continue in full force in effect without need for a reenactment, amendment, or re-promulgation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 22:3, R.S. 40:1428 and R.S. 40:1429.

HISTORICAL NOTE: Promulgated by the Department of Insurance, Office of the Commissioner, LR 26:

Inquiries concerning this rule should be directed to Barry W. Karns, Deputy General Counsel, Department of

James H. "Jim" Brown  
Commissioner

0001#025

## DECLARATION OF EMERGENCY

### Department of Public Safety and Corrections Gaming Control Board

Electronic Gaming Devices  
(LAC 42:XIII.4201-4219 and 4327-4357)

In accordance with the provisions of La. R.S. 49:953, the Louisiana Gaming Control Board hereby determines that adoption of emergency rules relative to electronic gaming devices and the linking of electronic gaming devices on licensed riverboats by telecommunication to a central computer is necessary and that for the following reasons failure to adopt rules on an emergency basis will result in imminent peril to the public health, safety and welfare.

Act 7 of the First Extraordinary Session of 1996, effective May 1, 1996, created the Louisiana Gaming Control Board with all regulatory authority, control and jurisdiction, including investigation, licensing and enforcement, and all power incidental or necessary to such regulatory authority, control and jurisdiction over all aspects of gaming activities and operations as authorized pursuant to the provisions of the Louisiana Riverboat Economic Development and Gaming Control Act, the Louisiana Economic Development and Gaming Corporation Act, and the Video Draw Poker Devices Control Law.

The Legislature has determined that development of a controlled gaming industry to promote economic development of the state requires thorough and careful exercise of legislative power to protect the general welfare of the state's people by keeping the state free from criminal and corrupt elements, and that it is the public policy of the state to this end that all persons, locations, practices, associations and activities related to the operation of licensed and qualified gaming establishments and the manufacture, supply, or distribution of gaming devices and equipment shall be strictly regulated.

Whereas Act 1301 of the 1999 Regular Session provides that "The legislature hereby finds and declares that there is a compelling state interest in insuring the most efficient, honest and accurate regulation of the gaming industry.

In order to maintain the security and integrity of electronic gaming devices and for insuring accurate and thorough accounting procedures, the law mandates that all licensed video poker devices, video pull-tabs, and slot machines at live racing facilities be connected to a central computer. Likewise the casino operating contract provides for complete and unrestricted access to information contained within their centralized computer to the office of state police and the Louisiana Gaming Control Board. The legislature finds that the only area of legalized gaming which does not have a central computer system is riverboat gaming. The legislature

finds that it is in the best interest of the state and the general public that all electronic gaming devices licensed in this state should be subject to this type of monitoring and accordingly that all electronic gaming devices on licensed riverboats should be linked by telecommunication to a central computer system.

The present level of technology in electronic gaming devices makes it both feasible and efficacious to require all electronic gaming devices on licensed riverboats in this state to be linked by telecommunication to a central computer system which will facilitate the monitoring and reading of the devices for the purposes of maintaining the security and integrity of the devices and the integrity of the information reported to the system, in order to insure that licensees meet their financial obligations to the state.

The most efficient, accurate, and honest regulation of the gaming industry in this state can best be facilitated by establishing a central computer system under which all electronic gaming devices on licensed riverboats will be linked to that system by telecommunication to provide superior capability of auditing, reporting, and regulation of that industry."

Further whereas Act 1301 of 1999 mandates that the rules authorized by the Act be adopted and promulgated before January 1, 2000.

A Notice of Intent in the same form as these emergency rules was published in the November 20, 1999 *Louisiana Register*. La. R.S. 49:968 4.1 requires that prior to adoption of a rule in the ordinary rule making process ninety (90) days shall have elapsed from the time of publication of the Notice of Intent in the *Louisiana Register*.

For the foregoing reasons, the Louisiana Gaming Control Board has determined adoption of emergency rules is necessary and hereby adopts these emergency rules, effective December 31, 1999, in accordance with La. R.S. 49:953 B, to be effective for a period of 120 days or until the final rule is promulgated, whichever occurs first.

#### Title 42

### LOUISIANA GAMING

#### Part XIII. Riverboat Gaming

#### Chapter 42. Electronic Gaming Devices

#### §4201. Division's Central Computer System (DCCS)

A. Pursuant to R.S. 27:114, the Legislature of Louisiana has mandated that all electronic gaming devices on all riverboats shall be linked by telecommunications to a central computer system for purposes of monitoring and reading device activities.

B. The DCCS shall be located within and administrated by the Division, and shall be on line and completely functional by June 1, 2000.

C. The DCCS shall be capable of monitoring and reading financial aspects of each electronic gaming device such as:

1. coin in, coin out, coins to the drop, games played, hand paid jackpots, bills/paper currency accepted, and bills/paper currency by denomination accepted shall all be reported to the central computer system;

2. any device malfunction that causes any meter information to be altered, cleared, or otherwise inaccurate may require immediate disablement of the electronic gaming device from patron play by the Division. The Licensee shall

report the malfunction to the Division within four hours after the occurrence;

3. no electronic gaming device shall be enabled for patron play after a meter malfunction as described in §4201(c)(2) until authorized by a Division agent;

4. meter information required in C.1 of this section will have been reported and documented by the central computer system on a previous event and will be used to provide all meter information prior to the device malfunction. Subsequent adjustments after the meter malfunction shall document a "meter reasonableness" as determined by the following procedures:

a. the meter information recorded prior to the device malfunction shall be verified as accurate by an operator of the DCCS;

b. a coin and bill validator test shall be performed on the electronic gaming device in the presence of a Division agent;

c. upon successful completion of the coin and bill validator test, all final meter information shall be documented on forms prescribed by the Division; and

d. the final meter information shall be reported to the DCCS operator and all final meter information shall be entered into the central computer system prior to the enablement of the electronic gaming device for patron play.

D. The DCCS shall provide for the monitoring and reading of exception code reporting to insure direct scrutiny of conditions detected and reported by the electronic gaming device, including any tampering, device malfunction, and any door opening to the drop areas, with exception of the drop team.

1. Exception or event codes that signal illegal door opening(s) shall necessitate an investigation by a Division agent, which may result in an administrative action against the Licensee.

2. All events that can be reported by an electronic gaming device shall be transmitted to the DCCS. Examples of the events reported are, but not limited to, as follows:

- a. machine power loss;
- b. main door open/closed;
- c. BVA or stacker accessed;
- d. hard drop door open/closed;
- e. logic board accessed;
- f. reel tilt;
- g. hopper empty;
- h. excess coin dispensed by the hopper;
- i. hopper jam;
- j. coin diverter error;
- k. battery low;
- l. jackpot win;
- m. jackpot reset; and/or
- n. logic board failure.

3. In the event of any exception or event code, or combination thereof which may indicate inappropriate meter readings, that is reported to the DCCS, the Division may require the disablement of the electronic gaming device.

E. No new electronic gaming device or EGD monitoring system shall be authorized for operation unless the electronic gaming device or EGD monitoring system meets the minimum requirements of §4201.

F. The DCCS shall not provide for the monitoring or reading of personal or financial information concerning any patron's gaming activities conducted on a riverboat.

G. Any new electronic gaming device placed on line and enabled for patron play shall have the annual fee required by R.S. 27:114 paid prior to placement into operation for patron play.

H. The payment of the electronic gaming device fee shall be made in such manner as prescribed by the Division.

I. Any reference to slot machine or slots in this LAC42:XIII.Chapter 42 includes all electronic gaming devices, herein referred to as EGD's.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:

**§4202. Approval of Electronic Gaming Devices; Applications and Procedures; Manufacturers and Suppliers**

A. A manufacturer or supplier shall not sell, lease or distribute EGD's or equipment in this state and a licensee shall not offer EGD's for play without first obtaining the requisite permit or license and obtaining prior approval by the Division/Board for such action. This section shall not apply to those manufacturers or suppliers licensed or permitted to sell, lease or distribute EGD's or equipment in the state to an entity licensed under a provision of state law other than the Administrative Rules when those manufacturers or suppliers are selling or distributing to such licensed entity.

B. Applications for approval of a new EGD shall be made and processed in such manner and using such forms as the Division may prescribe. Licensees may apply for approval of a new EGD. Each application shall include, in addition to such other items or information as the Division may require:

1. a complete, comprehensive, and technically accurate description and explanation in both technical and lay language of the manner in which the device operates, signed under penalty of perjury; and

2. a statement, under penalty of perjury, that to the best of the applicant's knowledge, the EGD meets the standards set forth in LAC 42:XIII.Chapter 42.

C. No game or EGD other than those specifically authorized in this LAC 42:XIII.Chapter 42 may be offered for play or played on a riverboat except that the Division may authorize the operation of progressive electronic EGD's as part of a network of separate gaming operations licensed by the Division with an aggregate prize or prizes.

D. Approval shall be obtained from the Division prior to changing, adding, or altering the casino configuration once such configuration has received final Divisional approval. For the purpose of this section, altering the casino configuration does not include the routine movement of EGD's for cleaning and/or maintenance purposes.

E. All components, tools, and test equipment used for installation, repair or modification of EGD's shall be stored in the slot technician repair office, or in a Division approved locked storage area. Such office/storage area shall be kept secure, and only authorized personnel shall have access.

F. Any compartment or room that contains communications equipment used by the EGD's and the EGD monitoring system shall be kept secure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:

#### **§4203. Minimum Standards for Electronic Gaming**

##### **Devices**

A. All EGD's submitted for approval:

1. shall be electronic in design and operation and shall be controlled by a microprocessor or micro-controller or the equivalent;

2. shall theoretically pay out a mathematically demonstrable percentage of all amounts wagered, which shall not be less than eighty percent (80%) and not more than ninety nine point nine percent (99.9%) for each wager available for play on the device;

3. shall use a random selection process to determine the game outcome of each play of a game. The random selection process shall meet 99 percent confidence limits using a standard chi-squared test for goodness of fit and in addition:

a. each possible permutation or combination of game elements which produce winning or losing game outcomes shall be available for random selection at the initiation of each play; and

b. the selection process shall not produce detectable patterns of game elements or detectable dependency upon any previous game outcome, the amount wagered, or upon the style or method of play.

4. shall display an accurate representation of the game outcome. After selection of the game outcome, the EGD shall not make a variable secondary decision which affects the result shown to the player;

5. shall display the rules of play and payoff schedule;

6. shall not automatically alter pay-tables or any function of the device based on internal computation of the hold percentage;

7. shall be compatible to on-line data monitoring;

8. shall have a separate locked internal enclosure within the device for the control circuit board and the program storage media;

9. shall be able to continue a game with no data loss after a power failure;

10. shall have current game and the previous two games data recall;

11. shall have a complete set of nonvolatile meters including coins-in, coins-out, coins dropped and total jackpots paid;

12. shall contain a surge protector on the line that feeds power to the device. The battery backup or an equivalent for the electronic meter information shall be capable of maintaining accuracy of all information required for 180 days after power is discontinued from the device. The backup shall be kept within the locked logic board compartment;

13. shall have an on/off switch that controls the electrical current used in the operation of the device which shall be located in an accessible place within its interior;

14. shall be designed so that it shall not be adversely affected by static discharge or other electromagnetic interference;

15. shall have at least one electronic coin acceptor and may be equipped with an approved currency acceptor. Coin and currency acceptors shall be designed to accept designated coins and currency and reject others. The coin acceptor on a device shall be designed to prevent the use of cheating methods such as slugging, stringing, or spooning. All types of coin and currency acceptors are subject to the approval by the Division. The control program shall be capable of handling rapidly fed coins so that occurrences of inappropriate "coin-ins" are prevented;

16. shall not contain any unsecured hardware switches that alter the pay-tables or payout percentages in its operation. Hardware switches may be installed to control graphic routines, speed of play, and sound;

17. shall contain a non-removable identification plate containing the following information, appearing on the exterior of the device:

- a. manufacturer;
- b. serial number; and
- c. model number.

18. shall have a communications data format from the EGD to the EGD monitoring system approved by the Division;

19. shall be capable of continuing the current game with all current game features after a malfunction is cleared. This rule does not apply if a device is rendered totally inoperable. The current wager and all credits appearing on the screen prior to the malfunction shall be returned to the patron;

20. shall have attached a locked compartment separate from any other compartment of the device for housing a drop bucket. The compartment shall be equipped with a switch or sensor that provides detection of the drop door opening and closing by signaling to the EGD monitoring system;

21. shall have a locked compartment for housing currency, if so equipped with a currency acceptor;

22. shall, at a minimum, be capable of detecting and displaying the following error conditions which an attendant may clear:

- a. coin-in jam;
- b. coin-out jam;
- c. currency acceptor malfunction or jam;
- d. hopper empty or time-out;
- e. program error;
- f. hopper runaway or extra coin paid out;
- g. reverse coin-in;
- h. reel error; and
- i. door open.

23. shall use a communication protocol which ensures that erroneous data or signal will not adversely affect the operation of the device;

24. shall have a mechanical, electrical, or electronic device that automatically precludes a player from operating the device after a jackpot requiring a manual payout and requires an attendant to reactivate the device; and

25. shall be outfitted with any other equipment required by this LAC 42:XIII.Chapter 42.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:

#### **§4204. Progressive Electronic Gaming Devices**

A. This section authorizes the use of progressive EGD's within one (1) riverboat provided that the EGD's meet the requirements stated in this LAC 42:XIII.Chapter 42 and any additional requirements imposed by the Administrative Rules, the Board, or the Division.

B. Wide area progressive games that link EGD's located on more than one (1) riverboat shall be approved by the Board and Division on a case-by-case basis.

##### **C. Progressive EGD's Defined**

1. A progressive EGD is an electronic gaming device with a payoff that increases uniformly as the EGD or another device on the same link is played.

2. Base amount means the amount of the progressive jackpot offered before it increases.

3. "Incremental amount" means the difference between the amount of a progressive jackpot and its base amount.

4. A progressive jackpot may be won where certain pre-established criteria, which does not have to be a winning combination, is satisfied.

5. A bonus game where certain circumstances are required to be satisfied prior to awarding a fixed bonus prize is not a progressive EGD and is not subject to this LAC 42:XIII.Chapter 42.

##### **D. Transferring of Progressive Jackpot Which is in Play**

1. A progressive jackpot which is currently in play may be transferred to another progressive EGD on the riverboat in the event of:

a. EGD malfunction;

b. EGD replacement; or

c. other good reason deemed appropriate by the Division to ensure compliance with this LAC 42:XIII.Chapter 42.

2. If the events set forth above do not occur, the progressive award shall be permitted to remain until it is won by a player or transfer is approved by the Division.

##### **E. Recording, Keeping and Reconciliation of Jackpot Amount**

1. The licensee shall maintain a record of the amount shown on a progressive jackpot meter on the riverboat and/or dockside premises. The progressive jackpot meter information shall be read and documented, at a minimum, every twenty-four hours. Electronic meter information shall be recorded when a primary jackpot occurs on an EGD.

2. Supporting documents shall be maintained to explain any reduction in the payoff amount from a previous entry.

3. The records and documents shall be retained for a period of five (5) years.

4. The Licensee shall confirm and document, on a quarterly basis, that proper communication was maintained on each EGD linked to the progressive controller during that time.

5. The Licensee shall record the progressive liability on a daily basis.

6. The Licensee shall review, on a quarterly basis, the incremented rate and reasonableness of the progressive liability by either a physical coin-in test or by meter readings to calculate incremental coin-in multiplied by the rate incremented to arrive at the increase in, and reasonableness of, the progressive jackpot amount.

7. Each Licensee shall formally adopt the manufacturer's specified internal controls for wide area progressive EGD's, as approved by the Division, as part of the Licensee's system of internal controls.

##### **F. The Progressive Meter**

1. The EGD shall be linked to a progressive meter or meters showing the current payoff to all players who are playing an EGD which may potentially win the progressive amount. A meter that shows the amount of the progressive jackpot shall be conspicuously displayed at or near the machines to which the jackpot applies.

##### **G. Consistent Odds on Linked EGD's**

1. When more than one (1) progressive EGD is linked together, each EGD in the link shall be the same denomination, same coin in multiplier, and have the same probability of hitting the combination that will award the progressive jackpot or jackpots as every other machine in the link.

##### **H. Operation of Progressive Controller-Normal Mode**

1. During the normal operating mode of the progressive controller, the controller shall do the following:

a. continuously monitor each EGD attached to the controller to detect inserted coins or credits wagered;

b. multiply the accepted coins by the programmed rate of progression in order to determine the correct amounts to apply to the progressive jackpot.

2. The progressive display shall be constantly updated as play on the link is continued. It will be acceptable to have a slight delay in the update so long as when a jackpot is triggered the jackpot amount is shown immediately.

##### **I. Operation of Progressive Controller-Jackpot Mode**

1. When a progressive jackpot is recorded on an EGD which is attached to the progressive controller or another attached approved component or system (hereinafter progressive controller), the progressive controller shall allow for the following:

a. display of the winning amount;

b. display of the EGD identification that caused the progressive meter to activate if more than one EGD is attached to the controller.

2. The progressive controller is required to send to the EGD the amount that was won. The EGD is required to update its electronic meters to reflect the winning jackpot amount consistent with this LAC 42:XIII.Chapter 42.

3. When more than one (1) progressive EGD is linked to the progressive controller, the progressive controller shall automatically reset to the reset amount and continue normal play. During this time, the progressive meter or another attached approved component or system shall display the following information:

a. the identity of the EGD that caused the progressive meter to activate;

b. the winning progressive amount; and

c. the new normal mode amount that is current on the link.

4. A Wide Area progressive EGD and/or a progressive device where a jackpot of one hundred thousand dollars (\$100,000) or more is won shall automatically enter into a non-play mode which prohibits additional play on the device after a primary jackpot has been won on the device. Upon conclusion of necessary inspections and tests by the Division, the device may be offered for play.

#### J. Alternating Displays

1. When this procedure prescribes multiple items of information to be displayed on a progressive meter, it is sufficient to have the information displayed in an alternating fashion.

#### K. Security of Progressive Controller

1. Each progressive controller linking two (2) or more progressive EGD's shall be housed in a double keyed compartment in a location approved by the Division. All keys shall be maintained in accordance with LAC 42:XIII.Chapter 27 of the Administrative Rules.

2. The Division may require possession of one (1) of the keys.

3. Persons having access to the progressive controller shall be approved by the Division.

4. A list of persons having access to a progressive controller shall be submitted to the Division.

#### L. Progressive Controller

1. A progressive controller entry authorization log shall be maintained within each controller. The log shall be on a form prescribed by the Division and completed by each individual who gains entrance to the controller.

2. Security restrictions shall be submitted in writing to the Division for approval at least sixty days before their enforcement. All restrictions approved by the Division shall be made on a case by case basis in the case of a stand-alone progressive where the controller is housed in the logic area.

3. The progressive controller shall keep the following information in nonvolatile memory which shall be displayed upon demand:

a. the number of progressive jackpots won on each progressive level if the progressive display has more than one winning amount;

b. the cumulative amounts paid on each progressive level if the progressive display has more than one winning amount;

c. the maximum amount of the progressive payout for each level displayed;

d. the minimum amount or reset amount of the progressive payout for each level displayed;

e. the rate of progression for each level displayed.

#### M. Limits on Jackpot of Progressive EGD's

1. A Licensee may impose a limit on the jackpot of a progressive EGD if the limit imposed is greater than the possible maximum jackpot payout on the EGD at the time the limit is imposed. The riverboat licensee shall inform the public with a prominently posted notice of progressive EGD's and their limits.

N. Licensee shall not reduce the amount displayed on a progressive jackpot meter or otherwise reduce or eliminate a progressive jackpot unless:

1. a player wins the jackpot;

2. the licensee adjusts the progressive jackpot meter to correct a malfunction or to prevent the display of an amount greater than a limit imposed pursuant to §4204.M and the licensee documents the adjustment and the reasons for it;

3. the licensee's gaming operations at the establishment cease for any reason other than a temporary closure where the same licensee resumes gaming operations at the same establishment within a month;

4. the licensee distributes the incremental amount to another progressive jackpot at the licensee's establishment and:

a. the licensee documents the distribution;

b. any machine offering the jackpot to which the licensee distributes the incremental amount does not require that more money be played on a single play to win the jackpot, than the machine from which the incremental amount is distributed;

c. any machine offering the jackpot to which the incremental amount is distributed complies with the minimum theoretical payout requirement of §4203.B; and

d. The distribution is completed within thirty (30) days after the progressive jackpot is removed from play or within such longer period as the Division may for good cause approve; or

e. the Division approves a reduction, elimination, distribution, or procedure not otherwise described in this subsection, which approval is confirmed in writing;

5. licensees shall preserve the records required by this section for at least five (5) years.

#### O. Individual Progressive EGD Controls

1. Individual EGD's shall have a minimum of seven electronic meters, including a coin-in meter, drop meter, jackpot meter, win meter, hand paid jackpot meter, progressive hand paid jackpot meter and a progressive meter.

#### P. Link Progressive EGD Controls

1. Each machine shall require the same number of tokens be inserted to entitle the player to a chance at winning the progressive jackpot and every token shall increment the meter by the same rate of progression as every other machine in the group.

2. When a progressive jackpot is hit on a machine in the group, all other machines shall be locked out, except if an individual progressive meter unit is visible from the front of the machine. In that case, the progressive control unit shall lock out only the machine in the progressive link that hit the jackpot. All other progressive meters shall show the current "Current Progressive Jackpot Amount."

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:

#### **§4205. Computer Monitoring Requirements of Electronic Gaming Devices**

A. The Licensee shall have a computer connected to all EGD's on the riverboat to record and monitor the activities of such devices. No EGD's shall be operated unless it is on-line and communicating to a computer monitoring system approved by a designated gaming laboratory specified by the Division/Board. Such computer monitoring system shall provide on-line, real-time monitoring and data acquisition capability in the format and media approved by the Division.

1. Any occurrence of malfunction or interruption of communication between the EGD's and the EGD monitoring system shall immediately be reported to the Division for determination of further action to be taken. These malfunctions include, but are not limited to, system down for maintenance or malfunctions, zeroed meters, invalid meters and any variance between EGD drop meters and the actual count of the EGD drop.

2. Prior written approval from the Division is required before implementing any changes to the computerized EGD monitoring system or adopting manual procedures for when the computerized EGD monitoring system is down.

3. Each and every modification of the software shall be approved by a designated gaming laboratory specified by the Division/Board.

B. The computer permitted by subparagraph (1) of this subsection shall be designed and operated to automatically perform and report functions relating to EGD meters, and other exceptional functions and reports in the riverboat as follows:

1. record the number and total value of tokens placed in the EGD for the purpose of activating play;

2. record the total value of credits received from the currency acceptor for the purpose of activating play;

3. record the number and total value of tokens deposited in the drop bucket of the EGD;

4. record the number and total value of tokens automatically paid by the EGD as the result of a jackpot;

5. record the number and total value of tokens to be paid manually as the result of a jackpot. The system shall be capable of logging in this data if such data is not directly provided by EGD;

6. have an on-line computer alert, alarm monitoring capability to insure direct scrutiny of conditions detected and reported by the EGD, including any device malfunction, any type of tampering, and any open door to the drop area. In addition, any person opening the EGD or the drop area shall complete the machine entry authorization log including time, date, machine identity and reason for entry; with exclusion of the drop team;

7. be capable of logging in and reporting any revenue transactions not directly monitored by token meter, such as tokens placed in the EGD as a result of a fill, and any tokens removed from the EGD in the form of a credit;

8. identify any EGD taken off-line or placed on-line of the computer monitor system, including date, time, and EGD identification number; and

9. report the time, date and location of open doors or error conditions, as specified in §4201.D.2, by each EGD.

C. The Licensee shall store, in machine-readable format, all information required by paragraph b for the period of five years. The Licensee shall store all information in a secure area and certify that this information is complete and unaltered. This information shall be available upon request by a Division agent in the format and media approved by the Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:

#### **§4206. Employment of Individual to Respond to Inquires from the Division**

A. Each manufacturer shall employ or retain an individual who understands the design and function of each of its EGD's who shall respond within the time specified by the Division to any inquires from him concerning the EGD or any modifications to the device. Each manufacturer shall on or before December 31st of each year report in writing the name of the individual designated pursuant to this section and shall report in writing any change in the designation within fifteen (15) days of the change.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:

#### **§4207. Evaluation of New Electronic Gaming Devices**

A. The Division may require transportation of not more than two working models of a new EGD to a designated gaming laboratory for review and inspection. The manufacturer seeking approval of the device shall pay the cost of the inspection and investigation. The designated gaming laboratory may dismantle the models and may destroy electronic components in order to fully evaluate the device. The Division/Board may require that the manufacturer provide specialized equipment or the services of an independent technical expert to evaluate the device.

B. The Division/Board may require the manufacturer or supplier seeking approval to provide specialized equipment or the services of an independent technical expert to evaluate the equipment, and may employ an outside designated gaming laboratory to conduct the evaluation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:

#### **§4208. Certification by Manufacturer**

A. After completing its evaluation of a new EGD, the lab shall send a report of its evaluation to the Division/Board and the manufacturer seeking approval of the device. The report shall include an explanation of the manner in which the device operates. The manufacturer shall return the report within fifteen (15) days and shall either:

1. certify under penalty of perjury that to the best of its knowledge the explanation is correct; or

2. make appropriate corrections, clarifications, or additions to the report and certify under penalty of perjury that to the best of its knowledge the explanation of the EGD is correct amended.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:

#### **§4209. Approval of New Electronic Gaming Devices**

A. After completing its evaluation of the new EGD, the Division/Board shall determine whether the application for approval of the new EGD should be granted. In considering whether a new EGD will be given final approval, the Division/Board shall consider whether approval of the new EGD is consistent with LAC 42:XIII.Chapter 42. Division/Board approval of a EGD does not constitute certification of the device's safety.

B. Equipment Registration and Approval

1. All electronic or mechanical EGD's shall be approved by the Division/Board and/or its approved designated gaming laboratory and registered by the Division prior to use.

2. The following shall not be used for gaming by any licensee without prior written approval of the Division:

a. bill acceptors or bill validators;

b. coin acceptors;

c. progressive controllers;

d. signs depicting payout percentages, odds, and/or rules of the game;

e. associated gaming equipment as provided for in LAC 42:XIII.Chapter 42 of the Administrative Rules.

3. The licensee and/or manufacturer's request for approval shall describe with particularity the equipment or device for which the Division/Board's approval is requested.

4. The Division/Board may request additional information or documentation prior to issuing written approval.

#### C. Testing

1. The following shall be tested prior to registration or approval for use:

- a. all EGD's;
- b. EGD monitoring systems;
- c. any other device or equipment as the Division/Board may deem necessary to ensure compliance with this.

2. The Division/Board may employ the services of a designated gaming laboratory to conduct testing.

a. Any new EGD not presently approved by the Division/Board shall first meet the approval and testing criteria of the Division/Board's recognized designated gaming laboratory, who shall evaluate and test the product and issue a written opinion to the Division/Board of all test results. The Licensee, manufacturer or supplier shall incur all costs associated with the testing of the product. This may include costs for field test, travel, laboratory test, and/or other associated costs. Failure on the part of the requesting party to timely pay these cost may be grounds for the denial of the request and cause for enforcement action by the Division. Recommendations of approval by the designated gaming laboratory with regard to program approval(s) shall constitute Division/Board approval and do not require separate written approval by the Division/Board. Other test determinations shall be reviewed by the Division/Board and a written decision shall be issued by the Division/Board. In situations wherein the need for specific guidelines and internal controls are required, the Division/Board will work in concert with the designated gaming laboratory to develop guidelines for each Licensee. Licensees shall be required to comply with these guidelines and they shall become part of the Licensee's system of internal controls. At no time shall an unauthorized program, gaming device, associated equipment and/or component be installed, stored, possessed, or offered for play by a Licensee, Permittee, its agent, representative, employee or other person in the Louisiana Riverboat Gaming Industry.

3. Registration and/or approval shall not be issued unless payment for all costs of testing is current.

4. Registration, approval, or the denial of EGD's, or any other device or equipment shall be issued in accordance with the Administrative Rules, and/or this LAC 42:XIII.Chapter 42.

5. EGD's shall meet all specifications as required in §4203 and shall meet the following security and audit specifications:

- a. be controlled by a microprocessor;
- b. be connected and communicating to an approved on-line EGD monitoring system;
- c. have an internal enclosure for the circuit board which is locked or sealed, or both, prior to and during game play;

d. be able to continue a game with no loss of data after a power failure;

e. have game data recall for the current game and the previous two games;

f. have a random selection process that satisfies the ninety-nine percent (99%) confidence level using the following test:

- i. standard chi-squared;
- ii. runs;
- iii. serial correlation.

(Note: These tests shall not be predictable by players.)

g. clearly display applicable rules of play and the payout schedule;

h. display an accurate representative of each game outcome utilizing:

- i. rotating wheels;
- ii. video monitoring; or
- iii. any other type of display mechanism that accurately depicts the outcome of the game.

6. All EGD's shall be registered with the Division/Board and shall have a registration sticker affixed to the device on a viewable, accessible location on the interior of the frame of the EGD. It is incumbent on each licensee to ensure that the registration sticker is properly affixed and is valid. In the event the registration sticker becomes damaged or voided, the licensee shall immediately notify the Division/Board in writing. The Division shall issue a replacement sticker and re-register the device as soon as practical.

7. All EGD's shall be located within the designated gaming area. This is inclusive of all "Free Pull" machines or similar devices. A device which is not in use may be stored in a secured area if approved in writing by the Division.

8. Each licensee shall maintain a current inventory report of all EGD's and equipment. The inventory report shall include, but is not limited to, the following:

- a. the serial number assigned to the EGD by the manufacturer;
- b. the registration number issued by the Division;
- c. the type of game the EGD is designed and used for;
- d. the denomination of tokens or coins accepted by each EGD;
- e. the location of EGD's equipped with bill validators and any bill validators that stand alone;
- f. the manufacturer of the EGD; and/or
- g. the location or house number of the EGD.

9. This inventory report shall be submitted to the Division's Operational Section on a diskette, in a data text format, upon request by the Division/Board.

10. All EGD's offered for play shall be given a "House Number" by the licensee. This house number shall not be altered or changed without prior written approval from the Division. The licensee shall issue the "House Numbers" in a systematic manner which provides for easy recognition and location of the device's location. This number shall be a part of the licensee's "On-Line Computer EGD Monitoring System", and shall be displayed, in part, on all on-line system reports. Each EGD shall have its respective house number attached to the device in a manner which allows for easy recognition by Division personnel and surveillance cameras.

11. Control Program Requirements:

- a. EGD control programs shall test themselves for possible corruption caused by failure of the program storage media;
- b. the test methodology shall detect ninety-nine and ninety nine one hundredths percent of all possible failures;
- c. the control program shall allow for the EGD to be continually tested during game play;
- d. the control program shall reside in the EGD which is contained in a storage medium not alterable through any use of the circuitry or programming of the EGD itself;
- e. the control program shall check the following:
  - i. corruption of RAM locations used for crucial EGD functions;
  - ii. information relating to the current play and final outcome of the two (2) prior games;
  - iii. random number generator outcome; and
  - iv. error states.
- f. the control RAM areas shall be checked for corruption following game initiation, but prior to display of the game outcome to the player;
- g. detection of corruption is a game malfunction that shall result in a tilt condition which identifies the error and causes the EGD to cease further function;
- h. the control program shall have the capacity to display a complete play history for the current game and the previous two games;
- i. the control program shall display an indication of the following:
  - i. the game outcome or a representative equivalent;
  - ii. bets placed;
  - iii. credits or coins paid;
  - iv. credits or coins cashed out; and
  - v. any error conditions.
- j. the control program shall provide the means for on-demand display of the electronic meters via a key switch or other mechanism on the exterior of the EGD.

12. Accounting Meters:

- a. all EGD's shall be equipped with electronic meters;
- b. all EGD's electronic meters shall have at least eight digits;
- c. all EGD's shall tally totals to eight digits and be capable of rolling over when the maximum value is reached;
- d. the required electronic meters are as follows:
  - i. the coin-in meter shall cumulatively count the number of coins wagered by actual coins inserted or credits bet, or both;
  - ii. the coin-out meter shall cumulatively count the number of coins that are paid by the hopper as a result of a win, or credits that are won, or both;
  - iii. the coins-dropped meter shall maintain a cumulative count of the number of coins that have been diverted into a drop bucket and credit value of all bills inserted into the bill validator for play;
  - iv. the jackpots-paid meter shall reflect the cumulative amounts paid by an attendant for all jackpots;
  - v. the games-played meter shall display the cumulative number of games played (handle pulls);
  - vi. the drop door meter shall display the number of times the drop door was opened;

vii. if the EGD is equipped with a bill validator, the device shall be equipped with a bill validator meter that records:

- (a). the total number of bills that were accepted;
  - (b). a breakdown of the number of each denomination of bill accepted; and
  - (c). the total dollar amount of bills accepted.
- e. EGD's shall be designed so that replacement of parts, modules, or components required for normal maintenance does not affect the electronic meters;
- f. EGD's shall have meters which continuously display the following information relating to the current play or monetary transaction:
- i. the number of coins or credits wagered in the current game;
  - ii. the number of coins or credits won in the current game, if applicable;
  - iii. the number of coins paid by the hopper for a credit cash out or a direct pay from a winning outcome;
  - iv. the number of credits available for wagering, if applicable.
- g. electronically stored meter information required by this section shall be preserved after power loss to the EGD by battery backup and be capable of maintaining accuracy of electronically stored meter information for a period of at least one hundred and eighty days.

13. No EGD may have a mechanism that causes the electronic accounting meters to clear automatically when an error occurs.

14. Clearing of the electronic accounting meters, other than due to a malfunction, may be done only if approved in writing by the Division. Meter readings, as prescribed by the Division, shall be recorded before and after any electronic accounting meter is cleared or a modification is made to the device.

15. Hopper:

- a. EGD's shall be equipped with a hopper which is designed to detect the following and force the EGD into a tilt condition if one of the following occurs:
  - i. jammed coins;
  - ii. extra coins paid out;
  - iii. hopper runaways; or
  - iv. hopper empty conditions.
- b. the EGD control program shall monitor the hopper mechanism for these error conditions in all game states in accordance with this LAC 42:XIII.Chapter 42;
- c. all coins paid from the hopper mechanism shall be accounted for by the EGD including those paid as extra coins during hopper malfunction;
- d. hopper pay limits shall be designed to permit compliance by licensees with all applicable taxation laws, rules, and regulations.

16. Communication Protocol

a. An EGD which is capable of a bi-directional communication with internal or external associated equipment shall use a communication protocol which ensures that erroneous data or signals will not adversely affect the operation of the EGD.

17. EGD's installed and/or modified shall be inspected and/or tested by Division Agents prior to offering these devices for live play. Accordingly, no device shall be operated unless and until each regulated program storage

media has been tested and sealed into place by Division Agent(s). The Division's security tape shall at all times remain intact and unbroken. It is incumbent on the licensee to routinely inspect every device to ensure compliance with this procedure. In the event a licensee discovers that the security tape has been broken or tampered with, the power to the EGD shall be immediately turned off, surveillance shall be immediately notified and shall take a photograph of the logic board. The board shall be maintained in the surveillance office until a Division Agent has the opportunity to inspect the board. A copy of the device's MEAL card shall be made and shall accompany the board.

18. No Licensee or other person shall modify an EGD without prior written approval from the Division. A request shall be made by completing form(s) prescribed by the Division/Board and filing it with the respective field office. The Licensee shall ensure that the information listed on the EGD form(s) is true and accurate. Any misstatement or omission of information shall be grounds for denial of the request and may be cause for enforcement action.

19. EGD's shall meet the following minimum and maximum theoretical percentage payout during the expected lifetime of the EGD:

a. the EGD shall pay out at least eighty percent and not more than ninety nine and nine tenths percent (99.9%) of the amount wagered;

b. the theoretical payout percentage shall be determined using standard methods of the probability theory. The percentage shall be calculated using the highest level of skill where player skill impacts the payback percentage;

c. an EGD shall have a probability of obtaining the maximum payout greater than one in fifty million;

d. an EGD shall be capable of continuing the current play with all the current play features after an EGD malfunction is cleared.

20. Modifications to an EGD's program shall be considered only if the new program has been approved by the designated gaming laboratory, and if the existing program has met the minimum requirements as set forth herein. The minimum program change requirements are unique to each program (program storage media). Therefore, it is not practical to list each one. In general, a program shall meet the ninety nine percent (99%) confidence interval range of eighty percent (80%) to ninety nine point nine and nine tenths percent (99.9%) prior to being removed or replaced. As stated, this confidence interval varies by program and manufacturer. The confidence interval is determined by the designated gaming laboratory who tests each program and determines the interval. For the purpose of these procedures, an interval shall be determined by the games played on the existing program. An EGD's program shall not be approved for change unless the existing program has met or exceeded the minimum of one hundred thousand required games played. Exceptions to this procedure are those situations in which it can be reasonably determined that a program chip is defective or malfunctioning, or during a ninety (90) day trial period of a newly approved program.

21. A licensee shall be allowed to test, on a limited basis, newly approved programs. The licensee shall file an EGD 96-01 form and indicate in field 21 that the request is for a ninety-day trial period. Failure to do so may be grounds for denial of the request to remove the program prior to

reaching the ninety nine and nine tenths (99.9%) confidence interval. The licensee, upon approval, shall be allowed to test the program and will be allowed to replace it during this ninety-day period with cause. If a request to replace the test program is not filed with the Division prior to the expiration of the ninety day (90) approval, the program shall not be replaced and the program replacement criteria as stated in these procedures shall be applicable.

22. When an approved denomination change is made to an EGD which used or uses tokens, the licensee shall make necessary adjustments to the initial hopper fill listed on the Daily Fee Remittance Summary. Additionally, an adjustment shall be made to the Daily Fee Remittance Summary to reflect the change in the initial hopper fill each time an EGD is taken off the floor or out of play. A final drop shall be made for that machine, including the hopper. The initial hopper load should be deducted to determine the final net drop for the device.

#### 23. Randomness Events/Randomness Testing

a. Events in EGD's are occurrences of elements or particular combinations of elements which are available on the particular EGD.

b. A random event has a given set of possible outcomes which has a given probability of occurrence called the distribution.

c. Two events are called independent if the following conditions exist:

i. the outcome of one event has no influence on the outcome of the other event; and

ii. the outcome of one event does not affect the distribution of another event.

d. An EGD shall be equipped with a random number generator to make the selection process. A selection process is considered random if the following specifications are met:

i. the random number generator satisfies at least ninety-nine percent (99%) confidence level using chi-squared analysis;

ii. the random number generator does not produce a measurable statistic with regard to producing patterns of occurrences. Each reel position is considered random if it meets at least the ninety-nine percent (99%) confidence level with regard to the runs test or any similar pattern testing statistic;

iii. the random number generator produces numbers which are independently chosen.

#### 24. Safety Requirements

a. Electrical and mechanical parts and design principles shall not subject a player to physical hazards.

b. Spilling a conductive liquid on the EGD shall not create a safety hazard or alter the integrity of the EGD's performance.

c. The power supply used in an EGD shall be designed to make minimum leakage of current in the event of an intentional or inadvertent disconnection of the alternate current power ground.

d. A surge protector shall be installed on each EGD. Surge protection can be internal or external to the power supply.

e. A battery backup device shall be installed and capable of maintaining accuracy of required electronic meter information after power is disconnected from the EGD. The

device shall be kept within the locked or sealed logic board compartment and be capable of sustaining the stored information for one hundred and eighty (180) days.

f. Electronic Discharges

i. The following shall not subject the player to physical hazards:

- (a) electrical parts;
- (b) mechanical parts; and
- (c) design principles of the EGD and its component parts.

25. On and Off switch. An on and off switch that controls the electrical current used to operate the EGD shall be located in an accessible place and within the interior of the EGD.

26. Power Supply Filter. EGD power supply filtering shall be sufficient to prevent disruption of the EGD by a repeated fluctuation of alternating current.

27. Error Conditions and Automatic Clearing

a. EGD's shall be capable of detecting and displaying the following conditions:

- i. power reset;
- ii. door open; or
- iii. inappropriate coin-in if the coin is not automatically returned to the player.

b. The conditions listed above shall be automatically cleared by the EGD upon initiation of a new play sequence, if possible.

28. Error Conditions; Clearing by Attendant

a. EGD's shall be capable of detecting and displaying the following error conditions which an attendant may clear:

- i. coin-in jam;
- ii. coin-out jam;
- iii. hopper empty or timed-out;
- iv. RAM error;
- v. hopper runaway or extra coin paid out;
- vi. program error;
- vii. reverse token-in;
- viii. reel spin error of any type, including a mis-index condition for rotating reels. The specific reel number shall be identified in the error indicator; and

ix. low RAM battery, for batteries external to the RAM itself, or low power source.

b. A description of EGD error codes and their meanings shall be affixed inside the EGD.

29. Coin Acceptors

a. At least one (1) electronic coin acceptor shall be installed in each EGD.

b. All acceptors shall be approved by the Division/Board or the designated gaming laboratory.

c. Coin acceptors shall be designed to accept designated coins and to reject others.

d. The coin receiver on an EGD shall be designed to prevent the use of cheating methods, including, but not limited to:

- i. slugging;
- ii. stringing; and
- iii. spooling.

e. Coins which are accepted but not credited to the current game shall be returned to the player by activation of the hopper or credited toward the next play of the EGD

control program and shall be capable of handling rapidly fed coins so that frequent occurrences of this type are prevented.

f. EGD's shall have suitable detectors for determining the direction and speed of the coin(s) travel in the receiver. If a coin traveling at improper speed or direction is detected, the EGD shall enter an error condition and display the error condition which shall require attendant intervention to clear.

30. Bill Validators

a. EGD's may contain a bill validator that will accept the following:

- i. one dollar (\$1) bills;
- ii. five dollar (\$5) bills;
- iii. ten dollar (\$10) bills;
- iv. twenty dollar (\$20) bills;
- v. fifty dollar (\$50) bills; and
- vi. one hundred dollar (\$100) bills.

b. The bill acceptors may be for single denomination or combination of denominations.

31. Automatic Light Alarm. A light shall be installed on the top of the EGD that automatically illuminates when the door to the EGD is opened or associated equipment that may affect the operation of the EGD is exposed, excluding all bartop EGD's.

32. Access to the Interior

a. The internal space of an EGD shall not be readily accessible when the door is closed.

b. The following shall be in a separate locked or sealed area within the EGD's:

- i. logic boards;
- ii. ROM;
- iii. RAM; and
- iv. program storage media.

c. No access to the area described above is allowed without prior notification to the Licensee's surveillance room.

d. The Division shall be allowed immediate access to the locked or sealed area. A riverboat licensee shall maintain its copies of the keys to EGD's in accordance with the administrative rules and the licensee's system of internal controls. A licensee shall provide the Division a master key to the door of an approved EGD, if so requested. Unauthorized tampering or entrance into the logic area without prior notification in accordance with subsection (c) is grounds for enforcement action.

33. Tape Sealed Areas. An EGD's logic boards and/or any program storage media in a locked area within the EGD shall be sealed with the Division's security tape. The security tape shall be affixed by a Division Agent. The security tape may only be removed by, or with approval from, a Division Agent.

34. Hardware Switches

a. No hardware switches may be installed which alter the pay tables or payout percentages in the operation of an EGD.

b. Hardware switches may be installed to control the following:

- i. graphic routines;
- ii. speed of play;
- iii. sound; and
- iv. other approved cosmetic play features.

### 35. Display of Rules of Play

a. The rules of play for EGD's shall be displayed on the face or screen of all EGD's. Rules of play shall be approved by the Division/Board prior to play.

b. The Division/Board may reject the rules if they are:

- i. incomplete;
- ii. confusing;
- iii. misleading; or
- iv. for any other reason stated by the Division/Board.

c. Rules of play shall be kept under glass or another transparent substance and shall not be altered without prior approval from the Division.

d. Stickers or other removable devices shall not be placed on the EGD face unless their placement is approved by the Division.

### 36. Manufacturer's Operating and Field Manuals and Procedures

a. A Licensee shall comply with written guidelines and procedures concerning installations, modifications, and/or upgrades of components and associated equipment established by the manufacturer of an EGD, component, on-line system, software, and/or associated equipment unless otherwise approved in writing by the Division/Board, or if the guideline(s) and/or procedure(s) conflict with any portion of this LAC 42:XIII.Chapter 42.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:

#### **§4210. Electronic Gaming Device Tournaments**

A. EGD tournaments may be conducted by Licensees, upon written approval by the Division.

B. All tournament play shall be on machines which have been tested and approved by the Division, and for which the tournament feature has been enabled.

C. All EGD's used in a single tournament shall utilize the same electronics and machine settings. Licensees shall utilize, and each device shall be equipped with an approved program which allows for tournament mode play to be enabled by a switch key (reset feature) and/or total replacement of the logic board, with an approved tournament board. Replacement of program storage media is not permissible for tournament play only. Form(s) as prescribed by the Division are required to be submitted for each device used in tournament play when the non-tournament logic board is removed. The Licensee shall submit, in writing, procedures regarding the storage and security of the both tournament and non-tournament boards when not in use.

D. EGD's enabled for tournament play shall not accept or pay out coins. The EGD's shall utilize credit points only.

E. Tournament credits shall have no cash value.

F. Tournament play shall not be credited to accounting or electronic (soft) meters of the EGD.

G. At the licensee's discretion, and in accordance with applicable laws and rules, the licensee may establish qualification or selection criteria to limit the eligibility of players in a tournament.

#### **H. Rules of Tournament Play**

I. The riverboat licensee shall submit rules of tournament play to the Division in accordance with LAC 42:XIII. 2953 or within such time period as the Division

may designate. The rules of play shall include, but are not limited to, the following:

1. the amount of points, credits, and playing time players will begin with;

2. the manner in which players will receive EGD assignments and how reassignments are to be handled;

3. how players are eliminated from the tournament and how the winner or winners are to be determined;

4. the number of EGD's each player will be allowed to play;

5. the amount of entry fee for participating in the tournament;

6. the number of prizes to be awarded;

7. an exact description of each prize to be awarded;

8. any additional house rules governing play of the tournament;

9. any rules deemed necessary by the Division/Board to ensure compliance with this LAC 42:XIII.Chapter 42.

J. A licensee shall not permit any tournament to be played unless the rules of the tournament play have been approved, in writing, by the Division.

K. The rules of tournament play shall be provided to all tournament players and each member of the public who requests a copy of the rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:

#### **§4211. Duplication of Program Storage Media**

##### **A. Personnel and Certification**

1. Only the personnel defined in the Licensee's, Division approved, written internal controls shall be allowed to duplicate program storage media.

2. The Licensee shall provide to the Division certified documentation, from the manufacturer or copyright holder of the program storage media which is being duplicated, stating that the duplication of the program storage media is authorized.

3. The Licensee shall assume the responsibility of complying with all rules and regulations regarding copyright infringement. Program storage media protected by the manufacturer's federal copyright laws will not be duplicated for any reason or circumstance, unless approved otherwise by the manufacturer and/or the Division/Board.

4. Each duplicated program storage media shall be certified by the designated gaming laboratory's signature for that program storage media.

##### **B. Required Documentation**

1. Each Licensee shall maintain an program storage media Duplication Log which shall contain:

a. the name of the program storage media manufacturer and the program storage media identification number of each program storage media to be erased;

b. serial number of program storage media eraser and duplicator;

c. printed name and signature of individual performing the erasing and duplication of the program storage media;

d. identification number of the new program storage media;

e. the number of program storage media duplicated;

f. the date of the duplication;

g. machine number (source and destination);

- h. reason for duplication;
  - i. disposition of permanently removed program storage media.
2. The log shall be maintained on record for a period of five years.

3. Corporate internal auditors shall verify compliance with program storage media duplication procedures at least twice annually.

C. Program Storage Media Labeling

1. Each duplicated program storage media shall have an attached white adhesive label containing the following:
- a. manufacturer name and serial number of the new program storage media;
  - b. designated gaming laboratory signature verification number;
  - c. date of duplication; and
  - d. initials of personnel performing duplication.

D. Storage of Program Storage Media and Duplicator/Eraser

1. Program storage media duplication equipment shall be stored with the security department or other department approved by the Division.
2. Equipment shall be released only to the personnel defined in the Licensee's, Division approved, written internal controls.
3. At no time shall the personnel defined in the Licensee's, Division approved, written internal controls leave unattended the program storage media duplication equipment.
4. Program storage media duplication equipment shall only be released from the security department, or other department approved by the Division, for a period not to exceed four hours within a twenty-four hour period.
5. An Equipment Control Log shall be maintained by the Licensee and shall include the following:
- a. Date, time, name of employee taking possession of, or returning equipment, and name of the individual assigned to the Division approved storage department taking possession of, or releasing equipment.
6. All Program storage media shall be kept in a secure area and the Licensee shall maintain an inventory log of all Program storage media.

E. Internal Controls

1. The Licensee shall adopt, and have approved by the Division, internal controls which are in compliance with this section prior to duplicating program storage media.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:

**§4212. Marking, Registration, and Distribution of Gaming Devices**

A. No one, including a licensee, Permittee, manufacturer or supplier may ship or otherwise transfer a gaming device into this state, out of this state, or within this state unless:

1. a serial number (which shall be the same number as given the device pursuant to the provisions of §15 U.S.C. 1173 of the Gaming Device Act of 1962) permanently stamped or engraved in lettering no smaller than five (5) millimeters on the metal frame or other permanent component of the EGD and on a removable metal plate attached to the cabinet of the EGD; and

2. a manufacturer, supplier, or licensee shall file forms as prescribed by the Division/Board before receiving authorization to ship a device for use in the Louisiana Riverboat Gaming Industry;

3. each manufacturer or supplier shall keep a written list of the date of each distribution, the serial numbers of the devices, the Division approval number, and the name, state of residence, addresses and telephone numbers of the person to whom the gaming devices have been distributed and shall provide such list to the Division immediately upon request;

4. a registration fee of one hundred dollars \$100.00 per device shall be paid by company check, money order, or certified check made payable to "State of Louisiana, Department of Public Safety." This fee is not required on devices which are currently registered with the Division/Board and display a valid registration certificate. Upon receipt of the appropriate shipping forms and fees, the Division/Board shall issue a written authorization to ship for approved devices. This fee is applicable only to gaming devices destined for use in Louisiana by licensed riverboat entities or suppliers;

5. prior to actual receipt of the shipment, the Licensee shall notify the Division of the arrival. The Division shall require that the shipper's manifest or other shipping documents are verified against the Letter of Authorization for that shipment. The shipment shall also have been sealed at the point of origin, or the last point of shipment. The seal number shall be recorded on the shipping documents and attached to the Licensee's copy of the Letter of Authorization.;

6. the storage of the shipment, once properly received, shall be in a containment area that is secure from any other equipment. There shall be a dual key locking system for the containment area. The containment area shall have been inspected and approved in writing by the Division/Board prior to any EGD storage. All electronic control boards and/or program storage media shall be securely stored in a separate containment area from the EGD's. The containment area shall have been inspected and approved in writing by the Division/Board prior to any electronic control board and/or program storage media storage.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:

**§4213. Approval to Sell or Disposal of Gaming Devices**

A. No gaming device registered by the Division/Board shall be destroyed, scrapped, or otherwise disassembled without prior written approval of the Division/Board. A licensee shall not sell or deliver a gaming device to a person other than its affiliated companies or a permitted manufacturer or supplier without prior written approval of the Division/Board. Applications for approval to sell or dispose of a registered gaming device shall be made, processed, and determined in such manner and using such forms as the Division/Board may prescribe.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:

**§4214. Maintenance of Electronic Gaming Devices**

A. A licensee shall not alter the operation of an approved EGD except as provide otherwise in the Division/Board's

rules and shall maintain the EGD's as required in LAC 42:XIII.Chapter 42. Each licensee shall keep a written list of repairs made to the EGD offered for play to the public that require a replacement of parts that affect the game outcome, and any other maintenance activity on the EGD, and shall make the list available for inspection by the Division upon request. The written list of repairs for all EGD's shall be kept in a maintenance log book in the slot tech office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:

#### **§4215. Analysis of Questioned Electronic Gaming Devices**

A. If the operation of any EGD is questioned by any licensee, patron or an agent of the Division/Board and the question cannot be resolved, the questioned device shall be examined in the presence of an agent of the Division and a representative of the licensee. If the malfunction can not be cleared by other means to the satisfaction of the Division/Board, the patron or the licensee, the EGD shall be disabled and be subjected to a program storage media memory test to verify signature comparison by the Division. Upon successful verification of the signature of the program storage media ,and all malfunctions resolved, the EGD in question may be enabled for patron play.

B. In the event that the malfunction can not be determined and corrected by this testing, the EGD may be removed from service and secured in a remote, locked compartment. The EGD may then be transported to the designated gaming laboratory selected by the Division/Board where the device shall be fully analyzed to determine the status and cause of the malfunction. All costs for transportation and analysis shall be borne by the licensee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:

#### **§4216. Summary Suspension of Approval of Electronic Gaming Devices**

A. The Division/Board may issue an order suspending approval of an EGD if it is determined that the EGD does not operate in the manner certified by the designated gaming laboratory pursuant to this LAC 42:XIII.Chapter 42. The Division/Board after issuing an order may thereafter seal or seize all models of that EGD not in compliance with the LAC 42:XIII.Chapter 42.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:

#### **§4217. Seizure and Removal of Electronic Gaming Equipment and Devices**

A. EGD's and associated equipment may be summarily seized by the Division/Board. Whenever the Division/Board seizes and removes EGD's and/or associated equipment:

1. an inventory of the equipment or EGD's seized will be made by the Division/Board, identifying all such equipment or EGD's as to make, model, serial number, type, and such other information as may be necessary for authentication and identification;

2. all such equipment or EGD's will be sealed or by other means made secure from tampering or alteration;

3. the time and place of the seizure will be recorded; and

4. the licensee or Permittee will be notified in writing by the Division/Board at the time of the seizure, of the fact of the seizure, and of the place where the seized equipment or EGD is to be impounded. A copy of the inventory of the seized equipment or EGD will be provided to the licensee or Permittee upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:

#### **§4218. Seized Equipment and EGD's as Evidence**

A. All gaming equipment and EGD's seized by the Division/Board shall be considered evidence, and as such shall be subject to the laws of Louisiana governing chain of custody, preservation and return, except that:

1. any article of property that constitutes a cheating device shall not be returned. All cheating devices shall become the property of the Division/Board upon their seizure and may be disposed of by the Division/Board, which disposition shall be documented as to date and manner of disposal;

2. the Division/Board shall notify by certified mail each known claimant of a cheating device that the claimant has ten days from the date of the notice within which to file a written claim with the Division/Board to contest the characterization of the property as a cheating device;

3. failure of a claimant to timely file a claim as provided in subsection (2) above will result in the Division/Board's pursuit of the destruction of property;

4. if the property is not characterized as a cheating device, such property shall be returned to the claimant within fifteen days after final determination;

5. items seized for inspection or examination may be returned by the Division/Board without a court order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:

#### **§4219. Approval of Associated Equipment; Applications and Procedures**

A. A manufacturer or supplier of associated equipment and/or non-gaming products shall not distribute associated equipment and/or non-gaming products unless such manufacturer and/or supplier has been approved by the Division/Board. Applications for approval of associated equipment and/or non-gaming products shall be made and processed in such manner and using such forms as the Division/Board may prescribe. Each application shall include, in addition to such other items or information as the Division/Board may require:

1. The name, permanent address, social security number or federal tax identification number of the manufacturer or supplier of associated equipment and non-gaming products unless the manufacturer or supplier is currently permitted by the Division/Board. If the manufacturer or supplier of associated equipment and non-gaming products is a corporation, the names, permanent addresses, social security numbers, and driver's license numbers of the directors and officers shall be included. If the manufacturer or supplier of associated equipment and non-gaming products is a partnership, the names, permanent

addresses, social security numbers, driver's license numbers, and partnership interest of the partners shall be included. If social security numbers or driver's license numbers are not available, the birth date of the partners may be substituted;

2. a complete, comprehensive and technically accurate description and explanation in both technical and non-technical language of the equipment and its intended usage, signed under penalty of perjury;

3. detailed operating procedures; and

4. details of all tests performed and the standards under which such tests were performed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:

### **Chapter 43. Specifications for Gaming Devices and Equipment**

**§§4327. – 4357.**

#### **Repealed**

The emergency rules shall become effective December 31, 1999, and shall remain in effect for one hundred and twenty (120) days or until the permanent rules published as a Notice of Intent at p. 2333 Vol. 25, No. 10, *Louisiana Register* are adopted and published whichever is sooner.

Hillary J. Crain  
Chairman

0001#014

### **DECLARATION OF EMERGENCY**

#### **Department of Public Safety and Corrections Office of State Police**

Analysis of Blood and Urine for Alcohol and Drugs  
(LAC 55:I.555 and 571-591)

The Department of Public Safety and Corrections, Office of State Police has adopted the following emergency rules in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. These emergency rules are adopted effective December 23, 1999 and shall remain in effect for a maximum of 120 days or until promulgated as a final rule whichever occurs first. As a result of the passage of Act No. 1212 of the 1999 Regular Legislative Session, it is necessary for the Department to promulgate rules in order to approve the methods utilized for chemical analysis of a person's blood, urine, breath or other bodily substances for the purposes of the Louisiana Implied Consent Law. Prior to the enactment of Act No. 1212 which became effective on August 15, 1999, the Department was only required to approve said methods for any such chemical analysis to be considered valid. If said analyses are to be considered valid after August 15, 1999, it is necessary for the Department to promulgate these approved methods in the form of administrative rules. Discretionary rules have previously been promulgated by the Department for the analysis of alcohol by testing breath and blood. However, it is necessary to amend one regulation, LAC 55, Part I, Chapter 5, §555.G, in these previously adopted regulations to list the name of an approved kit currently in use for the testing of alcohol in blood. It is also necessary to adopt regulations to list the

Department's approved testing methods for the detection of controlled dangerous substances in urine and blood. Failure to immediately amend LAC 55, Part I, Chapter 5, §555.G and adopt administrative regulations listing the Department's approved testing methods for the detection of controlled dangerous substances in urine and blood will render effective enforcement and successful prosecution of state law for driving under the influence of alcohol or controlled dangerous substances impossible. The Department expressly declares that the ineffective enforcement and unsuccessful prosecution of individuals who violate state law by driving under the influence of alcohol or controlled dangerous substances poses a threat to the public safety of the citizens of the state of Louisiana who utilize its public highways and roadways.

### **Title 55**

#### **PUBLIC SAFETY**

#### **Part I. State Police**

### **Chapter 5. Breath and Blood Alcohol Analysis Methods and Techniques**

#### **Subchapter B. Analysis of Blood**

#### **§555. Certified Techniques of Analyst**

A. - F. ...

G. Blood drawn for the purposes of determining the alcoholic content therein shall have been taken with the contents of a sealed "B-D Blood Alcohol Kit" numbers 4000, 4990 or 4991 (manufactured by Becton-Dickinson division of Becton-Dickinson and Company), or "NIK Blood Alcohol Kit" Numbers 4000, 4990, 4991 (manufactured by NIK Public Safety, Inc.) or similar blood collection kits as approved. Such kits will be made available to all law enforcement agencies by the Louisiana State Police.

G.1. - H.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 6:660 (November 1980), amended by the Department of Public Safety and Corrections, Office of State Police, LR11:256 (March 1985), LR 14:360 (June 1988), LR 17:676 (July 1991), repromulgated LR 17:798 (August 1991), amended LR 26:

#### **Subchapter C. Analysis of Blood and Urine for Controlled Dangerous Substances**

#### **§571. Definitions**

The following words and terms used in this subchapter shall have the following meanings:

*Aliquo* different samples from the same specimen.

*Analyte* the drug or drug metabolite suspected or detected.

*Chain of Custody* the accounting of the integrity of each specimen through the tracking of all individuals or agencies which may have handled the sample from the point of collection to final disposition.

*Confirmation Test* a second analytical procedure to identify the presence or absence of a specific drug or drug metabolite.

*Crime Laboratory* the Louisiana State Police Crime Laboratory.

*Department* the Department of Public Safety and Corrections, Public Safety Services.

*False Negative* not reporting an analyte which is present in the sample

*False Positive* the reporting of an analyte which is not present in the sample.

*Proficiency Testing Program* performance of testing on specimens containing drugs or drug metabolites or lack of which the laboratory shall be prepared to assay in concentration ranges that allow detection of the analyte by commonly used screening techniques.

*Quality Assurance* a program to ensure quality standards in all aspects of the testing process including but not limited to, specimen acquisition, chain of custody, screening and confirmation testing, and validation of analytical procedure.

*Quality Control* procedures designed to assess the conduct of each step of the process for testing of drugs.

*Retention Times* the time for a sample component to elute from a chromatographic column which is useful in the possible identification of that component.

*Screening (Initial) Test* a test documented to indicate the possible presence of absence of a particular drug, drug class, or drug metabolite.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 26:

### **§573. Qualifications of Forensic Laboratories**

Each forensic laboratory seeking approval from the Department to perform analysis of controlled dangerous substances in bodily fluids shall comply with the qualifications as established by the Louisiana State Police Crime Laboratory in accordance with these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 26:

### **§575. Operating Procedures**

A. The laboratory shall have a procedural manual which will include detailed descriptions of procedures for testing. In addition, laboratory policies shall exist which govern sample receiving, chain of custody, analysis, quality control and quality assurance, choice of reagents, review of data, and reporting. The procedural manual shall include the following:

1. instructions for preparation of reagents;
2. details of the analytical procedure;
3. instructions for preparation of controls and calibrators;
4. references to include theory and principle of the method.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 26:

### **§577. Personnel**

A. The Toxicology Laboratory shall be supervised by a person who is qualified by reason of appropriate education and experience to assume the required professional, organizational, educational, and administrative responsibilities. The supervisor shall possess at least a bachelor's of science degree from an accredited college or university in one of the chemical, physical or biological sciences, medical technology, criminalistics, forensic science, toxicology, or pharmacology, and shall have at least

four years of full-time experience in a toxicology or forensic laboratory.

B. Analytical personnel shall also possess the minimum educational requirements as stated for the supervisor. The analyst shall be trained and show proficiency in each procedure performed.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 26:

### **§579. Certification**

A. Individuals seeking to conduct drug testing in compliance with R.S. 32:661-669, shall:

1. make application to the Louisiana State Police Crime Laboratory;
2. submit a copy of their laboratory's operating procedural manual as related to toxicological testing;
3. successfully screen a sample comprised of one or more drugs or drug metabolites in a sample of whole blood, serum, or urine matrix. The sample may be furnished through the Louisiana State Police Crime Laboratory. Successful screening shall consist of:

- a. not reporting any false positives;
- b. confirming the presence of no less than 75 percent of the analytes routinely screened.

B. Personnel employed full time in the Toxicology Laboratory for a period of two years prior to the adaptation of these rules, shall be granted certification based upon review by the Louisiana State Police Crime Laboratory.

C. Certification shall be valid for a period of two years from the date of issuance or such time as determined by the Director of the Louisiana State Police Crime Laboratory. Certificates may be renewed upon subsequent application and successful completion of A(3) above.

D. Failure to adhere to any of the Rules and Regulations set forth herein or to maintain any qualification, as determined by the Director of the Crime Laboratory, may result in suspension, revocation, or cancellation of the certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 26:

### **§581. Receiving and Sampling of Evidence**

A. Evidence submitted for toxicological examination shall be labeled for identification, securely sealed, and submitted in a container appropriate for shipping and maintaining security. They shall have been taken with the contents of a NIK Kit No. 4000, 4990, or 4991 (manufactured by NIK Public Safety, Inc.), B-D Kit No. 4000, 4990, or 4991 (manufactured by Becton-Dickinson Division of Becton-Dickinson and Company), or similar kit previously approved by the Louisiana State Police Crime Laboratory. Such kits shall be made available to all law enforcement agencies through the Louisiana State Police.

B. The kits shall contain no components which would interfere with the results of the test and each kit must be suitable for the purpose of collecting blood and/or urine for forensic toxicological determinations.

C. The sample taken for analysis should be refrigerated and delivered to a designated collection site within twenty-four (24) hours following the end of the collecting officer's shift. It shall then be transported to the laboratory utilized for

the analysis at the earliest possible opportunity after collection, not to exceed seven (7) days.

D. After submitting the sample to the testing facility, specimens shall then be refrigerated in a designated evidence security area.

E. Following analysis, the evidence will be stored for a period of one year under refrigeration either at the testing facility or by the submitting agency. After the one year storage period, the evidence may be destroyed.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 26:

### **§583. Analytical Procedures**

A. Analytical procedures shall include the use of at least two (2) tests (a screening test and a confirmation test, or two confirmation tests) performed for each analyte present. If a screening test is used, the confirmation tests shall be based on a different physical or chemical principle from that of the screening test and offer a higher degree of specificity. All confirmation tests shall be performed using gas chromatography/mass spectrometry. Screening tests may include, but not be limited to, colorimetric, enzymatic, or chromatographic analysis. Confirmation of the identity of an analyte in a different specimen from that used for the first test (e.g. blood and urine) is acceptable, as is reconfirmation in a second aliquot of the same specimen.

B. Positive identification of an analyte shall at a minimum be based on the possible presence of the analyte or the analyte class in the screening test and its presence in the confirmatory test. Confirmation shall be based on the identification of at least three major ions with that of a reference analyte along with a 20 percent correlation between ion ratios of the base peak and another major ion. Retention times between the analyte in question and the reference analyte shall be within plus or minus 2 percent.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 26:

### **§585. Review of Data**

Before results are reported, all analytical data shall be reviewed and approved by the Toxicology Supervisor or a designee with the analytical protocols used by the laboratory. The review shall be documented within the analytical record.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 26:

### **§587. Quality Assurance**

The laboratory shall participate in an external proficiency testing program for drugs in at least one type of specimen at least once every calendar year. The results of the proficiency testing shall be reviewed by the Department.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 26:

### **§589. Maintenance, Repair and Inspection of Instrumentation**

Maintenance and repair of all analytical instrumentation used for the purpose of analyzing the samples required in these guidelines may be performed by the supervisor of the Toxicology Unit or by an analyst assigned to the unit. This may include, but not be limited to, cleaning, replacing septa and injection port liners, changing columns, changing gases and gas flows, adjusting temperature settings, and other routine checks deemed necessary for accurate performance. In addition, the supervisor or analyst may perform diagnostic testing and repair as instructed by a service engineer from the equipment manufacturer or other service repair facility or from a manual provided by the equipment manufacturer detailing diagnostics and repair. Following each maintenance and repair, inspection of the instrument shall include the analysis of a known drug standard or mixture of standards to insure that the instrument is in proper working order. Instrumentation is to be checked each day that analysis is to be performed. A maintenance log shall be maintained for each particular instrument listing all repair or maintenance work performed. The log shall at a minimum list the date, time, nature of work and the name of the person performing the work.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 26:

### **§591. Reagents and Supplies**

A. All drugs used for the preparation of reference drug standards shall be commercially purchased and shall be traceable to a certificate of analysis indicating that it has met the manufacturer's acceptable specifications for use. Purity of chemicals used in the analytical procedures shall be at least reagent grade as recognized by the American Chemical Society and water shall be distilled or de-ionized.

B. All instrument reagents shall be prepared in accordance with the manufacturer's instructions.

AUTHORITY NOTE: Promulgated in accordance with R.S.: 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 26:

Nancy Van Nortwick  
Undersecretary

0001#009

## **DECLARATION OF EMERGENCY**

### **Department of Social Services Office of Community Services**

#### **Reimbursement Rates for Residential Facilities (LAC 67:V.3503)**

The Department of Social Services, Office of Community Services adopts the following emergency rule in the Foster Care Program as authorized by R.S. 46:153. This emergency rule shall be in effect for 120 days effective January 5, 2000.

The Department of Social Services, Office of Community Services previously adopted a rule (*Louisiana Register*, Vol. 25, No. 6) which set the rate setting methodology for residential facilities caring for foster children. There are technical difficulties in the administrative component of the rate setting methodology. Implementing the rule would cause a fiscal emergency for many residential providers which would adversely affect their ability to continue caring for foster children in residential placements. The department previously published an emergency rule (*Louisiana Register*, Vol. 25, No. 9) delaying implementation of the revised rate setting system. The department sets rates in August of each year. An emergency rule is needed to continue the frozen rates issued in August, 1999 until rates are set again in August, 2000. Therefore, the department amends LAC 67:V.3503 to add D. freezing the residential rates issued for the 1999/2000 rate year at the 1998/1999 amount.

The Department of Social Services, Office of Community Services amends LAC 67:V.3503 to add D.

**Title 67**

**SOCIAL SERVICES**

**Part V. Office of Community Services**

**Subpart 5. Foster Care**

**Chapter 35. Payments, Reimbursables and Expenditures**

**§3503. Reimbursement Rates for Residential Facilities**

A.1. - C. ....

D. For rates issued for the 1999/2000 rate year, the Department will freeze the rates at the 1998/1999 amount.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1084.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 14:542 (August 1988), amended LR 20:898 (August 1994), LR 25:1144 (June 1999), LR 25:1609 (September 1999), LR 26:

**Family Impact Statement**

1. The Effect on the Stability of the Family. The proposed emergency rule will have no effect on the stability of the family.

2. The Effect on the Authority and Rights of Parents regarding Education and Supervision of their Children. The proposed emergency rule will have no effect on the authority and rights of parents regarding education and supervision of their children.

3. The Effect of the Functioning of the Family. The proposed emergency rule will have no effect on the functioning of the family.

4. The Effect on Family Earnings and Family Budget. The proposed emergency rule will have no effect on the family earnings and family budget.

5. The Effect on the Behavior and Personal Responsibility of Children. The proposed rule 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 emergency rule does not contain any function

which would need to be performed by a family or a local government.

J. Renea Austin-Duffin  
Secretary

0001#056

**DECLARATION OF EMERGENCY**

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

**Light Geese Hunting Regulations**

In accordance with the emergency provision of R.S. 49:953B and 967D of the Administrative Procedure Act, and under the authority of R.S. 56:115, the Secretary of the Department of Wildlife and Fisheries acting on behalf of the Wildlife and Fisheries Commission hereby adopts the following Emergency Rule for special regulations concerning the taking of "light geese" (Snow, Blue and Ross geese).

Effective January 24, 2000 and February 7, 2000 in the East and West Waterfowl Hunting Zones respectively, all waterfowl hunting seasons will be closed and the taking of "light geese" will be permitted by regulations established through the U.S. Fish and Wildlife Service Conservation Order which was effectuated by P.L. 106-108 effective November 24, 1999. Under the Conservation Order the following rules shall be in effect for the taking of "light geese" through March 12, 2000.

1. The use of electronic calls shall be legal.
2. Unplugged shotguns holding more than 3 shells will be legal.
3. There will be no daily or possession limits on numbers of light geese taken.
4. Shooting hours will be one-half hour before sunrise until one-half hour after sunset.

A Declaration of Emergency is necessary because the U.S. Fish and Wildlife Service has notified the States that the Conservation Order shall be available to the States in accordance with the Arctic Tundra Habitat Emergency Conservation Act (P.L. 106-108). The Conservation Order is being implemented in an attempt to alleviate catastrophic habitat and ecological problems associated with overabundant snow goose populations. This Declaration of Emergency is being promulgated to allow Louisiana the opportunity to assist with national and international management regimes designed to stem the continued expansion of snow goose populations.

James H. Jenkins, Jr.  
Secretary

0001#010