

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Seed Commission

Virus-Tested Sweet Potato Certification Standards (LAC 7:XIII.222)

In accordance with the provisions of the Administrative Procedure Act, La. R.S. 49:950 et. seq., The Department of Agriculture & Forestry, Office of the Louisiana Seed Commission, proposes to amend regulations regarding virus-tested sweet potato certification standards.

The Department of Agriculture and Forestry, Louisiana Seed Commission intends to amend these rules and regulations for the purpose of setting tolerances for specific sweet potato pests. These tolerances, which were inadvertently omitted from the original standards, will provide a mechanism to maintain the physical quality of virus-tested sweet potato plants and seed. These rules are enabled by R.S. 3:1433.

Title 7

AGRICULTURE AND ANIMALS

Part XIII. Seeds

Chapter 1. Louisiana Seed Law

Subchapter C. Certification of Specific Crops/Varieties

§222. Virus-Tested Sweet Potato Certification Standards

A. - B. 3. a. iii. ...

b. Specific Greenhouse Requirements

Presence or Symptoms of:	Maximum Tolerance Allowed	
	Foundation (LAES)	Certified GO
Bacterial Stem Rot (<i>Erwinia chrysanthemi</i>)*	0	0
Black Rot (<i>Ceratocystis fimbriata</i>)*	0	0
Scurf (<i>Monilochaetes infuscans</i>)*	0	0
Root-Knot Nematode (<i>Meloidogyne</i> spp.)	0	0
Feathery Mottle (sweet potato feathery mottle virus [SPFMV])*	0	0
Russet Crack (a strain of SPFMV)*	0	0
Internal Cork (a virus)*	0	0
Wilt (<i>Fusarium oxysporum</i> f. sp. <i>batatas</i>)*	0	0
Sweet potato Weevil (<i>Cylas formicarius</i> var. <i>elegantulus</i>)	0	0
Exotic or hazardous pests	0	0
Variety mixture	0	0
Off-types (mutations)	0	0

* Plants or mini-roots exhibiting symptoms

C. - 3a.iv. ...

b. Specific Field Requirements (vine inspection):

Maximum Tolerance Allowed

Presence or symptoms of:	Certified G1	Certified G2	Certified G3
	Bacterial Stem Rot (<i>Erwinia chrysanthemi</i>)	none	none
Wilt (<i>Fusarium oxysporum</i> f. sp. <i>batatas</i>)	none	none	none
Exotic or Hazardous Pests	none	none	none
Variety Mixture	none	none	none
Off-types (mutations)	0.05%	0.05%	0.10%

D.- E. 2b. ...

c. Specific Seed Root Standards:

Maximum Tolerance Allowed

Presence or symptoms of:	Certified GI	Certified G2	Certified G3
	Surface rots (<i>Fusarium</i> spp.) & Soft Rots (<i>Rhizopus</i> spp.)	5%	5%
Bacterial Root Rot (<i>Erwinia</i> spp.)	none	none	none
Black Rot (<i>Ceratocystis fimbriata</i>)	none	none	none
Scurf (<i>Monilochaetes infuscans</i>)	1.0%	1.0%	2.0%
Streptomyces soil rot (<i>Streptomyces ipomoeae</i>)	2.5%	2.5%	5.0%
Root-Knot Nematode (<i>Meloidogyne</i> spp.)	5.0%	5.0%	5.0%
Russet Crack (a strain of SPFMV)	none	none	none
Internal Cork (a virus)	none	none	none
Wilt (<i>Fusarium oxysporum</i> f. sp. <i>batatas</i>)	none	none	none
Sweet potato Weevil (<i>Cylas formicarius</i> var. <i>elegantulus</i>)	none	none	none
Exotic or hazardous pests	none	none	none
Variety Mixture	none	none	none
Off-types (mutations)	0.20%	0.20%	0.50%

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:1433.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Seed Commission, LR 25: 1617 (September 1999), amended LR 26:

Family Impact Statement

The proposed amendments to rule 7:XIII.222 regarding Virus-tested standards for sweet potatoes should not have any known or foreseeable impact on any family as defined by R. S. 49:972 D or on family formation, stability and autonomy. Specifically there should be no known or foreseeable effect on:

1. the stability of the family;
2. the authority and rights of parents regarding the education and supervision of their children;
3. the functioning of the family;
4. family earnings and family budget;
5. the behavior and personal responsibility of children;
6. the ability of the family or a local government to perform the function as contained in the proposed rule.

All interested persons may submit written comments on the proposed rules through April 24, 2000, to Eric Gates, Department of Agriculture and Forestry, 5825 Florida Blvd., Baton Rouge, Louisiana 70806. All interested persons will be afforded an opportunity to submit data, views or arguments in writing at the address above. No preamble concerning the proposed rules is available.

Bob Odom
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Virus-Tested Sweet Potato
Certification Standards**

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

There will be no implementation costs or savings to state or local governmental units. The Louisiana Seed Commission intends to amend these rules and regulations for the purpose of having them accurately reflect the intent of the original rule. These amendments will add the pest tolerances that were inadvertently omitted from the adopted rule.

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

There will be no effect on revenue collections of State or Local Governmental units.

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

The impact on receipts or income of the Louisiana Certified Sweet potato seed producers can not be determined at this time. These changes however, will enable the certified sweet potato seed producers to obtain the highest market price for their sweet potato seed. The use of this program will also help maintain their competitive advantage.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

These proposed amendments will have no significant effect on competition and employment.

Skip Rhorer
Assistant Commissioner
0003#035

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Economic Development
Economic Development Corporation**

**BIDCO Investment and Co-Investment Program
(LAC 19:VII.Chapter 71)**

In accordance with La. R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Louisiana Department of Economic Development, intends to promulgate revisions, in its entirety, *Louisiana Administrative Code* Title 19, Corporations and Business; Part VII, Economic Development Corporation; Subpart 6, Louisiana Economic Development Corporation; Chapter 71, BIDCO Investment and Co-Investment Program. The Department of Economic Development, Economic Development Corporation, hereby issues its Family Impact Statement: The promulgation of these rules will have no

known effect on family formation, stability, and autonomy as set forth in La. R.S. 49:972.

The proposed rules are scheduled to become effective upon final promulgation, or as soon thereafter as is practical, upon publication in the *Louisiana Register*. Interested persons may submit written comments within 30 days from the date of this publication, to Dennis Manshack, Executive Director, Economic Development Corporation, P.O. Box 44153, Baton Rouge, LA 70804.

Title 19

CORPORATIONS AND BUSINESS

**Part VII. Economic Development Corporation
Subpart 6. Louisiana Economic Development Corporation**

Chapter 71. BIDCO Investment and Co-investment Program

§7101. Definitions

A. BIDCO means a business and industrial development corporation licensed by the Louisiana Office of Financial Institutions (OFI) with its business consisting of providing non-traditional capital and/or debt funding for Qualified Louisiana Businesses.

B. Qualified Louisiana Business means any enterprise with its primary operations in Louisiana, or with substantially all of its production in Louisiana, and which has no more than 500 employees and has annual business receipts not in excess of \$7,000,000.

C. Definitions of other terms used herein are provided in the legislation which is reflected in Chapter 39-A of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2386 through 2398.

D. Private Capital is defined as paid in cash from non-LEDC sources, available for investment in assets of the BIDCO. These non-LEDC sources may include other non-state governmental sources provided the non-state governmental funds do not exceed 50 percent of the private capital, and provided the non-state governmental funds are not directly or indirectly derived from state sources. For purposes of calculating the eligibility of a request for matching equity capital, components other than paid in cash will not be considered.

E. A Specialty BIDCO shall be defined in accordance with the Office Of Financial Institution's BIDCO policy.

F. Seed Investor is an investor in the start-up stages of the BIDCO, prior to certification by OFI and LEDC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 (A) (7), (B) (1) and (B) (3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 18:1357 (December 1992), amended LR 26:

§7103. Eligibility for Submission of an Application

A. In order to be eligible for consideration to receive a matching or co-investment equity capital investment by LEDC, the Applicant must fulfill the following eligibility requirements:

1. It must have obtained a license from OFI.
2. It must be a for profit Louisiana corporation.
3. In order to be eligible to receive an investment from LEDC, as described in Section 109, it must have raised a minimum of \$1,000,000 of private capital, exclusive of LEDC funds. These private capital funds must be actual cash contributions. (Pursuant to R.S. 51:2392 (B) (2) (d)(2).)

4. Its Management must be experienced in debt and/or capital financing of the types and volume contemplated by the applicant BIDCO.

5. LEDC may consider applications from BIDCOs which have a businesslike mission but with special circumstances or specialized opportunities (herein "Specialty BIDCOs").

6. Owners and Investors cannot be in conflict with the Code of Governmental Ethics R.S. 42:1112. BIDCO's shall not invest in a company in which a principal or officer of the BIDCO also has an interest in the company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 (A) (7), (B) (1) and (B) (3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 18:1357 (December 1992), amended LR 23:554 (May 1997), LR 26:

§7105. Application

A. An application fee of \$500 shall be submitted at the time of application.

B. Applications will be processed for a matching equity capital investment or for a co-investment as follows:

1. Applications will be processed in the order in which they are received.

2. LEDC staff will conduct an initial screening of the application for completeness.

3. An incomplete application will be returned to the submitter. A previously incomplete application may be resubmitted, which will establish a new time and date received for that application.

4. An incomplete application not resubmitted within 30 days will forfeit the application fee.

5. LEDC staff will begin the evaluation process within 30 days of receipt.

C. Information submitted with the Application either for a match investment or co-investment representing the Applicant's business plan, financial position, financial projections, personal financial statements and background checks will be kept confidential to the extent allowed under the Public Records Law, La. R.S. 44:1 et seq. Confidential information in the files of LEDC and its accounts acquired in the course of duty will be used solely by and for LEDC. However, in the event of a BIDCO's licensure surrender, dissolution, bankruptcy, or other indication of insolvency previously confidential information shall be disclosable under the Public Records Law.

D. A BIDCO shall submit to LEDC evidence of its OFI approval with the application.

E. Application for a matching investment will contain the following information. The Applicant may provide other information which it believes relevant. LEDC may request further information beyond what is specified below :

1. Name of BIDCO, address (mailing and physical)

2. Specify the amount of LEDC investment/commitment requested.

3. Specify the minimum and maximum amounts of non-LEDC capital to be raised if the LEDC makes the requested investment/commitment .

4. Specify Applicant's projected timetable, with milestones for completion of the fund raising.

5. Specify whether applicant anticipates taking in all of the committed capital investment at closing, or whether applicant plans a phase in. If a phase-in is planned, specify

the proposed schedule. It is permissible to have different scenarios based on the actual amount of capital raised.

6. Market - Identify the proposed market of the Applicant.

a. Describe and discuss the types of businesses that the BIDCO will finance. Discuss the extent to which the BIDCO intends to specialize in certain industries, or if special circumstances will be addressed.

b. Describe the size range of businesses that it is contemplated the BIDCO will finance, with a general indication of where most of the focus is expected.

c. Discuss the life cycle stage or stages of the companies which the BIDCO will likely finance, with an indication of where most of the focus is contemplated, i.e., start-up, expansion.

d. Discuss the geographic area in which the BIDCO plans to focus. Specify the city or parish in which the BIDCO's principal office will be located, and discuss intentions, if any, to establish any additional offices.

7. Management Assistance - Discuss the plans of the BIDCO to provide management and/or technical assistance to companies for which the BIDCO provides financing. Discuss the BIDCO's plans for monitoring its financing, and enforcing provisions of loan or investment agreements. Discuss how the BIDCO plans to handle problem loans and investments.

8. Idle Funds - Describe plans for the management of the idle funds of the BIDCO.

9. Realization of Returns By Investors - Discuss long term plans and strategies for providing a tangible return to the investors in the BIDCO including dividend policy, public markets, future mergers and acquisitions, sinking funds, etc.

10. Tax and Accounting Issues - Discuss relevant tax and accounting issues for the BIDCO.

11. Submit business and professional references for all stockholders, members of the Board and corporate officers.

12. Management Structure - Describe the proposed management structure for the BIDCO.

13. Describe the proposed responsibilities of each of the members of the management team. If any of these people will not be full time, describe their other activities.

14. Describe the responsibilities of any management position for which a person has not been identified.

15. Specify any other key people including any advisors, consultants, attorneys and accountants, and submit resumes and/or descriptions of firms. LEDC reserves the right to perform general and criminal background checks on these key people.

16. Identify all "principal shareholders" (i.e. owning directly or indirectly, or controlling directly or indirectly, 10 percent or more of the voting stock of the BIDCO), by name with specific ownership identified.

17. Financial Projections - Provide the following financial projections:

a. Returns-on-Average assets and Returns-on-Capital Performance projections, year by year, for a 10 year period. These projections should show summary cash flow, summary income and expense (including taxes), and summary balance sheet data. For these performance projections, operating income and expenses can be grouped by category. Emphasis must be placed on a specific exit strategies including provisions for a sinking fund to buy out

LEDC's position. Specify the assumptions used for the performance projections.

b. Specify computer programs used for projections, if any, and specify formulas used.

F. A business plan which contains the following information shall be submitted for either a match investment or a co-investment request:

1. Provide a market analysis that the Applicant deems relevant.

2. Marketing Strategy - Describe the BIDCO's plans and approach to marketing its services, including methods of identifying potential applicants for financing assistance.

3. Screening Process and Evaluation Criteria - Discuss the anticipated number of business firms that will be reviewed for possible financing assistance, in comparison with the number that will actually be financed. Discuss the approach to screening business firms, and the evaluation criteria for deciding whether, and under what terms and conditions, to provide financing assistance.

4. Financing - Describe and discuss the financing instruments that are intended to be used by the BIDCO (e.g. debt with capital features, royalty, capital, pure debt (with SBA or not), etc.). Discuss the anticipated mix of the various types of financing instruments. Discuss the anticipated size range of loans/investments to be made, and information regarding pricing, term, and other conditions. Discuss risk/return expectations on projects. Discuss methods of exit from investments.

5. Specify applicant's start-up budget, including funds already expended and a detailed projected budget for completion of the fund raising. Specify the person or persons who will be working on the start-up phase, including how much of their time they will spend; how, if at all, they will be compensated; and their resumes and references. List applicant's seed investors, if any, with amount invested and number of shares of stock owned. Specify any additional amount of seed capital applicant is seeking, including a discussion of possible sources.

6. Describe and discuss the Applicant's fund raising strategy for raising the private capital.

7. Specify the principal investor sources that the Applicant will be targeting.

8. Attach all specific financing commitments already obtained, including documentation for each. This should include the evidence of the initial required capital.

9. Describe specific demonstrations of interest from private investor sources, including documentation where possible.

10. Capital Structure - Leverage - Discuss the BIDCO's plans and prospects for leveraging its capital by borrowing money, use of the SBA guarantee secondary market, or other approaches. With respect to borrowing money, describe the degree of leverage the BIDCO will seek and over what time period? Identify sources of debt financing the Applicant plans to utilize? Describe how the Applicant plans to structure the debt? If use of the SBA program is contemplated, discuss Applicant's approach to this activity and analyze its potential profitability. If Applicant is relying heavily on the SBA guarantee program, describe its alternate course of action if the SBA guarantee program is eliminated or its effectiveness significantly curtailed.

11. Financial Projections - Provide the following financial projections:

a. Returns-on-Average assets and Returns-on-Capital Performance projections, year by year, for a 10 year period. These projections should show summary cash flow, summary income and expense (including taxes), and summary balance sheet data. For these performance projections, operating income and expenses can be grouped by category. Specify the assumptions used for the performance projections.

b. Specify computer programs used for projections, if any, and specify formulas used.

12. Fee Income - Discuss the potential for fee income, and any plans that the BIDCO might have for generating fee income.

13. Complementary and Affiliate Relationships - Discuss the nature of complementary or affiliate relationships that are anticipated with banks, commercial lenders, investment bankers, venture capitalist and other institutions. This discussion can be based on general types of institutions and should identify specific institutions where complementary or affiliate relationships have already been discussed or arranged.

G. Application for a co-investment will contain the following information. The Applicant may provide other information which it believes relevant. LEDC may request further information beyond what is specified below :

1. The proposed amount, terms, and conditions of the investment

2. A business and funding plan for the recipient completed in accordance with the standards outlined in LEDC program material for all other LEDC programs.

3. Identify all "principal shareholders" (i.e. owning directly or indirectly, or controlling directly or indirectly, 10 percent or more of the voting stock of the BIDCO), by name with specific ownership identified.

4. The recipient must have its primary operating activities located in Louisiana, and the application of the funding must result in meaningful economic impact to the area of Louisiana where its activities are conducted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 (A) (7), (B) (1) and (B) (3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 18:1357 (December 1992), amended LR 23:554 (May 1997), LR 26:

§7107. Amount of Investment

A. Co-Investment

1. If a non-specialty BIDCO can show cash of at least \$1 MM but less than \$2,000,000, LEDC may co-invest \$1 for each \$2 for each LEDC approved project submitted to it by the BIDCO. The LEDC investment will participate pro-rata with the BIDCO share of the investment. The LEDC investment will not exceed thirty-three percent of any project nor will LEDC funding exceed \$1 for each \$2 of the BIDCO's total capital. On each project submitted for review, an application fee of \$250 is required.

2. If a specialty BIDCO can show cash of at least \$500K plus enough operating capital to administer ongoing investments, but less than \$1,000,000, LEDC may co-invest \$1 for each \$1 for each LEDC approved project submitted to it by the BIDCO. The LEDC investment will participate

pro-rata with the BIDCO share of the investment. The LEDC investment will not exceed fifty percent of any project nor will LEDC funding exceed \$1 for each \$1 of other BIDCO capital committed.

3. On each project submitted for reviewed, an application fee of \$250 is required.

B. Match Investment

1. Each request should be accompanied by a \$500 application fee.

2. If a non-specialty BIDCO can show cash, of \$2,000,000, exclusive of any previous investments by LEDC, the BIDCO may request a matching equity capital contribution from LEDC subject to availability of funds and a determination by LEDC management that the BIDCO business plan is consistent with investment targets of LEDC. If the BIDCO is considered an acceptable risk, based upon LEDC review of its credentials, performance, and business plan, or some combination thereof, LEDC may make a matching cash contribution on the basis of \$1 for each \$2 of the BIDCO capital not to exceed \$2,500,000, reduced for any previous LEDC capital contributions. LEDC will base its matching equity capital contribution on the amount of capital as calculated in accordance with 103 D. Thereafter it will participate in all future BIDCO investments on a pro-rata basis with all other BIDCO funds. Any BIDCO which has received a LEDC match investment is ineligible to present portfolio projects to LEDC for assistance through any of LEDC's other programs.

3. If a specialty BIDCO can show capital contributions, as defined in Section 103, of \$1,000,000, exclusive of any previous investments by LEDC, the BIDCO may request a matching equity capital contribution from LEDC. Each request should be accompanied by a \$500 application fee. If the BIDCO is considered an acceptable risk, based upon LEDC review of its credentials, performance, and business plan, or some combination thereof, LEDC may make a matching cash contribution on the basis of \$1 for each \$1 of the BIDCO capital not to exceed \$1,000,000 subject to availability of funds and a determination by LEDC management that the BIDCO business plan is consistent with investment targets of LEDC reduced for any previous LEDC capital contributions. LEDC will base its matching equity capital contribution on the amount of non-LEDC capital as calculated in accordance with 103 D. Thereafter it will participate in all future BIDCO investments on a pro-rata basis with all other BIDCO funds. Any BIDCO which has received a LEDC match investment is ineligible to present portfolio projects to LEDC for assistance through any of LEDC's other programs.

4. All funding of BIDCOs is subject to the availability of resources as allocated by the LEDC Board of Directors.

5. The consolidated dollar total of all LEDC investments authorized under §109 A. through D. shall not exceed \$2,500,000 to any one BIDCO.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 (A) (7), (B) (1) and (B) (3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 18:1358 (December 1992), amended LR 26:

§7109. Terms of Investment

A. Founders stock and or investment given in exchange for services shall be subordinate to LEDC's investment unless LEDC determines that the pricing of such founders

investment and or stock is commensurate with the services performed or risks taken, in comparison with the pricing of LEDC investment.

B. LEDC will have the right to appropriate representation on the board in the BIDCO. This may include but not be limited to board seat/seats; veto authority or supermajority requirements for key management and financial decisions; board visitation rights.

C. LEDC's stock may be repurchased by the BIDCO or, secondarily, by its private-capital stockholders at any time beginning with the end of the third year based on the then-current book value or market value, whichever is higher, subject to LEDC's concurrence on the valuation methodology. However, the BIDCO shall establish a sinking fund beginning in year three so that the LEDC investment is returned by the end of year ten.

D. LEDC may negotiate additional operating requirements with individual applicant BIDCOs on a case by case basis, as needed to safeguard the quality of LEDC's investment or to promote achievement of the objectives of the program or LEDC.

E. All agreements will be executed by duly authorized persons outlining the details of the transaction.

F. The LEDC's funding under its commitment will be made on a quarterly basis subject to verification of non-LEDC funds received by the BIDCO and availability of LEDC funds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 (A) (7), (B) (1) and (B) (3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 18:1357 (December 1992), amended LR 23:554 (May 1997), LR 26:

§7111. Operating Requirements

A. During the period when LEDC owns an investment in a BIDCO, the BIDCO shall operate in accordance with the following parameters:

1. The BIDCO shall provide financing assistance to Qualified Louisiana Businesses or to firms who will become Qualified Louisiana Businesses as a result of the funding by the BIDCO. If the business firm has multi-state operations, the criterion that shall be used by the BIDCO is whether or not Louisiana is the state where the primary economic benefit of the financing transaction is likely to occur. The BIDCO shall refrain from purchasing corporate stocks or other capital positions unless such investments are part of the BIDCO's funding plan for the Qualified Louisiana Business entity.

2. The BIDCO shall maintain as its primary focus the markets which it identifies in its initial business plan. The BIDCO shall not engage in operations outside the State of Louisiana while LEDC is an investor.

3. The BIDCO shall invest in or lend to Qualified Louisiana Businesses an amount at least equal to the sum of LEDC's funds plus the matching private-capital funds. For examples:

a. if LEDC invests \$2.5 million to match \$5 million of private capital funds, the BIDCO shall invest in or lend to Qualified Louisiana Businesses a minimum of \$7.5 million of its total portfolio exclusive of operating expenses and minimum capital reserve requirements as set out by the Office of Financial Institutions;

b. if LEDC invests \$1 million to \$2 million of private capital, the BIDCO shall invest/lend to Qualified Louisiana Businesses a minimum of \$3 million of its total portfolio exclusive of operating expenses and minimum capital reserve requirements as set out by the Office of Financial Institutions.

4. Without the consent of LEDC, the BIDCO shall not apply to OFI to surrender its license, provided, however, that if LEDC is not a stockholder no consent of LEDC is necessary. If LEDC grants its consent for such license-surrender application, the application shall state the commitment of the BIDCO to repurchase LEDC's stock at the time of license surrender for its then-current book value or market value, whichever is greater, or, if discounted pursuant to these rules, for the agreed-upon discounted price. If OFI requires surrender of license, the BIDCO must immediately notify LEDC to review the future plans of operation.

5. LEDC may negotiate additional operating requirements or material changes in the business plan with individual applicant BIDCOs on a case by case basis, as needed to safeguard the quality of LEDC's investment or to promote achievement of the objectives of the program or LEDC.

6. Reporting requirements shall include the following:

a. annual audited financial statements in accordance with GAAP, quarterly financial statements, and minutes of all regular and special board meetings.

b. timely advice of all management and board member changes with reasons for the changes and submission of new members' resumes showing experience and qualifications.

c. reports of activity including client businesses' names, addresses, employment levels before and after funding, and other information required for LEDC's annual legislative report.

d. the BIDCO shall provide LEDC with complete copies of OFI's annual audit report.

e. if the BIDCO is also a CAPCO, it must be in compliance with all CAPCO regulations

f. the BIDCO's officers shall provide LEDC annual certification that BIDCO investments are consistent with their business plan and that they are in compliance with the Code of Governmental Ethics, R.S. 42:1112 et seq.

7. The failure of a BIDCO to comply with these operating requirements will constitute violation of the premise(s) on which LEDC relied in making its investment and will be just cause for LEDC to demand and require that its investment be immediately repurchased in whole or in part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312 (A) (7), (B) (1) and (B) (3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 18:1357 (December 1992), amended LR 23:555 (May 1997), LR 26:

Dennis Manshack
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: BIDCO Investment and Co-investment
Program**

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

There are no anticipated costs or savings to state or local governmental units associated with these rules, other than those one-time costs directly associated with the publication of these rule changes.

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

There is no estimated effect on revenue collections of state or local governmental units associated with this proposed rule change.

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

Not-for-profit and nonprofit Louisiana corporations would be directly effected by the proposed rules. These groups would no longer be eligible for consideration under the proposed changes to these rules.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated net effect on competition or employment associated with this proposed rule change.

Dennis Manshack
Executive Director
0003#061

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Economic Development
Economic Development Corporation**

Capital Access Program (LAC 19:VII.Chapter 72)

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Louisiana Department of Economic Development, intends to promulgate, in its entirety, Louisiana Administrative Code, Title 19, Corporations and Business; Part VII, Economic Development Corporation; Subpart 6, Louisiana Economic Development Corporation; Chapter 72, Capital Access Program.

The Department of Economic Development, Louisiana Economic Development Corporation, hereby issues its Family Impact Statement: The promulgation of these rules will have no known effect on family formation, stability, and autonomy as set forth in La. R.S. 49:972.

The proposed rules are scheduled to become effective upon final promulgation, or as soon thereafter as is practical, upon publication in the *Louisiana Register*. Interested persons may submit written comments within 30 days from the date of this publication, to Dennis Manshack, Executive Director, Louisiana Economic Development Corporation, P.O. Box 44153, Baton Rouge, LA 70804.

Title 19
CORPORATIONS AND BUSINESS
Part VII. Economic Development Corporation
Subpart 6. Louisiana Economic Development Corporation

Chapter 72. Capital Access Program

§7201. Purpose

The Capital Access Program is designed to be a flexible and non-bureaucratic program to assist Louisiana financial institutions to make loans that carry a higher risk than conventional loans in a manner consistent with sound banking regulations. The purpose of the Capital Access Program is to increase the loan capital available to small business in Louisiana through a public/private loan portfolio insurance fund.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7203. Definitions

A. The following terms shall have the following definitions, unless the context otherwise requires.

Agreement a contract between a Financial Institution and the Louisiana Economic Development Corporation authorizing the Financial Institution to participate in the Program under the terms and conditions specified in the Agreement.

Borrower a Qualified Business that has received or been approved for a Qualified Loan from a Lender.

a. If the Lender is a banking institution, national bank, international institution or foreign institution a Borrower may not be an executive officer, director, or principal shareholder of the Lender, or a member of the immediate family of an executive officer, director or principal shareholder of the Lender or a related interest of any such executive officer, director, principal shareholder or member of the immediate family.

b. If the Lender is a federal credit union, a credit union or an out-of-state credit union doing business in Louisiana, a Borrower may not be an official, immediate family member of an official or any individual having a common ownership, investment or other pecuniary interest in a business enterprise with an official or with an immediate family member of an official. For the purposes of this subsection an "official" shall mean any member of the board of directors, credit committee or supervisory committee of the Lender and "immediate family member" shall mean his/her children, brothers, sisters, parents, spouse, and the parents of his/her spouse.

Common Enterprise any business with common or joint ownership.

Enrolled Loan a Qualified Loan enrolled in the Program.

Fees a non-refundable fee of no less than 2 percent and no more than 3 1/2 percent of the principal amount of the Qualified Loan charged by the Lender to the Borrower. The Lender shall pay a non-refundable fee equal to the fee paid by the Borrower. LEDC shall contribute a match to the fee equal to the contribution of the Lender, but not to exceed \$105,000 for a single Borrower and not to exceed 10 percent of a Lenders total Enrolled Loans.

Financial Institution any Louisiana commercial financial institution regulated by either the Louisiana Office of Financial Institutions, the Federal Depository Insurance Corporation, or the Federal Reserve.

LEDC the Louisiana Economic Development Corporation.

Lender a Participating Financial Institution that has enrolled one or more Qualified Loans under the Program.

Loss any principal amount due and not paid, accrued interest due and not paid, and documented out of pocket collection expenses, at the time the Lender determines, in a manner consistent with its normal method and time table for making such determinations that a Qualified Loan is uncollectible and is to be charged off as a loss. The amount of principal and interest included in the Loss shall not exceed the principal amount of the Enrolled Loan, plus accrued and unpaid interest on such covered principal amount, from the date the Qualified Loan is made.

Loss Reserve Account separate accounts held and maintained by the Participating Financial Institution and the Louisiana Economic Development Corporation (LEDC), to cover Losses sustained by the Participating Financial Institution on Enrolled Loans.

Participating Financial Institution a Financial Institution that has executed an Agreement with the Louisiana Economic Development Corporation to participate in the Program.

Primary Economic Effect the majority of economic benefit resulting from a business activity occurs in Louisiana. It shall be conclusively presumed that the Primary Economic Effect is in Louisiana if the following conditions exists:

a. at least 51 per cent of the total jobs of the Qualified Business are created or retained in Louisiana; and

b. the Borrower's domicile and principal place of business is located in Louisiana.

Program the Capital Access Program.

Qualified Business a Louisiana corporation, partnership, joint venture, sole proprietorship, cooperative, or other entity, and a small business as defined by the SBA doing business for profit which is authorized to conduct business in the state.

Qualified Loan a loan, specified portion of a loan, the amount of a loan or additional loan in excess of a loan that is refinanced, or the maximum amount that may be drawn down against a line of credit (not to exceed five (5) years) and its interest rate does not exceed 3.5% above New York Prime, extended by a Lender to a Qualified Business, for any business activity which has its Primary Economic Effect in Louisiana. Excluded from the term are:

a. a loan for the construction or purchase of residential housing of any kind;

b. a loan for the purchase or construction of real property that is not used for the business operations of the Borrower, including real estate owned for the purpose of deriving income from speculation, trade, lease or rental;

c. a loan for the refinancing of the remaining principal balance of an existing loan;

d. unsecured loans.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7205. Authority To Implement Agreement

The Executive Director or the President, and the Secretary Treasurer of the Louisiana Economic Development Corporation are authorized to execute any document reasonably necessary or convenient to implement the Agreement.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7207. Program Registration Procedure

A. A Financial Institution wishing to participate in the Program will complete a program registration application on a form provided by LEDC. LEDC shall determine the Financial Institution's eligibility to participate in the Program from the information provided, or from such other information as LEDC may deem necessary.

B. A Financial Institution that is eligible to participate in the Program shall enter into an Agreement with the LEDC on a form provided by the LEDC.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7209. Agreement

A. The Agreement entered into by the Participating Financial Institution and the LEDC shall provide for:

1. a Loss Reserve Account by LEDC, owned by LEDC and for the benefit of the Participating Financial Institutions;

2. the creation of a Loss Reserve Account by the Participating Financial Institution with contributions from the Participating Financial Institution and the Borrower;

3. the liability of LEDC to the Participating Financial Institution is limited to the balance of the contributed amount in the LEDC Loss Reserve Account attributed to Enrolled Qualified Loans for the Participating Financial Institution;

4. the terms and conditions of Qualified Loans to be determined solely by agreement of the Lender and Borrower;

5. the enrollment of Qualified Loans in the Program;

6. the deposit of funds by the Borrower and the Lender into the Loss Reserve Account when the Lender makes a Qualified Loan to the Borrower;

7. the deposit of funds by LEDC into its Loss Reserve Account set up in LEDC for its match;

8. a deposit of \$50,000 seed by LEDC into the LEDC Loss Reserve Account for each Participating Financial Institution which will be reimburse as loans are enrolled;

9. a claims process for reimbursement of Losses that have been incurred from defaults on Qualified Loans;

10. payment by the LEDC from its Loss Reserve Account to a Lender to reimburse it for any Loss;

11. disposition of any recoveries from a Borrower made by the Lender subsequent to being reimbursed for any Loss by LEDC;

12. conditions for subrogation of LEDC, at LEDC's request, to the rights of the Lender in collateral, personal guarantees, and all other forms of security for the Qualified Loan;

13. conditions for decreases by LEDC of excess balances in the LEDC Loss Reserve Account;

14. termination by LEDC of the obligation to enroll Qualified Loans under the Program;

15. conditions for termination of the Agreement, and disposition by the lender and LEDC of any remaining balance in the Loss Reserve Accounts;

16. withdrawal by a Lender from the Program, and disposition by the lender and LEDC of any remaining balance in the Loss Reserve Accounts;

17. periodic reporting to LEDC by the Lender as required;

18. inspection by LEDC of the pertinent files of the Lender relating to Enrolled Loans;

19. transmittal to LEDC by the applicable state or federal regulatory body of the Lender of any public information directly relating to the Lenders participation in Program;

20. such other terms and conditions as LEDC may require.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7211. Establishing a Loss Reserve Account

A. Upon the execution of the Agreement with the Participating Financial Institution, the Lender shall establish a Loss Reserve Account to receive all fees from the Borrower and the Lender. The lender's Loss Reserve Account shall be domiciled with a financial Institution in the form of an insured, interest-bearing deposit in accordance with statutory requirements.

B. LEDC's Loss Reserve Account will be established as an account controlled by LEDC.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7213. Ownership, Control, Investment of Loss Reserve Account

A. All moneys in a Loss Reserve Account held at and by the bank are to be used exclusively for this program by the bank. The LEDC may withdraw funds from a Loss Reserve Account only as provided for in these Rules.

B. Any earnings on the balance in a Loss Reserve Account are deemed to be part of the Loss Reserve Account up to 10 percent above the present maximum portfolio exposure.

C. The LEDC may withdraw at any time and for use as deemed appropriate by the LEDC a maximum of 100 percent of all earnings that have been credited to the Loss Reserve Account over the present portfolio exposure, with such withdrawal limited to a maximum of 100 percent of earnings credited to the Loss Reserve Account since the last such withdrawal.

D. Should the bank opt to terminate the program, LEDC will be entitled to and claim ownership of all funds in the Loss Reserve Account held by the bank. However, any enrolled loans which are still outstanding at the time of termination will be covered by the Loss Reserve Account.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7215. Loan Loss Contributions

When making an Enrolled Loan, the Lender shall charge the Borrower no less than 2 percent and no more than 3.5 percent of the loan amount for their contribution to the Loan Loss Fund and the Lender shall match the contribution with a like percentage. The bank shall deposit the contributions in the Loan Loss Fund at closing. LEDC will contribute the same percentage of the loan amount as the bank at the time it is notified of the enrollment of the loan.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7217. Procedure for Enrollment of a Qualified Loan

A. A Lender shall enroll a Qualified Loan under the Program:

1. by notifying LEDC in writing, on a form prescribed by LEDC and within ten (10) days after the Qualified Loan is made, that it is enrolling a Qualified Loan. For purposes of this section, the date on which the Lender makes a Qualified Loan is the earlier of the date on which the Lender first disburses proceeds of the Qualified Loan to the Borrower, or the date on which the loan documents have been executed and the Lender has obligated itself to disburse proceeds of the loan; and

2. by transmitting to LEDC a deposit receipt of the contributions collected from the Lender and the Borrower in connection with the Qualified Loan.

B. LEDC shall, upon receipt of documentation from the Lender, enroll the Qualified Loan if LEDC is satisfied that the Qualified Loan is eligible. LEDC shall notify the Lender of enrollment within ten business days from receipt of documentation, in such form as will be determined by LEDC.

C. When the requirements of a Qualified Loan are met, LEDC shall also transfer funds to the LEDC Loss Reserve Account an amount equal to the banks contributed percentage of the enrolled loan amount but not to exceed \$105,000 for a single Borrower and not to exceed 10 percent of a Lenders total Enrolled Loans.

D. Prior to making a loan a Lender may request that LEDC certify that the proposed loan is an eligible loan. The lender must submit all information required in A above with such request. LEDC will certify within 10 days of receipt of the request that the loan is eligible or is not eligible. Such certification shall be binding for 30 days if no change in a material representation has occurred.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7219. Procedure for Making Claim for Reimbursement of Loss

A. At the time a Lender charges off all or part of an Enrolled Loan as a result of a default by the Borrower, the Lender may make a claim for reimbursement for all or part of the Loss incurred by notifying LEDC of the claim in writing on a form provided by LEDC within three calendar months of the date a loss has occurred with respect to the Enrolled Loan.

B. A Lender may make a claim for reimbursement of a Loss prior to the liquidation of collateral, or to realization on personal or their financial guarantees or from other sources,

subject however to the provision in §123 on Recoveries on Loans Subsequent to Payment of Claims.

C. The Lender shall retain documentation in its files substantiating all claims.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7221. Payment of Claims by LEDC

A. LEDC shall pay Loss claims as submitted, except LEDC may reject a claim when the representations and warranties provided by the Lender at the time of enrolling the Qualified Loan were false.

B. Lender shall send evidence that a withdrawal of an amount equal to 66.66 percent of the loan loss has been made from the lenders Loss Reserve Account with the payment request from LEDC.

C. LEDC shall pay Loss claims in the order it receives them. If two or more Loss claims are filed simultaneously by the Lender and there are insufficient funds in the Loss reserve Account to pay them, the Lender may designate the order the Loss claims are paid by LEDC.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7223. Recoveries on Loans Subsequent to Payment of Claim

If subsequent to the payment of a Loss claim by LEDC the Lender recovers from the Borrower, from liquidation of collateral or from any other source, any amount for which Lender was reimbursed by LEDC, the Lender shall promptly pay to LEDC its 33.33 percent of the amount received that in aggregate exceeds the amount needed to fully cover the Lender's Loss on the Enrolled Loan, for deposit in the Loss Reserve Account.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7225. Available Collateral, Guarantees and Other Security not Realized

After LEDC has paid a Loss claim to the Lender from the Loss Reserve Account, and the Lender has terminated its lending relationship with the Borrower, the Lender shall, at LEDC's request, provide LEDC with details and copies of any collateral, guarantee, or other security documents which secured the Qualified Loan and which remain available.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7227. Subrogation

A. At LEDC's request, LEDC will be subrogated to the rights of the Lender in collateral, personal guarantees, and all other forms of security for the Qualified Loan that have not been realized upon by the Lender, when the Lender's Loss has been fully or partially covered by payment of a Loss claim, or by a combination of payment of a Loss claim and recovery from the Borrower, liquidation of collateral, or from other sources, and the Lender has stated to LEDC that it will not take action to realize on remaining available sources of collateral or other security for recovery.

B. At the time of subrogating its rights, the Lender shall provide LEDC with all original security agreements, any documents evidencing title to real property, certificates of title, guarantees, and any other documents representing security for the Qualified Loan, duly recorded and perfected, and accompanied by enforceable assignments and conveyances to LEDC.

C. If the lender chooses not to institute proceedings and/or recover from the borrower, through the liquidation of collateral or from any other source and was reimbursed by LEDC, then LEDC will have the authority to do so and retain any and all funds recovered.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7229. Reporting

A. The Lender shall provide LEDC with a monthly statement providing details of the balance and the payment and receipts activity in the Loss Reserve Account for the prior month.

B. To assist LEDC in determining the progress of the program and in identifying excesses in Loss Reserve Accounts, the Lender shall on or before February 15, May 15, August 15, and November 15 of each year file a report with LEDC indicating the number and aggregate outstanding balance of all Enrolled Loans as of the previous December 31 in the case of the report due February 15, as of the previous March 31 in the case of the report due May 15, as of the previous June 30 in the case of the report due August 15, and as of the previous September 30 in the case of the report due November 15. In computing the aggregate outstanding balance of all Enrolled Loans, the balance of any Enrolled Loan shall in no event be considered to be greater than the covered amount of the Enrolled Loan.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7231. Withdrawal of Excess Deposits in Loss Reserve Accounts

LEDC may withdraw any excess deposits in its Loss Reserve Account if the balances in a Loss Reserve Account have exceeded the aggregate outstanding balances of Enrolled Loans continuously for a period of six calendar months. LEDC may withdraw the excess of the balance of the Loss Reserve Account over the total balance of Enrolled Loans on the last day of the sixth calendar month of such excesses, and on the last day of each calendar quarter thereafter, so long as an excess continues to exist.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7233. Termination of and Withdrawal from Program

A. LEDC may terminate its obligation to enroll Qualified Loans under the Program for a Lender on the date specified in LEDC's notice of termination to the Lender, or for all participating Lenders under the Program upon 90 days notice, or such earlier date should the balance in LEDC's available budget reach zero, or should LEDC anticipate that the balance in the available budget will reach zero.

Termination shall not apply to any Qualified Loans made before the date of termination.

B. Should the balance of a Lender's Loss Reserve Account be reduced to zero, LEDC may, at its sole discretion, terminate the Agreement.

C. A Participating Financial Institution may withdraw from the Program after giving written notice to LEDC. After receipt of this notice, LEDC shall, at its sole discretion, determine the disposition of any remaining balance in the Loss Reserve Account.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7235. Inspection of Files

LEDC may inspect the files of the Lender relating to the Enrolled Loans at any time during normal business hours.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

§7237. Reports Of Regulatory Agencies

LEDC may apply to the applicable state or federal regulatory body of the Lender for information directly related to the Lender's participation in the program. LEDC shall, to the extent permitted by law, hold any information acquired from regulators in confidence.

AUTHORITY NOTE: R.S. 51:2312 (A)(7), (B)(1) and (B)(3).

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Louisiana Economic Development Corporation, LR 26:

Dennis Manshack
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Capital Access Program

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

The program is anticipated to utilize \$500,000 the first year, \$1,000,000 the second year, and \$1,500,000 the third year from LEDC's statutorily dedicated fund. Other costs associated with the rules are those one-time costs directly associated with the publication of these rules. There is no anticipated impact on local governmental units.

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

It is anticipated that this program will generate a revenue stream each year. Each investment will generate revenue according to the individual structure of the investment. It is anticipated that the target rate of return will be in the 20 percent to 30 percent range. A typical investment structure applied to the total investments anticipated on an annual basis will generate approximately \$33,361 the first year, \$100,472 the second year and \$267,666 the third year.

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

The economic benefit will be derived by the privately owned business that receive the investments. The amount of benefit is incalculable because the businesses are unknown at this point. However, without this program the businesses seeking investment would have to go wanting or seek investment other sources.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

There is no estimated net effect on competition or employment associated with this proposed rule.

Dennis Manshack
Executive Director
0003#076

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Economic Development
Economic Development Corporation**

Seed Capital Program (LAC 19:VII.Chapter 77)

In accordance with La. R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Department of Economic Development, intends to promulgate revisions, in its entirety, *Louisiana Administrative Code*, Title 19, Corporations and Business; Part VII, Economic Development Corporation; Subpart 11, Economic Development Corporation; Chapter 77, Seed Capital Program. The Department of Economic Development, Economic Development Corporation, hereby issues its Family Impact Statement: The promulgation of these rules will have no known effect on family formation, stability, and autonomy as set forth in La. R.S. 49:972.

The proposed rules are scheduled to become effective upon final promulgation, or as soon thereafter as is practical, upon publication in the *Louisiana Register*. Interested persons may submit written comments within 30 days from the date of this publication, to Dennis Manshack, Executive Director, Economic Development Corporation, P.O. Box 44153, Baton Rouge, LA 70804.

Title 19

CORPORATIONS AND BUSINESS

Part VII. Economic Development Corporation

Subpart 11. Louisiana Seed Capital Program

Chapter 77. Seed Capital Program

§7701. Purpose

The purpose of this program is to encourage the formation of Louisiana-based seed capital funds. Funding under this program shall be limited to those qualified organizations who agree to invest such funds exclusively in companies based in Louisiana for the purpose of financing any process, technique, product, or device which is or may be exploitable commercially, which has advanced beyond the theoretical state, and which is capable of being or has been reduced to practice without regard to whether a patent has or could be granted. Not intended for retail or professional services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 26:

§7703. Definitions

A. For the purposes of this program Seed Capital will be defined as:

1. An amount no less than \$25,000 of capital provided to an inventor or entrepreneur to prove a concept and to qualify for start-up capital. This may involve product

development and market research as well as building a management team and developing a business plan, if the initial steps are successful.

2. Research and development financing to finance product development for start-up as well as more mature companies.

3. Start-up financing to companies completing product development and initial marketing. Companies may be in the process of organizing or they may already be in business for one year or less, but have sold their product commercially.

4. First-Stage financing to companies that have expended their initial capital and require funds to initiate full-scale manufacturing and sales.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 26:

§7705. Eligibility

A. Applicant organization must be a Louisiana-based fund organized for the sole purpose of making seed investments in businesses.

B. Must be organized for profit.

C. The applicant must demonstrate that its management personnel have at least three years of experience in managing investments in individual, privately-held companies, utilizing funds provided by others to make said investments.

D. Have raised a minimum of \$250,000 to be eligible for co-investments or raised a minimum of \$500,000 to be eligible for a match investment. The minimum funds may be in cash and commitments.

E. A minimum cash investment sufficient to cover the general and administrative costs for the first year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 26:

§7707. Application for Co-Investment

A. Prior to a Seed Capital Fund submitting a request to be considered for co-investment by LEDC the Seed Capital Fund must submit an application for the Fund to be considered qualified. The application for qualification to the Economic Development Corporation shall consist of detailed information covering two main categories:

1. experience and qualifications of the proposed management team, and

2. the business plan for the Seed Capital Fund. The following sections specify in more detail the information that should be covered. While these sections provide a possible format, the applicant should in no way feel bound by this format. The applicant can use its own format, as long as the basic information is provided. Moreover, the applicant should feel free to provide additional information which is viewed as relevant. The Economic Development Corporation may request additional information beyond what is specified below.

B. The completed application will be submitted to the next scheduled Screening Committee meeting for recommendations. The recommendations of the Screening Committee will be submitted to the full Board of Directors at their next scheduled meeting for final approval.

C. Experience and Qualifications

1. Submit resumes, references, and personal financial statements for all principal members of the management team that are identified.

Note: Louisiana Economic Development Corporation reserves the right to perform criminal background checks on the principal members of management.

2. Describe the responsibilities of each of the principal members of the management team that have been identified. If any of these people are not full time, describe their other activities.

3. Describe the responsibilities of any principal management position for which a person has not been identified.

4. Specify any directors that have been identified, and submit resumes.

5. Specify any other key people that have been identified, including any advisors, consultants, attorneys and accountants, and submit resumes and/or descriptions of firms.

Note: Louisiana Economic Development Corporation reserves the right to perform criminal background checks on these key people.

D. Business Plan

1. Market

a. Describe and discuss the types of businesses that the Seed Capital Fund will finance. Discuss the extent to which the Seed Capital Fund intends to specialize in certain industries, or whether a more broad based approach is planned.

b. Describe the size range of businesses that it is contemplated the Seed Capital Fund will finance, with a general indication of where most of the focus is expected.

c. Discuss the life cycle stage or stages of the companies which the Seed Capital Fund will likely finance, with an indication of where most of the focus is contemplated.

d. Discuss the geographic area in which the Seed Capital Fund plans to focus. Specify the city or parish in which the Seed Capital Fund's principal office is planned to be located, and discuss intentions, if any, to establish any additional offices.

e. Provide any market analysis that you deem relevant.

2. Financing - Describe and discuss the financing instruments that are intended to be used by the Seed Capital Fund. Discuss the anticipated mix of the various types of financing instruments. Discuss the anticipated size range of investments to be made, and information regarding pricing, term, and other conditions. Discuss risk/return expectations on projects. Discuss methods of exit from investments.

3. Marketing Strategy - Describe the Seed Capital Fund's plans and approach to marketing its services, including the identification of potential applicants for financing assistance.

4. Screening Process and Evaluation Criteria - Discuss the anticipated number of business firms that will be reviewed for possible investment, in comparison with the number that will actually be invested in. Discuss the approach to screening business firms, and the evaluation criteria for deciding whether, and under what terms and conditions, to provide investment.

5. Fee Income - Discuss the potential for fee income, and any plans that the Seed Capital Fund might have for generating fee income.

6. Management Assistance - Discuss the plans of the Seed Capital Fund to provide management and/or technical assistance to companies for which the Seed Capital Fund provides investment. Discuss the Seed Capital Fund's plans for monitoring its investments, and enforcing provisions of investment agreements. Discuss how the Seed Capital Fund plans to handle problem investments. Discuss the Seed Capital Fund's plans to provide management assistance to companies that the Seed Capital Fund is not investing in.

7. Complementary Relationships - Discuss the nature of complementary relationships that are anticipated with banks, commercial lenders, investment bankers, venture capitalist and other institutions. This discussion can be based on general types of institutions and/or can identify specific institutions where complementary relationships have already been discussed.

8. Management Structure - Describe the proposed management structure for the Seed Capital Fund, and anticipated compensation for principal members of the management team.

9. Idle Funds - Describe plans for the management of the idle funds of the Seed Capital Fund.

10. Tax and Accounting Issues - Discuss relevant tax and accounting issues for the Seed Capital Fund.

12. Financial Projections

a. Provide a detailed operating budget for the first three years of the Seed Capital Fund's operation. The first year shall be month by month. The second and third years may be presented on an annual basis.

b. Provide performance projections, year by year, for a 5 year period. These projections should show cash flow, income and expense (including taxes), and balance sheet data. For these performance projections, operating expenses can be consolidated into one line item.

c. Specify the assumptions used for the performance projections. It is permissible to submit several sets of performance projections based on differing assumptions. However, if applicant submits several sets of projections based on differing assumptions, specify which set of assumptions are applicant's primary assumptions.

d. Specify computer programs used for projections, and specify formulas used.

E. The application for the co-investment project shall contain but not be limited to the identical information provided to the eligible Seed Capital Fund requesting the co-investment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 26:

§7709. Application Requirements for Match Investment

A. To apply to the Economic Development Corporation for a commitment to invest, a prospective Seed Capital Fund shall submit detailed information covering three main categories:

1. fund raising;
2. experience and qualifications of the proposed management team; and

3. the business plan for the Seed Capital Fund. The following sections specify in more detail the information that should be covered. While these sections provide a possible format, the applicant should in no way feel bound by this format. The applicant can use its own format, as long as the basic information is provided. Moreover, the applicant should feel free to provide additional information which is viewed as relevant. The Louisiana Economic Development Corporation may request additional information beyond what is specified below.

B. All completed applications will be acted on by the requisite loan committee of the Louisiana Economic Development Corporation..

C. Fund Raising

1. Specify the amount of LEDC commitment sought.
2. Provide evidence of the amount of private capital that has been raised. Specify the ratio of actual cash to commitments raised.
3. Describe the basic legal structure of the Seed Capital Fund.
4. Describe and discuss the applicant's fund raising strategy for raising of any additional private capital.
5. Specify the principal investor sources that the applicant will be targeting.
6. What is applicant's basic proposal to prospective private investors. What expectations and objectives are the applicant specifying. This includes, for example, representations regarding reasonably expected returns on private equity investment, indirect financial benefits, if any, and social purposes, if applicable.
7. List all specific investors and financing commitments already obtained, including documentation for each. This should include the evidence of the initial \$500,000 required capital.
8. Specify whether applicant anticipates taking in all of the LEDC equity investment at closing, or whether applicant plans a phase in. If a phase-in is planned, specify the proposed schedule. It is permissible to have different scenarios based on the actual amount of equity capital raised.

D. Experience and Qualifications

1. Submit resumes, references, and personal financial statements for all principal members of the management team that are identified.

Note: Louisiana Economic Development Corporation reserves the right to perform criminal background checks on the principal members of management.

2. Describe the responsibilities of each of the principal members of the management team that have been identified. If any of these people are not full time, describe their other activities.
3. Describe the responsibilities of any principal management position for which a person has not been identified.
4. Specify any directors that have been identified, and submit resumes.
5. Specify any other key people that have been identified, including any advisors, consultants, attorneys and accountants, and submit resumes and/or descriptions of firms.

Note: Louisiana Economic Development Corporation reserves the right to perform criminal background checks on these key people.

E. Business Plan

1. Market

a. Describe and discuss the types of businesses that the Seed Capital Fund will finance. Discuss the extent to which the Seed Capital Fund intends to specialize in certain industries, or whether a more broad based approach is planned.

b. Describe the size range of businesses that it is contemplated the Seed Capital Fund will finance, with a general indication of where most of the focus is expected.

c. Discuss the life cycle stage or stages of the companies which the Seed Capital Fund will likely finance, with an indication of where most of the focus is contemplated.

d. Discuss the geographic area in which the Seed Capital Fund plans to focus. Specify the city or parish in which the Seed Capital Fund's principal office is planned to be located, and discuss intentions, if any, to establish any additional offices.

e. Provide any market analysis that you deem relevant.

2. Financing - Describe and discuss the financing instruments that are intended to be used by the Seed Capital Fund. Discuss the anticipated mix of the various types of financing instruments. Discuss the anticipated size range of investments to be made, and information regarding pricing, term, and other conditions. Discuss risk/return expectations on projects. Discuss methods of exit from investments.

3. Marketing Strategy - Describe the Seed Capital Fund's plans and approach to marketing its services, including the identification of potential applicants for financing assistance.

4. Screening Process and Evaluation Criteria - Discuss the anticipated number of business firms that will be reviewed for possible investment, in comparison with the number that will actually be invested in. Discuss the approach to screening business firms, and the evaluation criteria for deciding whether, and under what terms and conditions, to provide investment.

5. Fee Income - Discuss the potential for fee income, and any plans that the Seed Capital Fund might have for generating fee income.

6. Management Assistance - Discuss the plans of the Seed Capital Fund to provide management and/or technical assistance to companies for which the Seed Capital Fund provides investment. Discuss the Seed Capital Fund's plans for monitoring its investments, and enforcing provisions of investment agreements. Discuss how the Seed Capital Fund plans to handle problem investments. Discuss the Seed Capital Fund's plans to provide management assistance to companies that the Seed Capital Fund is not investing in.

7. Complementary Relationships - Discuss the nature of complementary relationships that are anticipated with banks, commercial lenders, investment bankers, venture capitalist and other institutions. This discussion can be based on general types of institutions and/or can identify specific institutions where complementary relationships have already been discussed.

8. Management Structure - Describe the proposed management structure for the Seed Capital Fund, and anticipated compensation for principal members of the management team.

9. Idle Funds - Describe plans for the management of the idle funds of the Seed Capital Fund.

10. Tax and Accounting Issues - Discuss relevant tax and accounting issues for the Seed Capital Fund.

11. Financial Projections

a. Provide a detailed operating budget for the first three years of the Seed Capital Fund's operation. The first year shall be month by month. The second and third years may be presented on an annual basis.

b. Provide performance projections, year by year, for a 5 year period. These projections should show cash flow, income and expense (including taxes), and balance sheet data. For these performance projections, operating expenses can be consolidated into one line item.

c. Specify the assumptions used for the performance projections. It is permissible to submit several sets of performance projections based on differing assumptions. However, if applicant submits several sets of projections based on differing assumptions, specify which set of assumptions are applicant's primary assumptions.

d. Specify computer programs used for projections, and specify formulas used.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 26:

§7711. Application Process

A. Applications for funding under this program must be submitted to the Executive Director, Economic Development Corporation, P.O. Box 44153, Baton Rouge, 70804.

1. Co-Investment application

a. The application for eligibility of the Seed Capital Fund and the co-investment project may be submitted simultaneously for consideration.

b. Once a Seed Capital Fund is deemed eligible, the Fund is not required to resubmit an eligibility application for subsequent co-investment requests.

2. All completed applications will be acted on by the requisite loan committee of the Economic Development Corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 26:

§7713. Investment

A. Co-Investment

1. An eligible fund that has not received a match investment from the Economic Development Corporation may apply for Co-Investment funds on a case by case basis. The co-investment of Economic Development Corporation shall not exceed the lesser of 50 percent of the total round of investment needed or \$250,000.

2. Only investments in Louisiana businesses are eligible for co-investments.

3. Co-Investments will be on the same terms and conditions as the seed capital fund has negotiated with the business.

B. Match Investment

1. An eligible fund may receive a match investment equal to \$1.00 of LEDC funds for each \$2.00 of privately

raised funds. The maximum LEDC investment shall not to exceed \$1,000,000.

2. An eligible fund shall be a Louisiana organized and based Seed Capital Fund. For purposes of this program, "organized and based" means the seed capital applicant is registered with the Secretary of State's office and that it maintains a staffed office in Louisiana where investments may be initiated and closed.

3. The method of investment will be equal to the method of the other investors i.e. committed capital for committed capital; cash investment for cash investment, or cash and commitment for cash and commitment.

4. The terms of the investment will be negotiated on a case by case basis.

C. Closing

1. Prior to disbursement of funds, the secretary-treasurer and one of the following; president, chairman or executive director of the corporation, shall execute all necessary legal instruments after certification by counsel that all legal requirements have been met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 26:

§7715. Reporting

A. Each year, on the anniversary date of the initial disbursement of funds, or on such date as may be authorized by the corporation, each recipient of funds shall provide the following:

1. list of all investors in the fund, including the amounts of investment and nature of the investment;

2. a statement of financial condition of the fund including, but not limited to, a balance sheet, profit and loss statement and changes in financial condition;

3. current reconciliation of the fund's net worth;

4. annual audited financial statement prepared by a certified public accountant (prepared within 120 days of the end of the fund's fiscal year).

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 26:

Dennis Manshack
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Seed Capital Program**

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

There will be no additional staff, supplies, travel, professional services or other administrative costs as a result of this rule. The program is anticipated to utilize \$500,000 the first year, \$1,000,000 the second year, and \$1,500,000 the third year from LEDC's statutorily dedicated fund. Other costs associated with the rules are those one-time costs directly associated with the publication of these rules. There is no anticipated impact on local governmental units.

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

It is anticipated that this program will generate a revenue stream each year. Each investment will generate revenue according to the individual structure of the investment. It is anticipated that the target rate of return will be in the 20 percent to 30 percent range. A typical investment structure applied to the total investments anticipated on an annual basis will generate approximately \$33,361 the first year, \$100,472 the second year and \$267,666 the third year.

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

The economic benefit will be derived by the privately owned businesses that receive the investments. The amount of benefit is incalculable because the businesses are unknown at this point. However, without this program the businesses seeking investment would have to go wanting or seek investment from other sources.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated net effect on competition or employment associated with this proposed rule.

Dennis Manshack
Executive Director
0002#060

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Economic Development
Economic Development Corporation**

Small Business Loan Program
(LAC 19:VII.Chapter 1)

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Department of Economic Development, intends to promulgate revisions, in its entirety, *Louisiana Administrative Code*, Title 19, Corporations and Business; Part VII, Economic Development Corporation; Subpart 1, Louisiana Economic Development Corporation; Chapter 1, Louisiana Small Business Loan Program. The Department of Economic Development, Louisiana Economic Development Corporation, hereby issues its Family Impact Statement: The promulgation of these rules will have no known effect on family formation, stability, and autonomy as set forth in La. R.S. 49:972.

The proposed rules are scheduled to become effective upon final promulgation, or as soon thereafter as is practical, upon publication in the *Louisiana Register*. Interested persons may submit written comments within 30 days from the date of this publication, to Dennis Manshack, Executive Director, Louisiana Economic Development Corporation, P.O. Box 44153, Baton Rouge, LA 70804.

Title 19

CORPORATIONS AND BUSINESS

Part VII. Economic Development Corporation

Subpart 1. Louisiana Small Business Loan Program

Chapter 1. Loan Policies

§101. Purpose

A. The Louisiana Economic Development Corporation (LEDC) wishes to stimulate the flow of private capital, long-term loans, and other financial assistance for the sound

financing of the development, expansion, and retention of small business concerns in Louisiana, as a means of providing high levels of employment, income growth, and expanded economic opportunities, especially to disadvantaged persons and within distressed and rural areas.

B. The Corporation will consider sound loans so long as resources permit. The Board of the Corporation recognizes that guaranteeing, participating, or lending money carries certain risks and is willing to undertake reasonable exposure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:445 (June 1989), amended LR 26:

§103. Definitions

Disabled Person's Business Enterprise means a small business concern which is at least 51 percent owned and controlled by a disabled person as defined by the federal Americans With Disabilities Act of 1990.

Economically Disadvantaged Business is a Louisiana business certified as economically disadvantaged by the Department of Economic Development's Division of Economically Disadvantaged Business Development.

Small Business Concern is defined by SBA for purposes of size eligibility as set forth by 13 CFR121.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:456 (June 1989), amended LR 26:

§105. Application Process

A. Any applicant(s) applying for either a loan guaranty or a loan participation will be required first to contact a financial lending institution that is willing to entertain such a loan with the prospect of a guaranty or a participation the bank will then contact LEDC for qualification and submit a complete application.

B. Information submitted to LEDC with the application representing the applicant's business plan, financial position, financial projections, personal financial statements and background checks will be kept confidential to the extent allowed under the Public Records Law, La. R.S. 44:1 se seq. Confidential information in the files of LEDC and its accounts acquired in the course of duty will be used solely by and for LEDC.

C. Submission and Review Policy

1. A completed Louisiana Economic Development Corporation application form to LEDC.

2. Economically disadvantaged businesses applying for assistance under that provision will have to submit certification from the Division of Economically Disadvantaged Business Development of the Department of Economic Development along with the request for financial assistance.

3. Businesses applying for consideration under the Disabled Person's provision shall submit adequate information to support the disabled status.

4. The lending institution will submit to LEDC its complete analysis, proposed structure, and commitment letter. LEDC staff may do analysis, independent of the lending institution's analysis.

5. The lending institution will submit to LEDC the same pertinent data that it did to the lending institution's loan

committee, whatever pertinent data the lending institution can legally supply.

6. LEDC staff will review the application and analysis, then make recommendations. The staff will work with the lending institution on terms of the loan and LEDC loan stipulations.

7. The LEDC's Board Screening Committee or designated loan committee will review only the completed applications submitted by staff and will make recommendations to the board.

8. The applicant(s) or their designated representative, and the loan officer or a representative of the lending institution are not required to attend the Screening Committee meeting.

9. LEDC's Board of Directors or designated loan committee has the final approval authority for applications.

10. The applicant will be notified within five working days by mail of the outcome of the application.

11. A LEDC commitment letter will be mailed to the bank within five working days of approval by the Board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:446 (June 1989), amended LR 26:

§107. Eligibility

A. Small business concerns domiciled in Louisiana whose owner(s) or principal stockholder(s) shall be a resident of Louisiana.

B. Certified economically disadvantaged businesses.

C. Disabled person's business enterprises domiciled in Louisiana whose owner(s) or principal stockholder(s) shall be a resident of Louisiana.

D. Funding requests for all but the following may be considered:

1. restaurants, except for regional or national franchises;

2. bars;

3. any project established for the principal purpose of dispensing alcoholic beverages;

4. any establishment which has gaming or gambling as its principal business;

5. any establishment which has consumer or commercial financing as its business;

6. funding for the acquisition, renovation, or alteration of a building or property for the principal purpose of real estate speculation;

7. funding for the principal purpose of refinancing existing debt;

8. funding for the purpose of buying out any stockholder or equity holder by another stockholder or equity holder in a business;

9. funding for the purpose of establishing a park, theme park, amusement park, or camping facility.

10. funding for the purpose of buying out any family member or reimbursing any family member.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:447 (June 1989), amended LR 26:

§109. General Loan Provisions

A. The Louisiana Economic Development Corporation will be guided by the following general principles in making loans:

1. The Corporation shall not knowingly approve any loan guarantee, loan participation or loan if the applicant has presently pending or outstanding any claim or liability relating to failure or inability to pay promissory notes or other evidence of indebtedness, including state or federal taxes, or bankruptcy proceeding; nor shall the Corporation approve any loan or guarantee if the applicant has presently pending, at the federal, state, or local level, any proceeding concerning denial or revocation of a necessary license or permit. Further, the Corporation shall not approve any loan or guarantee if the applicant or principle management have a criminal record.

2. The terms or conditions imposed and made part of any loan or loan guaranty authorized by vote of the Corporation Board shall not be amended or altered by any member of the Board or employee of the Department of Economic Development except by subsequent vote of approval by the Board or designated loan committee at the next meeting of the Board in open session with full explanation for such action.

3. The Corporation shall not subordinate its position.

B. Interest Rates

1. On all loan guarantees, the interest rate is to be negotiated between the borrower and the bank but may not exceed two and one half percent above New York prime as published in the Wall Street Journal at either a fixed or variable rate.

2. On all participation loans, the rate shall be determined by utilizing the rate for a U.S. Government Treasury security for the time period that coincides with the term of the participation and adding between one and two and a half percentage points.

3. The bank may apply for a linked deposit under the Small Business Linked Deposit Program on the term portion of either a guaranteed loan or a participated loan.

C. Collateral

1. Collateral-to-loan ratio will be no less than one-to-one.

2. Collateral position may be negotiated, but will be no less than a sole second position.

3. Collateral value determination.

a. the appraiser must be certified by recognized organization in area of collateral;

b. the appraisal cannot be over 90 days old.

4. Acceptable collateral may include, but not be limited to, the following:

a. fixed assets - business real estate, buildings, fixtures;

b. equipment, machinery, inventory;

c. personal guarantees may be used only as additional collateral and does not count towards the 1:1 coverage; if used, there must be signed and dated Personal Financial Statements;

d. accounts receivable with supporting aging schedule. Not to exceed 90 percent of receivable value (used with guarantee only).

5. Unacceptable collateral may include, but not be limited to the following:

- a. stock in applicant company and/or related companies;
- b. personal items or personal real estate;
- c. intangibles.

D. Equity

1. Will be 20 percent of the loan amount for a start-up operation or acquisition and no less than 15 percent for an expansion. However, if 20 percent is not available for a guarantee the following chart may be applied which provides for an annual guarantee fee attached to a lesser equity position:

Equity %	Guarantee Fee
19%	2.20%
18%	2.40%
17%	2.60%
16%	2.80%
15%	3.00%
14%	3.20%
13%	3.40%
12%	3.60%
11%	3.80%
10%	4.00%

*In no case shall the equity position be less than 10%.

2. Equity is defined to be:

- a. cash;
- b. paid-in capital;
- c. paid-in surplus and retained earnings;
- d. partnership capital and retained earnings.

3. No research, development expense nor intangibles of any kind will be considered equity.

E. Amount

1. For small businesses, the Corporation's guarantee shall be:

- a. no greater than 75 percent of a loan up to \$650,000; or
- b. no greater than 70 percent of a loan up to \$1,100,000; or
- c. no greater than 65 percent of a loan up to \$2,300,000;
- d. if the loan request exceeds \$2,300,000 the guaranty shall not exceed \$1,500,000.

2. For certified economically disadvantaged businesses, or disabled person's business enterprises, the Corporation's guarantee shall be:

- a. no greater than 90 percent of a loan up to \$560,000; or
- b. no greater than 85 percent of a loan up to \$875,000; or
- c. no greater than 75 percent of a loan up to \$2,000,000;
- d. if the loan request exceeds \$2,000,000, the guaranty shall not exceed \$1,500,000.

3. For small businesses, the Corporation's participation shall be no greater than 40 percent, but in no case shall it exceed \$1,500,000.

4. For certified economically disadvantaged businesses, or disabled person's business enterprises, the

Corporation's participation shall be no greater than 50 percent, but in no case shall it exceed \$1,000,000.

F. Terms

1. Terms may be negotiated with the bank, but in no case shall the terms exceed 20 years.

G. Fees

1. LEDC will charge a guaranty fee on the guaranteed amount up to a maximum amount of four percent.

2. LEDC will charge a \$100 application fee.

3. LEDC will share in a pro-rata position in any fees assessed by the bank on a participation.

H. Use of Funds

1. Purchase of fixed assets, including buildings that will be occupied by the applicant to the extent of at least 51 percent.

2. Purchase of equipment, machinery, or inventory.

3. Line of credit for accounts receivable or inventory.

4. Debt restructure may be considered by LEDC but will not be considered when the debt:

a. exceeds 25 percent of total loan with the following exception:

i. a maximum of 35 percent may be considered on a guaranteed loan but the guarantee percent will be decreased by 5 percent; and/or

b. pays off a creditor or creditors who are inadequately secured; and/or

c. provides funds to pay off debt to principals of the business; and/or

d. provides funds to pay off family members.

5. Funds may not be used to buy out stockholders or equity holders of any kind, by any other stockholder or equity holder.

6. Funds may not be used to purchase any speculative investment or real estate development.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:448 (June 1989), amended LR 26:

§111. General Agreement Provisions

A. Guaranty Agreement

1. The bank is responsible for proper administration and monitoring of loan and proper liquidation of collateral in case of default.

2. The loan shall not be sold, assigned, participated out, or otherwise transferred without prior written consent of the LEDC Board.

3. If liquidation through foreclosure occurs, the bank will sell collateral and handle the legal proceedings.

4. There will be a reduction of the guarantee:

a. in proportion to the principal reduction of the amortized portion of the loan;

b. if no principal reduction has occurred in any annual period of the loan, a reduction in the guarantee amount will be made proportional to the remaining guarantee life.

5. The guarantee will cover the unpaid principal amount owed only.

6. Delinquency will be defined according to the bank's normal lending policy and all remedies will be outlined in the guarantee agreement. Notification of delinquency will be made to the corporation in writing and verbally in a time

satisfactory to the bank and the corporation as stated in the guarantee agreement.

B. Participation Agreement

1. The bank is responsible for administration and monitoring of the loan.

2. The lead bank will hold no less participation in the loan than that equal to LEDC's, but not to exceed its legal lending limit.

3. The lead bank may sell other participation with LEDC's consent.

4. Should liquidation through foreclosure occur, the bank will sell the collateral and handle the legal proceedings.

5. The bank is able to set its rate according to risk, and may blend its rate with the LEDC rate to yield a lower overall rate to a project.

6. Delinquency will be defined according to the bank's normal lending policy and all remedies will be outlined. Notification of delinquency will be made to the Corporation in writing and verbally in a time satisfactory to the bank and the Corporation.

C. Borrower Agreement

1. At the discretion of LEDC, the borrower will agree to strengthen management skills by participation in a form of continuing education acceptable to LEDC.

2. The borrower shall provide initial proof as well as an annual report of job creation, including the number of jobs, job titles and salaries.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:448 (June 1989), amended LR 26:

§113. Confidentiality

Confidential information in the files of the Corporation and its accounts acquired in the course of duty is to be used solely for the Corporation. The Corporation is not obliged to give credit rating or confidential information regarding applicant. Also see Attorney General Opinion #82-860.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:449 (June 1989), amended LR 26:

§115. Conflict of Interest

No member of the Corporation, employee thereof, or employee of the Department of Economic Development, members of their immediate families shall either directly or indirectly be a party to or be in any manner interested in any contract or agreement with the Corporation for any matter, cause, or thing whatsoever by reason whereof any liability or indebtedness shall in any way be created against such corporation. If any contract or agreement shall be made in violation of the provisions of this Section, the same shall be null and void and no action shall be maintained thereon against the Corporation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:2312.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Economic Development Corporation, LR 15:449 (June 1989), amended LR 26:

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

RULE TITLE: Louisiana Small Business Loan Program

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

There are no anticipated costs or savings to state or local governmental units associated with these proposed rule changes, other than those one-time costs directly associated with the publication of these rules.

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

It is estimated that an increase in revenue might result from the rule changes that allow for a loan recipient to qualify with less equity in exchange for a higher guarantee fee. The anticipated is \$15,907 increase in fee revenues annually. There is no estimated effect on revenue collections of local governmental units associated with this proposed rule change.

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

Those businesses that will be affected are those businesses that will qualify with less equity and pay higher guarantee fees under the proposed rule changes. It has been estimated that these new fees will cost businesses approximately \$15,907. These businesses would not have qualified under the previous rules because they would not have met the minimum eligibility.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated net effect on competition or employment associated with this proposed rule change.

Dennis Manshack
Executive Director
0003#044

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Economic Development
Office of Commerce and Industry**

Regional Economic Development
Alliance Program (LAC 13: Part VII)

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Louisiana Department of Economic Development intends to repeal, in its entirety, *Louisiana Administrative Code* Title 13, Economic Development; Part VII, Regional Economic Development Alliance Program. The Department of Economic Development, Office of Commerce and Industry, hereby issues its Family Impact Statement: The repeal of these rules will have no known effect on family formation, stability, and autonomy as set forth in R.S. 49:972.

Title 13

ECONOMIC DEVELOPMENT

Part VII. Regional Economic Development Alliance Program

Repealed

Acts 1995, No. 165, ' 2 repealed R.S. 36:108(E) relative to the Regional Economic Development Alliance Program. The

NOTICE OF INTENT

Department of Economic Development Office of Commerce and Industry Division of Business Incentives

Sales and Use Tax Exemption on Energy Conservation Property (LAC 13:I.Chapter 29)

In accordance with R.S. 49:950, et seq., the Administrative Procedure Act, notice is hereby given that the Louisiana Department of Economic Development intends to repeal, in its entirety, *Louisiana Administrative Code* Title 13, Economic Development; Part I, Financial Incentive Programs; Chapter 29, Sales and Use Tax Exemptions on Energy Conservation Property. The Department of Economic Development, Office of Commerce and Industry, hereby issues its Family Impact Statement: The repeal of these rules will have no known effect on family formation, stability, and autonomy as set forth in R.S. 49:972.

Title 13 ECONOMIC DEVELOPMENT

Part I. Financial Incentive Programs

Chapter 29. Sales and Use Tax Exemption on Energy Conservation Property

Repealed

The enabling legislation imposed at time frame within which this Program was available for use. Under the law, no establishment was eligible to participate in the Program after December 31, 1989. R.S. 47:305.31. The legislation renders the Department of Economic Development without the authority to administer the rules pertaining to the sales and use tax exemption on energy conservation property.

The proposed repeal of these rules are scheduled to become effective upon final promulgation, or as soon thereafter as is practical, upon publication in the *Louisiana Register*. Interested persons may submit written comments within 30 days from the date of this publication, to R. Paul Adams, Director, Louisiana Department of Economic Development, P.O. Box 94185, Baton Rouge, LA 70804.

Kevin P. Reilly, Sr.
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Sales and Use Tax Exemption on Energy Conservation Property

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

There are no significant implementation costs or savings to the state or local governmental units anticipated as a result of the repeal of these rules. No manufacturing establishment has been eligible for participation in the Program since December 31, 1989. (La. R.S. 47:305.31).

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

No effect on revenue collections is anticipated.

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

There are no anticipated costs and/or economic benefits to directly affected persons or non-governmental groups as a result of repealing these Rules.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No effect on competition and employment is anticipated.

Kathy Blankenship
Accountant Administrator 3

0003#003

Robert E. Hosse
General Government Section
Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741~~0~~ Louisiana Handbook for School
Administrators~~0~~ Policy for Louisiana's Public Education
Accountability System~~0~~ Business Education (LAC 28:1.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 741, referenced in LAC 28:1.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). In April, 1998 BESE approved Business Education Guidelines which outline new Business Education course requirements. The rule change is necessary to align the Business Education Program of Studies with the new Business Education Guidelines.

Title 28 EDUCATION

Part I. Board of Elementary and Secondary Education Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

§901. School Approval Standards and Regulations

A. Bulletin 741

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A)(10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 24:1085 (June 1998), LR 26:

Bulletin 741~~0~~ Louisiana Handbook for School Administrators

Business Education Program of Studies Business Education

2.105.02 Computer/technology education course offerings shall be as follows:

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook for School Administrators
 Policy for Louisiana's Public Education Accountability System
 Distance Education Programs (LAC 28:1.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 741, referenced in LAC 28:1.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The availability of technology in schools and the explosion of courses offered through emerging technologies such as the Internet and video conferencing have increased curricular opportunities for schools and students. The current Standard 2.105.42 limits distance education opportunities for schools and districts to those programs approved by the Louisiana Department of Education. The proposed Standard 2.105.42 provides guidance and rigorous standards for districts to follow in choosing high quality programs that will expand the course offerings for students in Louisiana.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

§901. School Approval Standards and Regulations

A. Bulletin 741

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 24:1085 (June 1998), LR 26:

Distance Education Programs

2.105.42 A school system choosing to implement a distance education program shall establish policy and procedures for reviewing and approving programs that meet State Standards for Distance Education as established by the State Board of Elementary and Secondary Education.

Interested persons may submit written comments until 4:30 p.m., May 10, 2000, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
 Executive Director

<u>Course Title</u>	<u>Recommended Grade Level</u>	<u>Units</u>
Accounting	10-12	1
Administrative Support Occupations	10-12	1
Advanced/Computerized Accounting	11,12	1
Business Computer Applications I & II	10-12	1
Business English	11,12	1
Business Law	10-12	.5
Business Machines	9-12	.5
Cooperative Office Education	12	3
Computer Multimedia Presentations	11,12	.5
Desktop Publishing	10-12	.5
Economics	9-12	1
Education for Careers	6-8	.5
	9-12	.5
Entrepreneurship	9-12	1
Financial Math	11-12	1
Introduction to Business	9-12	1
Introduction to Management	10-12	1
Keyboarding/Keyboarding Applications	6-12	1
Records Management	9-12	1
Telecommunications	9-12	.5
Word Processing	10-12	1

Keyboarding and Keyboarding Applications shall be a pre-requisite to Administrative Support Occupations and Word Processing. Level I courses shall be pre-requisite to Level II courses. Cooperative Office Education shall be limited to seniors. The students shall have successfully completed Keyboarding and have maintained an overall "C" average. Student attendance records should also be considered. Additional pre-requisites may be required by the individual school system.

Interested persons may submit written comments until 4:30 p.m., May 10, 2000, to Nina A. Ford, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
 Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 741C Louisiana Handbook for School Administrators' Policy for Louisiana's Public Education Accountability System

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

The implementation of changes requires no cost or savings to state or local governmental units.

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

There is no effect on revenue collections of state or local governmental units.

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

There are no effects on costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There are no effects on competition and employment.

Marlyn Langley
 Deputy Superintendent
 0003#081

H. Gordon Monk
 Staff Director
 Legislative Fiscal Office

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 741 Louisiana Handbook for
School Administrators Policy for Louisiana's Public
Education Accountability System**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The implementation of changes requires no cost or savings to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There are no effects on costs or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There are no effects on competition and employment.

Marlyn Langley
Deputy Superintendent
0003#077

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741 Louisiana Handbook for School Administrators Policy for Louisiana's Public Education Accountability System Growth Targets, Performance Labels, and Inclusion of Schools with Very Low Numbers of Students (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 741, referenced in LAC 28:I.901A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November, 1975). The proposed changes more clearly explain and refine existing policy as it pertains to the formula for computing Growth Targets, performance labels for schools scoring above and below the state average, and the minimum number of CRT units required for test data to be statistically significant.

**Title 28
EDUCATION**

**Part I. Board of Elementary and Secondary Education
Chapter 9. Bulletins, Regulations, and State Plans
Subchapter A. Bulletins and Regulations**

**§901. School Approval Standards and Regulations
A. Bulletin 741**

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3761-3764.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November, 1975), amended LR 25:2160 (November, 1999), LR 26:

Growth Targets

2.006.05 Each school shall receive a Growth Target that represents the amount of progress it must make every two years to reach the state 10- and 20-Year Goals.

In establishing each school's Growth Target, the SPS inclusive of students with disabilities shall be used as the baseline. However, the percentage of students with disabilities varies significantly across schools and the rate of growth for such students, when compared to regular education students, may be different. Therefore, the proportion of students with disabilities eligible to participate in the CRT or NRT test in each school will be a factor in determining the Growth Target for each school.

Growth Targets
During the first ten years, the formula is the following:
 $[PropRE * (100 - SPS)/N] + [PropSE * (100 - SPS)/(N + 5)]$, or 5 points, whichever is greater
where
PropSE = the number of special education students in the school who are eligible to participate in the NRT or CRT tests, divided by the total number of students in the school who are eligible to participate in the NRT or CRT tests. For purposes of this calculation, gifted, talented, speech or language impaired, and 504 students shall not be counted as special education students, but shall be included in the calculations as regular education students.
PropRE = 1-PropSE. PropRE is the proportion of students not in special education.
SPS = School Performance Score
N = Number of remaining accountability cycles in the 10-Year Goal period
During the second ten years, the formula is the following:
 $[PropRE * (150 - SPS)/N] + [PropSE * (150 - SPS)/(N + 5)]$, or 5 points, whichever is greater

Performance Labels

2.006.07 A Performance Label shall be given to a school that qualifies, in addition to Growth Labels.

A school with an SPS of 30 or below shall be identified as an Academically Unacceptable School. This school immediately enters Corrective Actions.

For purpose of determining Academically Unacceptable Schools, during the summer of 1999 for K-8 schools and during the summer of 2001 for 9-12 schools, the SPS that includes only regular education students shall be used. Any school with an SPS of 30 or less, based on the test scores of regular education students only, shall be deemed an Academically Unacceptable School.

A school with an SPS of 30.1 - state average shall be labeled Academically Below the State Average.
A school with an SPS of state average-99.9 shall be labeled Academically Above the State Average.
* The state average is recalculated every growth cycle.
**A school with an SPS of 100.0-124.9 shall be labeled a *School of Academic Achievement*.
**A school with an SPS of 125.0-149.9 shall be labeled a *School of Academic Distinction*.
**A school with an SPS of 150.0 or above shall be labeled a *School of Academic Excellence* and shall have no more Growth Targets.
**A school with these labels shall no longer be subject to Corrective Actions and shall not receive "negative" growth labels, i.e., School in Decline and Minimal Academic Growth. This school shall continue to meet or exceed Growth Targets to obtain "positive" growth labels, recognition, and possible rewards.

Inclusion of Schools with Very Low Numbers of Students

2.006.19 A minimum number of testing units shall be required for School Accountability calculations. All schools shall have a minimum number of 80 testing units to include one or all four parts of the statewide criterion-referenced test. All schools shall have a minimum number of 20 students with complete composite scores on the statewide norm-referenced test.

Interested persons may submit written comments until 4:30 p.m., May 10, 2000 to Nina Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 741C Louisiana Handbook for School Administrators; Policy for Louisiana's Public Education Accountability System; Growth Targets, Performance Labels, and Inclusion of Schools with Very Low Numbers of Students

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

There are no estimated implementation costs to state governmental units. The proposed changes refine and clarify the existing accountability policy and facilitate phase-in of all components of the LEAP 21 test.

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

There will be no effect on revenue collections by state/local governmental units.

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

There will be no estimated costs and/or economic benefits to persons or non-governmental groups directly affected.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment.

Marlyn Langley
Deputy Superintendent
0003#078

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741C Louisiana Handbook for School Administrators; Policy for Louisiana's Public Education; Transfer Policy, Nonpublic Schools and Home School Programs (LAC 28:I.901)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement, an amendment to Bulletin 741, referenced in LAC 28:I.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975).

The proposed amendment relates to students transferring into public schools from in-state nonpublic schools and home schooling programs. School systems will implement the new change with the 2000-2001 school year.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

§901. School Approval Standards and Regulations

A. Bulletin 741

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6(A) (10), (11), (15); R.S. 17:7 (5), (7), (11); R.S. 17:10, 11; R.S. 17:22 (2).

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended LR 24:1085 (June 1998), LR 26:

Transfer of Student Records from Approved School

2.026.06 A student transferred from a state-approved school, in- or out-of state, shall be allowed credit for work completed in the former school. When a student transfers from one school to another, a properly certified transcript, showing the student's record of attendance, achievement, immunization records, and the units if credit earned, shall be required.

Effective with the 2000-2001 school year, students in grades 5 and 9 transferring to the public school system from any in-state nonpublic school (state approved and unapproved), any out-of-state school or home schooling program shall be required to pass the English language arts and Mathematics portions of the state-developed LEAP 21 placement test.

Transfer of Student Records from Schools that are Not State Approved

2.026.08 Local school officials from any state approved school receiving a student from an unapproved school, in- or out-of state, will determine the placement and/or credits for the student. The principal and /or superintendent may require the student to take an entrance examination on any subject matter for which credit is claimed. The school issuing the high school diploma shall account for all credits required for graduation, and its records will show when and where the credit was earned.

Effective with the 2000-2001 school year, students in grades 5 and 9 transferring to the public school system from any in-state unapproved school, any out-of-state school or home schooling program shall be required to pass the English language arts and Mathematics portions of the state-developed LEAP 21 placement test.

Students Transferring from Home Schooling

2.026.09 The school shall adhere to the policies and procedures established by the school system for students re-entering the system from home schooling.

Effective with the 2000-2001 school year, students in grades 5 and 9 transferring to the public school system from in-state or out-of-state home schooling shall be required to pass the English language arts and Mathematics portions of the state-developed LEAP 21 placement test.

Interested persons may submit written comments until 4:30 p.m., May 10, 2000, to Nina A. Ford, Board of

Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Bulletin 741~~0~~ Louisiana Handbook for
School Administrators~~0~~ Transfer Policy~~0~~ Nonpublic
Schools and Home School Programs**

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

There will be an increase in state expenditures of approximately \$60,000. The cost will be based upon the number of nonpublic and homestudy students requesting to take the LEAP 21 as a requirement for entrance into grades five and nine. It is estimated that approximately 3,000 students, 1,000 grade four and 2,000 grade eight, may take the tests. The tests are \$10 apiece. Each student takes two parts of the test, therefore it will be approximately \$20 per student.

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

There is no estimated effect on revenue collections of state or local governmental units.

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

Benefits to schools and students include better accountability and increased student achievement.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There should be no impact on competition and employment.

Marlyn Langley
Deputy Superintendent
0003#080

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1566~~0~~ Guidelines for Pupil Progression
(LAC 28:XXXIX.503 and 505)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the State Board of Elementary and Secondary Education approved for advertisement an amendment to Bulletin 1566, Guidelines for Pupil Progression. The guidelines for Pupil Progression incorporate the High Stakes Testing Policy that was approved by the Board of Elementary and Secondary Education in January, 1999 and revised at its September and December, 1999 meetings as well as other policies related to the promotion and retention of students. The September revisions changed the current policy by allowing 4 percent of the students with disabilities (special education) to be tested out-of-level for the 1999-2000 school year. Prior to this version all students with disabilities except the estimated 1.5 percent of students that may be tested using alternate assessment were tested using LEAP 21. The December revisions extended the appeals process to eighth grade students in addition to the fourth grade. School systems will

implement the new guidelines with the 1999-2000 school session.

Title 28

EDUCATION

**Part XXXIX. Bulletin 1566~~0~~ Guidelines for Pupil
Progression**

**Chapter 5. Placement Policies; State Requirements
§503. Regular Placement¹**

A.1.a.-A.1.b.ii(a) ...

(b). Exceptions. This state policy may be overridden by the School Building Level Committee (and therefore the student may be promoted) only under the following conditions:

(i). if a given student scores at the "Unsatisfactory" level in English language arts or mathematics and scores at the "Proficient" or "Advanced" level in the other and participates in the summer school and retest offered by the LEA;

(ii). if a student with disabilities (excluding students with only a Speech or Language Impairment) participates in on-level testing, the SBLC may consider the override only if the student has participated in the summer school and retest offered by the LEA's;

(iii). if a student with disabilities (excluding students with only a Speech or Language Impairment) participates in out-of-level testing, promotion decisions shall be determined by the SBLC;

(iv). if a student with disabilities participates in an alternative assessment, promotion decisions shall be determined by the SBLC.

iii. Summer school and end-of-summer retest must be offered by school systems at no costs to all students who score at the "Unsatisfactory" level on LEAP 21.

iv. ...

v. A school system, through its superintendent, may grant an appeal on behalf of individual fourth and eighth grade students who have not scored above the "Unsatisfactory" level after retesting provided that certain criteria are met.

vi. School systems must develop and implement uniform policies to determine placement of 8th grade students who have not scored ~~Approaching Basic~~ or above on LEAP 21 into Options 1, 2, and 3.

vii. Eighth grade students who are 16 years of age on or before September 30 must enroll in an alternative program or setting, Option 2 or Option 3.

D. Transfer Students

1. The local school board shall establish written policies for the placement of students transferring from all other systems and home schooling programs (public, nonpublic, (both in and out-of-state), and foreign countries).

a. Effective with the 2000-2001 school year, students in grades 5 and 9 transferring to the public school system from any in-state nonpublic school state approved and unapproved, any home schooling program or Louisiana resident transferring from any out-of-state school shall be required to pass the English language arts and Mathematics portions of the state-developed *LEAP 21* placement test.

¹Schools can only make recommendations to parents regarding student enrollment in kindergarten, since kindergarten is not mandatory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2171, amended LR 26:

§505. Progression of Students Participating in Alternate Assessment

A.1.a.-d. ...

2. For the 1999-2000 school year only, students with disabilities who participate in the alternate assessment shall have promotion decisions determined by SBLCs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17.7.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 25:2172, amended LR 26:

Interested persons may submit written comments until 4:30 p.m., May 10, 2000 to Nina A. Ford, State Board of Elementary and Secondary Education, P.O. Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 1566 Guidelines for Pupil Progression

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

There will be an increase in state expenditures, but the exact cost is not available at this time. The cost will be based upon the number of students requesting to take the out-of-level tests as well as the Individual Education Plan (IEP) development and revision process. The increase may be off-set by the possible reduction in cost of the LEAP 21 tests that these students will no longer take. There will be no increase in state expenditures to extend the appeals process.

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

There is no estimated effect on revenue collections of state or local governmental units.

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

Benefits to schools and students include better accountability and increased student achievement.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no impact on competition and employment. Teachers currently employed will test these students. There will be no impact on summer employment because students tested off level are not required to attend summer remediation.

Marlyn Langley
Deputy Superintendent
0003#079

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Tuition Opportunity Program for Students (TOPS)
Agency Decisions Subject to Appeal
(LAC 28:IV.2109)

The Louisiana Student Financial Assistance Commission (LASFAC) advertises its intention to revise the provisions of the Tuition Opportunity Program for Students (TOPS).

The full text of these proposed rules may be viewed in the emergency rule section of this issue of the *Louisiana Register*.

The proposed rule has no known impact on family formation, stability or autonomy, as described in R.S. 49:972.

Interested persons may submit written comments on the proposed changes until 4:30 p.m., April 20, 2000, to Jack L. Guinn, Executive Director, Office of the Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Melanie Amrhein
Assistant Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Tuition Opportunity Program for Students (TOPS)

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

The implementation cost associated with publishing these rule revisions in the *Louisiana Register* as emergency, notice and rule is approximately \$100. The purpose of this action is to clarify existing rule, therefore costs for funding additional TOPS awards are not anticipated to increase as a result of this rule change. There are no costs inconsistent with current budgetary appropriations for this purpose.

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

No impact on revenue collections is anticipated to result from this rule change.

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

Recipients of awards and scholarships administered by the agency will be provided with clarified rules relative to the appeal of agency decisions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition and employment is anticipated to result from this rule.

Melanie Amrhein
Assistant Executive Director
0003#018

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Tuition Opportunity Program for
Students (TOPS) Eligible Student
(LAC 28:IV.301, 701)

The Louisiana Student Financial Assistance Commission (LASFAC) advertises its intention to revise the provisions of the Tuition Opportunity Program for Students (TOPS).

The full text of these proposed rules may be viewed in the emergency rule section of this issue of the *Louisiana Register*.

The proposed rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Interested persons may submit written comments on the proposed changes until 4:30 p.m., April 20, 2000, to Jack L. Guinn, Executive Director, Office of the Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Melanie Amrhein
Assistant Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Tuition Opportunity Program for
Students (TOPS)**

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

The implementation cost associated with publishing these rule revisions in the *Louisiana Register* as emergency, notice and rule is approximately \$100. The purpose of this action is to clarify existing rule, therefore costs for funding additional TOPS awards are not anticipated to increase as a result of this rule change. There are no costs inconsistent with current budgetary appropriations for this purpose.

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

No impact on revenue collections is anticipated to result from this rule change.

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

Students enrolled simultaneously in two or more institutions of higher education will have clear definitions and award procedures for their TOPS awards.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

No impact on competition and employment is anticipated to result from this rule.

Melanie Amrhein
Assistant Executive Director
0003#016

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

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

The Louisiana Student Financial Assistance Commission (LASFAC) advertises its intention to revise the provisions of the Tuition Opportunity Program for Students (TOPS).

The full text of these proposed rules may be viewed in the emergency rule section of this issue of the *Louisiana Register*.

The proposed rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Interested persons may submit written comments on the proposed changes until 4:30 p.m., April 20, 2000, to Jack L. Guinn, Executive Director, Office of the Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Melanie Amrhein
Assistant Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Tuition Opportunity Program for
Students (TOPS)**

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

The implementation cost associated with publishing these rule revisions in the *Louisiana Register* as emergency, notice and rule is approximately \$100. The purpose of this action is to clarify existing rule, therefore costs for funding additional TOPS awards are not anticipated to increase as a result of this rule change. There are no costs inconsistent with current budgetary appropriations for this purpose.

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

No impact on revenue collections is anticipated to result from this rule change.

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

TOPS applicants who have taken high school courses that have been approved as substitutes for the core curriculum courses requirements for TOPS may use those courses to establish eligibility for an award.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

No impact on competition and employment is anticipated to result from this rule.

Melanie Amrhein
Assistant Executive Director
0003#017

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Tuition Trust Authority Office of Student Financial Assistance

Student Tuition and Revenue Trust
(START Saving) Program
(LAC 28:VI.307 and 315)

The Louisiana Tuition Trust Authority (LATTA) announces its intention to amend rules of the Student Tuition and Revenue Trust (START Savings) Program (R.S. 3091-3099.2).

The full text of these proposed rules may be viewed in the emergency rule section of this issue of the *Louisiana Register*.

This proposed rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Interested persons may submit written comments on the proposed changes until 4:30 p.m., April 20, 2000, to Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Melanie Amrhein
Assistant Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Student Tuition and Revenue Trust (START Saving) Program

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

The implementation cost associated with publishing revisions to the START Program rules is approximately \$100. These program revisions are not expected to impact program costs. Postage savings from mailing statements annually, rather than quarterly, should be balanced by costs for increases in the number of accounts from anticipated intensive marketing of the program.

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

No impact on revenue collections is anticipated to result from the revision in statement preparation and distribution.

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

These changes will require that the START saving program provide statements annually, rather than quarterly.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition and employment is anticipated to result from this rule.

Melanie Amrhein
Assistant Executive Director
0003#015

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Emissions Control from Motor Vehicles and Related Fees
(LAC 33:III.223; 1901-1935)(AQ200)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality regulations at LAC 33:III.223 and repeal LAC 33:III.1901-1935 and Chapter 19.Appendix (Log #AQ200).

The existing regulations at LAC 33:III.1901-1935 and the appendix at the end of Chapter 19 are being repealed, and the fees at LAC 33:III.223 are being amended, because the enhanced Motor Vehicle Inspection/Maintenance (I/M) Program was never implemented and was not reauthorized by the Louisiana Legislature in 1997. Although these regulations were promulgated in 1995, vehicle testing was not to begin until 1999, and only after reauthorization by the Legislature in 1997. As the Legislature did not reauthorize this enhanced program, the program was never implemented, and thus, these regulations are moot and obsolete and need to be repealed. The Legislature, by Act 576 of the 1999 Regular Session, did authorize a low enhanced, less stringent, less costly program for the control and abatement of motor vehicle emissions to include new evaporative system pressure tests. A gas cap pressure test was implemented effective January 1, 2000, and a fuel inlet pressure test is scheduled to be implemented later in the year. The new emissions testing will be performed as part of annual vehicle safety inspections, and thus, enforcement of program provisions and collection of fees for this new low enhanced vehicle inspection/maintenance (I/M) program will be governed by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section (DPS), with DEQ providing oversight, data collection support, and liaison activities. In accordance with R.S. 32:1306(C), DPS has promulgated a final rule on December 20, 1999, necessary to implement the new requirements of this recently authorized low enhanced vehicle emissions I/M program. The basis and rationale for this proposed rule are to repeal the regulations for control of emissions from motor vehicles that are now moot and obsolete.

This proposed rule meets an exception listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

**Title 33
ENVIRONMENTAL QUALITY
Part III. Air**

**Chapter 2. Rules and Regulations for the Fee System
of the Air Quality Control Programs
§223. Fee Schedule Listing**

Fee Schedule Listing						
Fee Number	Air Contaminant Source	SICC	Annual Maintenance Fee	New Permit Application	Modified Permit Fees	
					Major	Minor
* * *						
[See Prior Text in Fee No. 0010-1720]						

Additional Fees		
Fee Number	Fee Description	Amount
* * *		
[See Prior Text in Fee No. 2000-2300]		
2400	An application approval fee for Stage II Vapor Recovery	100.00
	An annual facility inspection fee for Stage II Vapor Recovery	150.00
2600 *NOTE 16*	Accident Prevention Program Annual Maintenance Fee: Program 1	200.00
* * *		
[See Prior Text in Fee No. 2620-2914]		

Explanatory Notes for Fee Schedule

[See Prior Text in Notes 1-17]

Note 18. Reserved.

[See Prior Text in Note 19 – Processing Timelines Table]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054, 30:2341 and 30:2351 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), amended LR 14:613 (September 1988), LR 15:735 (September 1989), amended by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 17:1205 (December, 1991), repromulgated LR 18:31 (January 1992), amended LR 18:706 (July 1992), LR 18:1256 (November 1992), LR 19:1373 (October 1993), LR 19:1420 (November 1993), LR 19:1564 (December 1993), LR 20:421 (April 1994), LR 20:1263 (November 1994), LR 21:22 (January 1995), LR 21:782 (August 1995), LR 21:942 (September 1995), repromulgated LR 21:1080 (October 1995), amended LR 21:1236 (November 1995), LR 23:1496 (November 1997), LR 23:1499 (November 1997), LR 23:1662 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

**Chapter 19. Repealed
Subchapter A. Repealed
§1901. Repealed**

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1224 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1903. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1224 (November 1995),

repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1905. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1224 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1907. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1225 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1909. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1226 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1911. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1227 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1913. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1228 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1915. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1228 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1917. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1228 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1919. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1229 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1921. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1229 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1923. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1231 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1925. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1232 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1927. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1232 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1929. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1233 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1931. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1233 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1933. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1234 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§1935. Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1234 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

Appendix Repealed

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 21:1234 (November 1995), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

A public hearing will be held on April 24, 2000, at 1:30 p.m. in the Trotter Building, Second Floor, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ200. Such comments must be received no later than May 1, 2000, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to fax (225) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of AQ200.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104

Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Control of Emissions from Motor
Vehicles and Related Fees**

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

No effect of this proposed rule on state or local governmental expenditures is anticipated. Since this enhanced Motor Vehicle Inspection/Maintenance program was never implemented and was not reauthorized by the Louisiana Legislature, these regulations are now moot and obsolete and need to be repealed.

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

No effect of this proposed rule on state or local governmental revenue collections is anticipated.

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

No costs and/or economic benefits to directly affected persons or non-governmental groups are anticipated.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

No effect of this proposed rule on competition and employment is anticipated.

James H. Brent, Ph.D.
Assistant Secretary
0003#069

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Radiation Protection Determination of Fee
(LAC 33:XV.2508)(NE024)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Radiation Protection regulations, LAC 33:XV.2508 (Log #NE024).

This proposed rule will amend the regulations so that if a registrant is no longer in possession of an X-ray unit for which he is being billed, and written documentation is received in the department by the due date on the invoice, the registrant will not have to pay the assessed fee. The written documentation shall include the name, address, and

telephone number of transferee. If a registrant sells, donates, or transfers an X-ray unit for which a fee is being assessed, this rule will apply. The basis and rationale for this proposed rule are to prevent the registrant from having to pay a fee on an X-ray unit that is no longer in his possession.

This proposed rule meets an exception listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

**ENVIRONMENTAL QUALITY
Part XV. Radiation Protection**

Chapter 25. Fee Schedule

§2508. Determination of Fee

* * *

(See Prior Text A - D)

E. Electronic products that are no longer possessed by the registrant (e.g., sold, donated, or transferred) shall not be subject to the annual maintenance fee, provided written documentation is received by the invoice due date, which includes the name, address, and telephone number to whom possession was transferred.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:718 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

A public hearing will be held on April 24, 2000, at 1:30 p.m. in the Trotter Building, Second Floor, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by NE024. Such comments must be received no later than May 1, 2000, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to fax (225) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of NE024.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100

Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Radiation Protection Determination of Fee

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
No implementation costs or savings to state or local governmental units are expected as a result of this rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
No effect on revenue collections of state or local governmental units is anticipated.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
No costs or economic benefits to directly affected persons or non-governmental groups are anticipated.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No effect on competition or employment is expected as a result of this rule.

James H. Brent, Ph.D.
Assistant Secretary
0003#068

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Remedial Action Plans (RAPs)
(LAC 33:V.625, 630, 635, 660 and 717)(HW073)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to adopt the Hazardous Waste regulations, LAC 33:V.625, 630, 635, 660, and 717 (Log #HW073).

In order to maintain delegation to operate the hazardous waste program in Louisiana in lieu of EPA, or to become delegated for previously undelegated activities, the state must adopt regulations equivalent to federal regulations. Federal regulations promulgated in part 40 of the CFR on November 30, 1998, contain certain provisions which conflict with state statutes, specifically, the process to approve or deny a remedial action plan (RAP) application; the effective date of a RAP; when to begin physical construction; appeal of the decision to deny a modification or revocation; and reissuance or termination of a RAP. This proposed rule replaces the federal requirements with equivalent state requirements that comply with the state statutes. In addition, the rule removes redundant state requirements for public notices for hazardous waste

activities. The basis and rationale for this proposed rule are to maintain an equivalent RCRA Subtitle C program.

This proposed rule meets an exception listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental

Quality Hazardous Waste

Chapter 5. Permit Application Contents

Subchapter G. Remedial Action Plans (RAPs) – General Information

§625. May the Decision to Approve or Deny My RAP Application Be Administratively Appealed?

A. You may request an administrative hearing on a decision by the administrative authority to grant or deny your RAP application, under R. S. 30:2024. If the secretary does not grant your hearing request within 30 days of filing, you are entitled to file an application for *de novo* review of the secretary's action in the Nineteenth Judicial District Court.

B. An aggrieved person [as defined in R. S. 30:2004 (17)] may appeal a final decision on your RAP to the Nineteenth Judicial District Court, under R. S. 30:2050.21. Such an appeal would not suspend the effectiveness of the RAP, if one is issued. However, the secretary may grant, or the court may order, a stay of the RAP decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:

§630. When Does My RAP Become Effective?

A. Your RAP becomes effective 30 days after the administrative authority notifies you and all commenters that your RAP is approved unless:

1. the administrative authority specifies a later effective date in the decision;
2. review is requested under R.S. 30:2024; or
3. no commenters requested a change in the draft RAP, in which case the RAP becomes effective immediately when it is issued.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:

§635. When May I Begin Physical Construction of New Units Permitted Under the RAP?

You must not begin physical construction of new units permitted under the RAP for treating, storing, or disposing of hazardous remediation waste before receiving a RAP which is effective under the terms of LAC 33:V.630.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:

§660. May the Decision to Approve or Deny a Modification, Revocation and Reissuance, or Termination of My RAP be Administratively Appealed?

A. You may request an administrative hearing on a decision by the administrative authority to grant or deny a modification, revocation and reissuance, or termination of your RAP under R. S. 30:2024. If the secretary does not grant your hearing request within 30 days of filing, you are entitled to file an application for *de novo* review of the secretary's action in the Nineteenth Judicial District Court.

B An aggrieved person [as defined in R. S. 30:2004 (17)] may appeal a final decision on your RAP to the Nineteenth Judicial District Court, under R. S. 30:2050.21. Such an appeal would not suspend the effectiveness of the RAP, if one is issued. However, the secretary may grant, or the court may order, a stay of the RAP decision.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:

Chapter 7. Administrative Procedures for Treatment, Storage, and Disposal Facility Permits

Subchapter C. Public Notice of Permit Actions and Public Comment Period

§717. Methods

Public notice of activities described in LAC 33:V.713.A shall be given by the following methods:

* * *

[See Prior Text in A - A.5.b]

c. those on the list as a result of notification to the public of the opportunity to be put on the mailing list through periodic publication in the public press and in such publications as regional and state funded newsletters, environmental bulletins, or state law journals. The administrative authority may update the mailing list from time to time by requesting written indication of continued interest from those listed and the administrative authority may delete from the list the name of any person who fails to respond to such a request.

* * *

[See Prior Text in B - C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 17:478 (May 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26: **

A public hearing will be held on April 24, 2000, at 1:30 p.m. in the Trotter Building, Second Floor, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by HW073. Such comments must be received no later than May 1, 2000, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation

Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to fax (225) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of HW073.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Remedial Action Plans

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

There are no anticipated costs or savings to state or local governmental units.

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

There should be no effect on revenue collections of state or local governmental units as a result of implementation of this rule.

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

There should be no estimated costs and/or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment are not expected to be significantly affected as a result of the implementation of this rule.

James H. Brent, Ph.D.
Assistant Secretary
0003#070

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Water Quality (LAC 33:IX.1701)(WP038)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality regulations, LAC 33:IX.1701 (Log #WP038).

This proposed rule replaces original language that was mistakenly dropped on the initial promulgation of the rule into the *Louisiana Administrative Code*. It pertains to secondary containment requirements for tanks and tank batteries when they are in certain areas. This will clarify the language and make the grammatical structure of the sentence affected correct. It does not change the meaning or intent of the original rule. The public has pointed out to the department that the error was present and requested a change to return the language to its original content. The basis and rationale for this proposed rule are to correct the existing regulations to be consistent with the original Order 29-B of the Stream Control Commission, promulgated in accordance with R.S. 56:1435, Chapter 3, Part I.

This proposed rule meets an exception listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality Regulations

Chapter 17. Rules Governing Disposal of Waste Oil, Oil Field Brine, and All Other Materials Resulting from the Drilling for, Production of, or Transportation of Oil, Gas or Sulfur (As Amended January 27, 1953)

§1701. Adopted by the Stream Control Commission, State of Louisiana, Under Authority of Section 1435, Chapter 3, Part I, of Title 56, Louisiana Revised Statutes of 1950

* * *

(See Prior Text in A - C.4)

D. Each permanent oil tank or battery of tanks that are located within the corporate limits of any city, town, or village or where such tanks are closer than 500 feet to any highway or inhabited dwelling or closer than 1,000 feet to any school or church, or where such tanks are so located as to be deemed a hazard by the Stream Control Commission, must be surrounded by a dike (or fire wall) or retaining wall, of at least the capacity of such tank or battery of tanks, with the exception of such areas where such dikes (or fire walls) or retaining walls would be impossible such as in water areas. At the discretion of the Stream Control Commission, fire walls of 100 percent capacity can be required where other conditions or circumstances warrant their construction. (As amended December 13, 1963.) Tanks not falling in the above categories must be surrounded by a retaining wall, or must be suitably ditched to a collecting sump, each of sufficient capacity to contain the spillage and prevent pollution of the surrounding areas.

* * *

(See Prior Text in E - H)

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1435, Chapter 3, Part I.

HISTORICAL NOTE: Adopted by the Department of Wildlife and Fisheries, Office of Coastal and Marine Resources on January

27, 1953, amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

A public hearing will be held on April 24, 2000, at 1:30 p.m. in the Trotter Building, Second Floor, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (225) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by WP038. Such comments must be received no later than May 1, 2000, at 4:30 p.m., and should be sent to Patsy Deaville, Regulation Development Section, Box 82178, Baton Rouge, LA 70884-2178 or to fax (225) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Regulation Development Section at (225) 765-0399 for pricing information. Check or money order is required in advance for each copy of WP038.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; 104 Lococo Drive, Raceland, LA 70394 or on the Internet at <http://www.deq.state.la.us/planning/regs/index.htm>.

James H. Brent, Ph.D.
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Water Quality

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

There are no anticipated costs or savings to state or local governmental units.

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

There should be no effect on revenue collections of state or local governmental units as a result of this rule.

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

There should be no costs or economic benefits to directly affected persons or non-governmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Competition and employment are not expected to be affected as a result of this rule.

James H. Brent, Ph.D.
Assistant Secretary
0003#067

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Office of Management and Finance

Health Care Services Provider Fees (LAC 48:I.4001-4011)

The Department of Health and Hospitals, Office of Management and Finance proposes to adopt LAC 48.I.Chapter 40 pursuant to R.S. 46:2601 - 2605 and the Administrative Procedure Act, R.S. 49:950 et seq. This proposed rule amends and repromulgates regulations pertaining to (1) the administration of fees; and (2) the rights and obligations of those on whom such fees are imposed as previously published in the *Louisiana Register* (Vol.19 No.3, Vol.20 No.1 and Vol.20 No.10). The department is adding a procedure to be used in estimating the amount of fees due in cases of failure to report, and is revising the procedures for collecting delinquent fees to insure more prompt collection. The department is also revising the nonsufficient fund check regulation in order to avail itself of the full benefits of R.S. 9:2782.

LAC 48.Chapter 40 is published in its entirety to establish uniformity and to properly codify this Chapter for inclusion in the Louisiana Administrative Code and supersedes all previous rules adopted in connection with the subject of provider fees.

In compliance with Act 1183 of the 1999 Regular Session, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Title 48

PUBLIC HEALTH GENERAL

Part I. General Administration

Subpart 1. General

Chapter 40. Provider Fees

§4001. Specific Fees

A. Definition

Quarter for purposes of this Chapter, *quarters* shall be constituted as follows:

First Quarter	December, January, February
Second Quarter	March, April, May
Third Quarter	June, July, August
Fourth Quarter	September, October, November

B. Nursing Facility Services

1. A bed fee shall be paid by each facility licensed as a nursing home in accordance with R.S. 40:2009.3 et seq., for each bed utilized for the provision of care on a daily basis. The fee shall be imposed for each bed per day utilized for the provision of care. A bed shall be considered in use, regardless of physical occupancy, based on payment for nursing services available or provided to any individual or payer through formal or informal agreement. For example, a bed reserved and paid for during a temporary absence from a nursing facility shall be subject to the fee. Likewise, any bed or beds under contract to a Hospice shall be subject to the fee for each day payment is made by the Hospice. Contracts,

agreements, or reservations, whether formal or informal, shall be subject to the fee only where payment is made for nursing services available or provided. Nursing facilities subject to the bed fee shall provide documentation quarterly, on a form provided by the department, of utilization for all licensed beds in conjunction with payment of the fee.

2. The provider fee imposed for nursing facility services shall not exceed 6 percent of the average revenues received by providers of that class of services and shall not exceed ten dollars per occupied bed per day. The fee amount shall be calculated annually in conjunction with updating provider reimbursement rates under the Medical Assistance Program. Notice to providers subject to fees shall be given in conjunction with the annual rate setting notification by the Bureau of Health Services Financing.

C. Intermediate Care Facility-Mentally Retarded (ICF-MR) Services

1. A bed fee shall be paid by each facility licensed as an intermediate care facility for the mentally retarded in accordance with R.S. 28:421 et seq., for each bed utilized for the provision of care on a daily basis. The fee shall be imposed for each bed per day utilized for the provision of care. A bed shall be considered in use, regardless of physical occupancy, based on payment for ICF-MR facility services available or provided to any individual or payer through formal or informal agreement. For example, a bed reserved and paid for during a temporary absence from a facility shall be subject to the fee. Likewise, any bed or beds under contract to a Hospice shall be subject to the fee for each day payment is made by the Hospice. Contracts, agreements, or reservations, whether formal or informal, shall be subject to the fee only where payment is made for ICF-MR facility services available or provided. ICF-MR facilities subject to bed fees shall provide documentation quarterly, on a form provided by the department, of utilization for all licensed beds in conjunction with payment of the fee.

2. The provider fees imposed for ICF-MR facility services shall not exceed 6 percent of the average revenues received by providers of that class of service and shall not exceed thirty dollars per occupied bed per day. The fee amount shall be calculated annually in conjunction with updating provider reimbursement rates under the Medical Assistance Program. Notice to providers subject to fees shall be given in conjunction with the annual rate setting notification by the Bureau of Health Services Financing.

D. Pharmacy Services. A prescription fee shall be paid by each pharmacy and dispensing physician for each out-patient prescription dispensed. The fee shall be \$.10 per prescription dispensed by a pharmacist or dispensing physician. Where a prescription is filled outside of Louisiana and not shipped or delivered in any form or manner to a patient in the state, no fee shall be imposed. However, out-of-state pharmacies or dispensing physicians dispensing prescriptions which are shipped, mailed or delivered in any manner inside the State of Louisiana shall be subject to the \$.10 fee per prescription. The fee only applies to prescriptions which are dispensed and sold for human use. Pharmacies and dispensing physicians subject to prescription fees shall provide documentation quarterly, on a form provided by the department, of utilization for all medications dispensed in conjunction with payment of fees.

E. Transportation Services. The fee for transportation services shall be set at \$0.00 pending federal designation of transportation services as a medical provider grouping under P.L. 102-234. Medical transportation providers shall not be required to provide utilization data under this rule.

AUTHORITY NOTE: Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601 - 2605, redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and PL 102-234.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), amended LR 20:51 (January 1994), LR 26:

§4003. Due Date for Submission of Reports and Payment of Fees

The department will mail a Quarterly Utilization Report to each licensed provider covered under the scope of this statute at the address given in the last report filed pursuant to the provisions of R.S. 46:2601 - 2605. The provider shall promptly notify the department of any change of address. Quarterly Utilization Reports and fees shall be submitted to the department and shall be due on the twentieth calendar day of the month following the close of the quarter and shall be deemed delinquent on the thirtieth calendar day of that month. Even if no fee is due, submission of the report is still mandatory.

AUTHORITY NOTE: Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601 - 2605, redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and PL 102-234.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), amended LR 26:

§4005. Delinquent and/or Unfiled Reports

A. Penalty Assessment. In the case a report has been determined delinquent, the specific penalty shall be 5 percent of the total fee due on the report for every 30 days or fraction thereof that the report is not filed, not to exceed 150 days. When a report is not received within 150 days from due date, the report shall be deemed not filed and there shall be cause for an audit, investigation or examination to be made by the department.

B. Estimation of Provider Fee Due. In those cases in which a health care provider fails to file the Quarterly Utilization Report, the department will estimate the provider fee due. The department will, by certified mail, notify the provider of the estimated fee due, the method used to calculate the estimate and the department's intent to collect the delinquent fee. The provider shall have 10 days from the date of receipt of the notice to file a provider fee report with the department. Any provider who fails to file the Quarterly Utilization Report within 10 days of the date of receipt of the department's estimated provider fee notice shall waive any and all rights to appeal the department's action and to contest payment of the estimated fee.

C. Incorrect Reporting. If a provider submits a report required by the provisions of this Chapter and the report made and filed does not correctly compute the liability of the provider there shall be cause for an audit, investigation or examination to be made by the department.

D. False or Fraudulent Reporting. When a provider files a report that is false or fraudulent or grossly incorrect and the circumstances indicate that the provider had intent to defraud the state of Louisiana of any fee due under this

Chapter, there shall be imposed, in addition to any other penalties provided, a specific penalty of 50 percent of the fee due.

E. Reimbursement of Audit, Hearing, and Witness Costs. If actions by a provider cause the department to examine books, records, or documents, or undertake an audit thereof, and/or conduct a hearing, and/or subpoena witnesses, then the provider shall be assessed an amount as itemized by the department to compensate for all costs incurred in making such examination or audit, and/or in holding such hearing, and/or in subpoenaing and compensating witnesses.

AUTHORITY NOTE: Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601 - 2605, redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and PL 102-234.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), amended LR 26:

§4007. Delinquent and/or Unpaid Fees

A. Interest on Unpaid Provider Fees. When the provider fails to pay the fee due, or any portion thereof, on or before the date it becomes delinquent, interest at the rate of 12 percent per month compounded daily shall be assessed on the unpaid balance until paid. In the case of interest on a penalty assessed, such interest shall be computed beginning 15 days from the date of notification of assessment until paid.

B. Collection of Delinquent Provider Fee

1. For those enrolled as health care providers in the Louisiana Medical Assistance Program (Medicaid) collection of delinquent provider fees will be as follows:

a. The department will withhold from the provider's Medicaid reimbursement check, an amount equal to 50 percent of the reimbursement check or the actual amount of the delinquent provider fee, including interest and penalty, whichever is less.

b. By enrolling and participating in the Louisiana Medical Assistance Program (Medicaid) a provider agrees that during the period of time delinquent provider fees are being collected, no additional provider fee delinquency will occur. If the provider becomes further delinquent, the department will withhold 100 percent of the Medicaid reimbursement or the actual amount of the delinquent provider fees, including interest and penalty, whichever is less.

2. For those health care providers not enrolled in the Louisiana Medical Assistance Program (Medicaid), the department will avail itself of any and all appropriate legal and judicial remedies in the collection of delinquent provider fees.

C. Nonsufficient Fund (NSF) Checks in Payment of Fee. A specific service charge, in accordance with R.S. 9:2782(B) as it may be amended from time to time, shall be imposed on all NSF checks. The tender of three NSF checks shall be cause for an audit, investigation or examination to be made by the department, and the provider will be required to make payment thereafter by certified check or money order.

D. The department shall refund any overpayment to the provider.

AUTHORITY NOTE: Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601 - 2605, redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and PL 102-234.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), LR 20:1114 (October 1994) amended LR 20:1114 (October 1994), LR 26:

§4009. Appeals

Any provider aggrieved pursuant to the provisions determined herein shall have the right to administrative appeal as specified in R.S. 46:107.

AUTHORITY NOTE: Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601 - 2605, redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and PL 102-234.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), repromulgated LR 26:

§4011. Exceptions

The secretary may exempt any assessment of penalty and interest described in this Chapter.

AUTHORITY NOTE: Promulgated in accordance with Chapter 45 of Title 46 as enacted in 1992, 46:2601 - 2605, redesignated as Chapter 47 of Title 46, containing R.S. 46:2621 to 46:2625 and PL 102-234.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Management and Finance, LR 19:347 (March 1993), amended LR 26:

Interested persons may submit written comments to the following address: Hiram L. Lyles, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, Louisiana 70821-9030. He is the person responsible for responding to inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, April 25, 2000 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Health Care Services Provider Fees

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

The cost of \$160 SGF will be incurred in SFY 1999-00 for the state's administrative expense of promulgating this proposed rule and the final rule.

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

No significant change in the amount of revenue collections is estimated with implementation of this rule. However, the proposed action will result in the more timely collection of delinquent fees. The only change in the amount of revenue collections estimated with implementation of this rule would be a small increase in revenue, estimated at approximately \$200 per fiscal year, that might be produced through the nonsufficient fund (NSF) check regulations, to the extent providers submit NSF checks in payment of fees.

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

Providers who might become delinquent in the payment of fees will have greater incentive to pay more timely. The NSF check regulation could require payment of a specific service charge if a provider submits an NSF check.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

Charles F. Castille
Undersecretary
0003#098

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health and Hospitals Office of Management and Finance

Medicare Rural Hospital Flexibility Program Critical Access Hospitals (LAC 48:I.7601 and 7609)

The Department of Health and Hospitals, Office of Management and Finance, Division of Research and Development proposes to amend the following rule in the Medicare Rural Hospital Flexibility Program (MRHF) as authorized by the Balanced Budget Act of 1997 (Public Law 105-33) and pursuant to Title XVIII of the Social Security Act and pursuant to the Medicare, Medicaid, State Children's Health Insurance Programs (SCHIP) Balanced Budget Refinement Act of 1999. This proposed rule is in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

This proposed rule will amend the Medicare Rural Hospital Flexibility Program (MRHF) as amended by the Medicare, Medicaid, SCHIP Balanced Budget Refinement Act of 1999 which expands the definition of "rural" and changes other criteria to allow additional hospitals to participate in the Medicare Rural Hospital Flexibility Program (MRMF). The Program assists rural communities in improving access to essential care through the establishment of Critical Access Hospitals which are limited service hospitals eligible for Medicare certification and cost based reimbursement.

In compliance with Act 1183 of the 1999 Regular Session, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

The full text of this Notice of Intent can be viewed in the Emergency Rule section of this issue of the *Louisiana Register*.

Interested persons may submit written comments to Helene Robinson, Department of Health and Hospitals, Office of Management and Finance, Division of Research and Development, Post Office Box 2870, Baton Rouge, Louisiana 70821-2870.

A public hearing on the proposed rule will be held at 1:30 p.m., April 25, 2000 in the Department of Transportation

and Development (DOTD) Auditorium located at 1201 Capitol Access Road (North Entrance), Baton Rouge, Louisiana.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Medicare Rural Hospital Flexibility
Program: Critical Access Hospitals**

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

It is anticipated that implementation of this proposed rule amendment will cost the state approximately \$1,200 for SFY 2000-01, \$800 for SFY 2001-02, \$800 for SFY 2002-03, \$800 for SFY 2003-04, and \$800 for SFY 2004-05. It is anticipated that \$120 will be expended in SFY 2000-01 for the state's administrative cost of printing of the Emergency Rule, Notice of Intent and final Rule.

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

The federal Health Resources Services Administration (HRSA) will provide \$200,000 through the State Office of Rural Health grant to provide technical assistance (such as cost incurred in financial assessment, development of networks, support training of local health care professionals) in FY 2000-01. Louisiana will receive \$220,000 in grant funds from HRSA for FY 2001-02 and anticipate similar funding for out years. State matching funds are not necessary.

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

The expansions to the definitions and changes in criteria for participation in the Critical Access Hospital Program will allow additional communities, who already have difficulty with health care access, to open or maintain some level of outpatient and inpatient care. The total costs for implementation of this proposed rule amendment will cost approximately \$200,000 for SFY 2000-01, \$220,000 for SFY 2001-02, \$220,000 for SFY 2002-03, \$220,000 for SFY 2003-04, and \$220,000 for SFY 2004-05.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

David W. Hood
Secretary
0003#043

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Public Health
Vital Records Registry**

Vital Records Issuance, Clerks of District Court
(LAC 48:V.11709)

The Department of Health and Hospitals, Office of Public Health, Vital Records Registry proposes to repeal the Rule entitled Birth Certificate Copies issued by Clerks of Court published in the *Louisiana Register*, Vol. 12, No. 12, December 20, 1986, page 836 and enact a new rule authorized by R.S. 40:33 and 40:39.1. The Rule is

promulgated in accordance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq.

Acts 1277 of the 1999 Legislature requires the promulgation and adoption of rules to implement the electronic issuance of certified copies of birth and death certificates through the offices of clerks of district courts. In that clerk of court offices are conveniently located to serve Louisiana's citizens, the issuance of certified copies of birth and death certificates through the clerks' offices is in keeping with a departmental customer service initiative that seeks to better serve Louisiana's citizens. In order to comply with R.S. 40:39.1 and to provide more convenient Vital Records Registry document issuance services while preserving the confidentiality of Louisiana's birth and death records, the Vital Records Registry proposes to adopt the following rule.

Title 48

PUBLIC HEALTH - GENERAL

Part V. Preventive Health Services

Subpart 45. Vital Records

Chapter 117. Availability of Records

' 11709. Issuance of Certified Copies of Vital Records, Clerks of District Court

A. Access to Vital Records Registry Database

1. The state registrar of vital records shall facilitate online computer access by the clerk of district court in each parish to birth and death databases via the data network operated by the office of the Secretary of State to the extent necessary to identify and electronically print certified copies of birth and death certificates. The registrar shall provide a system inquiry interface including print functionality for those birth and death records that can be printed electronically. Access shall be limited to those records that can be electronically issued to the extent necessary to serve authorized customers.

2. The state registrar shall assign vital records system access to clerks of district courts and designated members of their staffs upon receipt of written applications accompanied by properly executed confidentiality forms. The application for system access and confidentiality assurances shall be made on forms supplied by the state registrar. The birth and death database access given to clerks of district courts shall be expanded in logical increments as the missing data fields required to electronically generate certified copies of birth and death records are added, or the images are stored and indexed making them accessible and printable, except that current records (new births and death certificates) shall be made accessible to clerks of district courts for issuance purposes 90 days after the date of the vital event provided they are available in suitable electronic format in the vital records registry database.

B. Vital Records Issuance Services

1. Clerks of district courts may issue birth abstracts (commonly called birth cards) on all birth events more than 90 days old but less than 101 years old, except in those instances where the birth record filed with the vital records registry is a delayed birth certificate (a record filed more than 12 years after birth), the birth is not registered, the certificate filed with the state is irregular or incomplete, or the birth data is not available electronically. In the case of delayed certificates of birth, no birth abstracts will be issued.

2. Clerks of district courts may issue electronic certified copies of long-form birth certificates for those birth

events that are more than 90 days old and are available in long-form format in the birth database except in those instances where the birth is not registered, the certificate filed with the state is irregular or incomplete, or the birth data is not available electronically. As additional records become available, the registrar shall enable electronic issuance functionality over the data network of the Secretary of State.

3. Clerks of district courts may issue electronic certified copies of death certificates for those death events that are more than 90 days old and less than 51 years old except in those instances where the death is not registered, the certificate filed with the state is irregular or incomplete, or the death data is not available electronically. As additional records become available, the registrar shall enable electronic issuance functionality over the data network available through the office of the Secretary of State.

4. Government agencies including law enforcement agencies and courts shall be referred to the office of the registrar of vital records for document issuance and vital event verification services, unless the government agency presents a formal release bearing the original signature of the registrant or a member of the registrant's immediate family and pays the statutory document search/issuance fee.

5. In accordance with R.S. 40:39.1 C, certified copies of birth and death records issued through the offices of clerks of district courts shall be accepted as an original record for all legal purposes.

C. Security/Confidentiality

1. Clerks of district courts shall not issue notarized copies of birth or death certificates, nor shall clerks issue certified copies from any source other than the online service provided by the state registrar of vital records.

2. All certified copies of birth and death certificates issued by clerks of district courts shall be issued on security paper provided by the state registrar of vital records.

3. Birth and death certificate issuance services provided by clerks of district courts shall comply with the provisions of R.S. 40:41C.(1) and (2) as they relate to persons authorized to purchase certificates. Applications for certified copies shall be made on standard forms provided or approved by the state registrar of vital records.

4. Clerks of district courts shall only issue certified copies of birth and death certificates to individuals who are authorized by law to receive the documents and who produce proper identification. For the purposes of birth and death certificate issuance, proper identification shall be the same identification criteria used in document issuance offices operated by the state registrar of vital records.

5. Access to the online vital records registry birth and death inquiry systems shall be limited to those individuals assigned user access by the state registrar of vital records.

6. Inquiries against the vital records registry online birth and death systems shall be limited to official inquiries substantiated by a document application form signed by an authorized customer. The statutory fee shall be assessed for each inquiry. The fee is not subject to waiver or refund. No other inquires against the birth/death database are authorized or allowed. In those instances where the birth or death record is not indexed on the computer, the clerk shall so notify the customer and shall refer the inquiry to the state registrar of vital records for further investigation.

7. Access to vital records registry security document issuance paper shall be strictly controlled, and the paper shall be stored under lock when not in use. Any loss or theft of security document issuance paper shall be immediately reported to the state registrar.

D. Customer Service Documentation/Retention of Records/Audits

1. Document application forms submitted by customers shall be retained for not less than 3 years, and shall be made available to the registrar of vital records or his designee on request. A photocopy of the identification document(s) presented by the applicant shall be appended to the application form. Alternatively, the clerk may maintain a separate photographic file of the customer and the identification provided by the customer. The identification document must be legible in the photograph.

2. The clerk of court shall key the audit number of the document issuance paper (including voids) used in providing each customer service in the space provided on the research screen to enable the generation of an electronic audit/billing record.

3. The registrar of vital records or his designee shall periodically conduct a site visit and audit at each office where certified copies of birth/death certificates are issued to verify compliance with applicable laws and procedures.

E. Vital Records Issuance and Informational Supplies

1. The registrar of vital records shall supply security birth and death certificate issuance paper to clerks of district courts without charge.

2. The registrar of vital record shall supply document application forms and information sheets to clerks of district courts without charge.

3. Clerks of district courts shall order replacement supplies as necessary on forms provided by the state registrar.

F. Service Fees/Remittance to State Registrar

1. Clerks of district courts shall collect the fees specified in R.S. 40:39.1. As per R.S. 40:40(12), if there is no record on file, the fee shall be retained to cover the cost of the search.

2. The clerk shall remit to the state registrar the fees specified in R.S. 40:40 and the tax specified in R.S. 46:2403 for each certified copy of a vital record issued or searched.

3. On or before the second Friday of each month, the clerk shall submit a monthly report to the state registrar on forms provided by the registrar. The report shall summarize the number of birth and death record services provided during the prior month, the number of sheets of security paper voided, and the total amount of fees collected on behalf of the state registrar. All security document issuance paper voided during the prior calendar month shall be appended to the monthly report. As per R.S. 40:39.1B2, each clerk shall remit payment to the vital records registry on a monthly basis either directly or through the Office of the State Treasurer in a manner mutually agreeable to the clerk and the state registrar of vital records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:33 and 40:39.1.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, Vital Records Registry, LR 26:

The proposed rule has no effect on the stability or functioning of the family, on the authority and rights of parents regarding the education and supervision of their children, on the behavior and personal responsibility of children or on family earnings or budget.

Interested persons may submit written comments or questions to William H. Barlow, Director and State Registrar, Records and Statistics, Department of Health and Hospitals at P.O. 60630 New Orleans, Louisiana 70160 no later than close of business on April 15, 2000.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Vital Records Issuance, Clerks of
District Court**

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

The estimated FY 99-00 implementation cost of this rule is \$145,307. The cost includes DHH/OPH staff time (\$9,000), the DHH/OPH acquisition and distribution of operating supplies (\$27,664); DHH/IS computer programming (\$6,875); and the acquisition and installation of computer printers by the Office of the Secretary of State (\$101,768). There is no projected implementation cost on the Clerks of Court as associated with this rule. In FY 00-01 and 01-02, there will be a recurring expense in the amount of \$1,280 per year for the shipment of supplies to the offices of the Clerks of Court.

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

Clerk of Court issuance of certified copies of birth records will result in a nominal increase in the revenues generated by the OPH/Vital Records Registry program. Implementation will have a positive revenue impact in the amount of \$150,000 on Clerk of Court issuance offices and \$60,000 on the Vital Records Conversion Fund established by Act 1277 of 1999. The projection is based on the first year issuance of 30,000 birth records. It includes 15,000 birth cards and 15,000 long-form birth certificates. Clerks will collect a surcharge of \$5 for each birth card and \$9 for each long-form birth certificate. They will retain the \$5 surcharge for the birth cards, and \$5 of the \$9 surcharge collected for long-form birth certificates, or a total of \$150,000. The remaining \$4 of the surcharge, \$60,000, will be remitted to the State Treasurer to be credited to the Vital Records Conversion Fund. The fund is dedicated to the conversion of vital records to electronic media, and the establishment and maintenance of a communications network operated by the Secretary of State to support the issuance of vital records. Revenues generated in Clerks' offices will increase substantially in future years as birth and death records are converted to a suitable format for electronic issuance.

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

Implementation will make certified copies of birth certificates more readily accessible to the citizens of Louisiana. The improved accessibility will minimize travel costs for same day service and will eliminate service delays, approximately two weeks, associated with mail orders. Customers will pay a surcharge for each document purchased at a Clerk of Court office in the amount of nine (\$9) for each long-form birth certificate, and five (\$5) for each birth card. The surcharges will be added to the statutory issuance fee of \$15 for a long-form birth certificate and nine (\$9) for a birth card. Hence,

customers will pay a cumulative total of \$24 for a long-form birth certificate and \$14 for birth cards.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There is no estimated effect on competition and no immediate estimated effect on employment. Full implementation requires the conversion of several million birth and death records to electronic format. Once the conversion has been completed, there should be a reduction in the number of customer service workers employed by the DHH/OPH Vital Records Registry.

Madeline McAndrew
Assistant Secretary
0003#025

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Office of the Secretary**

Memorandum of Understanding, FY 99/00
(LAC 48:I.Chapter 27)

Under the authority of R.S. 46:2661 et seq. as enacted by Act 54 of the first Extraordinary Session of 1998, the Department of Health and Hospitals proposes to adopt the following rule.

Title 48

PUBLIC HEALTH - GENERAL

Part I. General Administration

Subpart 1. General

Chapter 27. Capital Area Human Services District

§2701. Introduction

This agreement is entered into by and between Department of Health and Hospitals, hereinafter referred to as DHH, and Capital Area Human Services District, hereinafter referred to as CAHSD, in compliance with LA R.S. 46:2661 through 46:2666 as well as any subsequent legislation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

§2703. Purpose and General Agreement

A. The Department of Health and Hospitals is authorized by law to provide for the direction, operation, development and management of programs of community-based mental health, mental retardation/developmental disabilities, alcohol and substance abuse, public health and related activities for eligible consumers in Louisiana.

B. The legislation authorizes CAHSD to provide services of community-based mental health, developmental disabilities, alcohol and substance abuse, public health and related activities for eligible consumers in the CAHSD, which includes East Baton Rouge, West Baton Rouge, Ascension, Iberville, and Pointe Coupee parishes; and to assure that services meet all relevant federal and state regulations; and to provide the functions necessary for the administration of such services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

§2705. Designation of Liaisons

A. The primary liaison persons under this agreement are:

- 1. A, for DHH Deputy Secretary
- 2. B, for CAHSD Executive Director

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

§2709. Services to be Delivered

A. In order to provide a broad spectrum of coordinated public services to consumers of the Office of Mental Health hereinafter referred to as OMH, the Office for Citizens with Developmental Disabilities hereinafter referred to as OCDD, the Office for Addictive Disorders hereinafter referred to as OAD, the Office of Public Health hereinafter referred to as OPH and for the District Administration, the CAHSD will assume programmatic, administrative and fiscal responsibilities for including, but not limited to, the following:

- 1. OCDD Community Support;
- 2. Mental Health services consistent with the State Mental Health Plan, as required under the annual Mental Health Block Grant Plan;
- 3. Outpatient Treatment (Non-Intensive)-OAD;
- 4. Community-Based Residential Services-OAD;
- 5. Intensive Outpatient Treatment/Day Treatment-OAD;
- 6. Non-Medical/Social Detoxification-OAD;
- 7. Primary Prevention-OAD;
- 8. Healthy Communities regional program-OPH;
- 9. HIV/AIDS Prevention Program-OPH.

B. Attachment B provides definitions for above listed services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

§2711. Responsibilities of Each Party

A. CAHSD accepts the following responsibilities:

- 1. To perform the functions which provide community-based services and continuity of care for the diagnosis, prevention, detection, treatment, rehabilitation and follow-up care of mental and emotional illness.
- 2. To be responsible for community-based programs and functions relating to the care, diagnosis, eligibility determination, training, treatment, and case management of developmentally disabled and autistic persons as defined by the MRDD law.
- 3. The CAHSD shall work closely with the OCDD in managing the waiver functions, including placement of individuals and maintenance of the waiting list. The CAHSD will provide supports to person waiting for Waiver Services.
- 4. To promote, support and provide community based planning for broad health issues through the Healthy Communities Strategic Planning model.
- 5. The CAHSD will provide for the gradual assumption of community based public health services which will be determined to be feasible through consultation with the Office of Public Health.
- 6. To perform community-based functions related to the care, diagnosis, training, treatment, and education of alcohol or drug abusers and primary prevention of alcohol and drug abuse.

7. To maintain services in community-based mental health, developmental disabilities, and substance abuse at least at the same level as the state maintains similar programs.

8. To ensure that the quality of services delivered is equal to or higher than the quality of services previously delivered by the state.

9. To perform human resources functions necessary for the operation of the CAHSD.

10. To be responsible for the provision of any function/service, reporting or monitoring, mandated by the Block Grant Plan of each respective program office.

11. Provide systems management and services data/reports in a format and content as that required of all regions by each DHH program office. Specific content of required information sets will be negotiated and issued annually through program office directives.

12. Utilize ARAMIS, MIS, SPOE and any other required DHH/program office systems to meet state and federal reporting requirements. The CAHSD will use the OCDD Individual Tracking System and allow OCDD to electronically upload and download information at prescribed intervals. No information will be uploaded by OCDD without prior notification of CAHSD.

13. Human resource staffing data will be available for on-site review.

14. Maintain and support Single Point of Entry (SPOE) state standard.

15. Provide for successful delivery of services to persons discharged from state facilities into the CAHSD service area by collaborative discharge planning.

16. Provide in-kind or hard match resources as required for acceptance of federal grant or entitlement funds utilized for services in the CAHSD as appropriately and collaboratively applied for.

17. Make available a list of all social and professional services available to children and adults through contractual agreement with local providers.

18. CAHSD will work with Office of Alcohol and Drug Abuse to assure that all requirements and set asides of the Substance Abuse Block Grant are adhered to in the delivery of services.

19. The CAHSD shall develop and utilize a five year strategic plan as required by Act 1465.

20. The CAHSD will provide community-based planning for health promotion activities.

21. The CAHSD will provide HIV/AIDS Prevention Program services as outlined in Attachment B.

22. The CAHSD will monitor the quality of supports delivered to developmentally disabled individuals in state funded supported living arrangements.

B. DHH retains/accepts the following responsibilities:

1. Operation and management of any in-patient facility under jurisdiction of the DHH except that the CAHSD shall have authority and responsibility for determination of eligibility for receipt of such inpatient services (single point of entry function) which were determined at the regional level prior to the initiation of this Agreement.

2. Operation, management and performance of functions and services for environmental health.

3. Operation, management and performance of functions related to the Louisiana Vital Records Registry and the collection of vital statistics.

4. Operation, management and performance of functions and services related to laboratory analysis in the area of personal and environmental health.

5. Operation, management and performance of functions and services related to education provided by or authorized by any state or local educational agency.

6. Monitoring this service agreement, assuring corrective action through coordination with CAHSD and reporting failures to comply to the Governor's office.

7. Operation, management and performance of functions for pre-admission screening and resident review process for Nursing Home Reform.

8. Operation, management and performance of functions for enrollment and monitoring of Medicaid targeted case management.

9. DHH, will share with CAHSD information regarding but not limited to program data, statistical data, and planning documents that pertain to the CAHSD. Statewide information provided on a regional basis to providers, consumers, and advocates, shall either include accurate data for CAHSD, as confirmed by CAHSD or shall include a statement that information for Region 2 (CAHSD) is available on request. This is necessary to make community stakeholders aware that CAHSD is participating in the submission of the same data reports as are required of the other regions.

10. DHH will provide legal support and representation in judicial commitments to the Department.

C. Joint responsibilities:

1. To determine if community-based mental health, developmental disabilities, substance abuse, and public health services are delivered at least at the same level by CAHSD as the State provides for similar programs in other areas, performance indicators shall be established. Such indicators will measure extensiveness of services, accessibility of services, availability of services and, most important, quality of services. The CAHSD will not be required to meet performance indicators which are not mandated for state-operated programs in these service areas, and which were not previously collected by Region II.

2. CAHSD's progress toward achieving outcomes which meet or exceed those realized by DHH-operated programs in the affected geographic region shall be measured by comparing the CAHSD data on results to baseline statistics reported by Regional DHH programs for the year prior to July 1, 1997. Specific outcome measurements/performance indicators to be compared will be jointly agreed upon by CAHSD and DHH.

3. The CAHSD shall work closely with the OCDD in transitioning individuals from all Developmental Centers to the district ensuring individualized planning, the implementation of chosen life activities and needed supports, and the development of circles of support for the individual to ensure relationship building and community participation.

4. CAHSD will work with the Office for Addictive Disorders to assure the key performance indicators sent to the DOA are the same for CAHSD and Office for Addictive Disorders.

5. CAHSD will work with the Office for Addictive Disorders to assure there is a clear audit trail for linking alcohol and drug abuse funding and staffing to alcohol and drug abuse services.

6. CAHSD will collaborate with Region II OPH managers to assist them to perform community based functions which provide services and continuity of care for education, prevention, detection, treatment, rehabilitation and follow up care related to personal health.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

§2713. Reallocation of Resources/Staff and Financial Agreements

A. For FY 99-00, DHH agrees to transfer financial resources, as described in Attachment A, to the direction and management of the CAHSD. Data in Attachment A will be adjusted based upon the final appropriation for the CAHSD.

B. The CAHSD will submit to DHH an annual budget request for funding of the cost for providing the services and programs for which the CAHSD is responsible. The format for such request shall be consistent with that required by the Division of Administration and DHH. The request shall conform with the time frame established by DHH. CAHSD Executive Director will meet with the Office of the Secretary to discuss all new and expanded program request prior to presentation to DOA.

C. The CAHSD shall operate within its budget allocation and report budget expenditures to the DHH.

D. Revisions of the budget may be made upon written consent between the CAHSD and DHH and, as appropriate, through the Legislative Budget Committee's BA-7 process. In the event any additional funding is appropriated and received by DHH that affects any budget categories for the direction, operation, and management of the programs of mental health, mental retardation/developmental disabilities, substance abuse services, and public health, and related activities for any other such DHH entities or regions, the CAHSD will receive additional funds on the same basis as other program offices.

E. CAHSD shall bill DHH agencies for services they provide in a timely manner.

F. CAHSD shall not bill any DHH agency more than is shown in Attachment 1.

G. In the event of a budget reduction, CAHSD will receive a proportionate reduction in its budget.

H. The CAHSD shall assume all financial assets and/or liabilities associated with the programs transferred.

I. CAHSD shall be responsible for repayment of any funds received which are determined ineligible and subsequently disallowed.

J. DHH agrees to maintain the level of support from the Office of the Secretary and from the Office of Management and Finance which is consistent with the current level of support now provided to the regional program offices, OCDD, OMH, OAD, and OPH offices. These supports include: Communication and Inquiry, Internal Audit, Environmental Consultant, Fiscal Management, Information Services, Facility Management, Budget, Contract and Lease Management, Research and Development, Materials Management, Appeals, Human Rights, and Staff Development/Training.

K. The reciprocal internal promotional announcement/layoff agreement between DHH and CAHSD will continue through FY 99/00.

L. CAHSD will participate in the planning and development of a resource allocation formula for OAD funding.

M. CAHSD will comply with the resource allocation formula and adjustments in the funding for CAHSD may be made according to this formula.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

§2715. Joint Training and Meetings

CAHSD, through its staff, will participate in DHH and other programmatic training, meetings and other activities as agreed upon by CAHSD and DHH. In a reciprocal manner, CAHSD will provide meetings, training sessions, and other activities that will be available for participation by DHH staff as mutually agreed upon by the CAHSD and the DHH.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

§2717. Special Provisions

A. The CAHSD agrees to abide by all applicable Federal, State, and Parish laws regarding nondiscrimination in service delivery and/or employment of individuals because of race, color, religion, sex, age, national origin, handicap, political beliefs, disabled veteran, veteran status, or any other non-merit factor.

B. The CAHSD shall maintain a property control system of all movable property in the possession of the CAHSD that was formally under the control of DHH, and of all additional property acquired.

C. For purposes of purchasing, travel reimbursement, and securing of social service/professional contracts, the CAHSD shall utilize established written bid/RFP policies and procedures. Such policies and procedures shall be developed in adherence to applicable statutory and administrative requirements. The CAHSD shall provide informational copies of such policies and procedures to DHH as requested.

D. The CAHSD shall abide by all court rulings and orders that affect DHH and impact entities under the CAHSD's control, and shall make reports to DHH's Bureau of Protective Services of all applicable cases of alleged abuse, neglect, exploitation, or extortion of individuals in need of protection in a format prescribed by DHH.

E. CAHSD shall be responsible for providing services to citizens of East & West Feliciana Parishes at a level at least equal to services rendered by DHH Region II prior to July 1, 1998. This will also include any new services provided and funded by CAHSD through DHH subsequent to July 1998.

F. If OAD is successful in establishing an Inpatient Gambling program, this will not be managed by CAHSD since this is a statewide program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

§2719. Renewal/Termination

A. This agreement will cover the period of time from July 1, 1999 to June 30, 2000.

B. This agreement will be revised on an annual basis, as required by law, and will be promulgated through the Administrative Procedure Act. The annual agreement shall be published in the state register each year in order for significant changes to be considered in the budget process for the ensuing fiscal year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2661.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary, LR 26:

Comments regarding the proposed rule will be accepted until February 22, 2000 and should be addressed to John A. LaCour, Deputy Secretary, Department of Health and Hospital, Box 629, Bin 2, Baton Rouge, LA 70821-0629.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Memorandum of Understanding FY 99/00

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

There are no administrative costs associated with the Capital Area Human Services District (CAHSD) other than the cost of printing the Notice of Intent and the rule which is estimated at \$920.

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

There is no estimated effect on revenues collections of state or local governmental units.

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

There is no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

David W. Hood
Secretary
0003#041

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Early Periodic Screening Diagnosis and
Treatment (EPSDT) Dental Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and

pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The Secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The Secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law". This proposed rule is adopted in accordance with the Administrative Procedure Act, R. S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing currently provides reimbursement through the Early Periodic Screening Diagnosis and Treatment (EPSDT) Dental Program for annual dental screenings, preventative treatment, some surgical and restorative procedures, and other medically necessary services for recipients up to the age of the twenty-one (21). Reimbursement for these services is a flat fee established by the Bureau minus the amount which any third party coverage would pay. As a result of a budgetary shortfall, The Bureau determined it was necessary to reduce the current reimbursement fees for EPSDT Dental services by seven percent (7%) (Louisiana Register, Volume 26, Number 2). The Bureau now proposes to adopt a rule to continue the provisions contained in the February 1, 2000 emergency rule.

This action is necessary in order to avoid a budget deficit in the Medical Assistance Program. In compliance with Act 1183 of the 1999 Regular Session, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the current reimbursement fees for Early Periodic Screening, Diagnosis and Treatment (EPSDT) Dental services by seven percent (7%).

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 inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, April 25, 2000 at 1:30 p.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Early Periodic Screening Diagnosis and Treatment (EPSDT) Dental Services

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

It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$121,184) for SFY 1999-00, (\$372,749) for SFY 2000-01, and (\$383,932) for SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 1999-00 for the state's administrative cost of promulgating this proposed rule and the final rule.

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

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$287,337) for SFY 1999-00, (\$889,951) for SFY 2000-01, and (\$916,650) for SFY 2001-02.

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

Implementation of this proposed rule will reduce reimbursement to providers by seven percent for dental services rendered to recipients up to the age of twenty-one (21). This proposed rule will reduce reimbursements by approximately (\$408,641) for SFY 1999-00, (\$1,262,701) for SFY 2000-01, and (\$1,300,582) for SFY 2001-02

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. As a result of the rate reduction some providers may find it necessary to reduce staff or staff hours of work.

Thomas D. Collins
Director
0003#093

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Early Periodic Screening Diagnosis and Treatment
(EPSDT) Kid Med Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The Secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The Secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization

review, and other measures as allowed by federal law". This proposed rule is adopted in accordance with the Administrative Procedure Act, R. S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing currently provides reimbursement through the Early Periodic Screening Diagnosis and Treatment (EPSDT) Program to KIDMED providers for medical screenings, follow-up consultations and immunizations. Reimbursement for these services is the flat fee established by the Bureau minus the amount which any third party coverage would pay. The reimbursement methodology for medical screenings and follow-up consultations was revised in rules adopted in February of 1996 and April of 1997 (*Louisiana Register, Volume 22, Number 2 and Volume 23, Number 4*). As a result of a budgetary shortfall, the Bureau determined it was necessary to reduce the current reimbursement fees for EPSDT KIDMED services by seven percent (7%) (*Louisiana Register, Volume 26, Number 2*). The Bureau now proposes to adopt a rule to continue the provisions contained in the February 1, 2000 emergency rule.

This action is necessary in order to avoid a budget deficit in the Medical Assistance Program. In compliance with Act 1183 of the 1999 Regular Session, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the current reimbursement fees for Early Periodic Screening, Diagnosis and Treatment (EPSDT) KIDMED services by seven percent (7%).

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 inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, April 25, 2000 at 1:30 p.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Early Periodic Screening Diagnosis and Treatment (EPSDT) Kid Med Services

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

It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$141,180) for SFY 1999-00, (\$578,969) for SFY 2000-01, and (\$596,338) for SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60

FED) will be expended in SFY 1999-00 for the states administrative cost of promulgating this proposed rule and the final rule.

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

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$334,738) for SFY 1999-00, (\$1,382,308) for SFY 2000-01, and (\$1,423,777) for SFY 2001-02.

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

Implementation of this proposed rule will reduce reimbursement to providers by seven percent for KIDMED services. This proposed rule will reduce reimbursements by approximately (\$476,038) for SFY 1999-00, (\$1,961,277) for SFY 2000-01, and (\$2,020,115) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. As a result of the rate reduction some providers may find it necessary to reduce staff or staff hours of work.

Thomas D. Collins
Director
0003#090

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Early Periodic Screening Diagnosis and Treatment (EPSDT) Rehabilitation Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The Secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The Secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law". This proposed rule is adopted in accordance with the Administrative Procedure Act, R. S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing currently provides reimbursement through the Early Periodic Screening Diagnosis and Treatment (EPSDT) Program to school boards for rehabilitation services, including physical therapy, occupational therapy and speech and language therapy.

Reimbursement for these services is the flat fee established by the Bureau minus the amount which any third party coverage would pay. The reimbursement methodology for rehabilitation services was revised in a rule adopted in April of 1997 (*Louisiana Register, Volume 23, Number 4*). As a result of a budgetary shortfall, the Bureau determined it was necessary to reduce the reimbursement fees for EPSDT

Rehabilitation services by seven percent (7%)(*Louisiana Register, Volume 26, Number 2*). The Bureau now proposes to adopt a rule to continue the provisions contained in the February 1, 2000 emergency rule.

This action is necessary in order to avoid a budget deficit in the Medical Assistance Program. In compliance with Act 1183 of the 1999 Regular Session, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the current reimbursement fees for Early Periodic Screening, Diagnosis and Treatment (EPSDT) Rehabilitation services by seven percent (7%).

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 inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, April 25, 2000 at 1:30 p.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Early Periodic Screening Diagnosis and Treatment (EPSDT) Rehabilitation Services

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

It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$13,351) for SFY 1999-00, (\$82,462) for SFY 2000-01, and (\$84,936) for SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 1999-00 for the state's administrative cost of promulgating this proposed rule and the final rule.

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

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$31,730) for SFY 1999-00, (\$196,880) for SFY 2000-01, and (\$202,787) for SFY 2001-02.

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

Implementation of this proposed rule will reduce reimbursement to school boards by seven percent for rehabilitation services including physical therapy, occupational therapy and speech and language therapy. This proposed rule will reduce reimbursements by approximately (\$45,201) for SFY 1999-00, (\$279,342) for SFY 2000-01, and (\$287,722) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. As a result of the rate reduction some providers may find it necessary to reduce staff or staff hours of work.

Thomas D. Collins
Director
0003#091

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Emergency Medical Transportation Program Emergency Ambulance Transportation Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The Secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The Secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law". This proposed rule is adopted in accordance with the Administrative Procedure Act, R. S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing provides reimbursement for emergency ambulance transportation services. Reimbursement for these services is the base rate established by the Bureau minus the amount which any third party coverage would pay. As a result of a budgetary shortfall, the Bureau determined it was necessary to reduce the base rate for emergency ambulance transportation services by seven percent (7%)(*Louisiana Register, Volume 26, Number 2*). The Bureau now proposes to adopt a rule to continue the provisions contained in the February 1, 2000 emergency rule.

This action is necessary in order to avoid a budget deficit in the Medical Assistance Program. In compliance with Act 1183 of the 1999 Regular Session, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the base rate for emergency ambulance transportation services by seven percent (7%).

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 inquiries regarding this proposed rule. A

public hearing on this proposed rule is scheduled for Tuesday, April 25, 2000 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Emergency Medical Transportation
Program Emergency Ambulance
Transportation Services**

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

It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$72,089) for SFY 1999-00, (\$295,752) for SFY 2000-01, and (\$304,624) for SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 1999-00 for the state's administrative cost of promulgating this proposed rule and the final rule.

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

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$170,963) for SFY 1999-00, (\$706,117) for SFY 2000-01, and (\$727,301) for SFY 2001-02.

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

Implementation of this proposed rule will reduce the base rate for emergency ambulance transportation services by seven percent (7%). This proposed rule will reduce reimbursements by approximately (\$243,172) for SFY 1999-00, (\$1,001,869) for SFY 2000-01, and (\$1,031,925) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. As a result of the rate reduction some providers may find it necessary to reduce staff or staff hours of work.

Thomas D. Collins
Director
0003#092

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Emergency Medical Transportation Program
Non-Emergency Ambulance Transportation Services

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and

pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The Secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The Secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law". This proposed rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing provides reimbursement for non-emergency ambulance transportation services. Reimbursement for these services is the base rate established by the Bureau minus the amount which any third party coverage would pay. As a result of a budgetary shortfall, the Bureau determined it was necessary to reduce the base rate for non-emergency ambulance transportation services to the rate that was in effect prior to July 1, 1999. The Bureau now proposes to adopt a rule to continue the provisions contained in the February 1, 2000 emergency rule.

This action is necessary in order to avoid a budget deficit in the Medical Assistance Program. In compliance with Act 1183 of the 1999 Regular Session, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the base rate for non-emergency ambulance transportation services to the rate that was in effect prior to July 1, 1999.

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 inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, April 25, 2000 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Emergency Medical Transportation
Program Non-Emergency Ambulance Transportation
Services**

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

It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$47,375) for SFY 1999-00, (\$194,443) for SFY 2000-01, and (\$200,276) for

SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 1999-00 for the state's administrative cost of promulgating this proposed rule and the final rule.

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

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$112,379) for SFY 1999-00, (\$464,238) for SFY 2000-01, and (\$478,165) for SFY 2001-02.

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

Implementation of this proposed rule will reduce the reimbursements rate for non-emergency ambulance transportation services to the rate that was in effect prior to July 1, 1999. This proposed rule will reduce reimbursements by approximately (\$159,874) for SFY 1999-00, (\$658,681) for SFY 2000-01, and (\$678,441) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. As a result of the rate reduction some providers may find it necessary to reduce staff or staff hours of work.

Thomas D. Collins
Director
0003#097

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Home Health Extended Skilled Nursing
Visits' Reimbursement Reduction**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The Secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The Secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law". This proposed rule is adopted in accordance with the Administrative Procedure Act, R. S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing provides reimbursement for Home Health extended skilled nursing visits provided to medically fragile Medicaid recipients up to the age of twenty-one (21). Reimbursement is made at a prospective rate established by the Bureau. As a result of a budgetary shortfall, the Bureau determined it was necessary to reduce the reimbursement rate for the first hour of an extended skilled nursing visit to \$20.00 (*Louisiana Register, Volume 26, Number 2*). The first hour of care must be included in the

prior authorization request for extended skilled nursing visits. The Bureau now proposes to adopt a rule to continue the provisions contained in the February 1, 2000 emergency rule.

This action is necessary in order to avoid a budget deficit in the Medical Assistance Program. In compliance with Act 1183 of the 1999 Regular Session, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the reimbursement rate for the first hour of a Home Health extended skilled nursing visit to \$20.00. The first hour of care must be included in the prior authorization request for extended skilled nursing visits.

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 inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, April 25, 2000 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Home Health Extended Skilled Nursing
Visits' Reimbursement Reduction**

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

It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$89,571) for SFY 1999-00, (\$417,513) for SFY 2000-01, and (\$430,039) for SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 1999-00 for the state's administrative cost of promulgating this proposed rule and the final rule.

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

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$212,401) for SFY 1999-00, (\$996,827) for SFY 2000-01, and (\$1,026,732) for SFY 2001-02.

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

Implementation of this proposed rule will reduce the reimbursement rate for the first hour of the Home Health extended skilled nursing visit. Implementation of this proposed rule will reduce the reimbursement to home health agencies by approximately (\$302,092) for SFY 1999-00, (\$1,414,340) for SFY 2000-01, and (\$1,456,771) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

There is no known effect on competition. As a result of the rate reduction some providers may find it necessary to reduce staff or staff hours of work.

Thomas D. Collins
Director
0003#095

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Home Health Services' Skilled Nursing and Physical
Therapy Reimbursement Reduction**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The Secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The Secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law". This proposed rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted a rule in March of 1996 that established a prospective reimbursement methodology for home health services and other provisions governing these services under the Medicaid Program (*Louisiana Register*, Volume 22, No. 3). As a result of a budgetary shortfall, the Bureau determined it is necessary to amend the reimbursement methodology to establish a separate reimbursement rate for skilled nursing and physical therapy services when these services are not performed by a licensed registered nurse or licensed physical therapist. Reimbursement will be at 80 percent of the current rate when skilled nursing services are performed by a licensed practical nurse (LPN). Reimbursement will be at 80 percent of the current rate when physical therapy services are provided by a physical therapist assistant. However, the current rates on file will continue to be paid when a registered nurse provides the skilled nursing service or a licensed physical therapist provides the physical therapy services.

In compliance with Act 1183 of the 1999 Regular Session, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the reimbursement methodology for home health services by establishing a separate reimbursement rate for skilled nursing and physical therapy services when these services are not performed by a licensed registered nurse or licensed physical therapist. Reimbursement will be at 80 percent of the current rate when skilled nursing services are performed by a licensed practical nurse (LPN). Reimbursement will be at 80 percent of the current rate when physical therapy services are provided by a physical therapist assistant. However, the current rates on file will continue to be paid when a registered nurse provides the skilled nursing service or a licensed physical therapist provides the physical therapy services.

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 proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, April 25, 2000, at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Home Health Services' Skilled Nursing
and Physical Therapy Reimbursement Reduction**

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

It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$76,512) for SFY 1999-00, (\$356,684) for SFY 2000-01, and (\$367,384) for SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 1999-00 for the state's administrative cost of promulgating this proposed rule and the final rule.

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

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$181,447) for SFY 1999-00, (\$851,595) for SFY 2000-01, and (\$877,143) for SFY 2001-02.

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

Implementation of this proposed rule will establish a separate reimbursement rate when skilled nursing services are provided by a licensed practical nurse and physical therapy services are provided by a physical therapist assistant. Implementation of this proposed rule will reduce the

reimbursement to home health agencies by approximately (\$258,079) for SFY 1999-00, (\$1,208,279) for SFY 2000-01, and (\$1,244,527) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. As a result of the rate reduction some providers may find it necessary to reduce staff or staff hours of work.

Thomas D. Collins
Director
0003#096

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Mental Health Rehabilitation
Services Reimbursement Reduction

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The Secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The Secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law". This proposed rule is adopted in accordance with the Administrative Procedure Act, R. S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing adopted a rule amending certain provisions governing the Mental Health Rehabilitation Program, including the reimbursement methodology (Louisiana Register, Volume 22, Number 6). Reimbursement for these services is a prospective, negotiated and non-capitated rate based on the delivery of services as specified in the service agreement and the service package required for the adult and child/youth populations. As a result of a budgetary shortfall, the Bureau determined it was necessary to reduce the established reimbursement rates for high need services for adults and children as well as moderate need services for children by seven percent(7%) (Louisiana Register, Volume 26, Number 2). The Bureau now proposes to adopt a rule to continue the provisions contained in the February 1, 2000 emergency rule.

This action is necessary in order to avoid a budget deficit in the Medical Assistance Program. In compliance with Act 1183 of the 1999 Regular Session, the impact of this proposed rule on the family has been considered. This proposed rule has no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Proposed Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the

provisions governing the reimbursement of Mental Health Rehabilitation services by reducing the established reimbursement rates for high need services for adults and children as well as moderate need services for children by seven percent (7%).

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 inquiries regarding this proposed rule. A public hearing on this proposed rule is scheduled for Tuesday, April 25, 2000 at 1:30 p.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Mental Health Rehabilitation
Services Reimbursement Reduction**

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

It is anticipated that implementation of this proposed rule will reduce state program costs by approximately (\$106,589) for SFY 1999-00, (\$327,881) for SFY 2000-01, and (\$337,717) for SFY 2001-02. It is anticipated that \$120 (\$60 SGF and \$60 FED) will be expended in SFY 1999-00 for the states administrative cost of promulgating this proposed rule and the final rule.

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

It is anticipated that implementation of this proposed rule will reduce federal revenue collections by approximately (\$252,743) for SFY 1999-00, (\$782,826) for SFY 2000-01, and (\$806,311) for SFY 2001-02.

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

Implementation of this proposed rule will reduce the established reimbursement rates in the Mental Health Rehabilitation Program for high need services for adults and children as well as moderate need services for children by seven percent(7%). Implementation of this proposed rule will reduce the reimbursement to mental health rehabilitation providers by approximately (\$359,452) for SFY 1999-00, (\$1,110,707) for SFY 2000-01, and (\$1,144,028) for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition. As a result of the rate reduction some providers may find it necessary to reduce staff or staff hours of work.

Thomas D. Collins
Director
0003#094

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Labor Office of Workforce Development

Workforce Development Training Fund
(LAC 40:XVI. 101, 105, 107, 109 and 111)

Notice is hereby given, in accordance with R.S. 49:905, et seq. that the Department of Labor, pursuant to authority vested in the Department by R.S. 23:1514 and in accordance with applicable provisions of the Administrative Procedure Act, proposes to amend and reenact rules governing the workforce development training account, LAC 40:XVI.101, 105, 107, 109, and 111 to provide for requirements for submission of applications, invoice reimbursement procedures, and an appeal process under the training account.

Title 40 LABOR AND EMPLOYMENT Part XVI. Customized Training

Chapter 1. Workforce Development Training Fund

§101. Definitions

Applicant means the business or businesses who are members of a consortium requesting training assistance from LDOL under this program.

* * *

Contract means a legally enforceable agreement between LDOL, the applicant and a training provider governing the terms and conditions of the training award.

Contractee means the applicant and training provider that are party to a training award contract with LDOL under this program.

LDOL means the Louisiana Department of Labor.

Monitoring Entity means a public entity contracted or selected to monitor the compliance of a contractee with the terms and conditions of a training award contract.

Account means the Workforce Development Training Account.

Secretary means the Secretary of the Department of Labor.

Training Provider means the entity providing the customized training for the awardee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workforce Development, LR 25:1142 (June 1999), amended LR 26:

§105. Criteria

A. Employer(s) must have been in business in the state for at least three years, contributing to the workforce development training account, and be in full compliance with Louisiana unemployment insurance laws. In the case of a buyout or merger, LDOL will use data from the Tax Operations Unit of the Office of Regulatory Services to determine whether or not an applicant will be allowed to carry over operation time of a previous entity.

B. ...

C. No single employer or consortium shall receive training funds more than once in a twenty-four month time period. No single employer or consortium shall receive more than five percent of the total funds available to the program during a fiscal year. An employer with multiple operation

sites and a single unemployment insurance tax identification number shall be limited to a single application which may encompass training at the various sites, as long as the amount awarded under the application does not exceed the maximum award amount. When an employer has more than one site and each site maintains a different unemployment insurance tax identification number, the employer may apply for a separate training award under each tax identification number.

D. - F. ...

G. Preference will be given to employers that have:

1. - 2. ...

3. hired recent recipients of public assistance such as JTPA/WIA, unemployment benefits, FITAP, and rehabilitative services;

4. hired individuals recently released from a correctional facility;

5. participated in a workplace safety consultation with employees of the Office of Workers= Compensation Administration;

6. listed job openings with LDOL;

7. never received a training award under this program.

H. Employers seeking a training award may not select as a training provider:

a. any entity whose principal owner is an immediate family member, as defined in the Code of Governmental Ethics, of an individual in a management position with the employer who has the authority to make decisions regarding the training program; or

b. any related business such as a parent, subsidiary, or partner of the employer.

I. Nothing contained herein shall prohibit the selection of a proprietary school or private institution as a training provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workforce Development, LR 25:1143 (June 1999), amended, LR 26:

§107. Application Procedure

A. LDOL will provide a standard form which applicants will use to apply for assistance. The application form will contain, but not be limited to, detailed descriptions of the following:

1. ...

2. the company's overall training plan, including:

a. a summary of the types and amount of training currently provided by the company and a description of how the company determined its training needs; and

b. the specific training programs for which LDOL assistance is requested including descriptions of the training methods, the training providers, and the costs associated with the proposed training; and

3. any additional information the Secretary may require.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 25:1143 (June 1999), amended, LR 26:

§109. Submission and Review Procedure

A. ...

B. If any applicant is submitting an application in conjunction with a private training provider, the applicant shall also submit a cost/price/performance analysis on a form provided by LDOL at the time the application is submitted.

C. Upon determination that an application meets the eligibility criteria for this program and is deemed to be beneficial to the well-being of the state, LDOL staff will then make a recommendation to the Secretary of the Department of Labor. The application will then be reviewed and approved by the following entities in the following order:

1. the Secretary of the Department of Labor;
2. the Governor.

A copy of the application shall be sent to the executive director of the Louisiana Workforce Commission. No funds spent on the project prior to the Secretary's approval will be considered eligible project costs.

The Secretary will issue a Letter of Commitment to the applicant within five working days of the application approval by the Governor.

If any application is rejected by any of the preceding entities, the application shall not be considered by the next succeeding entity unless first reconsidered and approved by the entity which initially rejected the application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workforce Development, LR 25:1143 (June 1999), amended, LR 26:

§111. General Award Provisions

A. Award Contract

1. A contract will be executed between LDOL, the applicant (and/or company(ies) receiving training) and the training provider. The contract will specify the performance objectives expected of the company(ies) and the training provider and the compliance requirements to be enforced in exchange for state assistance, including, but not limited to, time lines for job training.

2. - 3. ...

4. The cost associated with the contract between the monitoring entity and the applicant will be considered part of the total training award, but will not exceed five percent of the award amount or \$10,000, whichever is less.

5. ...

B. Use of Funds

1. ...

2. Eligible training costs may include, inter alia, the following:

a. instruction costs: wages for instructors and training coordinators employed by the applicant or training provider, Louisiana public and/or private school tuition, contracts for vendor trainers, training seminars;

b. travel costs (limited to 30 percent of the total training award): travel for trainers and training coordinators (company and training provider), and travel for trainees; travel expenses reimbursable under this agreement will comply with State Travel Regulations, PPM 49;

c. ...

d. other Costs: facility rental associated with the training contract and fees or service costs incurred by the monitoring entity associated with the contract to monitor the training.

3. Training costs ineligible for reimbursement include:

a. ...

b. non-consumable tangible property (e.g., equipment, calculators, furniture, classroom fixtures, non-Computer Based Training (CBT) software), unless such property will be owned by a public training provider at the conclusion of the training contract;

c. out-of-state, publicly supported and private schools;

d. - g. ...

C. Conditions for Disbursement of Funds

1. Funds will be available on a reimbursement basis following submission of original invoices to LDOL to the attention of the Incumbent Worker Training Program Manager, Office of Workforce Development by mail or hand delivery. Only funds spent on the project after the Secretary's approval will be considered eligible for reimbursement. LDOL shall make a determination regarding an invoice within 15 working days after receipt of the invoice and will make payment within 15 working days of approval of said invoice. Certain invoices that need priority attention shall be clearly marked "priority" and LDOL shall make a good faith effort to expedite the processing of such invoices. Invoices regarding the purchase of equipment must be accompanied by documentation confirming delivery.

2. Invoices will be eligible for reimbursement at 100% percent of the total invoice amount until the sum of disbursements under a contract are equal to 90 percent of the total grant award. After the applicant and the training provider have achieved 100 percent of their contracted performance objectives or have substantially complied with the terms of the contract as determined by the Secretary, the remaining 10 percent of the grant award will be made available for reimbursement.

3. ...

D. Compliance Requirements

1. Training Providers shall be required to complete quarterly reports describing progress toward the performance objectives specified in their contract with LDOL. Training providers shall also be responsible for providing documentation to LDOL on a quarterly basis regarding the satisfaction of the business receiving training under the contract.

2. In the event the applicant or training provider fails to meet its performance objectives specified in its contract with LDOL, LDOL shall retain the rights to withhold award funds, modify the terms and conditions of the award, and to reclaim disbursed funds from the applicant and/or training provider in an amount commensurate with the scope of the unmet performance objectives and the foregone benefits to the state.

3. In the event LDOL decides to withhold award funds, modify the terms and conditions of an award, or reclaim disbursed funds from the applicant and/or training provider, LDOL shall provide notice of such determination to the applicant and training provider within three working days of such decision.

a. The applicant or training provider may appeal an adverse decision made by LDOL by providing written notice of objection to the Secretary within five working days of receipt of the adverse decision. If a request for an appeal is made, then the appellant shall submit documentation to support the appeal within ten working days after forwarding

notice of the appeal. The Secretary shall review the evidence submitted and render a written decision within twenty working days after receiving notice of the appeal. If no appeal is filed within the applicable time period, the decision of LDOL shall become final.

b. If after review of the appeal, the Secretary renders a decision that is adverse to the appellant, then the matter shall be submitted to the Office of the Governor for resolution.

4. In the event the applicant or monitoring entity knowingly files a false statement in its application or in a progress report, the applicant or monitoring entity shall be guilty of the offense of filing false public records and shall be subject to the penalty provided for in La. R.S. 14:133.

5. LDOL shall retain the right to require and/or conduct financial and performance audits of a project, including all relevant records and documents of the applicant and the monitoring entity.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Labor, Office of Workforce Development, LR 25:1143 (June 1999), amended, LR 26:

Family Impact Statement

Pursuant to LSA-R.S. 49:953 and 972, the Louisiana Department of Labor has prepared a Family Impact Statement for the amendments to the rules regarding the Workforce Development Training Fund/Customized Training Fund.

1. The effect on the stability of the family. The proposed amendments to the rules on the Workforce Development Training Fund/Customized Training Fund will have no effect on the stability of the family.

2. The effect on the authority and rights of parents regarding the education and supervision of their children. The proposed amendments to the rules on the Workforce Development Training Fund/Customized Training Fund will have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect on the functioning of the family. The proposed amendments to the rules on the Workforce Development Training Fund/Customized Training Fund will have no effect on the functioning of the family.

4. The effect on family earnings and family budget. The proposed amendments to the rules on the Workforce Development Training Fund/Customized Training Fund may effect family earnings and the family budget of those individuals that participate in and are trained under the Incumbent Worker Training Program. These individuals should receive a skill upgrade and should receive an increase in position and/or pay after the completion of the customized training.

5. The effect on the behavior and personal responsibility of children. The proposed amendments to the rules on the Workforce Development Training Fund/Customized Training Fund 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 amendments to the rules on the Workforce Development Training Fund/Customized Training Fund will have no effect on the ability of the family or a local government to perform any functions.

Inquiries concerning the proposed amendments may be directed to: Sujuan Boutte, Assistant Secretary for Workforce Development, Department of Labor, P.O. Box 94094, Baton Rouge, Louisiana 70804-9094.

Interested persons may submit data, views, arguments, information or comments on the proposed amendments in writing, to the Louisiana Department of Labor, P. O. Box 94094, Baton Rouge, Louisiana 70804-9094, Attention: Sujuan Boutte, Assistant Secretary for Workforce Development. Written comments must be submitted to and received by the Department within 10 days from the date of this notice. A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument or public hearing must be made in writing and received by the Department within 20 days of the date of this notice.

Garey Forster
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Workforce Development Training Fund

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

Act 1053 of the 1997 Regular Legislative Session established the Workforce Development Training Account. During the 1999 Regular Legislative Session, the legislature increased the appropriation into this account to be used for customized training from \$6,000,000 to \$50,000,000. Although these rules are not responsible for the additional expenditures, the proposed change should facilitate the operation of the program in an effective and efficient manner. In part, these rules have been proposed to clarify required additional documentation from applicants, and to expand the criteria for which a business can receive preference for training funds. The Department of Labor estimates that there will be no additional administrative costs associated with the implementation of the proposed rule amendment.

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

There will be no direct effect on revenue collections of state or local governmental units. There could be an indirect positive impact if the program is successful.

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

It is anticipated that the full \$50,000,000, less administrative costs, will be distributed amongst eligible applicants which will include public and/or private training providers along with interested employers or consortiums of employers who have operated in the state for at least three years. The direct economic benefit will be those savings provided to the applicant through the state funded training program. Thus, an eligible applicant will be subsidized for a portion of the funding necessary to train its employees.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The Workforce Development Training Account should not significantly affect competition among those awarded grants for customized training, but will provide some incremental cost advantage to successful applicants compared to entities which do not receive the funding. Employees of organizations benefitting from the fund will receive industry standard training thereby allowing them to be more productive and efficient. Also, as incumbent workers are trained and promoted,

employment opportunities for existing employees and potential employees will increase.

Garey Forster
Secretary
0003#052

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Labor Office of Workforce Development

Workforce Investment Act
(LAC 40:XXV.Chapter 1)

The Department of Labor, Office of Workforce Development intends to adopt certain rules and regulations under the Administrative Procedure Act (R.S.49:950, et seq.), for the implementation and administration of the Workforce Investment Act (Public Law 105-220).

It will hold a public hearing thereon on April 24, 2000, at 9:30 a.m. in the Office of Workforce Development Conference Room (3rd floor of the annex building), 1001 North 23rd St., Baton Rouge, Louisiana 70804, at which time all interested parties will be given an opportunity to be heard.

The following are the proposed rules for the administration of the Workforce Investment Act.

Title 40

LABOR AND EMPLOYMENT

Part XXV. Workforce Investment Act

Chapter 1. General Provisions

§101. Definitions

Act Workforce Investment Act

Consulting Service work, other than professional, personal, or social service, rendered by either individuals or firms who possess specialized knowledge, experience, or expertise to investigate assigned problems or projects and to provide counsel, review, design, development, analysis, or advice in formulating or implementing programs or services, including but not limited to such areas as management, personnel, finance, accounting, planning, data processing, and advertising contracts, except for printing associated therewith.

Part-Time Employment employment in which a worker is regularly scheduled to work less than the employer's full - time schedule for the worker's position.

Personal Property all tangible non-consumable moveable property purchased with funds under the Act. The term movable distinguishes this type of property from property attached as a permanent part of a building or structure. Please note that state law requires each item of moveable property having an acquisition cost or appraised value of \$250 or more, be placed on inventory.

Personal Service work rendered by individuals which require use of creative or artistic skills, such as but not limited to graphic artists, sculptors, musicians, photographers, and writers, or which require use of highly technical or unique individual skills or talents, such as, but not limited to, paramedicals, therapists, handwriting analysts, and expert witnesses for adjudications or other court proceedings.

Placement the act of securing unsubsidized employment for or by a participant.

Professional Service work rendered by an independent contractor who has a professed knowledge of some department of learning or science used by its practical application to the affairs of others or in the practice of an art founded on it, which independent contractor shall include but not be limited to lawyers, doctors, dentists, veterinarians, architects, engineers, landscape architects, and accountants. A profession is a vocation founded upon prolonged and specialized intellectual training which enables a particular service to be rendered. The word "professional" implies professed attainments in special knowledge as distinguished from mere skill.

Real Property land, including land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

Recipient the State with respect to funds awarded under WIA Sections 127(b)(1)(c)(II), 132,(b)(1)(B) and 132(b)(2)(B).

Unsubsidized Employment employment not financed from funds provided under the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§103. Reporting of Expenditures

The local workforce investment area grant recipient/fiscal agent shall prepare expenditure reports in accordance with procedures established by the Department of Labor. These reports shall be on an accrual basis and conform to federal and state requirements in regard to the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§105. Requests for Cash

The financing of the WIA program will be on an advance or reimbursement basis in accordance with procedures established by the Department of Labor. Local workforce investment area grant recipients/fiscal agents shall establish procedures that will minimize the time elapsing between the receipt of advanced funds and their disbursements in accordance with 31 CFR part 205.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§107. Purchasing Procedures

All purchases and leases of furniture, equipment, supplies, property, office and building space, capital improvements, and services shall be processed in accordance with procedures established under the appropriate uniform administrative requirements for grants and agreements applicable for the type of entity receiving the funds, as promulgated in circulars or rules of the Office of Management and Budget.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§109. Travel and Transportation Regulations

A. All reimbursement for travel will be made in accordance with the applicable uniform cost principles included in the appropriate circulars of the Office of Management and Budget for the type of entity receiving the funds.

B. Each local workforce investment area grant recipient/fiscal agent, and subrecipient must have clearly defined travel regulations including documentation requirements. These requirements must include travel reports which include the date of travel, travel destination, purpose, beginning and ending odometer reading, amount to be reimbursed, and supervisor signatures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§111. Auditing Requirements

Local workforce investment area grant recipients, fiscal agents, and subrecipients who are government or non-profit entities must comply with the audit requirement of OMB Circular 133. Commercial organizations who are subrecipients under the WIA Title I and who expend more than the minimum level specified in OMB Circular A-133 (\$300,000) must have either an organization-wide audit or a program specific financial and compliance audit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§113. Reallocation Policy

A. The Governor may reallocate youth, adult and dislocated worker funds among local areas within the State in accordance with the provisions of sections 128(c) and 133(c) of the Act. If the Governor chooses to reallocate funds, the following shall apply.

1. For the youth, adult and dislocated worker programs, the amount to be recaptured from each local area for purposes of reallocation, if any, will be based on the amount by which the prior years unobligated balance of allocated funds exceeds 20 percent of that year's allocation for the program, less any amount reserved (up to 10 percent) for the cost of administration. Unobligated balances must be determined based on allocations adjusted for any allowable transfer between funding streams. This amount, if any, must be separately determined for each funding stream.

2. To be eligible to receive youth, adult, or dislocated worker funds under the reallocation procedures, a local area must have obligated at least 80 percent of the prior program year's allocation, less any amount reserved (up to 10 percent) for the costs of administration, for youth, adult or dislocated worker activities, as separately determined. A local area's eligibility to receive a reallocation must be determined for each funding stream.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§115. Financial and Programmatic Monitoring

The LDOL reserves the right to monitor the financial and programmatic operations of all local workforce investment area grant recipients/fiscal agents and subrecipients.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§117. Property Disposition

Local workforce investment area grant recipients/fiscal agents, and subrecipients shall obtain written approval from the Louisiana Department of Labor prior to the disposition of property covered by the Act. Please note that state law requires each item of moveable property, having an acquisition cost or appraised value of \$250 or more, be placed on inventory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§119. Bonding

A. Every officer, director, agent or employee of a local workforce investment area grant recipient/fiscal agent, or subrecipient of WIA funds on a cash advance basis, who is authorized to act on behalf of a local workforce investment area grant recipient/fiscal agent for the purpose of receiving or depositing funds into program accounts or issuing financial documents, checks or other instruments of payment for program costs shall be bonded to provide protection against loss. The amount of coverage shall be the lower of the following:

1. \$50,000; or
2. the highest advance through check or drawdown planned during the contract/subgrant period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§121. Professional, Personal, and Consultant Services

Contracts for professional, personal, and consultant services are allowable with prior written approval of the recipient and in accordance with procedures established by the recipient.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§123. Modification/Amendment of Local Workforce Investment Area Local Plan

A. The approved five year local plan may be changed by the WIB/CEO in two ways: by modification and by amendment.

B. A plan modification is a revision of the approved plan which requires WIB/CEO approval and is subject to the requirements of Section 118(C) of the Act. A local workforce investment area must modify its plan when one or more of the following occur:

1. a significant change in labor market or other conditions occurs that would have an adverse impact on its performance;
2. change in grant recipient or fiscal agent;
3. a change in the geographic area served;
4. a change in funding of more than 20 percent of the annual allocation;
5. obligation of Title I allocation for subsequent years of the 5 year plan period;
6. any other factors which require modification shall be at the discretion of the Governor.

C. A plan amendment is a minor adjustment to the approved plan. There is no publication requirement, however WIB/CEO approval is required. A plan amendment must be

submitted via a cover letter explaining the amendment and should be signed by the WIB chairperson and CEO.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§125. Participant Rights and Benefits

Each local workforce investment area grant recipient/fiscal agent and its subrecipients shall inform each participant of his/her rights and benefits at the time of enrollment into any activity under the Act and shall require each participant to sign a statement that he/she has been advised of his/her rights and benefits. This signed statement shall become a permanent part of each participant's official record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§127. Payments to OJT Employers, Training Institutions, and Other Vendors

Payments to On-the-Job Training employers, training institutions and other vendors are allowable and should be made in accordance with applicable sections of the WIA federal regulations and any procedures established by the recipient.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§129. Grievance Procedure

Each local workforce investment area grant recipient/fiscal agent and its subrecipients shall adopt a procedure for resolving any grievance including those alleging a violation of the Act, federal or state regulations, or other agreements under the Act. All grievance procedures shall provide for the exhaustion of remedies provided therein before appeal to the State for review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§131. Non-discrimination Procedure

Local workforce investment area grant recipients/fiscal agents and subrecipients shall comply with the applicable requirements of Section 188 of the Act and 20 CFR 667.600.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§133. Conditional Approval of Local Plan

In order to expedite program operations the State may, grant partial or conditional approval to a local workforce investment area Local Plan. Such approval will spell out the parameters within which the Local Plan may operate and the revision necessary for final approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§135. Statewide Management Information System

Each local workforce investment area grant recipient/fiscal agent and subrecipients as appropriate will be responsible for maintaining a client tracking and

management information system that will interface required data with the Department of Labor statewide automated system established for WIA purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§137. Prevention of Fraud and Program Abuse

A. To ensure integrity of programs under the Act, special efforts are necessary to prevent fraud and other program abuses. Fraud includes deceitful practices and intentional misconduct, such as willful misrepresentation in accounting for use of program funds. "Abuse" is a general term which encompasses improper conduct which may or may not be fraudulent in nature. While any violation of the Act or regulations may constitute fraud or program abuse, this rule identifies and addresses specific areas which need clarification.

B. This rule sets forth specific responsibilities of the recipient, local workforce investment area grant recipients/fiscal agents, and subrecipients to prevent fraud and program abuse in WIA.

C. Conflict of Interest

1. In addition to the requirements of the Act, as well as, 20 CFR 667.200, 29 CFR 95.42 or 29 CFR 97.38(b)(3) as appropriate, the Code of Governmental Ethics contains restrictions concerning conflicts of interest. Any issues regarding the State Code of Governmental Ethics should be brought before the Louisiana Board of Ethics.

D. Kickbacks. No officer, employee, or agent of the recipient, local workforce investment area grant recipient/fiscal agent or subrecipients shall solicit or accept gratuities, favors, or anything of monetary value from any actual or potential subrecipient.

E. Nepotism. No individual may be placed in a WIA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual. Also, the State Code of Governmental Ethics contains restrictions against the hiring of certain family members. Questions regarding the hiring of family members should be referred to the Louisiana Board of Ethics.

F. Child Labor. The recipient, local workforce investment area grant recipients/fiscal agents and subrecipients shall comply with applicable federal, state and local child labor laws.

G. Political Patronage

1. Neither the recipient, local workforce investment area grant recipients/fiscal agents nor any subrecipients may select, reject, or promote a participant based on that individual's political affiliation or beliefs. The selection or advancement of employees as a reward for political services or as a form of political patronage whether or not political services is partisan in nature, is prohibited.

2. There shall be no selection of subrecipients based on political patronage or affiliation.

H. Political Activities

1. No program under the Act may involve political activities, including but not limited to:

a. no participant may engage in partisan or non-partisan political activities during hours for which the participant is paid with WIA funds;

b. no participant may, at any time, engage in partisan political activities in which such participant

represents himself/herself as spokesperson of the WIA program;

c. no participant may be employed or outstationed in the office of a member of Congress or state or local legislator or on any staff of a legislative committee;

d. no participant may be employed by or outstationed in positions involving political activities in the offices of other elected executive officials. However, since under the responsibility of such elected officials are non-political activities, placement of participants in such non-political positions is permissible. Local workforce investment area grant recipients/fiscal agents and subrecipients shall develop safeguards to ensure that participants placed in these positions are not involved in political activities. These safeguards will be subject to review and monitoring.

2. Persons governed by Chapter 15 of Title 5, United States Code, the Hatch Act, shall comply with its provisions as interpreted by the United States Office of Personnel Management. These provisions apply:

a. to persons (including participants) employed by state and local government in

the administration of the WIA program; and

b. generally to any participant whose principal employment is in connection with an activity financed by other federal grants or loans.

I. Lobbying Activities. All WIA Title I local workforce investment area grant recipients/fiscal agents and subrecipients must comply with the instructions on lobbying which are codified at 29 CFR Part 93.

J. Sectarian Activities. The following are prohibitions regarding sectarian activity.

1. Participants shall not be employed on the construction, operation or maintenance of any part of any facility that is used or to be used for sectarian instruction or a place for religious worship, except as otherwise noted in the Act.

2. WIA funds shall not be spent on the employment or training of participants in sectarian activities.

K. Unionization and Antiunionization Activities/Work Stoppages

1. No funds under the Act shall be used in any way to assist, promote or oppose unionization.

2. No individual shall be required to join a union as a condition for enrollment in a program in which only institutional training is provided, unless such institutional training involves individuals employed under a collective bargaining agreement which contains a union security provision.

3. No participant in work experience may be placed into, or remain working in any position which is affected by labor disputes involving work stoppage. If such a work stoppage occurs during the grant period, participants in affected positions must:

a. be relocated to positions not affected by the dispute;

b. be suspended through administrative leave; and

c. where participants belong to the labor union involved in the work stoppage, be treated in the same manner as any other union member except such members must not remain working in the affected position. The grantee shall make every effort to relocate participants, who

wish to remain working, in suitable positions unaffected by the work stoppage.

4. No person shall be referred to or placed in an on-the-job training position affected by a labor dispute involving a work stoppage and no payments may be made to employers for the training and employment of participants in on-the-job training during the period of work stoppage.

5. Nothing in this Section shall prevent an employer from checking off union dues or service fees pursuant to applicable collective bargaining agreements or state law.

6. No currently employed worker shall be displaced by any participant (including partial displacement such as a reduction in the hours of non-overtime work, wages or employment benefits).

7. No program under this Act shall impair existing contracts for services or existing collective bargaining agreements, unless the employer and the labor organization concur in writing with respect to any elements of the proposed activities which affect such agreement, or either such party fails to respond to written notification requesting its concurrence within 30 days of receipt thereof.

8. No participant shall be employed or job openings filled when any other individual is on layoff from the same or any substantially equivalent job, or when the employer has terminated the employment of any regular employee or otherwise reduce its workforce with the intention of filling the vacancy so created by hiring a participant whose wages are subsidized under this Act.

9. No jobs shall be created in promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.

L. Maintenance of Effort

1. To ensure maintenance of effort, the recipient, local workforce investment area grant recipients/fiscal agents and subrecipients shall ensure:

a. funds provided under the Act shall only be used for activities that are in addition to those that would otherwise be available in the local area in the absence of such funds;

b. do not result in the displacement of currently employed workers including partial displacement, such as reduction in hours of nonovertime work, wages, or employment benefits;

c. do not impair existing contracts for services or result in the substitution of federal funds for other funds in connection with work that would otherwise be performed including services normally provided by temporary, part-time or seasonal workers or through contracting such services out.

M. Responsibilities of Local Workforce Investment Area Grant Recipients and Subrecipients for Preventing Fraud and Program Abuse and for General Program Management General Requirements. Each local workforce investment area grant recipient/fiscal agent and subrecipient shall establish and use internal program management procedures sufficient to prevent fraud and program abuse.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§139. State's Responsibility

The Department of Labor is the Governor's designee as State WIA Title I Administrative Agency and reserves the

right to issue directives, instructions, or other issuances to the local workforce investment area grant recipients/fiscal agents, and other subrecipients in order to carry out its responsibility as required by the Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

§141. Occupational Demand

Occupational training provided under the Act shall be directly linked to occupations that are in demand in the local area, or in another area to which an adult or dislocated worker is willing to relocate, except that a local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 23:1514.

HISTORICAL NOTE: Promulgated by the Department of Labor, Office of Workforce Development, LR 26:

Family Impact Statement

The Workforce Investment Act is designed to provide education and training opportunities that should lead to the following positive effects on the family, as described in items 3-5 of R.S. 49:972(B):

1. family functioning through provision of job opportunities;
2. family earnings and family budget through attachment and retention in the labor force; and
3. behavior and responsibility of children through provision of employability enhancement skills for eligible youth ages 14-21.

Garey Forster
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Workforce Investment Act

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

There is no anticipated cost or savings to state or local governmental units associated with these rules other than those one time costs directly associated with their publication in the *State Register*. The Workforce Investment Act of 1998 (Public Law 105-220) repeals the Job Training Partnership Act program effective July 1, 2000. These rules will provide for the administration of the Workforce Investment Act and will replace the State rules for the administration of the federal Job Training Partnership Act program.

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

There is not expected to be any effect on the revenue collections by governmental units at the state or local level.

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

There will be no costs to directly affected persons or non-governmental groups. Workforce Investment Act funds result in job training and employment opportunities for low income individuals, dislocated workers, and other individuals needing services.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rules are not anticipated to have any significant impact on competition as the intent of the Workforce Investment Act is to provide job training and employment in demand occupations to eligible individuals. Workforce Investment Act participants are not expected to replace persons presently employed, but rather to obtain employment in positions which are currently unfilled due to an insufficient number of adequately trained individuals in the state's labor pool.

Garey Forster
Secretary
0003#059

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Natural Resources Office of the Secretary

Oyster Lease Relocation Program (LAC 43:I.875-895)

In accordance with the laws of the State of Louisiana, and with reference to the provisions of Title 56 of the Louisiana Revised Statutes of 1950, the Secretary of the Department of Natural Resources will consider evidence relative to the proposed rules governing the administration of the Oyster Lease Relocation Program for 40 days after said publication.

The proposed amendments represent the views of the Secretary as of this date; however, the Secretary reserves the right to make additions or deletions prior to final adoption. This proposed rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

Title 43

DEPARTMENT OF NATURAL RESOURCES

Part I. Office Of The Secretary

Chapter 8. Coastal Restoration

Subchapter C. Rules Governing Davis Pond Oyster Relocation Program

§875. Purpose

These special rules are adopted pursuant to R.S. 56:432.1 et seq. to provide for the filing and processing of applications for, and for the fair and expeditious relocation of, oyster beds in the Davis Pond Oyster Influence Area (the "Program"). These rules supercede the provisions of Subchapter B insofar as Subchapter B may otherwise apply to the Davis Pond Influence Area.

Pursuant to R.S. 56:432,1E, these rules are intended to implement federal plans, programs and requirements regarding the Davis Pond Freshwater Diversion Project, ("Project") constructed pursuant to the Water Resources Development Act, as amended in 1996 and shall be so interpreted,

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:432.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 26:

§877. Definitions

Active Lease any oyster lease currently on record with the Louisiana Department of Wildlife and Fisheries located in whole or part within the Davis Pond Oyster Influence

Area for which all fees have been paid for the current term of the lease.

Affected Lease an Active Lease determined pursuant to these rules to be productive.

Davis Pond Influence Area that area of the Barataria Bay estuary north of the five parts per thousand isohaline line delineated in Volume 1, Plate 10 of the Louisiana Coastal Area Feasibility Study, dated September, 1984.

Coastal Restoration Project Area geographical extent of a Coastal Restoration Project as delineated by the responsible government agency or agencies for that Project.

Department the Louisiana Department of Natural Resources, its Secretary, or the Secretary's designee.

Department of Wildlife and Fisheries the Louisiana Department of Wildlife and Fisheries, its Secretary, or the Secretary's designee.

Exchange Lease a lease or leases received by a Leaseholder in exchange for an Affected Lease pursuant to §883.

Leaseholder the lessee of an oyster lease granted by the Department of Wildlife and Fisheries pursuant to La. R.S. 56:425 et seq., as appears on records provided and maintained by the Department of Wildlife and Fisheries

Replacement Lease a lease or leases located entirely outside any Coastal Restoration Project Area, selected by the Leaseholder in accordance with §885.E.

Relocation Culch Material the quantity of material allowed by the Department to substitute for the reef and shell/culch substrate areas on an Affected Lease and comparable to those amounts used by the Department of Wildlife and Fisheries in establishing the public seed ground areas.

Productive Lease an Active Lease found by the Secretary to have a suitable substrate that is capable of sustaining commercial oyster production, and is in a location on the "Melancon" maps as having an appropriate salinity regime to sustain oyster production and is not in a Louisiana Department of Health and Hospitals "prohibited area" as delineated according to applicable statutes and regulations in effect on the date the election is made. If an active lease does not meet these criteria, the leaseholder may submit to the Secretary within sixty days after the date the election is made additional information to substantiate in accordance with the requirements of Sec. 895, that the particular lease is capable of sustaining commercial oyster production, and on the basis of such information and any other information, the Secretary shall determine whether or not the lease is productive for the purposes of this regulation. Melancon, E.J. , Jr. et al. 1998 *Journal of Shellfish Research*.II (4):1143-1148.

Secretary the Secretary of the Department of Natural Resources or the Secretary's designee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:432.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 26:

§879. Notification of Leaseholders

A. The Secretary shall make a reasonable effort to provide notice of the Program to all affected Leaseholders.

B. The Secretary shall send to Leaseholders of Affected Leases a notice including the following:

1. a description and map of the Davis Pond Oyster Influence Area

2. a copy of these regulations;

3. a statement informing the Leaseholder that the Leaseholder's desire to participate in the Program must be confirmed in writing and delivered by certified mail to the Secretary within 30 days of the date of receipt of the notice. The statement shall also inform the Leaseholder that, if such confirmation not be received timely, the Leaseholder shall be deemed to have elected not to participate in the Program;

4. a statement informing the Leaseholders that limited funding is available, and that available funds used to implement the Program shall be distributed to participating Leaseholders in the manner determined by the Secretary pursuant to §891. and,

5. a response form to be completed and returned to the Department, which form shall provide information confirming the Leaseholder's mailing address and the Leaseholder's selection of a relocation option. The forms shall include an authorization granting the Department or its contractors the right to enter the Affected Lease for the purpose of surveying and making an assessment of each Affected Lease.

C. Notice shall be deemed to have been made if sent by United States certified mail, return receipt requested, to the last address furnished to the Louisiana Department of Wildlife and Fisheries by the Leaseholder.

D. The Department will publish a list of all the Leaseholders of Affected Leases in the official State Journals of the parishes where Affected Leases are located, notifying the Leaseholders of the Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:432.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 26:

§881. Leaseholder Options

A. Leaseholder(s) of Affected Lease(s) may select one option from those available in ' 883-889, except as otherwise provide in Section 887.B. Notwithstanding any other provision in these regulations to the contrary, any obligation of the Department to expend funds shall be subject to the availability of funds as described in the provisions of §891, except for the exchange option as provided in §883.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:432.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 26:

§883. Exchange Option

A. The exchange of an Affected Lease, including the Department's responsibility for payment of application and survey costs, shall be subject to the availability of funds as described in the provisions of §891.

B. A Leaseholder may elect to exchange the Affected Lease for an Exchange Lease or leases as described in Subpart C. below which is acceptable to both the Leaseholder and the Department of Wildlife and Fisheries. Lease exchanges shall be in accordance with La. R.S. 56:432.1.B.(1) Exchange Leases shall begin a new term.

Subject to the provisions of §883.A., the Department shall reimburse the applicants for all application and survey costs.

C. If the Leaseholder elects this option, the Department shall notify the Department of Wildlife and Fisheries. Affected Leases shall be exchanged for a maximum number of Exchange Leases as follows provided that the combined acreage of the Exchange Lease or Leases shall not exceed the acreage of the Affected Lease by more than ten percent.

1. Affected Leases between 0 and 20 acres in size shall be exchanged for no more than one Exchange Lease;

2. Affected Leases between 21 and 200 acres in size shall be exchanged for no more than two Exchange Leases; and

3. Affected Leases between 201 and 500 acres in size shall be exchanged for no more than three Exchange Leases;

4. Affected Leases between 501 and 1000 acres in size shall be exchanged for no more than four Exchange Leases.

D. Within 30 days of the Department's receipt of the Leaseholder's response required in accordance with §879.B., the Leaseholder shall submit to the Department of Wildlife and Fisheries an application for an Exchange Lease or Leases. Applications for Exchange Lease locations shall be submitted by the Leaseholder and processed by the Department of Wildlife and Fisheries in accordance with the provisions of LAC Title 76, Chapter 5, Section 501, "Oyster Leases", and subparts §883.B. and C. above.

E. Applications for Exchange Lease or Leases shall be accompanied by a written request from the Leaseholder to cancel the Affected Lease on December 31 of the calendar year immediately following the calendar year of application for the Exchange Lease. In the event that the term of the Affected Lease will expire prior to December 31 of the calendar year immediately following the calendar year of application for the Exchange Lease, the Department shall request that the Department of Wildlife and Fisheries, in accordance with the provisions of La. R.S. 56:428.1, issue a one-year lease for that Affected Lease.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:432.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 26:

§885. Relocation Option

A. The relocation of an Affected Lease, including the Department's responsibility for payment or reimbursement as provided in §885.C., shall be subject to the availability of funds, as described in the provisions of §891.

B. The Leaseholder may elect to relocate the Affected Lease to a Replacement Lease. The Affected Lease shall be assessed by the Department by any means, including but not limited to side-scan sonar, to determine the quantity of Relocation Cultch Material allowable to relocate the Affected Lease. The Leaseholder shall cause the placement of that quantity of cultch material on a Replacement Lease.

C. Subject to the provisions of §885.A. above, the Secretary shall determine and provide the following:

1. reimbursement of the actual cost of placement of Relocation Cultch Material, but not in excess of the Secretary's determination of reasonable and allowable costs made under the provisions of §885.D. of this part;

2. reimbursement of the actual cost of relocation of any live seed oysters from the Affected Lease, but not in excess of the Secretary's determination of reasonable and

allowable costs made under the provisions of §885.D. of this part.

D. The Leaseholder of each Affected Lease shall be notified, by certified registered United States mail, postage pre-paid, or pre-paid receipted express delivery service, or facsimile, of the determination of the Relocation Cultch Material allowable for the existing lease, and the Department's determination of the amount in dollars of reimbursement which is reasonable and allowable to

1. effect the placement of the Relocation Cultch Material on the Replacement Lease selected by the Leaseholder, and

2. effect the relocation of any living seed oysters from the Affected Lease. Upon such notification, the Leaseholder shall have 30 days to notify the Department in writing to either accept the reimbursement offer made by the Department, to request purchase of the lease in accordance with §889, or to appeal in accordance with §895.

E. Upon acceptance of the relocation offer, the Leaseholder shall have 90 days to notify the Department of the date and the Replacement Lease by which the Leaseholder will cause placement of the cultch; such date shall be no later than 12 months from the Leaseholder's acceptance of the Department's offer made in accordance with §885.D. The Secretary may extend this period for good cause shown. Upon placement of the cultch, the Leaseholder shall certify to the Department, in writing, that such placement has occurred. Such certification shall be accompanied by receipts or invoices for the actual cost of the cultch placement, as well as the location and quantity of such placement. Payment for actual expenses incurred by the Leaseholder shall be made pursuant to §891., but not in excess of the Secretary's written determination of the level of reasonable and allowable compensation made in accordance with §885.D. of this regulation.

F. If on the date the relocation option is made a Leaseholder of an Affected Lease is not then the lessee of a Replacement Lease on which relocation cultch material can reasonably be placed, as determined by the Secretary, reimbursement will be made for application fees and lease survey and marking costs of a new Replacement Lease for an area not in excess of the area of the Affected Lease by more than 10%. The Leaseholder must, by written request, give notice to the Department of Wildlife and Fisheries and the Department to cancel the Affected Lease on December 31 of the calendar year immediately following the calendar year of the Department's receipt of the notification letter as provided for in §879. Payment to the leaseholder shall be withheld until the written cancellation notices are received. For good cause shown in writing by the Leaseholder, the Secretary may extend the cancellation date of the Affected Lease, or may request that the Department of Wildlife and Fisheries issue a one-year lease pursuant to La.R.S. 56:428.1.

G. Subject to the limitations of paragraph G.1., below, the Leaseholder shall have one year after the date on which the Leaseholder's selection of the relocation option is mailed to the Department in accordance with §879. B. of this regulation to remove any living oysters, both seed and marketable, from the Affected Lease, at the sole risk and cost of the Leaseholder, except for costs allowed in accordance with §885 C.2.

1. In the event that the Department notifies the Leaseholder that, due to implementation schedules of the Davis Pond Freshwater Diversion feature of the Mississippi Delta Region Project, less than one year will be available for the removal of living oysters, both seed and marketable, from the Affected Lease, the Leaseholder may request that the Department provide compensation for any project impacts, causing the loss of living oysters remaining on the Affected Lease. Subject to the availability of funds as described in the provisions of §891., the Secretary may, at his discretion, determine the reasonable value of oysters not reasonably removable within the time available and offer compensation for reasonable and allowable losses.

2. In the event that the Department notifies the Leaseholder that due to delays in the Coastal Restoration Project implementation schedules, of the Davis Pond Freshwater Diversion feature of the Mississippi Delta Region Project, more than one year exists for the removal of living oysters from the Affected Leases, the Secretary may, at his discretion, allow the Leaseholder, to continue the removal of any living oysters, during the existence of the lease including renewals, provided that the Leaseholder shall execute a receipt, release and hold harmless agreement in favor of the United States Government, including the U.S. Army Corps of Engineers, and the State of Louisiana, including the Louisiana Department of Natural Resources and the Louisiana Department of Wildlife and Fisheries, in accordance with the terms and provisions of the release, indemnity and hold harmless agreement set forth in Section 893 of this Agreement and shall provide that the lease is subservient and subordinate to the Davis Pond Freshwater Diversion feature of the Mississippi Delta Region Project, and to any other Coastal Restoration Project and that the Leaseholder accepts the risks of continuing to remove living oysters in the area affected by the Project.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:432.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 26:

§887. Retention Option

A. The Leaseholder may elect to retain the Affected Lease without compensation. If the Leaseholder elects to retain the Affected Lease, he shall execute a written release indemnification and hold harmless agreement in favor of the United States Government, including the U.S. Army Corps of Engineers, and the State of Louisiana, including the Louisiana Department of Natural Resources and the Louisiana Department of Wildlife and Fisheries, in accordance with the terms and provisions of the release, indemnity and hold harmless agreement set forth in Section 893 of this Agreement and this election shall stipulate that the retained lease is subservient and subordinate to the Davis Pond Freshwater Diversion feature of the Mississippi Delta Region Project, and to any Coastal Restoration Project, past, present or future, and that the Leaseholder accepts all risks of operating in the area affected by such projects including, but not limited to all damage which may be sustained by or to the lease or the oysters located therein.

B. Subsequent to an election to retain, and in accordance with the provisions of La. R.S. 56:432.1.B.(3), a Leaseholder may seek to pursue another option specified in §883., §885., or §889. In such event, the Leaseholder shall request the Secretary's approval to utilize another option. The Secretary

shall make every reasonable effort to accommodate such requests. However, if all available funds have been previously expended pursuant to §891., such request shall be denied. The election of an additional option under this subpart must be made within one year from the initial selection of the retention option.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:432.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 26:

§889. Purchase Option

A. The Department's purchase of an Affected Lease shall be subject to the availability of funds as described in provisions of §891.

B. After the Department's notification of its determination of reasonable and allowable compensation has been provided in accordance with §885.D., above, the Leaseholder may elect to request that the Department purchase the Affected Lease. The Department, at its discretion, may purchase the Affected Lease, together with all improvements for a purchase price not to exceed the allowable cost determined in 885.C.1., for the placement of cultch. The cost of seed oyster relocation, application fees and surveying and marking of new leases will not be included in the purchase price. Payment of the purchase price shall be subject to the provisions of §891.

C. Upon execution of a mutually agreeable purchase agreement, the Affected Lease shall be canceled on December 31 of the calendar year of purchase.

D. The Leaseholder may, at its sole cost, risk, and expense, remove living oysters, both seed and marketable, from the purchased lease prior to its cancellation in accordance with §889.C., above. If the oysters are not reasonably removable within the time available, the Leaseholder may request compensation for lost oysters as provided in §885 G.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:432.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 26:

§891. Payment

A. Inasmuch as sufficient funds may not be made available to pay in full all amounts determined by the Secretary to be the actual costs, allowable and payable pursuant to these regulations, the Secretary may make partial payments to Leaseholders as option selections are processed, while maintaining a reserve fund until all timely made selections are processed, to the end that all Leaseholders will receive the same ratable payment of the amounts authorized for payment with respect to each Affected Lease, to the extent reasonably practicable. No interest will be allowed or taken into account. All payments made or proposed to be made under these rules are conditional on the allowance by the Secretary of the Army of such payments as a credit to the state of Louisiana toward its non-Federal share of the cost of the Project.

§893. Release

A. In consideration for any benefits or payments received under any of the options set forth in these regulations, specifically Sections 883, 885, 887. and/or 889, each Leaseholder of an Affected Lease and/or any person and/or corporate person holding a property interest in an Affected Lease shall execute a receipt, release, indemnity

and hold harmless agreement in favor of the United States of America, including the U. S. Army Corps of Engineers, the State of Louisiana, including the Louisiana Department of Natural Resources and the Louisiana Department of Wildlife and Fisheries, indicating that full and fair compensation has been paid in complete satisfaction of all claims against the State and the United States of America, including the U.S. Army Corps of Engineers, related to past, present or future oyster damages in the Affected Lease, and related losses and expenses, including all claims in tort, pursuant to contract, or inverse condemnation theories and/or under any other applicable theory of recovery, including, but not limited to, 28 U.S.C. ' 1497.

§895. Appeals

A. A determination of the level of reasonable and allowable compensation shall be reconsidered by the Secretary upon the Department's timely receipt of the Leaseholder's written notice under §895.C.

B. The reconsideration by the Secretary shall be limited to two bases:

1. the Leaseholder has substantial technical information evidencing inaccuracies in the measurement of a lease's bottom substrate, or inaccuracies in the assessment of the commercial quantity of living (i.e., live seed and marketable) oysters on the Affected Lease in applicable cases; or,

2. the Leaseholder has evidence that the determination of reasonable and allowable compensation is manifestly in error.

C. The Leaseholder's request for reconsideration under this subpart shall be made in writing to the Secretary, within 30 days of the Secretary's determination of reasonable and allowable costs, and shall include, at a minimum:

1. a description of the specific basis for the request for reconsideration; and,

2. a written report that includes specific technical information substantiating any alleged inaccuracies in the bottom substrate measurement or in the assessment of the quantity of living oysters on the Affected Lease.

D. The Secretary's decision shall be made to the Leaseholder, in writing, within 45 days of the Department's receipt of the request for reconsideration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:432.1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of the Secretary, LR 26:

Jack C. Caldwell
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Oyster Lease Relocation Program**

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

The costs of the Oyster Lease Relocation Program to the state government is expected to be as follows:

Fiscal 1999-2000	\$2,669,901
Fiscal 2000-2001	\$3,220,066
Fiscal 2001-2002	<u>\$1,610,033</u>
	<u>\$7,500,000</u>

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

There will be no net effect on tax revenue collections to the state and local governments as the majority of the leases will be moved to areas which are intended to be equally as productive as the current lease locations. The actual long term effect may be to preserve the tax base from the oyster industry.

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

A positive impact on the oyster industry is expected. If coastal wetlands loss is not abated the conditions may deteriorate to the point that oyster productivity will be adversely affected.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No specific effects are anticipated, although a long-term overall increase in competition and employment may result from increased productivity of Louisiana's coastal resources, especially oysters.

Robert D. Harper
Undersecretary
0003#082

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Board of Private Investigator Examiners**

**Dissemination of Disciplinary Information
(LAC 46:LVII.927)**

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and under the authority of R.S. 37:3505B(1), the Department of Public Safety and Corrections, State Board of Private Investigator Examiners, hereby gives notice of its intent to amend Part LVII of Title 46, amending Chapter 9, by adding section 927 relative to dissemination of discipline information.

Title 46

PROFESSIONAL AND OCCUPATIONS STANDARDS

Part LVII. Private Investigator Examiners

Chapter 9. Rules of Adjudication for Board of Private Investigator Examiners

' 927. Dissemination of Disciplinary Information

A. Notice to Other States. The Executive Director of the Board shall transmit notice of all final license revocations and suspensions to the licensing agency of every other jurisdiction in which the respondent is licensed.

B. Public Notice of Discipline Imposed. The Executive Director of the Board shall cause notices of all final license suspensions and revocations to be published in a newspaper of general circulation in each parish in which the private investigator maintained an office.

C. The notice shall:

1. state the statute or rule or regulation found to have been violated and which resulted in the suspension or revocation;

2. state the penalty imposed for the violation; and

3. request members of the public to notify the Board if the disciplined individual is operating as a private investigator without a license.

D. These publication requirements are mandatory and will not be waived.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3505A(3) and B(1).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Board of Private Investigator Examiners, LR 26:

Comments should be forwarded to Bruce Childers, Chairman of the Board, State Board of Private Investigator Examiners, 2051 Silverside Drive, Suite 190, Baton Rouge, Louisiana 70808. Written comments will be accepted through the close of business on April 10, 2000.

A copy of this rule may be obtained from the State Board of Private Investigator Examiners, 2051 Silverside Drive, Suite 190, Baton Rouge, Louisiana 70808, or by contacting the State Board of Private Investigator Examiners at (225) 763-3556.

Bruce Childers
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Dissemination of Disciplinary Information

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

The operating expenditures for the Louisiana State Board of Private Investigator Examiners for Fiscal Year 1999-2000 are estimated to be approximately \$252,900.00; and for Fiscal Year 2000-2001 are estimated to be approximately \$249,200.00.

It is estimated that a cost of \$500.00 will be incurred each year to implement this new rule and regulation.

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

There will be no immediate estimated effect on revenue collections caused by the adoption of this rule. It is believed that the Board will assess the costs of the newspaper notice to the individual whose license was suspended or revoked.

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

The licensee whose license was suspended or revoked may be assessed the cost of the newspaper notice.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment. The law simply requires notice of Board action.

Celia R. Cangelosi
Attorney
0003#057

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Corrections Services

Drug Free Workplace (LAC 22:I.203)

In accordance with the Administrative Procedures Act, R.S. 49:953(B), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its

intent to adopt amendments to regulations dealing with the Drug-Free Workplace.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 2. Personnel

§203. Drug-Free Workplace

A. - F.2.a. ...

b. abnormal conduct or erratic behavior;

F.2.c. BF.4. ...

5. Random: All employees who occupy safety/security sensitive positions (as defined in this regulation) will be subject to random drug testing. On a quarterly basis, a list of social security numbers representing at least 5 percent of a Unit's employees will be selected at random by a computer-generated selection process. This list will be provided to each institution, the Division of Probation and Parole, the Division of Youth Services, Prison Enterprises and Headquarters.

F.5.a. BH. ...

1. Drug Screening instruments approved by the Secretary may be utilized as a preliminary analysis to determine the need for further testing, but may not be used as the basis for any disciplinary action or other adverse action. (Formal testing may be utilized initially in lieu of preliminary analysis when the Unit Head determines that this is the most efficient method.)

H.2. - 2.a. ...

b. All collection of urine specimens shall be made with regard to gender sensitivity and privacy of the individual.

c. Direct observation during collection of the urine specimen may be allowed only under the following conditions:

H.2.c.i. BH.2.d. ...

e. Appropriate security measures should be utilized in the collection area when direct observation is not authorized.

H.3. BI.1. ...

2.a. A portable breathalyzer or other instrument approved by the Secretary should be used to determine violation of this regulation.

b. In the event of a positive reading on the portable breathalyzer, a second test must be conducted.

I.3. BK.5. ...

K.6. By October 1 of each year, each Unit Business Office will submit a report to the Headquarters Human Resources Office detailing the number of employees affected by the drug testing program, the categories of testing conducted, the associated costs of testing, and the effectiveness of the program. In conjunction with the Undersecretary's Office, the Headquarters Human Resources Office will compile the Department's Annual Drug Testing Report for submission to the Division of Administration by November 1 of each year. (See §203.M.)

L. Violation of this Regulation: The guidelines provided for in the Corrections Services Employee Manual for the application of disciplinary penalties will be utilized in the administration of this regulation. Formal testing with positive results may be cause for initiation of disciplinary action. When a confirmed positive formal test result does not

result in termination, referral to the "Employee Assistance Program" or other individual or agency equipped to coordinate accessibility to substance abuse education or counseling is appropriate.

M. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:833(A)

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 11:1092 (November 1985), amended LR 12:246 (April 1986), LR 25:522 (March 1999), LR 26:

Interested persons may submit oral or written comments to Richard L. Stalder, Department of Public Safety and Corrections, P.O. Box 94304, Capitol Station, Baton Rouge, Louisiana 70804-9304, (225) 342-6741. Comments will be accepted through the close of business at 4:30 p.m. on April 20, 2000.

Family Impact Statement

In accordance with the Administrative Procedures Act, LSA-R.S. 49:953(A)(1)(a)(viii) and LSA-R.S. 49:972, the Department of Public Safety and Corrections, Corrections Services, hereby provides the Family Impact Statement.

Adoption of this amendment will have no effect on the stability of the family, on the authority and rights of parents regarding the education and supervision of their children, on the functioning of the family, on family earnings and family budget, on the behavior and personal responsibility of children or on the ability of the family or a local government to perform the function as contained in the proposed rule amendment.

Richard L. Stalder
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Drug Free Workplace

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

The minor amendments to the current regulation will not result in any implementation cost or savings to state or local governmental units.

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

There will be no effect on revenue collections of state or local governmental units.

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

There are no estimated costs and/or economic benefits to directly affected persons or non-governmental groups resulting from the amendments.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no noticeable impact on competition. There will be a minimal impact on hiring and promotions due to the small number of positive drug screens. The program is considered to be very effective and will ensure a workforce that is and will remain drug free.

Robert B. Barbor
Executive Counsel
0003#056

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Corrections Services

Personnel Equal Employment Opportunity
(LAC 22:I:Chapter 2)

In accordance with the Administrative Procedure Act, R.S. 49:953(B), the Department of Public Safety and Corrections, Corrections Services, hereby gives notice of its intent to adopt regulations dealing with equal employment opportunity.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 2. Personnel

§201. Equal Employment Opportunity

A. Purpose:

1. to establish the Secretary's commitment to equal employment opportunities for all employees, applicants, and candidates for employment (including qualified ex-offenders);

2. to establish formal procedures regarding the reasonable accommodation of employees, the public, applicants and candidates; and

3. to constitute the Index of Essential Job Functions as part of this regulation.

B. Applicability. All applicants, candidates visitors, employees and units of Corrections Services.

C. Definitions

Age Discrimination in Employment Act (ADEA) a law passed by Congress to protect individuals 40 years of age and over from arbitrary discrimination in employment practices, unless age is a bona fide occupational qualification.

Americans with Disabilities Act (ADA) a comprehensive law passed by Congress to protect disabled persons from discrimination in employment, hiring, transportation, access to public facilities and services, and telecommunications.

Applicant a person who has applied for a job and whose qualification for such is unknown.

Candidate a person who has successfully passed the required test and/or meets the Civil Service minimum qualifications for the job sought.

Disability with respect to an individual, the term disability means:

a. a physical or mental impairment that substantially limits one or more of the major life activities of such individual;

b. a record of such an impairment; or

c. being regarded as having such an impairment.

Equal Employment Opportunity (EEO) the operation of a system of human resource administration which ensures an environment that will provide an equal opportunity for public employment to all segments of society based on individual merit and fitness of applicants without regard to race, color, religion, sex, age, national origin, political affiliation or disability (except where sex, age or physical requirements constitute a bona fide occupational

qualification necessary to the proper and efficient operation of the agency/organization). The Equal Employment Opportunity Commission (EEOC) is the federal regulatory body for EEO related complaints and charges.

Essential Functions basic job duties that an employee/applicant must be able to perform, with or without reasonable accommodation.

Family and Medical Leave leave for which an employee may be eligible under the provisions of the Family and Medical Leave Act of 1993. (See Department Regulation No. A-02-005 "Family and Medical Leave of Absence" for eligibility guidelines.)

Qualified Individual with a Disability an individual with a disability (as previously defined herein) who can perform the essential functions of the job with or without reasonable accommodation.

D. Policy. It is the Secretary's policy to assure equal opportunities to all employees, applicants and candidates for employment without regard to race, religion, color, national origin, sex, disability or age. Exceptions:

1. where age, sex, or physical requirements constitute a bona fide occupational qualification necessary for proper and efficient operations; and

2. where the implications of nepotism restrict such employment or employment opportunity.

Equal opportunities will be provided for employees in areas of compensation, benefits, promotion, recruitment, training, and all other conditions of employment. Notices of equal employment opportunities will be posted in prominent accessible places at each employment location.

E. Procedures:

1. Coordination of ADA Matters

a. The Secretary will establish and designate the Corrections Services' ADA Coordinator.

b. Corrections Services' ADA Coordinator is charged with reviewing, recording, and monitoring Corrections Services' ADA matters and will also advise and make recommendations to the Secretary or his designee of such matters as appropriate.

c. Each Unit Head will designate a Unit ADA Coordinator to coordinate unit ADA matters.

2. Requests for Accommodation

a. A qualified individual with a known disability of a permanent nature should be accommodated where reasonably possible, providing the accommodation does not constitute a danger to the individual or others, and does not create undue hardship on Corrections Services or its employees. (If such individual is an employee or a candidate for employment, the individual must be able to perform the essential functions of the job with said accommodation.)

b. Generally, any person (employee, applicant, candidate, or visitor) may complete a "Request for Accommodation" form (see Attachment A). The person completing the form must forward it to the designated Unit ADA Coordinator for processing and action as deemed appropriate by the Unit Head. The Unit Head will insure that the person is notified of and receives a copy of the decision. A copy of the completed Request for Accommodation Form containing the request for accommodation along with the Unit Head's response to the request will be forwarded to Corrections Services' ADA Coordinator for recording purposes.

c. Accommodation may also be requested (by employees and candidates) in the space provided on the applicable Essential Functions Form. Such request will be processed in the same manner as the "Request for Accommodation" Form described above.

3. Essential Job Functions

a. General Requirements

i. Employment candidates must complete an Essential Functions Form at the time of interview for employment and/or return to employment. Employees may be required to complete an up-to-date Essential Functions Form as appropriate and when deemed necessary by the Unit Head in order to insure that the fundamental mission of the Department is sustained (see Section 7.C.2 for specific information).

ii. The Index of Essential Job Functions contains the Essential Functions Form for each job category used by Corrections Services. The Index is maintained in each Human Resources Office and is considered a part of this regulation. Revisions to the Index require the approval of the Secretary.

b. Employee and Unit Specific Requirements. Employees may be required by the Unit Head to complete an up-to-date Essential Functions Form under the following conditions (not necessarily all inclusive):

i. exhaustion of sick leave and exhaustion of Family and Medical Leave Act (FMLA) entitlement (if applicable);

ii. expressed inability to participate in a mandatory work-related activity (i.e. training) and/or to perform essential job functions; and/or

iii. appearance of the inability to perform essential job functions.

When any of the described conditions exist, the Unit Head will require the employee to provide an up-to-date Essential Functions Form and Medical Certification Form (see Attachment B) from the employee's health care provider (at the Unit's expense for Section 7.C.2)c.) so the employee's status under the ADA can be assessed. The Medical Certification Form must include: a prognosis; whether the condition is temporary or permanent; when the condition began; the expected date of return to duty; whether the employee is able to perform the essential functions of his job with or without accommodation and a description of the accommodation needed. (In certain situations, a second opinion by an independent third party may be appropriate. This opinion would be at the Unit's expense.)

4. Determination of Disability, Accommodation and Return to Work

a. Upon receipt of the information requested relative to the employee's condition, the Unit Head will determine (with the assistance of Corrections Services' ADA Coordinator as needed) whether the request/condition qualifies for ADA accommodation and take action as appropriate. Consideration should be on a case-by-case basis using the following guidelines.

i. If an employee falls under Section 7.C.2) b. or c. and the Unit Head is unable to determine whether this is due to a temporary or permanent condition, the Unit Head may place the employee in forced leave consistent with Civil Service rules until such time that a determination can be made.

ii. If the condition is not qualifying, leave under FMLA (if eligible) or a temporary duty assignment may be appropriate. When feasible, employees who are temporarily disabled may be allowed to return to work in other assignments. However, if such employee is unable to return to work in any manner and has exhausted his sick leave and FMLA entitlement, separation for exhaustion of sick leave is an option.

iii. If the disability is qualifying but no accommodation is available or the requested accommodation cannot be granted, the Unit Head will take appropriate action and then forward a copy of the completed Request For Accommodation Form and/or the Essential Functions Form relating to any request for accommodation to the Corrections Services= ADA Coordinator.

b. Reasonable accommodation(s) should be considered for employees who are qualified individuals with a permanent disability prior to separation from employment due to exhaustion of sick leave. Employees subject to such separation should also have exhausted any FMLA entitlement.

c. Each Unit Head will ensure that copies of the completed Request for Accommodation Form and/or Essential Functions Form relating to any request for accommodation are forwarded to the Corrections Services' ADA Coordinator.

5. Conciliation Options for EEO and ADA Concerns

a. Should a person feel that he has experienced discrimination in any manner or not be satisfied with the results of his request for accommodation, he may seek conciliation through Corrections Services' grievance process (Department Regulation No. A-02-001 "Employee Manual"), through the EEOC for employment related complaints and/or the U.S. Department of Justice (USDOJ) for issues not related to employment.

b. Persons are encouraged to use the internal procedures to address and resolve complaints to the extent possible. Use of these internal procedures does not restrict a person from filing with the appropriate federal agency prior to exhaustion of the Department's internal process(es).

6. Departmental Conciliation of EEO and ADA* Matters

a. Headquarters' Employee Relations Division (ERD) will coordinate the Department's response(s) to complaints and charges of discrimination regarding equal employment opportunity matters. Generally, complaints/charges may be addressed through the internal grievance procedure when such a grievance has been filed and heard at the appropriate unit levels.

b. For formal charges generated by the EEOC or the USDOJ, the Unit Head, the applicable unit's attorney, other appropriate personnel and ERD will develop the Department's response and conciliation opinion (if applicable). Any unit receiving a "Notice of Charge of Discrimination" document or similar notice from the USDOJ must forward the notice to ERD upon receipt. Responses to the charges will be under the signature of the Secretary or his designee.

c. The Secretary's approval is required for acceptance or presentation of conciliation agreements or settlements.

*This section applies when ADA related matters are not resolved under conditions outlined in Section 7.C.

7. Employment Applications of Ex-Offenders

a. All applications for employment received from persons who are ex-offenders will be reviewed by a committee appointed by the Secretary. Consideration will be given to the Unit Head's recommendation, the ex-offenders' crime, sentence, institutional record and length of time free from other convictions. The committee's recommendations will then be submitted to the Secretary or his designee for review with the Unit Head.

b. Ex-offenders will not be eligible for employment in positions which require an employee to carry a firearm in the performance of duty. This restriction is based on applicable Civil Service job qualifications and state and federal law.

Additional information pertaining to EEO, ADA and ADEA is available in the Human Resources Office of any Corrections Services' unit or office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:225, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 26:

§203. Request for Accomodation

Attachment A

<p>REQUEST FOR ACCOMMODATION Louisiana Department of Public Safety and Corrections Corrections Services</p>		<p>Institution:</p>
		<p>Division:</p>
<p>SECTION: 1- Requestor Complete Sections 1, 2, and 3. Please PRINT all information. Return the completed request to the Unit ADA Coordinator.</p>		
<p>TO: (Facility/Office/Unit Head)</p>	<p>Date: (Month/Day/Year)</p>	
<p>Requestor:</p>	<p>ID#</p>	
<p>Address:</p>		
<p>Requestor: (Check only one)</p>		

Employee ____ Inmate ____ Other _____ (Briefly Identify)

SECTION 2: - Request is for what Area? Check only One.

<input type="checkbox"/> Personal Disability Accommodation	<input type="checkbox"/> Structural Accessibility
<input type="checkbox"/> Program Participation	<input type="checkbox"/> Other - Specify

SECTION 3: - Briefly state the problem and the proposed solution - Use additional pages as needed.

RESPONSE TO REQUEST

Date Received: (Month/Day/Year)	<input type="checkbox"/> Approved <input type="checkbox"/> Modified <input type="checkbox"/> Disapproved
Comments:	
AUTHORIZATION:	Date: (Month/Day/Year)
RFA Number - Assigned by ADA Coordinator	Entered/Logged Into Master File (Date) Copy sent to ADA HQ Coordinator (Date)

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:225, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 26:
§205. Medical Certification Form

Attachment B

MEDICAL CERTIFICATION FORM

Employee Name:	Date:
Unit:	
Job Title:	
Telephone Number:	SS#

The following information is needed to assess the employee-s request under the Americans with Disabilities Act.

Type of Prognosis: (Please explain in detail)

Is this Condition: _____ Temporary _____ Permanent	
Date the Condition Began:	Date of Return to Work:
Does this condition allow the employee to perform the Essential Functions of his job? ____ YES ____ NO	
If not, please describe what type of accommodation is needed for which essential function.	
Other Comments:	

Employee's Signature:	Date:
Supervisor's Signature:	Date:
Health Care Provider's Signature:	Date:

**Department of Public Safety & Corrections
Corrections Services
Headquarters ADA Office
P.O. Box 94304
Baton Rouge, Louisiana 70804**

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:225, et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 26:

Interested persons may submit oral or written comments to Richard L. Stalder, Department of Public Safety and Corrections, P.O. Box 94304, Capitol Station, Baton Rouge, Louisiana 70804-9304, (225) 342-6741. Comments will be accepted through the close of business at 4:30 p.m. on April 20, 2000.

Family Impact Statement

In accordance with the Administrative Procedures Act, LSA-R.S. 49:953(A)(1)(a)(viii) and LSA-R.S. 49:972, the Department of Public Safety and Corrections, Corrections Services, hereby provides the Family Impact Statement.

Adoption of this regulation will have no effect on the stability of the family, on the authority and rights of parents regarding the education and supervision of their children, on the functioning on the family, on family earnings and family budget, on the behavior and personal responsibility of children or on the ability of the family or a local government to perform the function as contained in the proposed regulation.

Richard L. Stalder
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Personnel Equal Employment
Opportunity**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
There are no anticipated implementation costs or savings. Staffing is with current employees and all reporting and/or investigation procedures are currently being utilized.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There are no estimated costs or economic benefits to directly affected persons or non-governmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no estimated effect on competition and employment.

Robert B. Barbor
Executive Counsel
0003#055

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Corrections Services

Visitation of Attorneys (LAC 22:I.317)

In accordance with the Administrative Procedure Act, R.S. 49:53(B), the Department of Public Safety and Corrections, Corrections Services, hereby give notice of its intent to repeal the prior regulation dealing with attorney visits to adult and juvenile institutions and to adopt new regulations dealing with attorney visits to adult and juvenile institutions.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 3. Adult and Juvenile Services

Subchapter A. General

§317. Visitation: Attorneys

A. Purpose. To provide uniform procedures for the approval and conduct of visits by attorneys to inmates.

B. Applicability. Deputy Secretary, Assistant Secretaries and all Wardens. It is the Warden's responsibility to convey the contents of this regulation to all inmates, affected employees and attorneys seeking to visit.

C. Definition

Inmate refers to anyone committed to the custody or supervision of the Department (whether as an adult or juvenile in this context.)

D. Policy. It is the Secretary's policy that attorney visits be in accordance with the procedures outlined herein.

E. Procedures

1. Approval of Attorneys: An attorney's credentials must be verified through the State Bar Association prior to being approved to visit or initiate privileged communication with inmates.

2. Approval of Authorized Representatives: Paralegal assistants, law clerks, and investigators may be permitted to enter the institution to conduct interviews with inmate clients of their supervising attorney, either with the attorney or alone. Such permission is at the discretion of the Warden, who may approve or disapprove these requests. Prior to a paralegal assistant (hereinafter referred to as paralegal), law clerk, or investigator being approved to enter the grounds of the institution, the following criteria must be met by the employing attorney.

a. The paralegal, law clerk, or investigator must not be on the visiting list of any inmate confined in a state institution, (except for immediate family members.)

b. A paralegal must have completed a paralegal or legal assistant study program at an accredited four-year college or junior college, or have completed a paralegal or legal assistant study program approved by the American Bar Association. (Certification by the National Association of Legal Assistants, Inc. as a Certified Legal Assistant (CLA) may be substituted for the aforementioned programs.)

c. The employing or supervising attorney must submit an affidavit (see attached form) to the Warden of the institution to be visited certifying the following prior to the

approval for a paralegal, law clerk, or investigator to enter institutional grounds:

i. the individual's name, social security number, and birth date;

ii. the length of time the individual has been employed or supervised by the attorney;

iii. paralegals and investigators must attach a copy of their certification or license to the affidavit.

d. This information will then be verified, and the attorney notified of the disposition of the request. Thereafter, for a period not to exceed one year from the date of approval, as long as the paralegal, law clerk, or investigator continues in the employ or under the supervision of the same attorney, visits may be approved.

3. Scheduling. Visits by attorneys and their authorized representatives must be scheduled through the institution at least 24 hours in advance.

4. Time of Visits. Visits by attorneys and their authorized representatives must normally take place Monday through Friday, excluding holidays, between the hours of 8 a.m. and 4 p.m.

5. Exceptions

a. The Warden may approve special visits not in conformity with Sections 7.A., B., C. and D. when unusual circumstances warrant.

b. Any improper acts or unethical behavior with an inmate during a visit may result in an attorney or their authorized representatives being denied future requests to visit an inmate.

F. Limitations on Visits:

1. Number of Inmates. Generally, no more than ten inmates may be seen at any one time, and no more than twenty on any one day. Further limitations may be imposed by the Warden if valid reasons exist.

2. Number of Attorneys. Generally, no more than two persons (attorneys, paralegals, law clerks, investigators or any combination thereof) may see an inmate on any one day; however, the number visiting at one time may be limited based on available space and security constraints. Exceptions may be approved for good cause by the Warden.

G. General

1. Paralegals, law clerks, and investigators may be required to attend training/ orientation prior to be allowed to visit.

2. Inmates may refuse to see any attorney, but such refusal should be in writing.

3. A log shall be maintained of all visits by attorneys, paralegals, law clerks, and investigators.

4. Visits may be visually observed, but conversations between inmates and counsel shall not, under any circumstance, be monitored.

5. Attorneys, paralegals, law clerks, and investigators are subject to the procedures regarding searches outlined in Department Regulation No. C-02-005 "Searches of Visitors," as are all other visitors.

H. Exception. Nothing contained in this regulation shall apply to attorneys representing the State, the Department, or the institution.

STATE OF _____

PARISH/COUNTY OF _____

PARALEGAL, LAW CLERK, OR INVESTIGATOR AFFIDAVIT

BEFORE ME, the undersigned Notary, personally came and appeared

(1) _____ who after being duly sworn did depose and say that:

I am an attorney-at-law and I am presently representing (2) _____ an inmate confined by the Louisiana Department of Public Safety and Corrections.

(3) _____ is employed or supervised by me as a _____ (4) _____, and has been since _____

(5) _____.

Should the individual leave my employ or supervision, I will notify the institution.

Attorney-at-Law

Sworn to and subscribed before me this _____ day of _____, _____ at _____.

Notary

- (1) Attorney's name
- (2) Inmate's name and DOC #
- (3) Representative's name, social security number and birth date
- (4) Paralegal, law clerk, or investigator
- (5) Beginning date of employment or supervision

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:833(A)

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Corrections Services, LR 26:

Interested persons may submit oral or written comments to Richard L. Stalder, Department of Public Safety and Corrections, P.O. Box 94304, Capitol Station, Baton Rouge, Louisiana 70804-9304, (225) 342-6741. Comments will be accepted through the close of business at 4:30 p.m. on April 20, 2000.

Family Impact Statement

In accordance with the Administrative Procedure Act, LSA-R.S. 49:953(A)(1)(a)(viii) and LSA-R.S. 49:972, the Department of Public Safety and Corrections, Corrections Services, hereby provides the Family Impact Statement.

Adoption of this regulation will have no effect on the stability of the family, on the authority and rights of parents regarding the education and supervision of their children, on the functioning of the family, on family earnings and family budget, on the behavior and personal responsibility of children or on the ability of the family or a local government to perform the function as contained in the proposed regulation.

Richard L. Stalder
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Visitation of Attorneys

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

There are no anticipated implementation costs or savings.

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

There will be no effect on revenue collections of state or local governmental units.

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

There are no estimated costs and/or economic benefits to directly affected persons or nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Robert B. Barbor
Executive Counsel
0003#045

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Social Services, Department of Office of Community Services

Freezing Reimbursable Rates for Residential Facilities (LAC 67:V.3503)

The Department of Social Services, Office of Community Services, proposes to amend the Louisiana Administrative Code, Title 67, Part V, Subpart 5, Foster Care. The agency proposes to amend §3503 entitled **Reimbursement Rates for Residential Facilities** 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 26:24 (January 2000), LR.

Family Impact Statement

As required by Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the following Family Impact Statement is submitted to be published with the notice of intent in the *Louisiana Register*. A copy of this statement will also be provided to our legislative oversight committees.

1. The Effect on the Stability of the Family. The proposed rule will have no effect on the stability of the family.
2. The Effect on the Authority and Rights of Parents Regarding the Education and Supervision of Their Children. The proposed rule will have no effect on the authority and rights of parents regarding education and supervision of their children.
3. The Effect on the Functioning of the Family. The proposed rule will have no effect on the functioning of the family.
4. The Effect on Family Earnings and Family Budget. The proposed rule will have no effect on 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 rule does not contain any function which would need to be performed by a family or a local government.

J. Renea Austin-Duffin
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Reimbursement Rates for Residential Facilities

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
It is estimated that the costs to publish this rule will be \$80 which will be paid out of current year funds in the Office of Community Services (OCS). There will be no increased cost as a result of implementation of the proposed rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections as a result of implementation of the proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
Residential facilities reimbursed under the rate setting system will experience no change in their currently frozen rates as a result of the implementation of this rule. Failure to continue the frozen rates would cause a fiscal emergency for many residential providers which would adversely affect their ability to continue caring for foster children in residential placements.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No impact on competition or employment is expected from the proposed rule.

J. Renea Austin-Duffin
Secretary
0003#033

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Social Services Office of Family Support

FIND Work Program Support Services
(LAC 67:III.2907, 2909 and 2913)

The Department of Social Services, Office of Family Support, proposes to amend LAC 67: III, Subpart 5, Family Independence Work Program, known in Louisiana as "FIND Work".

Subsequent to changes at Section 408 of Title IV of the Social Security Act which originated in Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, a change in regulations concerning the eligibility of single parent/caretakers under age 18 is required.

In order to better facilitate the participant's entry into the workplace, the agency also proposes to increase the maximum allowed for supportive services to \$600 per participant per state fiscal year. For participants who become ineligible for cash assistance due to earned income, the agency also proposes to allow a transportation payment of \$60 per month, and a payment for other supportive services not to exceed a combined total of \$200 per state fiscal year.

Section 2909 is revised to correct an error in the December 1999 rule, that is, "natural" origin should have been written as "national" origin.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 5. Family Independence Work Program (FIND Work)

Chapter 29. Organization

Subchapter B. Participation

§2907. Individual Participation Requirements

A. ...

1. A single parent/caretaker who is personally providing care for a child under age one is exempt. This exemption is limited to a total of twelve months per single parent/caretaker. However, if the single parent/caretaker is under age 18, has a minor child at least 12 weeks of age, and does not have a high school diploma or equivalent, he must participate in secondary/GED activities or a FIND Work approved activity.

A.2. - C. ...

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and P.L. 105-33.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Eligibility Determinations, LR 16:626 (July 1990), amended by the Department of Social Services, Office of Family Support, LR 16:1064 (December 1990), LR 19:504 (April 1993), LR 19:1177 (September 1993), LR 23:450 (April 1997), LR 24:1781 (September 1998), LR 25:2455 (December 1999), LR 26:

§2909. Failure to Participate

A. - C.10. ...

11. discrimination based on race, color, religion, sex, age, national origin, etc.;

12. - 13. ...

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193; R.S. 46:231, R.S. 36:474.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Eligibility Determinations, LR 16:626 (July 1990), amended by the Department of Social Services, Office of Family Support, LR 18:870 (August 1992), LR 19:504 (April 1993), LR 23:451 (April 1997), LR 24:353 (February 1998), LR 25:2455 (December 1999), LR 26:

Subchapter C. Activities and Services

§2913. Support Services

A.1. - 2.a. ...

b. Participants who become ineligible for cash assistance due to earned income are eligible for a transportation payment of \$60 per month beginning with the first month of FITAP ineligibility and continuing through the twelfth month of ineligibility or through the last month of employment, whichever comes first.

3. Other Supportive Services

a. ...

b. Payments not to exceed a combined total of \$600 per state fiscal year may be made for certain costs deemed necessary such as eyeglasses, hearing aids and other small medical appliances, uniforms/clothing, tools and training materials, medical exams and drug tests required for employment and training that are not provided by Medicaid or any other resource, placement test fees and other course pre-requisite costs, safety equipment and transportation-related expenses.

i. Participants who become ineligible for cash assistance due to earned income are eligible for other supportive service payments not to exceed a combined total of \$200 per state fiscal year beginning with the first month of FITAP ineligibility and continuing through the twelfth month of ineligibility or through the last month of employment, whichever comes first.

c. ...

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193 and R.S. 46:231.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 17:309 (March 1991), amended LR 17:388 (April 1991), LR 18:244 (March 1992), LR 18:687 (July 1992), LR 18:748 (July 1992), LR 18:1268 (November 1992), LR 19:504 (April 1993), LR 20:793 (July 1994), LR 23:451 (April 1997), LR 24:356 (February 1998), LR 24:1135 (June 1998), LR 25:526 (March 1999), LR 25:2456 (December 1999), LR 26:

Interested persons may submit written comments by April 27, 2000, to: Vera W. Blakes, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, Louisiana, 70804-9065. She is the responding authority to inquiries regarding this proposed rule.

A public hearing on the proposed rule will be held on April 27, 2000, at the Department of Social Services, A.Z. Young Building, Second Floor Auditorium, 755 Third Street, Baton Rouge, at 9:00 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call (225) 342-4120 (Voice and TDD).

Family Impact Statement

I. What effect will this rule have on the stability of the family? Implementation of this rule will have a positive impact on the stability of FIND Work families by aiding the participant in his move from welfare to financial independence.

II. What effect will this have on the authority and rights of persons regarding the education and supervision of their children? There will be no effect on the authority and rights of persons regarding the education and supervision of their children.

III. What effect will this have on the functioning of the family? This rule will have no effect on the functioning of the family.

IV. What effect will this have on family earnings and family budget? There will be no effect on family earnings. However, the transportation payments and other supportive services payment will favorably impact the family budget.

V. What effect will this have on the behavior and personal responsibility of children? There will be no effect on the behavior and personal responsibility of the children.

VI. Is the family or local government able to perform the function as contained in this proposed rule? No, this rule concerns an increase in the amounts allowed for certain other supportive services and a change to exemptions in participation.

J. Renea Austin-Duffin
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Family Independence Work Program Support Services

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

Implementation of this rule will increase state agency costs for a FIND Work participant's "other supportive services." This could result in implementation costs estimated to be \$10,674,200 per year beginning fiscal year 00/01 based on the maximum allowable payments. These funds are available from Louisiana's Temporary Assistance to Needy Families (TANF) Block Grant. Policy and forms revisions will also be required and these costs will be within the normal budget constraints. There are no anticipated costs or savings to local governmental units.

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

There will be no effect on revenue collections of state or local governmental units.

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

FIND Work participants will benefit from the increase to \$600 per state fiscal year for "other supportive services" such as uniforms/clothing, tools and safety equipment. Participants who become ineligible for FITAP benefits due to earned income will benefit from the \$60/month transportation payment and for the other supportive services payment not to exceed \$200 per state fiscal year. There is no effect on any nongovernmental groups.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed increase in allowable payments may facilitate a participant's entry into employment and aid with the transition from welfare to independence. The increased expenditure for goods and services will otherwise have no effect on competition and employment because of the diverse items and/or services eligible for payment.

Vera W. Blakes
Assistant Secretary
0003#065

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Alligator Regulations (LAC 76:V.701)

The Wildlife and Fisheries Commission does hereby give notice of intent to amend the regulations governing the Alligator Regulations (LAC 76:V.701).

Title 76

WILDLIFE AND FISHERIES

Part V. Wild Quadrupeds and Wild Birds

Chapter 7. Alligators

§701. Alligator Regulations

3. General Rules

i. No person, firm, or corporation shall transport into this state or possess whole alligator(s) with skin on, alligator parts or alligator skins/hides unless that person, firm or corporation is a Louisiana licensed alligator parts dealer or fur dealer and is in immediate possession of an alligator parts dealer's license or fur dealer's license, except that a copy of such license shall be sufficient during transportation only. Persons, firms or corporations violating this Subparagraph shall be subject to the penalties as provided in Title 56:34, a Class Four violation; except that when such a violation involves alligator parts only, such offenses shall be subject to the penalties as provided in Title 56:32, a Class Two violation.

p. For the purpose of bonafide educational or promotional functions, including but not limited to school activities, civic groups, fairs and festivals within the state of Louisiana, an alligator farmer/rancher or his designee may transport his own live farm alligators or alligator eggs to such function without the need for a special permit from the Department while in possession of a valid nongame quadruped breeder's or exhibitor's license or copy thereof. Such farmer/rancher shall not barter, trade, exchange or

attempt to barter, trade or exchange live alligator(s) or alligator eggs while transporting to/or attending such function.

6. Alligator Hide Tag Procurement and Tagging Requirements

b. Landowners, Land Managers and Hunters - upon application to the Department on forms provided for tag issuance. Applications for alligator tag allotments will be taken annually beginning July 15th and ending the day before the season opens. Tags will not be issued after close of business on the day prior to the season opening date.

9. Importation, Exportation, Purchase and Sale

a. Live alligators may be brought into the state only if the person, firm or corporation bringing the alligators into the state has obtained written permission from the Department. Violation of this subparagraph is a class 4 violation as described in Title 56.

11. Report Requirements

e.

ii.

(b). Official shipping manifest including total length in inches (or feet and inches) referenced to CITES tag number of each skin in shipment. A fully executed (filled out) shipping manifest containing all information required in the buyer/dealer record may be substituted with Department approval for the buyer/dealer record requirement on farm raised alligator skins.

14. Alligator Egg Collection

j. The alligator egg collection permittee and the landowner are responsible for the return of the percentage of live alligators to the wild described on the alligator egg collection permit. This requirement is nontransferable. Minimum return rates will be based upon the state average hatching success which is 78 percent. In no case shall the return rate be less than 14 percent at 48 inches total length. Each alligator shall be returned to the original egg collection area within a maximum time of two years from date of hatching. Each alligator shall be a minimum of 36" and a maximum of 60" (credit will not be given for inches above 60") in size and the returned sex ratio should contain at least 50 percent females. The alligator egg collection permittee/landowner are responsible for and must compensate in kind for alligator mortality which occurs for Department-authorized return to the wild alligators while being processed, stored, or transported. The Department shall be responsible for supervising the required return of these alligators. A Department transfer authorization permit is not required for return to the wild alligators which are delivered to the farm of origin no more than 48 hours prior to being processed for wild release. Releases back to the wild will only occur between March 15 and August 25 of each calendar year provided that environmental conditions as determined by the Department are favorable for survival

of the released alligators. Any farmer who owes 1000 or more alligators at 48" must release at least 1/4 of the total owed for that year by April 30; at least another quarter by June 15, at least another quarter by July 31; and the remainder by August 25th. A farmer may do more than the required one-fourth of his releases earlier if available unscheduled days allow. Should an alligator egg collection permittee be unable to release the required number of alligators to the wild from his own stock, he shall be required to purchase additional alligators from another farmer to meet compliance with the alligator egg collection permit and these regulations, as supervised by the Department. Department-sanctioned participants in ongoing studies involving survivability and return rates are exempt from these requirements during the period of the study. Violation of this Subparagraph is a Class Four violation as described in Title 56.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115, R.S. 56:259, R. S.56:262, R.S. 56:263 and R.S. 56:280.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 17:892 (September 1991), LR 19:215 (February 1993), LR 23:321 (March 1994), LR 26:

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed rule to Mr. L. Brandt Savoie, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to May 4, 2000.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Alligator Regulations**

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

There will be no implementation costs to the state from the proposed rule changes. A slight reduction in workload and paperwork requirements will occur due to changes in permitting procedures of out-of-state importation and in-state transportation of alligators and alligator parts. Enforcement of the proposed rule will be carried out using existing personnel. Points of contact and levels of compliance with this regulation is not expected to increase from its present status.

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

There will be no effect on revenue collections of state or local governmental units as a result of the proposed rule changes.

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

The proposed rule changes affect all alligator industry personnel (farmers, ranchers, dealers, landowners, etc.) and harvesters. The reduction of thirty-five days in the alligator release season and the minimum alligator release percent requirement time schedule, which applies only to farmers who owe 1,000 or more alligators, is expected to affect individual farmers differently. Cost and economic benefits are difficult to assess and vary using different alligator farm management practices. Some farmers favor early release dates to avoid further feed and housing costs; other farmers prefer later release dates as additional growth will reduce their return percentage. The reduced alligator release season will benefit industry personnel by preventing overlapping between the wild harvest and release seasons. Alligator harvesters will benefit from the increased five days for obtaining alligator tags.

Alligator farmers/ranchers, dealers and associates who have appropriate licenses/permits will benefit from a reduction in workload and paperwork requirements due to changes in the in-state transportation and out-of-state importation of alligators and alligator parts. Farmers, dealers, and associates will be able to transport alligators, alligator skins, eggs or parts from out of state and within the state without having to obtain written permission from the department.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no effect on competition and employment in the private or public sector.

Thomas M. Gattle, Jr.
Chairman
0003#036

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Flotation Devices (LAC 76:XI.103)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the regulations on Type IV Personal Flotation Devices (PFDs).

Title 76

WILDLIFE AND FISHERIES

Part XI. Boating

Chapter 1. Flotation Devices, Fire Extinguishers, Flame Arrestors and Ventilation

§103. Flotation Devices

* * *

B. Regulations prescribed by the commission as to the type and number of personal flotation devices required on recreational boats while a watercraft is in use on the waters of this state are as follows:

1. Class A Watercraft (less than 16 feet in length). Shall carry at least one, type I, II, or III personal flotation device for each person on board. The P.F.D. must bear the

U.S. Coast Guard approval number and must be of the appropriate sizes and serviceable.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 34:851.24

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 11:705 (July 1985), amended LR 26:

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Mr. Robert Duthu, Department of Wildlife and Fisheries, Enforcement Division, Box 98000, Baton Rouge, LA 70898-9000, prior to Thursday, May 4, 2000.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Flotation Devices**

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

The proposed rule will have no implementation costs. Enforcement of the proposed rule will be carried out using existing personnel.

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

The proposed rule will have no effect on revenue collections of state or local governmental units.

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

A Type IV throwable Personal Flotation Device (PFD) will no longer qualify as an acceptable primary device onboard a Class A Watercraft. Recreational boat owners that possess a Class A Watercraft (less than 16 feet in length) and presently use a Type IV device for onboard occupants will be affected. Class A Watercrafts will be required to have a Type I, II, or III wearable device for all passengers onboard. Cost of type I, II, or III PFD ranges from \$20.00 to \$160.00. Boating passengers will benefit from this rule by having access to a wearable PFD at all times.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule should have no impact on competition and employment in the public and private sectors.

Thomas M. Gattle, Jr.
Chairman
0003#034

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

General and WMA Hunting
(LAC 76:XIX.111)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend the rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Seasons

§111. General and Wildlife Management Area

Hunting Rules and Regulations

A. Hunting Seasons and Wildlife Management Area Regulations

1. The rules and regulations contained within this digest have been officially approved and adopted by the Wildlife and Fisheries Commission under authority vested by Sections 115 and 116 of Title 56 of the Louisiana Revised Statutes of 1950 and are in full force and effect in conjunction with all applicable statutory laws. The Secretary of the Department of Wildlife and Fisheries has the authority to close or alter seasons in emergency situations in order to protect fish and wildlife resources.

2. Pursuant to Section 40.1 of Title 56 of the Louisiana Revised Statutes of 1950, the Wildlife and Fisheries Commission has adopted monetary values which are assigned to all illegally taken, possessed, injured or destroyed fish, wild birds, wild quadrupeds and other wildlife and aquatic life. Anyone taking, possessing, injuring or destroying fish, wild birds, wild quadrupeds and other wildlife and aquatic life shall be required to reimburse the Department of Wildlife and Fisheries a sum of money equal to the value of the wildlife illegally taken, possessed, injured or destroyed. This monetary reimbursement shall be in addition to any and all criminal penalties imposed for the illegal act.

B. Resident Game Birds and Animals

1. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

C. Other Season Dates

1. Turkey. Please refer to separate pamphlet.

2. Raccoon and Opossum. No closed season. Raccoon and opossum can be taken at night by one or more licensed hunters with one or more dogs and one .22 rimfire firearm. A licensed hunter may take raccoon or opossum with .22 rimfire, muzzleloader rifle .36 caliber or smaller or shotgun during daylight hours during the open rabbit season. Hunting from boats or motor vehicles is prohibited. No bag limit for nighttime or daytime raccoon or opossum hunting during the open trapping season except on certain WMAs as listed. The remainder of the year, the raccoon and opossum bag limit for daytime or nighttime is one per person per day or night. No one who hunts raccoons or opossums as prescribed above shall pelt during the closed trapping season nor sell skins or carcasses of raccoons and opossums taken during the open trapping season unless he is the holder of a valid trapping

license which shall be required in addition to his basic hunting license. Pelting or selling carcasses is illegal during closed trapping season.

3. Blackbirds and crows. All blackbirds, cowbirds, grackles and crows are considered crop depredators in Louisiana and may therefore be taken year round during legal shooting hours with no limit. Shooting hours are 30 minutes before sunrise to sunset.

4. Pheasant

a. Bag limit - 2 (males only). Possession limit - 4.

b. Pheasant season restricted to the following portion of Calcasieu and Cameron parishes: That portion west of Choupique Bayou south of U.S. 90 and La. 27, west of La. 27 to north boundary of Sabine NWR, north of Sabine NWR north boundary to Sabine River, east of Sabine River to Intracoastal waterway, south of Intracoastal waterway to Gum Cove, east of Gum Cove Road to La. 108, north and east of La. 108 from Gum Cove Road to U.S. 90, and south of U.S. 90 from Vinton to Choupique Bayou.

5. Falconry. Special permit required. Resident and migratory game species except turkeys may be taken. Seasons and bag limits are the same as for statewide and WMA regulations except squirrels may be taken by licensed falconers until the last day of February. Refer to LAC 76:V.301 for specific Falconry Rules.

6. Licensed Hunting Preserve. October 1 - April 30. Pen-raised birds only. No limit entire season. Refer to LAC 76:V.305 for specific Hunting Preserve Rules.

7. Deer Management Assistance Program (DMAP). Land enrolled in the voluntary program will be assessed a \$25 registration fee and 54/acre fee. Deer management assistance tags must be attached and locked to antlerless deer (including those taken on either-sex days and those taken with bow and muzzleloader) through the hock in a manner that it cannot be removed before the deer is moved from the site of the kill. Failure to do so is a violation of R.S. 56:115. Failing to follow DMAP rules and regulations may result in immediate cancellation of the program on those lands involved. Refer to LAC 76:V.111 for specific DMAP Rules.

8. Farm Raised White-tailed Deer and Exotics on Licensed Supplemented Shooting Preserves

a. Definitions

Exotics for purposes of this rule means any animal of the family Bovidae (except the Tribe Bovini [cattle]) or Cervidae which is not indigenous to Louisiana and which is confined on a Supplemented Hunting Preserve. Exotics shall include, but are not limited to, fallow deer, red deer, elk, sika deer, axis deer, and black buck antelope.

Hunting in its different tenses and for purposes of this rule means to take or attempt to take, in accordance with R.S. 56:8.

Same as Outside for purposes of this rule means hunting on a Supplemented Hunting Preserve must conform to applicable statutes and rules governing hunting and deer hunting, as provided for in Title 56 of the Louisiana Revised Statutes and as established annually by the Wildlife and Fisheries Commission (LWFC).

Supplemented Hunting Preserve for purposes of this rule means any enclosure for which a current Farm-Raising License has been issued by the Department of Agriculture and Forestry (LDAF) with concurrence of the Department of Wildlife and Fisheries (LDWF) and is

authorized in writing by the LDAF and LDWF to permit hunting.

White-tailed Deer for purposes of this rule means any animal of the species *Odocoileus virginianus* which is confined on a Supplemented Hunting Preserve.

b. Seasons

i. Farm-Raised White-tailed Deer: Consult the regulations pamphlet.

ii. Exotics: year round.

c. Methods of Take

i. White-tailed Deer: Same as outside.

ii. Exotics: Exotics may be taken with longbow (including compound bow) and arrow; shotguns not larger than 10 gauge, loaded with buckshot or rifled slug; handguns and rifles no smaller than .22 caliber centerfire; or muzzleloading rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, using black powder or an approved substitute only, and using ball or bullet projectile, including sabot bullets only.

d. Shooting Hours

i. White-tailed Deer: Same as outside.

ii. Exotics: one-half hour before sunrise to one-half hour after sunset.

e. Bag Limit

i. Farm-Raised White-tailed Deer: Same as outside.

ii. Exotics: No limit.

f. Hunting Licenses

i. White-tailed Deer: Same as outside.

ii. Exotics: No person shall hunt any exotic without possessing a valid basic and big game hunting license.

g. Tagging. White-tailed Deer and Exotics: Each animal shall be tagged in the left ear or left antler immediately upon being killed and before being moved from the site of the kill with a tag provided by the LDAF. The tag shall remain with the carcass at all times.

D. Hunting-General Provisions

1. A basic resident or non-resident hunting license is required of all persons to hunt, take, possess or cause to be transported by any other person any wild bird or quadruped. See information below for exceptions.

2. No person born on or after September 1, 1969 shall hunt with a firearm unless that person has first been issued a certificate of satisfactory completion of a firearm and hunter education course taught or approved by the Department of Wildlife and Fisheries. However, a person younger than 16 years of age may hunt without such certificate if he is accompanied by and is under the direct and immediate supervision of a person 18 years of age or older.

3. A big game license is required in addition to the basic hunting license to hunt, take, possess or cause to be transported any deer or turkey. A separate wild turkey stamp is required in addition to the basic hunting license and the big game license to hunt, take, possess or cause to be transported any turkey.

4. Taking game quadrupeds or birds from aircraft or participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

5. Methods of taking resident game birds and quadrupeds

a. Use of a longbow (including compound bow) and arrow or a shotgun not larger than a 10 gauge fired from the shoulder without a rest shall be legal for taking all resident game birds and quadrupeds. Also, the use of a handgun, rifle and falconry (special permit required) shall be legal for taking all game species except turkey and migratory game birds. It shall be illegal to hunt or take squirrels or rabbits at any time with a breech-loaded rifle or handgun larger than a .22 caliber rimfire or a muzzleloader rifle larger than .36 caliber. During closed deer gun season, it shall be illegal to possess shotgun shells loaded with slugs or shot larger than BB lead or F steel shot while small game hunting.

b. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs is prohibited when or where a still hunting season or area is designated, and will be strictly enforced. Shotguns larger than 10 gauge or capable of holding more than three shells shall be prohibited. Plugs used in shotguns must be incapable of being removed without disassembly. Refer to game schedules contained within these regulations for specific restrictions on the use of firearms and other devices.

6. Nuisance animals. Landowners or their designees may remove beaver and nutria causing damage to their property without a special permit. Water set traps and firearms may be used to remove beaver; nutria may be removed by any means except that nutria cannot be taken by the use of headlight and gun between the hours of sunset and sunrise. With a special permit issued by the Department, beavers may be taken between one-half hour after official sunset to one-half hour before official sunrise for a period of three consecutive calendar evenings from the effective date of the permit issued by the department. For specific details contact a region office near you. Any nuisance beaver or nutria trapped or shot outside open trapping season cannot be pelted or sold. A trapping license is required to possess, sell or pelt nuisance beavers or nutria taken during open trapping season. Squirrels found destroying commercial crops of pecans may be taken year-round by permit issued by the Department. This permit shall be valid for 30 days from the date of issuance. Contact the local region office for details.

7. Threatened and endangered species - Louisiana black bear, Louisiana pearl shell (mussel), sea turtles, gopher tortoise, ringed sawback turtle, brown pelican, bald eagle, peregrine falcon, whooping crane, Eskimo curlew, piping plover, interior least tern, ivory-billed woodpecker, red-cockaded woodpecker, Bachman's warbler, West Indian manatee, Florida panther, pallid sturgeon, Gulf sturgeon, Attwater's greater prairie chicken, whales and red wolf. Taking or harassment of any of these species is a violation of state and federal laws.

8. Unregulated quadrupeds. Holders of a legal hunting license may take coyotes, unmarked hogs where legal, and armadillos year round during legal daylight shooting hours. The running of coyotes with dogs is prohibited in all turkey hunting areas during the open turkey season. Coyote hunting is restricted to "chase only" during still hunting segments of the firearm and archery only season for deer. Foxes and bobcats are protected quadrupeds and may be taken only by

licensed trappers during the trapping season. Remainder of the year "chase only" permitted by licensed hunters.

9. Hunting and/or discharging firearms on public roads. Hunting, standing, loitering or shooting game quadrupeds or game birds with a gun during open season while on a public highway or public road right-of-way is prohibited. Hunting or the discharge of firearms on roads or highways located on public levees or within 100 feet from the centerline of such levee roads or highways is prohibited. Spot lighting or shining from public roads is prohibited by state law. Hunting from all public roads and rights-of-way is prohibited and these provisions will be strictly enforced.

10. Tags. Any part of the deer or wild turkey divided shall have affixed thereto the name, date, address and big game license number of the person killing the deer or wild turkey and the sex of that animal. This information shall be legibly written in pen or pencil, on any piece of paper or cardboard or any material, which is attached or secured to or enclosing the part or parts. On lands enrolled in DMAP, deer management assistance tags must be attached and locked through the hock of antlerless deer, (including those taken with bow and muzzleloader and those antlerless deer taken on either-sex days) in a manner that it cannot be removed, before the deer is moved from the site of the kill.

11. Sex identification. Positive evidence of sex identification, including the head, shall remain on any deer taken or killed within the State of Louisiana, or on all turkeys taken or killed during any special gobbler season when killing of turkey hens is prohibited, so long as such deer or turkey is kept in camp or field, or is en route to the domicile of its possessor, or until such deer or turkey has been stored at the domicile of its possessor or divided at a cold storage facility and has become identifiable as food rather than as wild game.

E. General Deer Hunting Regulations

1. One antlered and one antlerless (when legal on private lands) deer per day except on Wildlife Management Areas, Federal Refuges and National Forest Lands where the daily limit shall be one deer per day. Six per season (all segments included) by all methods of take.

2. A legal buck is a deer with visible antler of hardened bony material, broken naturally through the skin. Killing bucks without at least one visible antler as described above and killing does is prohibited except where specifically allowed.

3. Deer hunting restricted to legal bucks only, except where otherwise allowed.

4. Either-sex deer is defined as male or female deer. Taking or possessing spotted fawns is prohibited.

5. It is illegal to hunt or shoot deer with firearms smaller than .22 caliber centerfire or a shotgun loaded with anything other than buckshot or rifled slug. Handguns may be used for hunting.

6. Taking game quadrupeds or birds from aircraft, participating in the taking of deer with the aid of aircraft or from automobiles or other moving land vehicles is prohibited.

7. Still hunting is defined as stalking or stationary stand hunting without the use of dog(s). Pursuing, driving or hunting deer with dogs or moving vehicles, including ATVs, when or where a still hunting season or area is designated, is prohibited and will be strictly enforced. The training of deer

dogs is prohibited in all still hunting areas during the gun still hunting and archery only season. Deer hunting with dogs is allowed in all other areas having open deer seasons that are not specifically designated as still hunting only. Use of dogs to trail wounded deer is expressly prohibited in still hunting areas.

8. Areas not specifically designated as open are closed.

9. Muzzleloader Segment: (Special license and muzzleloader firearms specifications apply only to the special state, WMA, National Forest and Preserves, and Federal Refuge seasons.) Still hunt only. Specific WMAs will also be open, check WMA schedule for specific details. Muzzleloader license required for resident hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Either sex deer may be taken in all deer hunting areas except Area 5 and as specified on Public Areas. It is unlawful to carry a gun, including those powered by air or other means, while hunting during the special muzzleloader segment. Except, it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot only).

a. Legal Muzzleloader Firearms For Special Season: Rifles or pistols, .44 caliber minimum, or shotguns 10 gauge or smaller, all of which must load exclusively from the muzzle or cap and ball cylinder, use black powder or approved substitute only, take ball or bullet projectile only, including sabot bullets and be fitted only with iron sights or non-magnifying scopes except persons 60 years of age or older may use magnified scopes. This includes those muzzleloaders known as "inline" muzzleloaders.

10. Archery Segment: Consult regulations pamphlet. WMA seasons are the same as outside except as noted below. Archery license required for resident bow hunters between the ages of 16 and 59 inclusive and non-residents 16 years of age and older. Residents 60 years of age and older may use a crossbow without a special permit or license. Either sex deer may be taken in all areas open for deer hunting except when a bucks only season is in progress for gun hunting, archer's must conform to the bucks only regulations. Either sex deer may be taken on WMAs at anytime during archery season except when bucks only seasons are in progress on the respective WMA. Also, archery season restricted on Atchafalaya Delta, Salvador, Pass-a-Loutre and Point-au-Chien WMAs (see schedule).

a. Bow and arrow regulations: Hunting arrows for deer must have well-sharpened metal broadhead blades not less than 7/8 inch in width. Bow and arrow fishermen must have a sport fishing license and not carry any arrows with broadhead points unless a big game season is in progress.

i. It is unlawful:

(a). to carry a gun, including those powered by air or other means, while hunting with bow and arrow during the special bow and arrow deer season except it is lawful to carry a .22 caliber rimfire pistol loaded with #12 shot (ratshot) only.

(b). to have in possession or use any poisoned or drugged arrow, arrows with explosive tips, or any bow drawn, held or released by mechanical means except that hand held releases are lawful.

(c). to hunt deer with a bow having a pull less than 30 pounds.

(d). to hunt with a bow or crossbow fitted with an infrared or laser sight.

11. Hunter orange. Any person hunting deer shall display on his head, chest and/or back a total of not less than 400 square inches of "hunter orange" during the open deer gun season including muzzleloader season. Persons hunting on privately owned, legally posted land may wear a cap or a hat that is completely covered with hunter orange material in lieu of the 400 square inches. These provisions shall not apply to persons hunting deer from elevated stands on property that is privately owned and legally posted or to archery deer hunters hunting on legally posted lands where firearm hunting is not allowed by agreement of the landowner or lessee. Warning: deer hunters are cautioned to watch for persons hunting other game or engaged in activities not requiring "hunter orange".

12. Special handicapped either-sex deer season on private land. See regulations pamphlet for dates. Restricted to individuals with Physically Challenged Hunter Permit.

13. Special Youth Deer Hunt. See regulations pamphlet for dates.

F. Description of Areas

1. Area 1

a. All of the following parishes are open: Catahoula, East Feliciana, St. Helena, Concordia, Franklin, Tensas, East Baton Rouge, Madison, Washington.

b. Portions of the following parishes are also open:

i. Avoyelles - North of La. 1.

ii. Catahoula - All except that portion lying north and east of the Ouachita River to the Boeuf River. West of Boeuf River north to Franklin parish line.

iii. Grant - East of U.S. 165 and south of La. 8.

iv. LaSalle - Portion south of La. 8 from Little River eastward to La. 127 in Jena, east of La. 127 from Jena northward to U.S. 165, east of U.S. 165 from La. 127 northward to Caldwell Parish line.

v. Livingston - North of I-12.

vi. Rapides - East of U.S. 165 and north of Red River.

vii. St. Tammany - All except that portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.

viii. Tangipahoa - North of I-12.

ix. West Feliciana - All except that portion known as Raccourci and Turnbull Island.

c. Still hunting only in all or portions of the following parishes:

i. Avoyelles - That portion surrounding Pomme de Terre WMA, bounded on the north, east, and south by La. 451 and on the west by the Big Bend Levee from its junction at the Bayou des Glaise structure east of Bordelonville, southward to its juncture with La. 451.

ii. Catahoula - South of Deer Creek to Boeuf River, east of Boeuf and Ouachita Rivers to La. 8 at Harrisonburg, west of La. 8 to La. 913, west of La. 913 and La. 15 to Deer Creek.

iii. East Feliciana and East Baton Rouge - East of Thompson Creek from the Mississippi line to La. 10. North of La. 10 from Thompson Creek to La. 67 at Clinton, west of La. 67 from Clinton to Mississippi line. South of Mississippi

line from La. 67 to Thompson Creek. Also that portion of East Baton Rouge Parish east of La. 67 from La. 64 north to Parish Line, south of Parish Line from La. 64 eastward to Amite River. West of Amite River southward to La. 64, north of La. 64 to La. 37 at Magnolia, east of La. 37 northward to La. 64 at Indian Mound, north of La. 64 from Indian Mound to La. 67. Also, that portion of East Feliciana Parish east of La. 67 from parish line north to La. 959, south of La. 959 east to La. 63, west of La. 63 to Amite River, west of Amite River, southward to parish line, north of parish line westward to La. 67.

iv. Franklin - All

v. St. Helena - North of La. 16 from Tickfaw River at Montpelier westward to La. 449, east and south of La. 449 from La. 16 at Pine Grove northward to La. 1045, south of La. 1045 from its junction with La. 449 eastward to the Tickfaw River, west of the Tickfaw River from La. 1045 southward to La. 16 at Montpelier.

vi. Tangipahoa - That portion of Tangipahoa Parish north of La. 10 from the Tchefuncte River to La. 1061 at Wilmer, east of La. 1061 to La. 440 at Bolivar, south of La. 440 to the Tchefuncte River, west of the Tchefuncte River from La. 440 southward to La. 10.

vii. Washington and St. Tammany - East of La. 21 from the Mississippi line southward to the Bogue Chitto River, north of the Bogue Chitto River from La. 21 eastward to the Pearl River Navigation Canal, east of the Pearl River Navigation Canal southward to the West Pearl River, north of the West Pearl River from the Pearl River Navigation Canal to Holmes Bayou, west of Holmes Bayou from the West Pearl River northward to the Pearl River, west of the Pearl River from Holmes Bayou northward to the Mississippi line, south of the Mississippi line from the Pearl River westward to La. 21. Also that portion of St. Tammany Parish north of La. 22 from U.S. 190 to La. 1077, east of La. 1077 northward to junction with U.S. 190, south and west of U.S. 190 from La. 1077 to junction with La. 22. Also, that portion of Washington Parish south of La. 10 from the Tchefuncte River, eastward to the Bogue Chitto River, west of the Bogue Chitto River from La. 10 southward to St. Tammany Parish. Also that portion of Washington Parish west of La. 25 from the Mississippi state line southward to La. 38, then west to the Tangipahoa parish line, north along the parish line to the Mississippi state line then east to La. 25.

viii. West Feliciana - West of Thompson Creek to Illinois-Central Railroad, north of Illinois-Central Railroad to Parish Road #7, east of Parish Road #7 to the junction of U.S. 61 and La. 966, east of La. 966 from U.S. 61 to Chaney Creek, south of Chaney Creek to Thompson Creek.

2. Area 2

a. All of the following parishes are open:

i. Bienville, Jackson, Union, Bossier, Lincoln, Webster, Caddo, Caldwell, Natchitoches, Winn, Claiborne, Red River, DeSoto, Sabine.

ii. except: Kisatchie National Forest which has special regulations. Caney, Corney, Middlefork tracts of Kisatchie have the same regulations as Area 2, except still hunting only for deer and except National Forest Land within the Evangeline Unit, Calcasieu Ranger District described in Area 2 description shall be still hunting only.

b. Portions of the following parishes are also open:

i. Allen - North of U.S. 190 east of Reeves and east of La. 113.

ii. Avoyelles - That portion west of I-49.

iii. Beauregard - East of La. 113. Also, west of La. 27 north to DeRidder and south and east of U.S. 190 west of DeRidder to Texas line.

iv. Calcasieu - West of La. 27 north of Sulphur and north of U.S. 90 from Sulphur to Texas line.

v. Catahoula - That portion lying north and east of the Ouachita River to the Boeuf River. West of Boeuf River north to Franklin Parish line.

vi. Evangeline - All except the following portions: east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte, and north of U.S. 167 east of Ville Platte.

vii. Grant - All except that portion south of La. 8 and east of U.S. 165.

viii. Jefferson Davis - North of U.S. 190.

ix. LaSalle - All except south of La. 8 from Little River eastward to La. 127 in Jena, east of La. 127 from Jena northward to U.S. 165, east of U.S. 165 from La. 127 northward to Caldwell Parish line.

x. Morehouse - West of U.S. 165 (from Arkansas line) to Bonita, north and west of La. 140 to junction of La. 830-4 (Cooper Lake Road), west of La. 830-4 to Bastrop, west of La. 139 to junction of La. 593, west and south of La. 593 to Collinston, west of La. 138 to junction of La. 134 and north of La. 134 to Ouachita line.

xi. Ouachita - All except south of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line.

xii. Rapides - All except north of Red River and east of U.S. 165. South of La. 465 to junction of La. 121, west of La. 121 and La. 113 to Union Hill, and north of La. 113 from Union Hill to Vernon Parish line, and that portion south of Alexandria between Red River and U.S. 167 to junction of U.S. 167 with I-49 at Turkey Creek exit, east of I-49 southward to parish line.

xiii. Vernon - East and south of La. 113, north and east of La. 465, west of La. 117 from Kurthwood to Leesville, and north of La. 8 from Leesville to Texas line.

c. Still hunting only in all or portions of the following parishes:

i. Claiborne and Webster - Caney, Corney and Middlefork tracts of Kisatchie National Forest. (See Kisatchie National Forest Regulations).

ii. Ouachita - East of Ouachita River.

iii. Rapides - West of U.S. 167 from Alexandria southward to I-49 at Turkey Creek Exit, west of I-49 southward to Parish Line, north of Parish Line westward to U.S. 165, east of U.S. 165 northward to U.S. 167 at Alexandria. North of La. 465 from Vernon Parish line to La. 121, west of La. 121 to I-49, west of I-49 to La. 8, south and east of La. 8 to La. 118 (Mora Road), south and west of La. 118 to Natchitoches Parish line.

iv. Vernon - East of Mora-Hutton Road from Natchitoches Parish line to Hillman Loop Road, south and east of Hillman Loop Road to Comrade Road, south of Comrade Road to La. 465, east and north of La. 465 to Rapides Parish line.

3. Area 3

a. All of Acadia, Cameron and Vermilion Parishes are open.

- b. Portions of the following parishes are also open:
 - i. Allen - South of U.S. 190 and west of La. 113.
 - ii. Beauregard - West of La. 113. also east of La. 27 north to DeRidder and north and west of U.S. 190 west of DeRidder to Texas line.
 - iii. Calcasieu - East of La. 27 north of Sulphur and south of U.S. 90 from Sulphur to Texas line.
 - iv. Iberia - West of U.S. 90 and north of La. 14.
 - v. Jefferson Davis - All except north of U.S. 190.
 - vi. Lafayette - West of I-49 and U.S. 90.
 - vii. Rapides - South of La. 465 to junction of La. 121, west of La. 121 and La. 112 to Union Hill and north of La. 113 from Union Hill to Vernon Parish line.
 - viii. St. Landry - West of U.S. 167.
 - ix. Vernon - West and north of La. 113, south of La. 465, east of La. 117 from Kurthwood to Leesville, and south of La. 8 from Leesville to Texas line.
- 4. Area 4
 - a. All of East Carroll and Richland parishes are open.
 - b. Portions of the following parishes are open:
 - i. Morehouse - East of U.S. 165 (from Arkansas line) to Bonita, south and east of La. 140 to junction of La. 830-4 (Cooper Lake Road), east of La. 830-4 to Bastrop, east of La. 139 to junction of La. 593, east and north of La. 593 to Collinston, east of La. 138 to junction of La. 134 and south of La. 134 to Ouachita line.
 - ii. Ouachita - South of U.S. 80 and east of Ouachita River, east of La. 139 from Sicard to junction of La. 134, south of La. 134 to Morehouse line.
- 5. Area 5
 - a. All of West Carroll Parish is open.
 - i. All deer hunting is for bucks only including muzzleloader season.
- 6. Area 6
 - a. All of Orleans Parish is closed to all forms of deer hunting.
 - b. All of the following parishes are open: Ascension, Plaquemines, St. John, Assumption, Pointe Coupee, St. Martin, Iberville, St. Bernard, Jefferson, St. Charles, Lafourche, St. James, West Baton Rouge.
 - c. Portions of the following parishes are also open:
 - i. Avoyelles - South of La. 1 and also that portion east of I-49.
 - ii. Evangeline - That portion east of I-49 to junction of La. 29, east of La. 29 south of I-49 to Ville Platte and north of U.S. 167 east of Ville Platte.
 - iii. Iberia - East of U.S. 90.
 - iv. Lafayette - East of I-49 and U.S. 90.
 - v. Livingston - South of I-12.
 - vi. Rapides - South of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.
 - vii. St. Landry - East of U.S. 167.
 - viii. St. Mary - North of U.S. 90.
 - ix. St. Tammany - That portion south of I-12, west of Hwy. 1077 to La. 22, south of La. 22 to Tchefuncte River, west of Tchefuncte River southward to Lake Pontchartrain.
 - x. Tangipahoa - South of I-12.
 - xi. West Feliciana - West of Mississippi River, known as Raccourci and Turnbull Islands.
 - d. Still hunting only in all of the following parishes:

- i. Plaquemines - East of the Mississippi River.
 - ii. Rapides - South of Alexandria between Red River and U.S. 167 to the junction of U.S. 167 with I-49 at Turkey Creek Exit, east of I-49 southward to parish line.
 - iii. St. Bernard - All of the parish shall be still hunting only except that portion of St. Bernard known as the spoil area between the MRGO on the east and Access Canal on the west, south of Bayou Bienvenue and north of Bayou la Loutre.
 - iv. St. John - South of Pass Manchac from Lake Pontchartrain to U.S. 51, east of U.S. 51 from Pass Manchac to La. 638 (Frenier Beach Road). North of La. 638 from U.S. 51 to Lake Pontchartrain. West of Lake Pontchartrain from La. 638 to Pass Manchac.
 - v. St. Landry - Those lands surrounding Thistlethwaite WMA bounded north and east by La. 359, west by La. 10, and south by La. 103.
7. Area 7
- a. The following parish is open: Terrebonne.
 - b. Portions of the following parishes are open: Iberia and St. Mary Parishes - South of La. 14 and west U.S. Hwy. 90.
- G. Wildlife Management Area Regulations
1. General
- a. The following rules and regulations concerning the management, protection and harvest of wildlife have been officially approved and adopted by the Wildlife and Fisheries Commission in accordance with the authority provided in Louisiana Revised Statutes of 1950, Section 109 of Title 56. Failure to comply with these regulations will subject individual to citation and/or expulsion from the management area.
 - b. Citizens are cautioned that by entering upon a WMA managed by the LDWF they may be subjecting themselves and/or their vehicles to game and/or license checks, inspections and searches.
 - c. Wildlife management area seasons may be altered or closed anytime by the Department Secretary in emergency situations (floods, fire or other critical circumstances).
 - d. Hunters may enter the WMA no earlier than 3:00 a.m. unless otherwise specified and on days when Daily permits are required. On days when Daily permits are required, permit stations will open 2 hours before legal shooting hours. Hunters must exit the WMA no later than two hours after sunset unless otherwise specified.
 - e. Lands within WMA boundaries will have the same seasons and regulations pertaining to baiting and use of dogs as the WMA within which the lands are enclosed; however, with respect to private lands enclosed within a WMA, the owner or lessee may elect to hunt according to the regular season dates applicable to the geographic area in which the lands are located, provided that the lands are first enrolled in DMAP. Interested parties should contact the nearest LDWF regional office for additional information.
 - f. Dumping garbage or trash on WMAs except in designated locations is prohibited.
 - g. Disorderly conduct or hunting under influence of alcoholic beverages, chemicals and other similar substances is prohibited.
 - h. Commercial activities prohibited without prior approval or unless otherwise specified.

i. Damage to or removal of trees, shrubs, hard mast (acorn, pecans, etc.) and wild plants is prohibited without prior approval. Gathering and/or removal of soft fruits and berries shall be limited to five gallons per person per day. Persons engaged in commercial activities must obtain a permit from the Region Office.

j. Burning of marshes is prohibited except by permit. Permits may be obtained from the Fur and Refuge Division.

k. Nature trails. Access to trails shall be limited to pedestrians only. No vehicles, ATVs, horses, mules, bicycles, etc. allowed. Removal of vegetation (standing or down) or other natural material prohibited.

l. Deer seasons are for legal buck deer unless otherwise specified.

m. Small game, when listed under the WMA regulations, includes both resident game animals and game birds as well as migratory species of birds.

n. Oysters may not be harvested from any WMA, except that oysters may be harvested from private oyster leases and State Seed Grounds located within a WMA, when authorized by the Wildlife and Fisheries Commission and upon approval by the Department of Health and Hospitals.

2. Permits

a. Daily. Daily permits when required shall be obtained at permit stations on or near each WMA. Hunters must retain permit in possession while hunting. Hunters may enter the area no earlier than two hours before legal shooting time unless otherwise specified. Hunters must checkout daily and exit the area not later than two hours after sunset unless otherwise specified.

b. Self Clearing Permits. On WMAs where Self Clearing Permits are required, all hunters must obtain a WMA Self Clearing Permit from an Information Station. The check in portion must be completed and put in a permit box before each day's hunt on the day of the hunt. The check out portion must be carried by each hunter while hunting and must be completed and put in a permit box after each day's hunt on the day of the hunt unless otherwise specified. A vehicle tag will also be associated with the Self Clearing Permit and must be displayed in the vehicle while on the WMA.

c. Wild Louisiana Stamp. Persons using WMAs or other department administered lands for purposes other than hunting and fishing, such as camping, shooting on rifle ranges, berry picking, hiking, photography, bird-watching and the like, shall be required to possess one of the following: a Wild Louisiana stamp, a valid Louisiana fishing license, or a valid Louisiana hunting license. Persons younger than 16 or older than 60 years of age are exempt from this requirement.

3. Special Seasons

a. Youth deer hunt. Only youths younger than 16 years of age may hunt. All other seasons are closed except Handicapped Seasons. Youths must possess a hunter safety certification or proof of successful completion of a hunter safety course. Each youth must be accompanied by one adult 18 years of age or older. Adults may not possess a firearm. Youths may possess only one firearm while hunting. Legal firearms are the same as described for deer hunting. The supervising adult shall maintain visual and voice contact with the youth at all times. An adult may supervise only one

youth during this special hunt. Contact the appropriate region office for special check station locations when daily permits are required and maps of specific hunting areas. Either-sex deer may be taken on WMAs with youth hunts. Consult the regulations pamphlet for WMAs offering youth hunts.

b. Handicapped Season. For hunters possessing a Physically Challenged Hunter Permit only. Participants must possess a Physically Challenged Hunter Permit. Contact region office for permit application and map of specific hunting area. Consult the regulations pamphlet for WMAs offering Handicapped Seasons. Pointe-au-Chien will have an experimental Lottery Handicapped waterfowl hunt. Contact New Orleans Fur and Refuge Division for details.

c. Deer Lottery Hunts. Hunts restricted to those persons selected as a result of the pre-application lottery. Consult the regulations pamphlet for deadlines. A non-refundable application fee must be sent with application. Contact region offices for applications. Consult regulations pamphlet for WMAs offering lottery hunts.

d. Turkey Lottery Hunts. Hunts restricted to those persons selected by lottery. Consult the regulations pamphlet for deadlines. All turkeys must be reported at Self Clearing station. Contact Region Offices for more details. Consult separate Turkey Hunting Regulations pamphlet for WMAs offering lottery hunts.

e. Trapping. Permits to take fur bearers from WMAs may be obtained at appropriate offices when required. Consult Annual Trapping Regulations for specific dates. All traps must be run daily. Traps with teeth are illegal. On WMAs where permits are required, each trapper must submit an annual trapping report to the Region Office where his permit was obtained. Non-compliance will result in forfeiture of trapping privileges on the WMAs. Permits may be obtained only between hours of 8 a.m. to 4:30 p.m. on normal working days at region offices. Hunter orange required when a deer gun season is in progress. A permit is required to carry a firearm outside of the normal hunting season and is available at the Region Office.

f. Raccoon hunting. A licensed hunter may take raccoon or opossum, one per person per day, during daylight hours only, during the open rabbit season on WMAs. Nighttime experimental - Season dates for specific WMAs are for nighttime raccoon hunting and permits may be required. There will be no bag limit for raccoons at night unless specified in the annual regulations pamphlet. Raccoon hunters with dogs must submit an annual report of their kill to the region office for WMAs where permits are required. Non-compliance will result in forfeiture of raccoon or all hunting privileges on WMAs. Permits, when required, may be obtained at region offices only between hours of 8 a.m. to 4:30 p.m. on normal working days.

g. Commercial fishing. Permits are required of all commercial fishermen using Grassy Lake, Pomme de Terre and Spring Bayou WMAs. Drag seines (except minnow and bait seines) are prohibited except experimental bait seines permitted on Dewey Wills WMA north of La. 28 in Diversion Canal. Commercial fishing is prohibited during regular waterfowl seasons on Grand Bay, Silver Lake and Lower Sunk Lake on Three Rivers WMA. Commercial fishing is prohibited on Salvador/Timken, Ouachita and Pointe-Au-Chien WMAs except shrimping allowed on

Pointe-Au-Chien in Cut Off Canal and Wonder Lake during daytime only. Non-compliance with permit regulations will result in revocation of commercial fishing privileges for the period the license is issued and one year thereafter. Commercial fishing is allowed on Pass-a-Loutre and Atchafalaya Delta WMAs. See Pass-a-Loutre for additional commercial fishing regulations on mullet.

h. Sport fishing. Sport fishing, crawfishing and frogging are permitted on WMAs when in compliance with current laws and regulations except nighttime frogging prohibited on Salvador/ Timken and Pointe-Au-Chien.

i. Additional Department Lands. The Department manages additional lands that are included in the WMA system and available for public recreation. Small tracts are located in Rapides, Vernon, Evangeline and St. Helena parishes. These small tracts have been acquired from the Farmers Home Administration or other sources for conservation purposes. Contact the appropriate Wildlife and Fisheries Region Office for specific information and any additional season dates.

4. Firearms

a. Firearms having live ammunition in the chamber, magazine, cylinder or clip when attached to firearms are not allowed in or on vehicles, boats under power, motorcycles, ATVs, ATCs or in camping areas on WMAs. Firearms may not be carried on any area before or after allowed hours except in authorized camping areas.

b. Firearms and bows and arrows are not allowed on WMAs during closed hunting seasons except on designated shooting ranges or as allowed for trapping. Bows and broadhead arrows are not allowed on WMAs except during deer archery season, turkey season or except as allowed for bowfishing.

c. Encased or broken down firearms and any game harvested may be transported through the areas by the most direct route provided that no other route exists except as specified under Wildlife Management Area listing.

d. Loaded firearms are not allowed near WMA check stations.

e. Centerfire rifles and handguns, arms larger than .22 caliber rimfire, shotgun slugs or shot larger than BB lead or F steel shot cannot be carried onto any WMA except during modern firearm deer season.

f. Target shooting and other forms of practice shooting are prohibited on WMAs except as otherwise specified.

g. Discharging of firearms on or hunting from designated roads, ATV trails or their rights-of-way is prohibited during the modern firearm and muzzleloader deer season.

5. Methods of Taking Game

a. Moving deer or hogs on a WMA with organized drivers and standers, drivers or making use of noises or noise-making devices is prohibited.

b. On Wildlife Management Areas, Federal Refuges and National Forest Lands where the daily limit shall be one deer per day, six per season (all segments included) by all methods of take.

c. Baiting or hunting over bait is prohibited on all WMAs (hogs included). Unmarked hogs may be taken on some WMAs by properly licensed hunters and only with guns or bow and arrow legal for specified seasons in

progress. Consult the specific WMA for additional information. Proper licenses and permits are required for hunting.

d. Hunters who kill deer on WMAs that require daily permits must have deer checked at the check station on same day of kill.

e. Deer hunting on WMAs is restricted to still hunting only. No WMA will be open for deer during early still hunt season unless specified in the regulation pamphlet.

f. Construction of and/or hunting from permanent tree stands or permanent blinds on WMAs is prohibited. Any permanent stand or permanent blind will be removed and destroyed.

g. On Wildlife Management Areas and Refuges, all deer stands must be removed from the area no later than two hours after the end of legal shooting hours each day. Hunting from utility poles, high tension power lines, oil and gas exploration facilities or platforms is prohibited.

h. A permanent blind is any blind using non-natural materials or having a frame which is not dismantled within two hours after the end of legal shooting hours each day. Blinds with frames of wood, plastic, metal, poles, wire, mesh, webbing or any materials may be used but must be removed from the WMA within two hours after sunset. Blinds made solely of natural vegetation may be left in place but cannot be used to reserve hunting locations. All decoys must be removed from the WMA daily.

i. It is illegal to save or reserve hunting locations using permanent stands or blinds. Stands or blinds attached to trees with screws, nails, spikes, etc. are illegal.

j. Tree climbing spurs, spikes or screw-in steps are also prohibited.

k. Unattended decoys will be confiscated and forfeited to the Department of Wildlife and Fisheries and disposed of by the Department. This action is necessary to prevent preemption of hunting space.

l. Hunters shall not hunt, take or pursue birds or animals from moving vehicles on any WMA. No person shall take birds or animals from or by any motor boat or sail boat unless the motor has been completely shut off and/or the sail furled and its progress therefrom has ceased.

m. Spot lighting (shining) from vehicles is prohibited on all WMAs.

n. Horses and mules may be ridden on Wildlife Management Areas except where prohibited and except during gun seasons for deer and turkey. Riding is restricted to designated roads and trails. Hunting and trapping from horses and mules is prohibited except for quail hunting or as otherwise specified.

o. All hunters except waterfowl hunters and dove hunters (including archers and small game hunters) on WMAs must display 400 square inches of "Hunter Orange" and wear a "Hunter Orange" cap during open gun season for deer. Quail and woodcock hunters as well as hunters participating during special dog seasons for rabbit and squirrel are required to wear a minimum of a "Hunter Orange" cap. ALSO all non-hunters afield during hunting seasons are encouraged to display "Hunter Orange".

p. Archery season for deer. The archery season on WMAs is the same as outside and is open to either sex deer except as otherwise specified on individual WMAs. Archery season restricted or closed on certain WMAs when special

seasons for youth or handicapped hunters are in progress. Consult regulations pamphlet for specific seasons.

q. Either sex deer may be taken on WMAs at any time during archery season except when bucks only seasons are in progress on the respective WMAs. Archers must abide by bucks only regulations and other restrictions when such seasons are in progress.

r. Muzzleloader season for deer. See WMA deer schedule.

6. Camping

a. Camping on WMAs, including trailers, houseboats, recreational vehicles and tents, is allowed only in designated areas and for a period not to exceed sixteen (16) consecutive days, regardless if the camp is attended or unattended. Houseboats shall not impede navigation. At the end of the 16 day period, camps must be removed from the area for at least 48 hours. Camping area use limited exclusively to outdoor recreational activities.

b. Houseboats are prohibited from overnight mooring within WMAs except on stream banks adjacent to Department-owned designated camping areas. Overnight mooring of vessels that provide lodging for hire are prohibited on WMAs. On Atchafalaya Delta WMA and Pass-a-Loutre, houseboats may be moored in specially designated areas throughout the hunting season. At all other times of the year, mooring period is limited to a period not to exceed sixteen (16) consecutive days. Permits are required for camping and overnight mooring of houseboats on Pass-a-Loutre. Houseboat mooring permits are required for Atchafalaya Delta Wildlife Management Area. Permits may be obtained from headquarters on respective WMAs or from the New Iberia office for Atchafalaya Delta WMA.

c. Anyone camping on WMAs is required to have an operational waste disposal system attached to the camper, trailer, houseboat or other unit or a portable waste disposal unit to remove all human waste upon leaving the WMA camping area. Discharge of human waste on a WMA is prohibited. Additionally it is against both Federal and State law to discharge human waste into the waterways of Louisiana.

d. No refuse or garbage may be dumped from these boats.

e. Firearms may not be kept loaded or discharged in a camping area.

f. Campsites must be cleaned by occupants prior to leaving and all refuse placed in designated locations when provided or carried off by campers.

g. Non-compliance with camping regulations will subject occupant to immediate expulsion and/or citation, including restitution for damages.

h. Swimming prohibited within 100 yards of boat launching ramps.

7. Restricted Areas

a. All oil and gas production facilities (wells, pumping stations and storage facilities) are off limits.

b. No unauthorized entry or hunting in restricted areas or refuges.

8. Dogs. All use of dogs on WMAs, except for bird hunting and duck hunting, is experimental as required by law. except for nighttime experimental raccoon hunting, squirrel hunting, rabbit hunting, bird hunting, duck hunting and bird dog training when allowed, having or using dogs on

any WMA is prohibited. Dogs running at large are prohibited on WMAs. The owner or handler of said dogs shall be held liable. Only recognizable breeds of bird dogs and retrievers are allowed for quail and migratory bird hunting. Only beagle hounds which do not exceed 15 inches at the front shoulders and which have recognizable characteristics of the breed may be used on WMAs having experimental rabbit seasons.

9. Vehicles

a. Vehicles having wheels with a wheel-tire combination having a radius of 17 inches or more from the center of the hub (measured horizontal to ground) are prohibited.

b. The testing, racing, speeding or unusual maneuvering of any type of vehicle is prohibited within wildlife management areas due to property damages resulting in high maintenance costs, disturbance of wildlife and destruction of forest reproduction.

c. Tractor implement tires with farm tread designs R1, R2 and R4 known commonly as spade or lug grip types are prohibited on all vehicles. ATV tires are restricted to those with maximum allowable tire pressure of 5 psi, as indicated on the tire by the manufacturer.

d. Airboats, aircraft, personal water craft and hover craft are prohibited on all WMAs and Refuges. Personal water craft are defined as a vessel which uses an inboard motor powering a water jet pump as its primary source of propulsion and is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. Personal water craft allowed on designated areas of Alexandria State Forest WMA.

e. No internal combustion engines allowed in certain Greentree reservoir.

f. Driving or parking vehicles on food or cover plots and strips is prohibited.

g. Blocking the entrance to roads and trails is prohibited.

h. Motorized vehicles, including ATVs, ATCs and motorcycles, are restricted entirely to designated roads and ATV trails as indicated on WMA maps, except on Atchafalaya Delta WMA where ATVs, ATCs and motorcycles are prohibited. WMA maps available at all region offices. This restriction does not apply to bicycles.

i. Use of special ATV trails for handicapped persons restricted to special ATV handicapped permittees. Handicapped ATV permittees restricted to handicapped ATV trails or other ATV trails only as indicated on WMA maps. Persons 70 years of age and older, with proof of age, are also allowed to use special handicapped trails and need not obtain a permit. However, these persons must abide by all rules in place for these trails. Handicapped persons should make application for a Physically Challenged Hunter Program Permit with the Department.

j. Entrances to ATV trails will be marked with peach colored paint. Entrances to handicapped-only ATV trails will be marked with blue colored paint. Routes of all trails are as indicated on WMA maps. Deviation from the trails indicated on the map constitutes a violation of WMA rules and regulations.

k. Roads and trails may be closed due to poor condition or construction.

1. ATVs, ATCs and motorcycles cannot be left overnight on WMAs except on designated camping areas. ATVs are prohibited from two hours after sunset to 3:00 AM. All roads including trails and roads designated as ATV trails shall be closed from March 1 through August 31 unless otherwise specified. Certain trails may be open during this time period to provide access for fishing or other purposes. These trails will be marked by signs at the entrance of the trail.

m. Caution: Many Department-maintained roadways on WMAs are unimproved and substandard. A maximum 20 mph speed limit is recommended for all land vehicles using these roads.

10. Wildlife Management Areas Basic Season Structure. For season dates, bag limits, shooting hours, special seasons and other information consult the annual regulations pamphlet for specific details.

11. Resident Small Game (squirrel, rabbit, quail, dove, woodcock, snipe, rail and gallinule). Consult regulations pamphlet.

12. Waterfowl (ducks, geese and coots). Consult regulations pamphlet.

13. Archery. Consult regulations pamphlet.

14. Hogs. Consult regulations pamphlet.

15. Outlaw Quadrupeds and Birds. Consult regulations pamphlet.

16. Wildlife Management Areas Hunting Schedule and Regulations:

a. Alexander State Forest. Vehicles restricted to paved and graveled roads. No parking on or fishing or swimming from bridges. No open fires except in recreation areas.

b. Atchafalaya Delta. Water control structures are not to be tampered with or altered by anyone other than employees of the Department of Wildlife and Fisheries at any time. ATVs, ATCs and motorcycles prohibited.

c. Attakapas. Free-ranging livestock prohibited.

d. Bayou Macon. All night activities prohibited except as otherwise provided. Mules are allowed for nighttime raccoon hunting.

e. Bayou Pierre. No ATVs or ATCs allowed on the area. Motorized vehicles are allowed only on parish roads and roads marked on WMA map.

f. Bens Creek. All motorized vehicles restricted to designated roads. Refer to WMA map for location of designated roads. No hunting in restricted areas. (See WMA Map). Horses and mules are specifically prohibited during gun seasons for deer and during the spring turkey season.

g. Big Colewa Bayou. ATVs restricted to designated trails. Refer to WMA map for location of designated trails. All other motorized vehicles prohibited. All nighttime activities prohibited.

h. Big Lake. Free-ranging livestock prohibited.

i. Biloxi

j. Bodcau

k. Boeuf. Free-ranging livestock prohibited.

l. Boise-Vernon. Road travel and hunting restrictions: All motorized vehicles restricted to designated roads. Refer to WMA map for location of designated roads. Hunting prohibited on roads designated for motorized vehicle travel.

m. Buckhorn. Free-ranging livestock prohibited.

n. Camp Beauregard. Daily military clearance required for all recreational users. Registration for use of Self Clearing Permit required once per year. Free-ranging livestock prohibited. All game harvested must be reported. Retriever training allowed on selected portions of the WMA.

o. Dewey W. Wills. Crawfish: 100 pounds per person per day. Roads may be closed during wet weather conditions.

p. Elm Hall. No ATVs allowed.

q. Fort Polk. Daily military clearance required to hunt or trap. Registration for use of Self Clearing Permit required once per year. Special regulations apply to ATV users.

r. Georgia-Pacific. except as otherwise provided, all nighttime activities prohibited.

s. Grassy Lake. Commercial Fishing: Permitted except on Smith Bay, Red River Bay and Grassy Lake proper on Saturday and Sunday and during waterfowl season. Permits available from area supervisor at Spring Bayou headquarters or Opelousas Region Office. Free-ranging livestock prohibited. No hunting in restricted area.

t. Jackson-Bienville. ATVs are allowed on non-public maintained gravel roads and timber management roads and trails. However, all ATVs/ATCs prohibited March 1 through September 15.

u. Joyce. Swamp Walk: Adhere to all WMA rules and regulations. No firearms or hunting allowed within 100 yards of walkways. Check hunting schedule and use walkway at your own risk.

v. Lake Boeuf

w. Lake Ramsay. Foot traffic only - all vehicles restricted to Parish Roads.

x. Little River. Roads may be closed during wet conditions.

y. Loggy Bayou

z. Manchac. Crabs: No crab traps allowed. Attended lift nets are allowed.

aa. Ouachita. Waterfowl Refuge: North of La. Hwy. 15 closed to all hunting, fishing and trapping during waterfowl season. Crawfish: 100 pounds per person per day limit. Night crawfishing prohibited. No traps or nets left overnight. Commercial Fishing: Closed. All nighttime activities prohibited except as otherwise provided.

ab. Pass-a-Loutre. Commercial Fishing: Same as outside. Commercial mullet fishing open only in: South Pass, Pass-a-Loutre, North Pass, Southeast Pass, Northeast Pass, Dennis Pass, Johnson Pass, Loomis Pass, Cadro Pass, Wright Pass, Viveats Pass, Cognevich Pass, Blind Bay, Redfish Bay, Garden Island Bay and Northshore Bay, East Bay (west of barrier islands) and oil and gas canals as described on the Department Pass-a-Loutre WMA map. ATVS, ATCs and motorcycles prohibited on this area.

ac. Pearl River. All roads closed 8 p.m. to 4:30 a.m. to all vehicles. Old Hwy. 11 will be closed when river gauge at Pearl River, Louisiana, reaches 16.5 feet. All hunting will be closed when the river stage at Pearl River reaches 16.5 feet except waterfowl hunting south of Hwy. 90. No hunting in the vicinity of Nature Trail. Observe "No Hunting" signs. Rifle range open noon until 4 p.m. Friday, and 8 a.m. to 4:30 p.m. Saturday and Sunday with a fee.

ad. Peason Ridge. Daily military clearance required to hunt or trap. Registration for use of Self Clearing Permit

required once per year. Special federal regulations apply to ATV users.

ae. Pointe-au-Chien. Hunting until 12 noon on all game, except for dove hunting as specified in regulation pamphlet. Point Farm: Gate will be open during opening weekend of the second split of dove season and all weekends during month of February. No motorized vessels allowed in the drainage ditches. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) shall be allowed. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Fish may be taken by rod and reel or hand lines for recreational purposes only. Crabs may be taken through the use of hand lines or nets; however, none are to remain set overnight. Twelve dozen crabs are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Mudboats or vessels with engines larger than 25 h.p. prohibited in the Montegut and Grand Bayou marsh management units. Public is allowed to travel anytime through the WMA for access purposes only, in the waterways known as Grand Bayou, Humble Canal, Little Bayou Blue and Grand Bayou Blue. Vehicles prohibited on Point Farm properties unless authorized by the department. ATVS, ATCs and motorcycles prohibited on this area.

af. Pomme de Terre. Commercial Fishing: allowed Monday through Friday, except closed during duck season. Commercial Fishing permits available from area supervisor, Opelousas Region Office or Spring Bayou headquarters. Sport Fishing: Same as outside except allowed after 2 p.m. only during waterfowl season. Crawfish: April 1 - July 31, 100 lbs. per person per day limit. No traps or nets left overnight. Free-ranging livestock prohibited.

ag. Red River. Free-ranging livestock prohibited. Crawfishing prohibited on Wetland Restoration Areas.

ah. Russell Sage. Transporting trash or garbage on WMA roads is prohibited. All nighttime activities prohibited except as otherwise provided.

Note: All season dates on Chauvin Tract (U.S. 165 North) same as outside, except still hunt only and except deer hunting restricted to archery only. Waterfowl hunting after 2 p.m. prohibited. All vehicles including ATVs prohibited.

ai. Sabine

aj. Sabine Island. Sabine Island boundaries are Sabine River on the west, Cut-Off Bayou on the north, and Old River and Big Bayou on the south and east.

ak. Salvador/Timken. Hunting until 12 noon only for all game. All nighttime activities prohibited, including frogging. Recreational Fishing: Shrimp may be taken by the use of cast nets only. During the inside open shrimp season, 25 pounds per boat per day (heads on) shall be allowed. Size count to conform with open season requirements. During the inside closed season, 10 pounds per boat per day (heads on) may be taken for bait. Fish may be taken by rod and reel or hand lines for recreational purposes only. Crabs may be taken through the use of hand lines or nets; however, none of the lines are to remain set overnight. Twelve dozen crabs

maximum are allowed per boat or vehicle per day. Crawfish may be harvested in unrestricted portions of the wildlife management area and shall be limited to 100 pounds per boat or group. Fishing gear used to catch crawfish shall not remain set overnight. The harvest of all fish, shrimp, crabs and crawfish are for recreational purposes only and any commercial use is prohibited. Boats powered by internal combustion engines having horsepower ratings above 25 H.P. are allowed only in oil company access canals, Louisiana Cypress Canal, the Netherlands Pond including the West Canal, Lakes - "Baie Des Chactas" and "Baie du Cabanage" and the Rathborne Access ditch. Operation of the above described internal combustion engines in interior ditches is prohibited except by experimental permit to be obtained from the New Orleans Office, Fur and Refuge Division, Room 217. Pulling boats over levees, dams or water control structures or any other activities which cause detriment to the integrity of levees, dams and water control structures is prohibited. Special Use Permits may be issued for persons interested in clearing existing ditches (trenasses). Permits will be considered on a case-by-case basis. Contact New Orleans Region Office-Fur and Refuge Division. ATVS, ATCs and motorcycles prohibited on this area.

al. Sandy Hollow. Bird Dog Training: Consult regulation pamphlet. Wild birds only (use of pen-raised birds prohibited). Bird Dog Field Trials: Permit required from Baton Rouge Region Office. Horseback Riding: Organized trail rides prohibited. Horses and mules are specifically prohibited during turkey and gun season for deer except as allowed for bird dog field trials. No horses and mules on green planted areas. No motorized vehicles allowed off designated roads. Free-ranging livestock prohibited.

am. Sherburne. Crawfishing: permits required, for South Farms from Area Headquarters. Free-ranging livestock prohibited. Retriever training allowed on selected portions of the WMA. Contact the Region Office for specific details. Vehicular traffic prohibited on east Atchafalaya River Basin levee road within Sherburne WMA boundaries. Rifle and Pistol Range open daily. Skeet ranges open by appointment only, contact Hunter Education Office. No trespassing in restricted area behind ranges. Note: Atchafalaya National Wildlife Refuge, and U.S. Army Corps of Engineers land holdings adjacent to the Sherburne Wildlife Management Area will have the same rules and regulations as Sherburne WMA. No hunting or trapping in restricted area. No commercial activity on ANWR, except trapping.

an. Sicily Island Hills. Firearms and any game harvested cannot be transported through the area except during the corresponding open season on area. Free-ranging livestock prohibited.

ao. Soda Lake. Entire area is walk-in only - no motorized vehicles allowed. Access into the area is allowed only from south end of the area off of Hwy. 173 at Twelve Mile Bayou. All trapping and hunting prohibited except archery hunting for deer.

ap. Spring Bayou. Commercial Fishing: allowed Monday through Friday except slat traps and hoop nets allowed any day. Permits available from area supervisor or Opelousas Region Office. Closed until after 2 p.m. during waterfowl season. Sport Fishing: Same as outside except allowed only after 2 p.m. during waterfowl season.

Crawfish: 100 lbs. per person per day limit. Permit required from area supervisor. No hunting allowed in headquarters area. Only overnight campers allowed in the improved Boggy Bayou Camping area. Rules and regulations posted at camp site. A fee is assessed for use of this camp site. Water skiing allowed only in Old River and Grand Lac.

aq. Thistlethwaite. No hunting or trapping in restricted area (See WMA Map). All motorized vehicles restricted to improved roads only. All users must enter and leave through main gate only. No entry into restricted areas.

ar. Three Rivers. Free-ranging livestock prohibited in area.

as. Tunica Hills. All vehicles restricted to Parish roads. ATV's restricted to designated trails. Driving on food plots prohibited. Access to restricted areas is unauthorized. Refer to WMA map. Camping prohibited on area. North of Highway 66 (Angola Tract) closed to the general public March 1 - September 30 except spring turkey hunting access allowed for those individuals drawn for special lottery hunt.

at. Union. All nighttime activities prohibited except as otherwise provided.

au. West Bay. Road Travel and Hunting Restrictions: All motorized vehicles restricted to designated roads. Refer to WMA map for location of designated roads. Hunting prohibited on roads designated for motorized vehicular travel.

av. Wisner

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115 and R.S. 56:116.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:1279 (July 1999), amended LR 26:

Public hearings will be held at regularly scheduled Wildlife and Fisheries Commission Meetings from April through July. Additionally interested persons may submit written comments relative to the proposed rule until May 19, 2000 to Mr. Tommy Prickett, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000.

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: General and WMA Hunting Rules and Regulations

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

This rule amends permanent rules and regulations for the state at large as well as Wildlife Management Areas. Establishment of hunting regulations is an annual process. The cost of implementing the proposed rules, aside from staff time, is the production of the regulation pamphlet. Cost of printing the 1999-2000 state hunting pamphlet was \$12,820 and no

major increase in expenditures is anticipated in 2000-2001. Local government units will not be impacted.

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

Projected hunting license fee collections are between 4.0-5.0 million dollars, annually. Additionally hunting and related activities generates approximately \$25 million in state sales tax and \$5.6 million in state income tax (Southwick and Assoc., 1997). Based upon the Southwick and Associates survey and a statewide weighted local sales tax rate of 3.8 percent, these activities would generate approximately \$22.6 million in local sales tax revenue. Failure to adopt rule changes would result in no hunting season being established and a potential loss of some of these revenues.

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

Approximately 352,000 resident and nonresident recreational sportsmen who participate in hunting and numerous retail outlets, distributors, manufactures, landowners and other commercial operations that cater to the hunting public would be directly affected if hunting rules and regulations are not promulgated. Hunting in Louisiana generates in excess of \$596,000,000 annually through the sale of outdoor related equipment, associated items and trip related expenditures (Southwick and Assoc., 1997).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting in Louisiana provides 15,271 jobs (Southwick and Assoc., 1997). Not establishing hunting seasons might have a negative and direct impact on these jobs.

James L. Patton
Undersecretary
0003#040

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

King and Spanish Mackerel and Cobia Size Limits (LAC 76:VII.323)

The Wildlife and Fisheries Commission does hereby give notice of intent to amend a Rule, LAC 76:VII.323, changing the minimum size limit and measurement requirements for the harvest of cobia, Spanish mackerel, and king mackerel. Authority for adoption of this Rule is included in R.S. 56:326.1 and R.S. 56:326.3. Said Rule is attached to and made a part of this Notice of Intent.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery §323. Size Limits of King and Spanish Mackerel and Cobia

A. The Wildlife and Fisheries Commission does hereby adopt the following rules and regulations establishing size limits.

1. The minimum legal size for possession of Spanish mackerel (*Scomberomorus maculatus*) shall be 12 inches fork length and king mackerel (*Scomberomorus cavalla*) shall be 24 inches fork length whether caught within or without the territorial waters of Louisiana. No person shall possess, sell, barter, trade or exchange or attempt to sell,

barter, trade or exchange Spanish mackerel or king mackerel less than the minimum size requirements.

2. The minimum legal size for possession of cobia (*Rachycentron canadum*) whether caught within or without the territorial waters of Louisiana shall be 33 inches fork length. No person shall possess, sell, barter, trade or exchange or attempt to sell, barter, trade or exchange cobia less than the minimum size requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:326.1 and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 13:502 (September 1987), amended LR 17:207 (February 1991), LR 26:

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Randy Pausina, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Wednesday, May 3, 2000.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: King and Spanish Mackerel and Cobia
Size Limits**

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

There will be no state or local governmental implementation costs. Enforcement of the proposed rule will be carried out using existing staff and funding levels.

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

There will be no effect on revenues to state or local governmental units from the proposed rule.

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

The proposed rule modifications are intended to provide consistent regulations for recreational and commercial fishers harvesting Spanish mackerel, king mackerel, and cobia in state waters and in adjacent Federal waters. The proposed modifications will establish a more conservative size limit of 24 inches fork length for king mackerel and will improve consistency with Federal regulations changing the measurement requirements from total length to fork length, thereby improving enforcement. Economic impact of the increased king mackerel size limit on the recreational,

commercial, or for-hire sectors and non-consumptive sector is expected to be negligible. Approximately ninety percent (90%) of the commercial king mackerel harvest is greater than 24 inches and the average recreational harvest size is estimated to be 40 inches fork length. No additional costs, permits, fees, workload or paperwork will incur from the proposed rule change.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There will be little or no effect on employment in the public or private sector.

James Patton
Undersecretary
0003#062

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

**Jewfish and Nassau Grouper Taking and
Possession Prohibited (LAC 76:VII.337)**

The Wildlife and Fisheries Commission does hereby give notice of intent to amend a Rule, LAC 76:VII.337, prohibiting the take and possession of Nassau grouper (*Epinephelus striatus*). Authority for adoption of this Rule is included in R.S. 56:325.1 and R.S. 56:326.3. Said Rule is attached to and made a part of this Notice of Intent.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

**Chapter 3. Saltwater Sport and Commercial Fishery
§337. Taking and Possession of Jewfish and Nassau
Grouper Prohibited**

A. The Wildlife and Fisheries Commission hereby prohibits the taking and possession of jewfish (*Epinephelus itajara*) and Nassau grouper (*Epinephelus striatus*) from within or without Louisiana waters.

B. No person shall take, transport or possess within the territorial jurisdiction of the state of Louisiana jewfish (*Epinephelus itajara*) and Nassau grouper (*Epinephelus striatus*).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:325.1 and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:1070 (December 1990), amended LR 19:1442 (November 1993), LR 26:

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Randy Pausina, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Wednesday, May 3, 2000.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

**RULE TITLE: Jewfish and Nassau Grouper Taking
and Possession Prohibited**

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

There will be no state or local governmental implementation costs. Enforcement of the proposed rule will be carried out using existing staff and funding levels.

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

There will be no effect on revenues to state or local governmental units from the proposed rule.

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

The rule is intended to provide consistent regulations for recreational and commercial harvest of Nassau grouper in state waters and in adjacent Federal waters. Nassau grouper has been designated by the National Marine Fisheries Service (NMFS) as overfished under the provisions of the Magnuson-Stevens Act, and is a candidate on the list of threatened or endangered species under the Endangered Species Act. Harvest or possession of a Nassau grouper is currently prohibited in Federal waters.

Recreational and commercial fishers who harvest Nassau grouper in state waters will be directly impacted, since they will be unable to harvest Nassau grouper. However, this impact is anticipated to be negligible. Harvesters may redirect their fishing efforts to other species, practice catch and release, or participate in non-fishing activities. Long-term benefits may accrue to harvesters in both the recreational and commercial sectors and the general public as a result of possible increases in the stocks protected by the proposed rule modification. No additional costs, permits, fees, workload or paperwork will occur from the proposed rule change.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There will be little or no effect on competition or employment in the public or private sector.

James Patton
Undersecretary
0003#063

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Public Oyster Seed Grounds (LAC 76:VII.517)

The Wildlife and Fisheries Commission does hereby give notice of its intent to set aside additional areas in portions of

Lake Mechant, Lake Tambour, Lake Chien, Lake Felicity, all in Terrebonne Parish, Deep Lake, Lafourche Parish, and Barataria Bay (next to Queen Bess Island), Jefferson Parish as public oyster seed grounds. This is being done under the authority of R.S. 56:434.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 5. Oyster

**§517. Public Oyster Seed Grounds-Portions of Lake
Mechant, Lake Tambour, Lake Chien, Lake
Felicity, Deep Lake, and Barataria Bay**

A. The following areas are designated as oyster seed grounds.

1. Lake Mechant, Terrebonne Parish: The state waterbottoms within a six sided figure with the following corners:

29E 19' 45.36273" N 90E 58' 19.84034" W
29E 18' 52.50955" N 90E 57' 32.90680" W
29E 18' 41.04086" N 90E 55' 58.95532" W
29E 16' 47.29750" N 90E 56' 44.37133" W
29E 18' 33.55333" N 90E 57' 37.82946" W
29E 18' 46.69380" N 90E 59' 21.09926" W

2. Lake Tambour, Terrebonne Parish: The state waterbottoms within a four sided figure with the following corners:

29E 20' 30.73200" N 90E 31' 09.14598" W
29E 19' 51.16104" N 90E 29' 28.99726" W
29E 19' 59.29224" N 90E 29' 26.60078" W
29E 19' 50.06346" N 90E 30' 49.92953" W

3. Lake Chien, Terrebonne Parish: The state waterbottoms within a four sided figure with the following corners:

29E 20' 32.76107" N 90E 27' 00.06196" W
29E 19' 52.97766" N 90E 27' 17.37544" W
29E 19' 48.08926" N 90E 26' 08.51018" W
29E 20' 17.07711" N 90E 26' 01.32145" W

4. Lake Felicity, Terrebonne Parish: The state waterbottoms within a four sided figure with the following corners:

29E 19' 04.72932" N 90E 26' 58.50922" W
29E 18' 01.44630" N 90E 27' 47.32882" W
29E 18' 24.61153" N 90E 24' 04.57895" W
29E 19' 11.54946" N 90E 25' 19.67927" W

5. Deep Lake, Lafourche Parish: The state waterbottoms within a four sided figure with the following corners:

29E 17' 59.74050" N 90E 21' 25.89465" W
29E 17' 18.88030" N 90E 21' 24.62348" W
29E 17' 17.26209" N 90E 21' 03.04101" W
29E 18' 17.57225" N 90E 21' 01.40994" W

6. Barataria Bay, Jefferson Parish: The state waterbottoms within a four sided figure with the following corners:

29E 20' 13.14881" N 89E 56' 51.91540" W
 29E 14' 47.14426" N 89E 56' 59.91355" W
 29E 20' 12.06107" N 89E 56' 19.01249" W
 29E 17' 46.05927" N 89E 56' 23.01176" W

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:434.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 26:

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., May 5, 2000 to Mr. Ron Dugas, Department of Wildlife and Fisheries, 1600 Canal St., Ste. 306, New Orleans, Louisiana 70112.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
 Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
 FOR ADMINISTRATIVE RULES
 RULE TITLE: Public Oyster Seed Grounds**

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

There will be no state or local governmental implementation costs.

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

The established of public oyster seed grounds in Lake Mechant, Lake Tambour, Lake Chien, Lake Felicity, Deep Lake and Barataria Bay will result in a slight increase of state revenue collections over time. Increased revenues will be realized from the collection of oyster severance taxes, based upon the assessed rate of three cents (34) per barrel, for oysters harvested from public grounds and will depend on the quantity of oysters harvested. There will be no effect on revenues to local governmental units.

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

Long term economic benefits of an undetermined magnitude will occur to oyster harvesters who harvest and transplant seed oysters for oyster bed propagation, fish public seed oyster grounds for direct product sale or for means of personal consumption. There will be no effect on costs, workload adjustments and additional paperwork from the proposed actions.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed action will have little or no effect on competition and employment in the public and private sectors.

James L. Patton
 Undersecretary
 0003#064

Robert E. Hosse
 General Government Section Director
 Legislative Fiscal Office

NOTICE OF INTENT

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

**Reef Fish Daily Take, Possession and Size Limits
 (LAC 76:VII.335)**

The Wildlife and Fisheries Commission does hereby give notice of intent to promulgate a Rule, LAC 76:VII.335, changing the minimum size limits and recreational bag limits for the harvest of reef fish and adding, deleting, or reorganizing list. Authority for adoption of this Rule is included in R.S. 56:6(25)(a), 56:326.1, and 56:326.3. Said Rule is attached to and made a part of this Notice of Intent.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§335. Reef Fish - Daily Take, Possession and Size Limits

Set by Commission

A. The Louisiana Wildlife and Fisheries Commission does hereby adopt the following rules and regulations regarding the harvest of triggerfishes (excluding queen triggerfish), amberjacks, grunts, wrasses, snappers, groupers, sea basses, tilefishes, and porgies within and without Louisiana's territorial waters:

<u>Species</u>	<u>Recreational Bag Limits</u>
1. Red Snapper	Four fish per person per day
2. Queen, mutton, schoolmaster, blackfin, cubera, gray, dog, mahogany, silk, yellowtail snappers, and wenchman	10 fish per person per day (in aggregate)
3. Vermilion snapper, lane snapper, gray triggerfish, almaco jack, goldface tilefish, tilefish, blackline tilefish, anchor tilefish, blueline tilefish	20 per person per day (in aggregate)
4. All groupers	Five fish per person per day (in aggregate) excluding jewfish and Nassau grouper and with not more than one speckled hind and one warsaw grouper per vessel
5. Greater amberjack	One fish per person per day
6. Banded rudderfish and lesser amberjack	Five fish per person per day (in aggregate)
7. Hogfish	5 fish per person per day
* * *	
<u>H. Species</u>	<u>Minimum Size Limits</u>
1. Red Snapper	16 inches total length (Recreational) 15 inches total length (Commercial)
2. Gray, yellowtail, cubera, dog, mahogany snapper, and schoolmaster	12 inches total length
3. Lane snapper	8 inches total length
4. Mutton snapper	16 inches total length
5. Vermilion snapper	10 inches total length

6. Red, gag, black and yellowfin grouper	20 inches total length
7. Scamp	16 inches total length
8. Greater amberjack	28 inches fork length (Recreational) 36 inches fork length (Commercial)
9. Black seabass	8 inches total length
10. Hogfish	12 inches fork length
11. Banded rudderfish and lesser amberjack	14 inches fork length (minimum size); 22 inches fork length (maximum size)
12. Gray triggerfish	12 inches total length

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), R.S. 56:326.1 and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:539 (June 1990), amended LR 19:1442 (November 1993), LR 20:797 (July 1994), LR 21:1267 (November 1995), LR 22:860 (September 1996), LR 24:1138 (June 1998), LR 24:1139 (June 1998), LR 24:1972 (October 1998), LR 26:000 (March 2000).

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed Rule to: Randy Pausina, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Wednesday, May 3, 2000.

In accordance with Act#1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Reef Fish-Daily Take, Possession and Size Limits Set by Commission

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

There will be no state or local governmental implementation costs. Enforcement of the proposed rule will be carried out using existing staff and funding levels.

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

There will be no effect on revenues to state or local governmental units from the proposed rule.

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

The proposed rule change is intended to provide consistent regulations for recreational and commercial fishers harvesting reef fish in state waters and in adjacent Federal waters. The proposed modifications will establish more conservative bag and size limits for several reef fish species where the majority of the harvest of this species occurs and will improve

consistency with Federal regulations, thereby improving enforcement. Economic impact on the recreational, commercial, or for-hire and con-sumptive sectors is expected to be negligible. Some recreational harvesters affected by the proposed bag limits and minimum size restrictions may redirect their fishing efforts to other species, practice catch and release and/or participate in non-fishing activities. Commercial harvesters affected by the minimum size limits may experience per unit increase in trip costs and may redirect their fishing efforts to other species, fish for longer periods, or exit the fishery. No additional costs, permits, fees, workload or paperwork will occur from the proposed rule change.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be little or no effect on employment in the public or private sector.

Thomas M. Gattle, Jr. Robert E. Hosse
Chairman General Government Section Director
0003#037 Legislative Fiscal Office

NOTICE OF INTENT

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

Resident Game Hunting Season, 2000-2001
(LAC 76:XIX.101 and 103)

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing the hunting of resident game birds and game quadrupeds.

Title 76

WILDLIFE AND FISHERIES

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Season

§101. General

The Resident Game Hunting Season, 2000-2001 regulations are hereby adopted by the Wildlife and Fisheries Commission. A complete copy of the Regulation Pamphlet may be obtained from the Department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), LR 26:

§103. Resident Game Birds and Animals 2000-2001

A. Shooting hours. One-half hour before sunrise to one-half hour after sunset.

B. Consult Regulation Pamphlet for seasons or specific regulations on Wildlife Management Areas or specific localities.

Species	Season Dates	Daily Bag Limit	Possession Limit
Quail	Nov. 18-Feb. 28	10	20
Rabbit	Oct. 7-Feb. 28	8	16
Squirrel	Oct. 7-Feb. 11	8	16
Pheasant	Nov. 18-Jan. 31	2 (Cock Only)	4
Deer	See Schedule	1 antlered and 1 antlerless (when legal on private lands)	6/season

C. Deer Hunting Schedule

Area	Archery	Muzzleloader (All Either Sex)	Still Hunt	With or Without Dogs
1	Oct. 1-Jan. 31	Nov. 11-Nov. 17 Jan. 22-Jan. 28	Nov. 18-Dec. 3 Jan. 8-Jan. 21	Dec. 9-Jan. 7
2	Oct. 1-Jan. 31	Oct. 28-Nov. 3 Jan. 13-Jan. 19	Nov. 4-Dec. 8	Dec. 9-Jan. 12
3	Sept. 16-Jan. 16	Oct. 7-Oct. 13 Dec. 11-Dec. 15	Oct. 14-Dec. 10 Dec. 16-Jan. 1	
4	Oct. 1-Jan. 31	Nov. 11-Nov. 17 Jan. 13-19	Nov. 18-Jan. 12	
5	Oct. 1-Jan. 31	Nov. 11-Nov. 17 Jan. 13-19 Bucks Only	Nov. 18-26	
6	Oct. 1-Jan. 31	Nov. 11-Nov. 17 Jan. 22-Jan. 28	Nov. 18-Dec. 3	Dec. 9-Jan. 21
7	Oct. 1-Jan. 31	Oct. 7-Oct. 13 Jan. 15-Jan. 21	Oct. 14-Oct. 29 Nov. 18-Dec. 3	Dec. 9-Jan. 14

D. Modern Firearm Schedule (Either Sex Seasons)

Parish	Modern Firearm Either-sex Days
Acadia	Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26
Allen	Area 2: Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10 Area 3: Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26
Ascension	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-18
Assumption	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Avoyelles	Area 1: Nov. 18-19, 24-26, Dec. 9-10 Area 2: Nov. 4-5, 24-26, Dec. 9-10 Area 6: Nov. 18-19, 24-26, Dec. 9-10
Beauregard	Area 2: Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10 Area 3: Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26
Bienville	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
Bossier	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
Caddo	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
Calcasieu	Area 2: Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10 Area 3: Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26 Nov. 4-5, 24-26, Dec. 9-10
Caldwell	Nov. 4-5, 24-26, Dec. 9-10
Cameron	Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26
Catahoula	Area 1: Nov. 18-19, 24-26, Dec. 9-10 Area 2: Nov. 4-5, 24-26, Dec. 2-3
Claiborne	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
Concordia	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
DeSoto	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
East Baton Rouge	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
East Carroll	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17 East of mainline Mississippi River Levee and south and east of La. 877 from West Carroll Parish line to La. 580, south of La. 580 to U.S. 65, west of U.S. 65 to Madison parish line. Nov. 18-19, 24-26, the remainder of the parish.
East Feliciana	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Evangeline	Area 2: Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10 Area 6: Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Franklin	Nov. 18-19, 24-26
Grant	Area 1: Nov. 18-19, 24-26, Dec. 2-3, 9-10 Area 2: Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
Iberia	Area 3: Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26 Area 6: Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17 Area 7: Oct. 14-15, Nov. 18-19, 24-26, Dec. 9-10
Iberville	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17

Parish	Modern Firearm Either-sex Days
Jackson	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
Jefferson	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Jefferson Davis	Area 2: Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10 Area 3: Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26
Lafayette	Area 3: Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26 Area 6: Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Lafourche	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
LaSalle	Area 1: Nov. 18-19, 24-26, Dec. 9-10 Area 2: Nov. 4-5, 24-26, Dec. 9-10
Lincoln	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
Livingston	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Madison	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Morehouse	Area 2: Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10 Area 4: Nov. 18-19, 24-26
Natchitoches	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
Orleans	Closed to all deer hunting
Ouachita	Area 2: Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10 Area 4: Nov. 18-19, 24-26
Plaquemines	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Pointe Coupee	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Rapides	Area 1: Nov. 18-19, 24-26, Dec. 2-3, 9-10 Area 2: Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10 Area 3: Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26 Area 6: Nov. 18-19, 24-26, Dec. 2-3, 9-10
Red River	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
Richland	Nov. 18-19, 24-26
Sabine	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
St. Bernard	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
St. Charles	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
St. Helena	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
St. James	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
St. John	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
St. Landry	Area 3: Oct. 14-15, Nov. 24-26, Dec. 9-10 Area 6: Nov. 18-19, 24-26, Dec. 9-10
St. Martin	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
St. Mary	Area 6: Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17 Area 7: Oct. 14-15, Nov. 18-19, 24-26, Dec. 9-10
St. Tammany	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Tangipahoa	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Tensas	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Terrebonne	Oct. 14-15, Nov. 18-19, 24-26, Dec. 9-10
Union	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
Vermillion	Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26
Vernon	Area 2: Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10 Area 3: Oct. 14-15, 21-22, 28-29, Nov. 4-5, 18-19, 24-26
Washington	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Webster	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10
West Baton Rouge	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
West Carroll	Closed
West Feliciana	Nov. 18-19, 24-26, Dec. 2-3, 9-10, 16-17
Winn	Nov. 4-5, 11-12, 18-19, 24-26, Dec. 2-3, 9-10

E. Farm Raised White-tailed Deer on Supplemented Shooting Preserves

Archery	Modern Firearm	Either Sex	Muzzleloader
Oct. 1-Jan. 31 (Either Sex)	Nov. 1-Dec. 6 Dec. 21-23 Dec. 26-Jan. 31	Nov. 1-3 Dec. 21-23 Dec. 26-30	Dec. 7-20 (Either Sex)

F. Exotics on Supplemented Shooting Preserves: Either Sex, no closed season.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:115.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR

21:707 (July 1995), amended LR 22:585 (July 1996), LR 23:871 (July 1997), LR 24:1324 (July 1998), LR 25:1290 (July 1999), repromulgated LR 25:1526 (August 1999), LR 26: .

Public hearings will be held at regularly scheduled Wildlife and Fisheries Commission Meetings from April through July. Additionally interested persons may submit written comments relative to the proposed rule until May 19, 2000 to Mr. Tommy Prickett, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000.

In accordance with Act 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Thomas M. Gattle, Jr.
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Resident Game Hunting Seasons
2000-2001**

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

Establishment of hunting regulations is an annual process. The cost of implementing the proposed rules, aside from staff time, is the production of the regulation pamphlet. Estimated cost of printing the 2000-2001 state hunting pamphlet is \$12,850. Local government units will not be affected.

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

Projected hunting license fee collections are between 4.0-5.0 million dollars, annually. Additionally hunting and related activities generates approximately \$25 million in states sales tax and \$5.6 million in state income tax (Southwick and Assoc., 1997). Based upon the Southwick and Associates survey and a statewide weighted local sales tax rate of 3.8 percent, these activities would generate approximately \$22.6 million in local sales tax revenue. Failure to adopt rule changes would result in no hunting season being established and a potential loss of some of these revenues.

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

Approximately 352,000 resident and nonresident recreational sportsmen who participate in hunting and numerous retail outlets, distributors, manufactures, landowners and other commercial operations that cater to the hunting public would be directly affected if hunting rules and regulations are not promulgated. Hunting in Louisiana generates in excess of \$596,000,000 annually through the sale of outdoor related equipment, associated items and trip related expenditures (Southwick and Assoc., 1997).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Hunting in Louisiana provides 15,271 jobs (Southwick and Assoc., 1997). Not establishing hunting seasons might have a negative and direct impact on these jobs.

James L. Patton
Undersecretary
0003#039

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office