

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry
Office of Forestry

Seedling Prices (LAC 7:XXXIX.301)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Office of Forestry, proposes to amend rules and regulations regarding the price of hardwood seedlings.

The Department of Agriculture and Forestry deems the amendment of these rules and regulations necessary to assure that the agency's nursery operations continue to generate the revenue necessary to operate on a fiscally sound basis. The agency's nursery operations are funded entirely from self-generated seedling sale revenue. This action is proposed so that the selling price of hardwood seedlings will sufficiently cover the production costs of those seedlings.

The full text of this proposed rule can be viewed in the Emergency Rule section of this issue of the *Louisiana Register*.

These rules comply with and are enabled by R.S. 3:4303.

Interested persons should submit written comments on the proposed rules to Charles Mathern through the close of business on August 25, 2000, at P.O. Box 1628, Baton Rouge, LA 70821 (5825 Florida Boulevard, Baton Rouge). A public hearing will be held on these rules on August 25, 2000, at 9:30 a.m., at the address listed above. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at the hearing. No preamble regarding these rules is necessary.

Family Impact Statement

The proposed amendment to LAC 7:XXXIX.301 regarding the price of hardwood seedlings 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.

Bob Odom
Commissioner

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Seedling Prices

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

There will be no estimated implementation costs or savings to state or local governmental units. The amendment of these rules and regulations is necessary to assure that the agency's nursery operations continue to generate the revenue necessary to operate on a fiscally sound basis. The agency's nursery operations are funded entirely from self-generated seedling sale revenue. This action is proposed so that the selling price of hardwood seedlings will sufficiently cover the production costs of those seedlings.

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

The proposed rule increases the prices for Hardwood Seedlings from \$175 per thousand to \$185 per thousand. Annual sales of hardwood in 1999 were approximately 3,465,000 seedlings. If future sales and production equal those of recent years, Office of Forestry revenue would increase by approximately \$35,000.

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

Customers who choose to purchase Hardwood Seedlings from the Office of Forestry would pay the additional costs that this rule would create.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no anticipated impact from the proposed action on any in-state company providing similar services.

Maintaining a fiscally sound seedling production operation will allow the Office of Forestry to keep all four nurseries operating. Closure of any of these nurseries would greatly impact the local economy of these areas by eliminating a source of employment for residents and revenue for local businesses.

Linda Chaney
Fiscal Coordinator
0007#032

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Agriculture and Forestry
Structural Pest Control Commission

Pesticide Restrictions
(LAC 7:XXV.117, 119, 141 and 161)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the Department of Agriculture and Forestry, Structural Pest Control Commission, proposes to amend regulations regarding obligations of a licensee and minimum specifications for termite control.

The Department of Agriculture and Forestry deems the implementation of these rules and regulations necessary to further define the record keeping requirements of the licensee, increase the distance between stiff legs and the ground, decrease the distance between drill holes, to better define the waiver requirements, to require monitoring of bait stations in the pilot project, and to change the listing of commission-approved termiticides.

These rules comply with and are enabled by R.S. 3:3203.

Title 7

Agriculture and Animals

Part XXV. Structural Pest Control

Chapter 1. Structural Pest Control Commission

§117. Obligations of the Licensee

A. - H. ...

I. Any person applying pesticides for a fee and the licensee must maintain records according to LAC 7:XXV.117.I, at the physical address listed on the place of business permit or in a format approved by the director of Pesticide and Environmental Programs of LDAF. These records must be retained for a period of two years after the date of the pesticide application for ship and commodity fumigation, general pest control and commercial vertebrate control and a period of two years after the expiration of applicable contracts for termite and other wood destroying insect control. The licensee must make a copy of these records available to any employee of the Louisiana Department of Agriculture and Forestry for inspection at a reasonable time during normal working hours.

I.1. - P. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:323 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:954 (November 1989), LR 21:930 (September 1995), LR 23:855 (July 1997), LR 26:

§119. Contracts for Termite Control Work

A. - E. ...

F. Copies of contracts for termite and other wood destroying insect control must be retained for a period of two years after the expiration of applicable contracts.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:328 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:957 (November 1989), LR 26:

§141. Minimum Specifications for Termite Control Work

A. Chemicals approved for termite control work which shall remain in full force and effect until superseded by a publication of a subsequent full listing.

1. All chemicals registered by the U.S. Environmental Protection Agency and the Louisiana Department of Agriculture and are approved by the commission, but only at the chemical compositions approved by the U.S. Environmental Protection Agency.

2. The commission will issue an annual listing of chemicals approved by the commission for termite control work. The listing shall become effective upon publication in the Potpourri section of the *Louisiana Register* and shall

remain in effect until changed by the commission. The commission may supplement its listing whenever any new chemical is approved for termite control work and may also remove a previously approved chemical from its approved listing by publication in the Potpourri section of the *Louisiana Register*. Upon publication of the listing of chemicals approved for termite control work, all previous listings shall be replaced repealed. The commission delegates to the State Entomologist Departments Assistant Commissioner of Agricultural and Environmental Sciences the responsibility for publication of the list of chemicals approved by the commission.

3. - B. 1. ...

C. Treatment of Existing Pier Type Construction

1. Access Openings

a. Provide suitable access openings to all crawl-space areas and to all other areas requiring inspection and/or treatment for termites.

b. A minimum clearance of 12 inches from the bottom of the sill.

2. Required Clean-up

a. Remove all cellulose-bearing debris, such as scrap wood, wood chips, paper, etc., from underneath buildings.

b. Trench, rod and treat any large stumps or roots that are too sound to be removed, provided that such stumps or roots are at least 12 inches from the foundation timbers. Stumps or roots located less than 12 inches from foundation timbers must be cut off to provide at least 12 inches clearance.

c. Remove all form boards that are not embedded in concrete.

3. Elimination of Direct Contact of Wood with Ground

a. Piers and stiff legs must have concrete or metal-capped bases extending at least three inches above the ground. Creosote or penta pressure-treated piling foundations are exempt from this requirement but should be drilled and pressure treated to the center of the piling.

b. Wood parts which extend through concrete or masonry (such as posts, door frames or stair carriages) must be cut off and set on metal or concrete bases at least three inches above ground level.

c. Wood steps must be placed on concrete or masonry bases which extend at least one inch above ground level, and beyond the steps in all directions. Multiple-course masonry step supports must be treated as required in §141.C.7.a, b, c and d.

4. Pipes

a. Remove all packing around pipes for a distance of three inches above ground level and/or trench and treat according to label and labeling.

5. Skirting and Lattice-work

a. All cellulose skirting and lattice-work must rest on solid concrete or brick extending at least three inches above the outside grade. This base will be trenched and treated.

b. There must be at least three inches clearance above outside grade if skirting or lattice-work is suspended.

6. Stucco

a. Where stucco extends to or below grade, dig trenches below and under the edge of the stucco and apply chemical as required by label and labeling.

b. Where ground slabs prevent treatment as required in Subparagraph a above, drill and treat slab as required by label and labeling. Where slab is drilled the holes must be no more than 18 inches apart (unless label requires closer distance).

7. - 8.b. ...

9. Dirt Filled Porches

a. Where the sill or other wood extends to, or below, the under side of the concrete slab, the dirt must be excavated so as to leave a horizontal tunnel at the junction of slab and foundation wall. The tunnel shall extend the full length of the fill and be at least 12 inches deep (or down to grade) and 12 inches wide. Soil in the tunnel shall be treated with chemical at all points of contact with wall and slab. Supports for the slab shall be erected in the tunnel if necessary. Tunnel shall be well ventilated, but care shall be taken to assure that water does not run into those tunnels. (See Figure 1 [in appendix])

i. Exception: If, due to construction, it is impractical to break into and excavate dirt-filled areas, a method of drilling, rodding and flooding as outlined in 141.C.9.b.ii below, may be employed. The secretary of the Structural Pest Control Commission shall be notified in these cases and permission requested prior to treatment.

b. Where the sill or other wood does not extend to or below the underside of the concrete slab, the fills may be drilled, rodded and flooded as follows.

i. Drill floor slab at intervals of not more than 18 inches (unless label requires closer distance) along the junction of the porch and the buildings: rod and treat the fill along the foundation wall of the building.

9.b.ii. - D. 3. a. ...

b. Rod under or drill through the slab and treat all areas beneath expansion joints and cracks in the slab as per label and labeling instructions. When the slab is drilled, the holes must be no more than 18 inches (unless label requires closer distance) apart along the above stated areas.

c. All other openings (plumbing, etc.) must be treated as required by label and labeling.

E. - H.2. ...

I. Waiver of Requirements of Minimum Specifications for Termite Control Work. Whenever it is impossible or impractical to treat any structure in accordance with these minimum specifications, the pest control operator may request a waiver of these requirements. A waiver must be on a form approved by secured from the Department of Agriculture prior to any treatment in any instance where all requirements of these minimum specifications cannot be complied with. A waiver shall be signed by the owner/agent of the property treated and shall be sent to the department with the company's monthly eradication report.

J. - 8.c. ...

d. monitoring may shall be used to detect the presence of subterranean termites in the soil. Monitoring may include the use of toxicant delivery systems. All delivery systems shall be inspected at regular intervals, not less than once monthly and data shall be recorded;

e. baits and baiting systems may be used as a stand-alone termite treatment only with written approval by LDAF;

f. baits and baiting systems may be used as a supplement to traditional ground termiticide treatments.

g. monitoring stations shall be placed, where soil is available a maximum of 20 feet apart around the perimeter of the structure.

h. toxicant delivery following label and labeling shall be placed in or in close proximity to each monitoring station that are infested with live termites.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3302 and R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:330 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 15:958 (November 1989), LR 20:644 (June 1994), LR 23:1285 (October 1997), LR 25:235 (February 1999), LR 26:

§161. List of Approved Termiticides

Termiticide	Percentage
Biflex TC	.06% - .12%
Demon	.25% - .50%
Dragnet FT	.50% - 1.0%
Dursban TC	1.0%
Equity	.75% - 1.0%
Chlorpyrifos TC	1.0%
Prevail	.30% - .60%
Pryfon	.75%
Tenure	.75% - 1.0%
Torpedo	.50% - 1.0%
Tribute	5.0% - 1.0%

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3306.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Structural Pest Control Commission, LR 11:330 (April 1985), amended by the Department of Agriculture and Forestry, Structural Pest Control Commission, LR 20:644 (June 1994), LR 21:671 (July 1995), LR 26:

Interested persons should submit written comments on the proposed rules to Bobby Simoneaux through the close of business on August 25, 2000, at 5825 Florida Blvd., Baton Rouge, LA 70806. A public hearing will be held on these rules on August 25, 2000, at 9:30 a.m. at the address listed above. All interested persons will be afforded an opportunity to submit data, views or arguments, orally or in writing, at the hearing. No preamble regarding these rules is necessary.

Family Impact Statement

The proposed amendments to LAC 7:XXV.117, 119, 141 and 161 regarding obligations of a licensee and minimum specifications for termite control. These rules and regulations 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.

Bob Odom
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Pesticide Restrictions**

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

There will be no estimated implementation cost or savings to state or local governmental units. The proposed rule change is deemed necessary to further define the record keeping requirements of the pest control licensee. They also make modifications to the minimum specification for termite control by increasing the distance between stiff legs and the ground; decreasing the distance between drill holes; improving the definition of waiver requirements; requiring monitoring of bait stations in the pilot project; and changing the listing of Commission approved termiticides.

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

There will be no estimated effect on revenue collections to state or local governmental units.

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

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

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no estimated effect on competition and employment.

Linda Chaney
Fiscal Coordinator
0007#034

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Commerce and Industry Board (LAC 13:I.Chapter 1)

The Department of Economic Development, Office of Commerce and Industry, Business Division, in accordance with the Administrative Procedure Act, R.S. 40:950, et seq., adopts the following rules regarding the policies and procedures of the Commerce and Industry Board.

The following rules will implement R.S. 51:921 et seq., authorizing the Secretary of the Department of Economic Development to establish rules for the Board of Commerce and Industry. The Board of Commerce and Industry serves in an advisory capacity to the Department of Economic Development. The Commerce and Industry Board's duty and function is to review and approve or disapprove applications for tax incentive programs administered by the Office of Commerce and Industry.

Title 13

ECONOMIC DEVELOPMENT

Part I. Financial Incentives Programs

Chapter 1. General Provisions

Subchapter A. General Rules

§101. Board of Commerce and Industry

A. The principal offices of the board shall be at the Louisiana Department of Economic Development, Office of Commerce and Industry, located at One Maritime Plaza, Baton Rouge, Louisiana, or at such other place that the board may determine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Business Division, LR 26:

§103. Board Membership

A. Number and Qualifications of Board Members. The board shall consist of 20 members, unless R.S. 51:923 is amended to provide for a different number of board members. Fifteen members shall be appointed by the governor from among representatives of the major economic groups within the state of Louisiana, one who shall be an elected municipal official appointed by the governor from a list of three names submitted by the Louisiana Municipal Association and one who shall be an elected police juror, councilman, commissioner or parish president appointed by the governor from a list of names submitted by the Louisiana Police Jury Association. In addition, the governor, or his designee, the lieutenant governor, or his designee, and the secretary of the Department of Economic Development, or his designee, shall be ex officio members of the board with full right to participate in and vote on all matters.

B. Appointment. Each appointment by the governor shall be submitted to the senate for confirmation and shall again be submitted by the governor to the senate for confirmation every two years after the initial confirmation.

C. Term. The members, other than the governor, lieutenant governor and the secretary of the Department of Economic Development, shall serve for terms which shall be concurrent with the term of the governor making the appointments. The governor and lieutenant governor shall serve during the term of office of each. Other than the three *ex officio* members above, all other members shall continue to serve until their successor is appointed and takes office.

D. Vacancy. A vacancy occurring for any reason shall be filled in the manner provided in §103.A hereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Business Division, LR 26:

§105. Compensation Of The Board

A. Members of the board shall serve without compensation. Each member shall be entitled to reimbursement for the actual and necessary expenses incurred in the performance of official duties.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Business Division, LR 26:

§107. Meetings Of The Board

A. Open Meeting. All meetings of the board shall be subject to the Open Meetings Law as provided in R.S. 42:1 et seq.

B. Annual Meeting. The year of the board shall begin February 1 each year. The meeting following the beginning of the year the board shall elect its officers who shall serve until the next annual meeting or until their successors are elected.

C. Regular Meetings. The board may meet as often as it deems necessary provided that there shall be not less than four regular meetings each year.

D. Special Meetings. A meeting may be called by the chairperson or by joint call of at least three of its members, to be held at the principal office of the board, or at such other place as may be fixed by the board.

E. Quorum. Excluding any vacancies on the board, a majority of the members of the board shall constitute a quorum. In the absence of a quorum, a majority of the members present at the time and place of any meeting may adjourn such meeting from time to time, with notice given in accordance with the Open Meeting Law.

F. Parliamentary Procedure. Unless otherwise provided by law to the contrary, all meetings of the board shall be conducted in accordance with *Robert's Rules of Order*.

G. Meeting Place. The board, its committees and sub-committees, shall hold its meetings at the principal office of the board, or at such other place as may be fixed by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Business Division, LR 26:

§109. Notice

A. Notice By Mail. Under the provisions of Louisiana law or these rules, whenever notice is given to any member it shall not be construed to mean personal delivery of notice. Notice will be considered to be given in writing on the day the written notice is deposited in a post office with such notice bearing the member's address as it appears in the records of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Business Division, LR 26:

§111. Officers

A. The officers of the board shall be elected by the members of the board and shall be a chairperson and a vice-chairperson and such other officers as the board shall consider necessary. There shall be no prohibition against officers succeeding themselves.

1. Chairperson. The chairperson shall be a member of the board and shall preside at all meetings of the board at which he or she is present. The chairperson shall perform such other duties and have such other powers as from time to time may be assigned to the office by these rules or by the board. Election of the chairperson shall be at the annual meeting or such other time as may be necessary. The chairperson shall hold office until the next annual meeting.

2. Vice-Chairperson. The vice-chairperson shall be a member of the board. At the request of the chairperson or in

the event of his absence or disability, the vice-chairperson shall perform all duties of the chairperson, and when so acting, shall have all the powers of, and be subject to all the restrictions upon, the chairperson. The vice-chairperson shall also perform such other duties and have such other powers as from time to time may be assigned to the office or to the vice-chairperson by these bylaws or by the board or by the chairperson. The vice-chairperson shall assume the role of chairperson of the screening committee. Election of the vice-chairperson shall be at the annual meeting or such other time as may be necessary. The vice-chairperson shall hold office until the next annual meeting.

B. Records. The board secretary shall keep an accurate record of all proceedings of the board, and shall be the custodian of all books, documents, and papers filed with the board and the minute books of the board. The secretary shall cause copies to be made of all minutes and other records and documents of the board and shall certify that such copies are true copies, and all persons dealing with the board may rely upon such certification. The records of the board shall be kept at the principal office of the board or at such other place that the board may determine. The records of the board shall be available for public inspection at reasonable times in the manner provided by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Business Division, LR 26:

§113. Standing Committees

A. The board, by resolution adopted by a majority of the board then in office, may establish one or more standing committees, each which shall consist of three or more board members. Each committee shall have and exercise the authority of the board as contained within the resolution establishing such committee and shall perform such functions as shall be provided for in such resolution.

B. Appointment of Members. The officers and members of all standing and ad hoc committees shall be appointed by the chairperson.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Business Division, LR 26:

§115. Speaking Before the Board

A. Time Limit Set on Speaking Before the Board

1. Petitions to the board by an applicant and/or representatives of same shall, as a group, be limited to at total of 10 minutes to put forward their plea.

2. Opponents to a given application shall, as a group, have a total of 10 minutes to put forward their opposition.

3. Any and all interested parties shall, as a group, have a total of 10 minutes to put forward their views.

4. If any group has more than one speaker, the group may divide their 10 minutes by the number of speakers in that group, however in no case will any group be allowed to speak for more than 10 minutes total.

5. Questions addressed to an applicant or others by a board member are not subject to the above time limits.

B. Any person wishing to appeal the action of the Board of Commerce and Industry or wishing to petition the board or any of its committees or sub-committees must submit

their appeal or petition along with any necessary documentation to the Office of Commerce and Industry at least 30 days prior to the meeting of the Board of Commerce and Industry, the committee or sub-committee, during which the appeal or petition will be presented.

AUTHORITY NOTE: Promulgated in accordance with R.S. 51:921 et seq.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Office of Commerce and Industry, Business Division, LR 26:

Interested persons may comment on the proposed rules, in writing, at the following address: Robert Paul Adams, Director of Business Incentives Division, Office of Commerce and Industry, Box 94185, Baton Rouge, LA 70804-9185, or call (225) 342-5360.

Harold Price
Assistant Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES TITLE: Commerce and Industry Board

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The proposed rules will result in no implementation costs (or savings) to the state or local governmental units other than those one-time costs directly associated with the publication of these rules. This is a codification of existing rules. No changes to existing rules have been made.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated effect on revenue collections of local governmental units associated with this proposed rule.
- 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.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
It is anticipated that no significant affect on competition or employment in the state will occur as a result of these rules.

Harold Price Assistant Secretary 0007#031	Robert E. Hosse General Government Section Director Legislative Fiscal Office
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NOTICE OF INTENT

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

Student Tuition and Revenue Trust (START Saving)
Program (LAC 28:VI.107, 301, 307, 309)

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., August 20, 2000, to Jack L. Guinn, Executive Director, Office of Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Mark S. Riley
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 and re-promulgating the START Program rules is approximately \$400. These program revisions to make the program more attractive and simplify distribution are not expected to impact program costs.
- 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.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
These changes will make the program more attractive to those who wish to save for college expenses and simplify distribution of funds.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No impact on competition and employment is anticipated to result from this rule.

Mark S. Riley Assistant Executive Director 0007#009	H. Gordon Monk Staff Director Legislative Fiscal Office
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NOTICE OF INTENT

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

Tuition Opportunity Program for Students (TOPS)CHigh
School Grade Point Average Calculator
(LAC 28:IV. 301, 703, 803, 903, 1703)

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*.

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., August 20, 2000, to Jack

L. Guinn, Executive Director, Office of the Student Financial Assistance, Box 91202, Baton Rouge, LA 70821-9202.

Mark S. Riley
Assistant Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Tuition Opportunity Program for
Students (TOPS)C High School Grade Point
Average Calculator**

- 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 \$200. The purpose of this action is to clarify the requirements for calculating the grade point average for the TOPS program. This will not require increased funding. 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)
High school administrators will be provided clarification of the requirements for calculating the grade point average for the TOPS program.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
No impact on competition and employment is anticipated to result from this rule.

Mark S. Riley
Assistant Executive Director
0007#010

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Tuition Trust Authority Bylaws (LAC 28:VI. 201, 203)

The Louisiana Tuition Trust Authority (LATTA), the statutory body created by R.S. 17:3093 et seq., in compliance with the Administrative Procedure Act, R.S. 49:950 et seq., hereby announces its intention to revise its governing bylaws. This proposed rule has no known impact on family formation, stability, or autonomy, as described in R.S. 49:972.

**Title 28
EDUCATION**

Part VI. Student Tuition Trust Authority

Chapter 2. Bylaws

§201. Definitions and Authority

Business of the Authority (as used in these bylaws)CActivities on behalf of the authority, including

attendance at authority meetings and authority committee meetings; presentations at legislative committee hearings on issues or bills which relate to the role, scope, mission or programs assigned the authority; presentations to the public and to federal and state officials related to the role, scope, mission, or programs assigned the authority; and participation in projects, meetings or conferences related to the role, scope, mission or programs assigned the agency; all or any of the foregoing as directed by the authority, authorized by the chairman or a committee chairman, or requested by the executive director.

Services (as used in these bylaws)CConducting the Business of the Authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Financial Assistance, LR 23:1653 (December 1997), amended LR 26:

§203. Meetings

A. - B. ...

C. Compensation

1. Members of the authority shall receive per diem as compensation for their services at the rate authorized by statute or as authorized by executive order. Members shall be reimbursed for their necessary travel expenses actually incurred in the conduct of the business of the authority.

2. The authority is limited to twelve meetings per year for which per diem may be drawn by authority members.

D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3093 et seq.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Financial Assistance, LR 23:1653 (December 1997), amended LR 26:

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

Mark S. Riley
Assistant Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Tuition Trust Authority Bylaws**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)
The implementation cost associated with adopting this change includes approximately \$120 to publish the change in the *Louisiana Register*. Additional cost to the program will depend on the number of meetings attended and authorized activities occurring during the year. For each additional meeting attended by all members the per diem cost will be \$1,150 and the estimated travel expenses will be \$350. The cost of travel expenses for other activities will depend on the number of members involved, their home location, and the length of the activity.
- 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)

No impact on non-governmental groups is anticipated to result from this action

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

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

Mark S. Riley
Assistant Executive Director
0007#011

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Environmental Quality
Office of Environmental Assessment**

Solid Waste and Statewide Beautification
(LAC 33:VII.115, 707, Chapter 13 and Chapter 101)

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 solid waste regulations, LAC 33:VII.115, 707, 717, Chapter 13, and Chapter 101 (Log #SW028).

This proposed rule contains changes to include infectious wastes and actions required for offloading and transloading of solid wastes. Chapter 13 is being added to address litter abatement in the state in accordance with R.S. 30:2521, et seq. The regulations in Chapter 101. Recycling Awareness, are no longer applicable to the department's solid waste program, and this Chapter is being repealed. The basis and rationale for this proposed rule are to comply with R.S. 30:2521, et seq. and make minor changes to the Solid Waste regulations.

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 VII. Solid Waste

Subpart 1. Solid Waste Regulations

Chapter 1. General Provisions and Definitions

§115. Definitions

A. For all purposes of these rules and regulations, the terms defined in this Section shall have the following meanings, unless the context of use clearly indicates otherwise.

* * *

[See Prior Text]

Autoclave Steam sterilization at a temperature of at least 120° C (248° F) and a pressure of at least 15 pounds per square inch for at least 30 minutes. Longer times are required depending on the amount of waste, the presence of water, and the type of container used. Alternate patterns of temperature, pressure, and time may be used if compatible with the sterilization equipment being used and

demonstrably sufficient to kill disease-causing microorganisms.

* * *

[See Prior Text]

Type II-A Facility A facility used for processing residential, infectious, or commercial solid waste (e.g., transfer station, incinerator waste-handling facility, refuse-derived fuel facility, shredder, baler, autoclave, or compactor). (If the facility is also used for processing industrial solid waste, it is also a Type I-A facility.)

* * *

[See Prior Text]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001, et seq. and 2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended LR 22:279 (April 1996), amended by the Office of Waste Services, Solid Waste Division, LR 23:1145 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

Chapter 7. Solid Waste Standards

Subchapter A. General Standards

§707. Standards Governing Pickup Stations for Solid Waste

* * *

[See Prior Text in A - D]

E. Each person must provide written notice to the parish governing authority, at least 30 days prior to construction, of his intent to operate a pick-up station for the offloading and/or transloading of processed solid waste and sewage sludge destined for disposal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001, et seq., and 2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

Subchapter C. Solid Waste Processors

§717. Standards Governing All Solid Waste Processors (Type I-A and II-A)

* * *

[See Prior Text in A - B.4]

5. Receiving and Monitoring Incoming Wastes

a. Each processing facility shall be equipped with a device or method to determine quantity (by wet-weight tonnage); sources (whether the waste was generated in-state or out-of-state and, if it is industrial solid waste, where it was generated); and types of incoming waste (i.e., commercial, residential, infectious). The facility shall also be equipped with a device or method to control entry of the waste and prevent entry of unrecorded or unauthorized deliverables (i.e., hazardous, unauthorized, or unpermitted solid waste).

* * *

[See Prior Text in B.5.b- I.3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001, et seq. and 2154.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 19:187 (February 1993), amended by the Office of the Secretary, LR 24:2252 (December 1998), amended by

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

Chapter 13. Statewide Beautification

§1301. Purpose

A. It is declared to be the purpose of these rules and regulations to:

- 1. control and reduce litter; and
- 2. create a statewide beautification program to enhance the tourist, recreational, and economic development of the state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2521, et seq.

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

§1303. Definitions

A. The following words, terms, and phrases, when used in conjunction with LAC 33:VII.Subpart 1, shall have the meanings ascribed to them in this Chapter, except where the context clearly indicates a different meaning.

Commission Cthe Louisiana Litter Reduction and Public Action Commission.

Dump Cto throw, discard, place, deposit, discharge, burn, dump, drop, eject, or allow the escape of a substance.

Litter Call waste material, except as provided and defined in R.S. 30:2173(2), including but not limited to, disposable packages, containers, sand, gravel, rubbish, cans, bottles, refuse, garbage, trash, debris, dead animals, furniture or appliances, automotive parts including, but not limited to, tires and engines, trailers, boats and boating accessories, tools and equipment, and building materials, or other discarded materials of any kind and description. Litter shall not include agricultural products that are being transported from the harvest or collection site to a processing or market site if reasonable measures are taken to prevent the agricultural product from leaving the transporting vehicle. Litter shall also not include recyclable cardboard being transported in compressed bundles to processing facilities. *Agricultural product*, as used in this definition, means all crops, livestock, poultry, and forestry; and all aquacultural, floracultural, horticultural, silvicultural, and viticultural products.

Local Governing Authority Cthe governing authority of the parish or the governing authority of the municipality in which the littering offense was committed.

Public or Private Property Cthe right-of-way of any road or highway, levee, any body of water or watercourse or the shores or beaches thereof, any park, playground, building, refuge, or conservation or recreation area, and residential or farm properties, timberland, or forests.

Section Cthe Litter Reduction and Public Action Section located within and acting through the Office of Environmental Services of the Department of Environmental Quality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2522, et seq.

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

§1305. Louisiana Litter Abatement Program

A. The purpose of the Louisiana Litter Abatement Program shall be to support the community-based litter abatement programs.

B. Program Award

1. Program awards shall be made available to local governments and nonprofit organizations.

2. Funding through the program shall be subject to the availability of funds.

3. All requests for awards shall be made in writing on a form provided by the department to the Litter Reduction and Public Action Section of the Office of Environmental Services.

4. The monies awarded through the award shall be used to further the administration and execution of the Keep Louisiana Beautiful Program. Allowable uses of award funding shall include, but not be limited to:

- a. Keep America Beautiful fees;
- b. Keep America Beautiful precertification training, education curriculums, and workshops;
- c. law enforcement seminars;
- d. litter surveys;
- e. projects, services, activities, and operational costs of litter abatement programs;
- f. materials and services for program development and training;
- g. direct expenditures for materials that can facilitate litter reduction, recycling, waste reduction, reuse, and general solid waste management programs;
- h. minimal advertising, public relations, and promotional materials necessary for publicity and promotion of program activities; and
- i. salary of the program coordinator.

5. Each successful applicant shall supplement award funds with a 25 percent match from other sources. All matching funds must be available to the program after the date of the program award, and funds spent prior to the program award shall not be considered eligible in fulfilling the match requirement.

6. Awards shall be awarded based on a comparative basis as determined by the Litter Reduction and Public Action Section of the Office of Environmental Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2524, et seq.

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

Subpart 2. Recycling

Chapter 101. Repealed

§10101. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 15:1070 (December 1989), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§10103. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 15:1070 (December 1989), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§10105. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 15:1070 (December 1989), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§10107. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 15:1070 (December 1989), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§10109. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 15:1070 (December 1989), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§10111. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 15:1071 (December 1989), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

§10113. Repealed

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Solid Waste Division, LR 15:1071 (December 1989), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 26:

A public hearing will be held on August 24, 2000, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 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 SW028. Such comments must be received no later than August 31, 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) 765-5095. 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 SW028.

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: Solid Waste and Statewide
Beautification**

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
0007#075

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Examiners in Dietetics and Nutrition**

License and General Rules

In accordance with the Administrative Procedure Act, R.S. 49:950, et seq., notice is given that the Louisiana Board of Examiners in Dietetics and Nutrition pursuant to the authority vested in the board by R.S. 37:3085(4), intends to adopt rules amending the board's rules and regulations pertaining to the supervision requirements for provisionally licensed dietitian/nutritionists and changing the biennial renewal fee for licensed dietitian/nutritionists to an annual renewal fee in accordance with R.S. 37:3088.B. The proposed amendments of the rules are set forth below.

Rule 111. Issuance and Renewal of Licensure

A. - C. 1. ...

2. To meet initial licensure and license renewal requirements, a provisionally licensed dietitian/nutritionist shall practice under the direct supervision of a licensed dietitian/nutritionist. Direct supervision is defined as a licensed dietitian/nutritionist providing sufficient guidance and direction to enable a provisional licensed dietitian/nutritionist to perform competently. The supervising licensee needs to be readily available by telecommunications or in person and will review the

provisionally licensed dietitian/nutritionist's work quarterly and submit a written report annually to the board that the applicant is in the process of meeting the experience requirements in anticipation of taking the examination.

D. - H. 9. ...

Rule 119. General Fees

In accordance with the provisions of the act, the following fees, where applicable, are payable to the board by check or money order. Fees are nonrefundable, except for the initial license fee, if application is not approved.

* * *

License Renewal Fee \$60.00

* * *

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of these proposed rule changes on the family has been considered.

These proposed rules have no known impact on family functioning, stability, or autonomy as described in R.S. 49:972.

Interested persons may submit written comments to Suzanne L. Pevey, Administrator, Louisiana Board of Examiners in Dietetics and Nutrition, 11930 Perkins Road, Suite B, Baton Rouge, LA 70810, or by facsimile to (225) 763-5400. All comments must be submitted by 4:30 p.m., Friday, July 21, 2000.

Elizabeth Guinn, LDN, RD
Chairperson

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

RULE TITLE: License and General Rules

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

The Louisiana State Board of Examiners in Dietetics and Nutrition estimates that it will cost approximately \$1,589.00 to implement the proposed amendments to the Board's Rules and Regulations in the fiscal year 2001.

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

It is estimated that the proposed rules relative to an annual renewal fee will generate approximately \$30,000 annually in additional revenues. These funds are needed in order to allow the Board to carry out the mandates of the Louisiana Dietetic/Nutrition Practice Act.

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

The costs to directly affected persons will be a \$30.00 annual increase in the renewal fee for 1,000 Licensed Dietitian/Nutritionists in the state.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment related to the proposed rules.

Suzanne L Pevey
Administrator
0007#018

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Pharmacy**

Pharmacy Technicians (LAC 46:LIII.Chapter 8)

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) and the Louisiana Pharmacy Practice Act (R.S. 37:1161 et seq.), the Louisiana Board of Pharmacy hereby gives notice of its intent to amend the proposed rule as it was published in the April 2000 *Louisiana Register*.

Title 46

**PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LIII: Pharmacists

Chapter 8. Pharmacy Technicians

§801. Qualifications

A. A pharmacy technician trainee (hereinafter referred to as trainee) shall meet the following conditions.

1. Age—at least 18 years of age, as evidenced by copy of birth certificate.
2. Character—good moral character and be non-impaired.
3. Submit copy of current criminal background check.
4. Education—high school graduate or GED equivalent, as evidenced by copy of credential.
5. Experience—obtain a minimum of 500 hours practical experience in a pharmacy permitted by the board, as evidenced by signed affidavit.
6. Examination—submit evidence that trainee has passed a Board approved pharmacy technician examination.

B. Exception—A pharmacist or pharmacist intern whose license has been denied, revoked, suspended, or restricted for disciplinary reasons by any Board of Pharmacy shall not be a trainee or a pharmacy technician.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:

§803. Experience

A. Upon receipt of a properly completed application for a Pharmacy Technician Trainee Work Permit, the board shall issue a work permit to the trainee in order to obtain the necessary practical experience.

1. The work permit shall be displayed in the prescription department.
2. The work permit shall expire one year from the effective date.
3. After expiration of an initial work permit, the trainee shall not apply for another work permit for a period of 18 months.
4. A trainee shall notify the board, in writing, within ten days of a change in the mailing and/or home address, giving their name and social security number, as well as old and new addresses.
5. The board shall reserve the right to refuse or recall any work permit for just cause.

B. A trainee shall supply by affidavit evidence of a minimum 500 hours practical experience earned under the direct and immediate supervision of a pharmacist.

1. The ratio of pharmacist to trainee on duty shall not exceed one-to-one.

2. Hours shall be listed on an affidavit supplied by the board, signed by the pharmacist and the trainee, notarized, and submitted to the board for approval and/or credit.

3. A trainee may receive credit for a maximum of 50 hours per week.

4. A trainee shall not obtain hours in a permitted site that is on probation or with a pharmacist who is on probation.

5. A separate affidavit shall be required for each permitted site.

6. Hours submitted on an affidavit shall be valid for not more than one year following the expiration date of the work permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:

§805. Examination

A. A board approved pharmacy technician examination shall consist of integrated subject disciplines, as the board may deem appropriate.

B. A pharmacy technician examination may be offered when necessary as determined by the board.

C. A trainee shall pass a board approved pharmacy technician examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:

§807. Pharmacy Technician Certificate

A. Upon receipt of a properly completed and notarized application and the appropriate fee, and following verification that all requirements have been satisfied, the board shall issue a pharmacy technician certificate to the trainee.

B. The pharmacy technician certificate shall be displayed in a conspicuous place in the prescription department in such a manner as to be visible to the public. The annual renewal shall be attached or posted next to the pharmacy technician certificate.

C. In the event of loss or destruction of a pharmacy technician certificate, the board may issue a duplicate upon receipt of a properly completed and notarized affidavit and the appropriate fee.

D. The pharmacy technician annual renewal shall expire and become null and void on June 30 of each year.

1. The board shall mail no later than May 1 of each year an application for renewal to all pharmacy technicians.

2. An application for a lapsed pharmacy technician renewal, accompanied by all outstanding fees, shall be referred to the board's reinstatement committee for consideration.

E. A pharmacy technician shall notify the board, in writing, within ten days of any change in mailing and/or home address, giving their name and certificate number, as well as old and new addresses.

F. A pharmacy technician shall notify the board, in writing, within ten days of a change in employment, listing

the name, address, and permit numbers of old and new employment pharmacies, as well as their name and certificate number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:

§809. Continuing Education

A. A minimum of one ACPE or board approved CPE unit, or ten hours, shall be required each year as a prerequisite for annual renewal.

B. Certified pharmacy technicians shall maintain copies of individual records of personal CPE activities at their primary practice site for two years and present them when requested by the board.

C. If judged appropriate by the board, some or all of the required number of hours may be mandated on specific subjects. When so deemed, the board shall notify all pharmacy technicians prior to the beginning of the year in which the CPE is required.

D. Complete compliance with CPE rules is a prerequisite for renewal of a pharmacy technician certificate.

1. Non-compliance with the CPE requirements shall be considered a violation of R.S. 37:1241.A.(2), and shall constitute a basis for the board to refuse annual renewal.

2. The failure to maintain an individual record of personal CPE activities or falsifying CPE documents shall be considered a violation of R.S. 37:1241.A.(22).

3. The inability to comply with CPE requirements shall be substantiated by a written explanation, supported with extraordinary circumstances, and submitted to the board for consideration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:

§811. Impaired Pharmacy Technician

A. An impaired pharmacy technician is one who suffers from a condition that may cause an infringement on the ability to work safely or accurately. The impairment may be caused by, but not limited to, the following factors: substance abuse or addiction, mental illness, physical illness or injury.

B. The board may require an impaired pharmacy technician to comply with the Louisiana Board of Pharmacy Recovery Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:

§813. Implementation

A. This chapter shall become effective December 1, 2000.

B. All trainee work permits issued on or before November 30, 2000 shall expire on December 31, 2000.

C. On December 1, 2000, trainees who are in need of additional practical experience to meet the requirement of 500 hours may apply for one new work permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1212.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Pharmacy, LR 26:

The full text of these proposed rules may be obtained by contacting the Louisiana Board of Pharmacy at 5615

Corporate Blvd., Suite 8-E, Baton Rouge, LA 70808, or by telephoning (225) 925-6496.

Any person may submit data, views, or positions, orally or in writing, to the Louisiana Board of Pharmacy before or during the public hearing, which will be held from 1 p.m. to 4 p.m. on August 24, 2000, at the board office.

Malcolm J. Broussard, RPh
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Pharmacy Technicians**

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

The cost to the agency to implement the proposed rule consists of printing and distribution of the rule to the 2000 holders of the Louisiana Board of Pharmacy Book of Laws and Regulations. That cost is estimated to be \$3,422 in FY 00-01. The agency has sufficient self-generated funds budgeted and available to implement this proposed rule.

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

The agency anticipates and has budgeted a decrease of \$10,000 in licensure fees from pharmacy technicians for FY 00-01. Currently, the board has certified approximately 3,000 pharmacy technicians; about 500 are certified each year. The board estimates that only 400 will become certified in FY 00-01, with that number increasing in the following year. As the pool of pharmacy technician trainees adapt to the new rules, the board anticipates a return to baseline in the number of new pharmacy technician licenses issued annually.

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

The only persons directly affected by this proposed rule are the approximately 700 pharmacy technician trainees currently working towards certification as pharmacy technicians. There is no increase in costs to the trainees as a result of this proposed rule. The board is unable to determine any impact or income or receipts by the trainees as a result of the proposed rule.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Following an initial decrease in the number of pharmacy technician trainees qualifying for certification and employment as pharmacy technicians, the board anticipates a return to baseline in the number of new pharmacy technician licenses issued annually by the agency. The effects on competition cannot be anticipated at this time.

Malcolm J Broussard, RPh
Executive Director
0007#017

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Public Health**

Sanitary Code Sewage Disposal (Chapter XIII)

In accordance with provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health proposes to amend Section 13:011-3 of Chapter XIII (Sewage Disposal) of the Louisiana Sanitary Code, pursuant to R.S. 40:4, as

amended by Acts 1978, No. 786; Acts 1982, No. 619; Acts 1986, No. 885; Acts 1988, No. 942. Predominantly, the amendment to this portion of the Louisiana Sanitary Code is necessary in order to comply with the requirements of Act 505 of the 1995 Regular Session of the Legislature. Act 505 mandated installation of effluent reduction systems following approved individual sewerage systems up through 1,500 gpd capacity, and gave the Department of Health and Hospitals authority to require such effluent reduction systems. Chapter XIII of the Louisiana Sanitary Code is proposed to be amended as follows:

Insert Section 13:011-3 to read as follows:

13:011-3 Effective October 20, 2000, this rule applies to new individual sewerage system installations, upgrades and/or modifications to existing systems required as a result of an investigation by the Office of Public Health (OPH) into an allegation that a violation of Chapter XIII of the Louisiana Sanitary Code has occurred or is occurring, and has the potential for causing harm or creating a nuisance to the general public (R.S. 46:5 Section 1:001). Such individual sewerage systems with a capacity up to and including 1,500 gpd, that produce treated effluent, and which, by design, do not significantly reduce the amount of off-site effluent, shall be followed by an effluent reduction system constructed as described in Section IX of Appendix A of this Chapter.

**IX. Effluent Reduction System Requirements
For Treated Wastewater**

A:9.1 Disinfectants.

Where effluent discharges are required to be disinfected, and chlorine is used as the disinfectant, a chlorine contact chamber is required. Calcium hypochlorite, labeled for wastewater disinfection, shall be added in sufficient concentrations to maintain a minimum residual of 0.5 ppm total chlorine in the effluent. In order to achieve the required chlorine contact time, a baffled chlorine contact chamber (Figure 11, Figure 12) designed to meet the needs for each system with the specified liquid holding capacity shall be used as follows:

Disinfectant Chamber Minimum Liquid Capacity	
Treatment Capacity Of Sewerage System	Contact Chamber Liquid Capacity
500 gpd or less	30 Gallons
501 - 750 gpd	45 Gallons
751 - 1000 gpd	60 Gallons
1001 - 1500 gpd	90 Gallons

Any other disinfectant proposed for use should provide an equivalent level of disinfection.

A:9.2 Pumping Stations. Pumping station, when required, must be constructed of approved materials, and must comply with the applicable provisions of this Code.

A:9.3 Effluent Reduction Systems. Individual sewage systems, with a capacity up to and including 1,500 gpd, that produce a treated, off-site effluent, shall include an effluent reducer as part of the overall system (Figure 14).

A:9.4 Special situations may arise where an individual on-site wastewater treatment system is allowed as per paragraph 13:011-2 of this Code, but it is physically impossible to install the required size of the effluent reduction system or the effluent reduction system itself due

to lot size or when a limited use sewerage system is installed in a marsh/swamp area or located over water. The size of the effluent reduction system can be reduced to the maximum amount the lot can accommodate or the installation waived with the authorization of the Sanitarian Parish Manager. Written notification of such authorization must be submitted to the Sanitarian Regional Director and a copy attached to the "Application For Permit For Installation of On-Site Wastewater Disposal System" (LHS-47).

A:9.5 All effluent reduction systems shall be installed by a licensed installer. Existing field lines can not be used as the effluent reduction system.

A:9.6 The size of the effluent reduction system installed has to correspond with the recommended size of the sewerage system. For example if a 750 gpd plant is required on the "Application For Permit For Installation of On-Site Wastewater Disposal System" (LHS-47), the applicant may install a 1,000 gpd plant, however the size of the effluent reduction system only has to correspond to the minimum size required for a 750 gpd plant.

A:9.7 The sample port for a sewerage system must be installed immediately downstream of the system and in accordance with the appropriate edition and section of NSF Standard 40, as currently promulgated, as well as the applicable provisions of this Code.

Effluent Reduction Options

A:9.8-1 Effluent Reduction Field

This system is installed downstream of a mechanical treatment plant or other sewage treatment system listed in Appendix A of this Code that produces an effluent, but does not by design significantly reduce that effluent. The effluent reduction field is essentially a soil absorption field as described in Section 3 of this Appendix, but with modification as noted in this Section. Figure 15 has a diagram with specifications and cross-sections of the Effluent Reduction Field.

A:9.8-2 If there is not sufficient grade to install the sewerage system and the Effluent Reduction Field with gravity flow to the discharge point, then a pump station in compliance with applicable provision of this Code must be installed.

A:9.8-3 The force of the pumped effluent must be reduced by use of a distribution box, "Tee", or similar appurtenance.

A:9.8-4 The Effluent Reduction Field trenches shall be at least 18 inches wide and between 16 to 24 inches in depth.

A:9.8-5 The bottom of the Effluent Reduction Field must be level.

A:9.8-6 The fill or cover material shall be of porous soil or sand which allows the passage of water in all directions, with sod started on top. Fill should be at least 4 to 6 inches above grade and spread at least three to four feet on either side of the trench.

A:9.8-7 The Effluent Reduction Field must be installed a minimum of ten feet from any property line. In addition the ERF field location shall comply with the minimum distance requirements from water wells and suction lines, etc., as contained in Chapter 12 of this Code.

A:9.8-8 The minimum length of the Effluent Reduction Field shall be determined by the treatment capacity of the Sewerage System:

Treatment Capacity of Sewerage System	Minimum Total Length Per Field
500 gpd or less	100 FT
501 - 750 gpd	150 FT
751 - 1000 gpd	200 FT
1001 - 1500 gpd	300 FT

A:9.8-9 If more than one absorption trench is used to provide the minimum required length of the effluent reduction field, the distance between individual trenches must be at least six feet with one discharge pipe provided.

A:9.8-10 The pipe from the end of the Effluent Reduction Field to the discharge point must be solid.

A:9.8-11 A check valve must be provided at the end of the effluent reduction field whenever the discharge line is less than 12 inches above the ditch flow-line.

A:9.8-12 Each individual trench must not be greater than 100 feet in length. Clam or oyster shells may be substituted for gravel in the Effluent Reduction Field. If used, gravel must be clean, graded and 2-inch to 22 inches in diameter. Other media may be considered for use if determined to have acceptable characteristics and properties.

A:9.8-13 Gravelless pipe or other distribution chambers may be used in lieu of conventional soil absorption pipe. If gravelless pipe is used, the fill must be porous soil or sand which allows the passage of water in all directions, with a 6-inch layer below the pipe and filled 4 to 6 inches above grade and spread 3 to 4 feet on either side of the trench.

A:9.9-1 Rock-Plant Filter

All rock plant filters must be a minimum of five feet wide to a maximum of ten feet wide.

A:9.9-2 The square footage will be determined by the treatment capacity of the Sewerage System as follows:

Treatment Capacity of Sewerage System	Rock Plant Filter Size
500 gpd or less	150 square feet
501 - 750 gpd	225 square feet
751 - 1000 gpd	300 square feet
1001 - 1500 gpd	450 square feet

Refer to Figure 16 for a schematic and cross section of a rock plant filter with a sewerage system installation.

A:9.9-3 The rock plant filter must be installed a minimum of ten feet from any property line. In addition, the RPF location shall comply with the minimum distance requirements from water wells and suction lines, etc., as contained in Chapter 12 of this Code.

A:9.9-4 If there is not sufficient grade to install the sewerage system and the Rock Plant Filter with gravity flow to the discharge point, then a pumping station in compliance with applicable provisions of this Code must be installed.

A:9.9-5 In order to prevent backflow, a check valve is required whenever the discharge line is less than 12 inches above the ditch flow-line.

A:9.9-6 Only a standard shape bed may be installed with a minimum width of five feet and of such length as to provide the required square footage.

A:9.9-7 Plans for any other configuration must be submitted for review and approval to the Sanitarian Regional Director.

A:9.9-8 A liner will be required when the ground water level is within 24 inches of the bottom of the trench.

A:9.9-9 The polyethylene liner may be of more than one layer provided a total thickness of 16 mil is achieved.

A:9.9-10 When a liner is not required, the use of landscape fabric is highly recommended to prevent weed intrusion.

A:9.9-11 The bottom of the bed must be level and be no deeper than 14 inches.

A:9.9-12 A depth of approximately 10 to 12 inches is best.

A:9.9-13 Gravel must be 2-3 inches in diameter and laid to a depth of 12 inches.

A:9.9-14 An 8-inch water level must be maintained. Gravel should fill the filter bed to above surface grade to prevent erosion.

A:9.9-15 The minimum four-inch perforated inlet pipe must be located no closer than 4 inches from the bottom of the bed and supported by a footing of noncorrosive material, such as concrete or treated timber.

A:9.9-16 The inlet should extend no more than two feet into the rock plant bed and must be provided with a "Tee" (with ends capped) extending the width of the bed to within one foot of the side walls.

A:9.9-17 The outlet pipe shall also be set in a footing of noncorrosive material (concrete or treated timber) on the bottom of the bed with the same "Tee" and configuration. The outlet must be elbowed up and out (Figure 17).

A:9.9-18 Do not allow plants to grow within three feet of the inlet and outlet of the bed.

A:9.9-19 A levee support system around the perimeter of the filter should be constructed to exclude surface water. The use of landscape timbers for this purpose is acceptable. Other materials, such as concrete, can also be used.

A:9.10-1 Spray Irrigation

The spray irrigation system (Figure 18) uses an electric pump that distributes the effluent to the yard through sprinkler heads. The effluent from the treatment system collects in a pumping chamber. At a predetermined level, a float switch activates a pump that forces the effluent through piping to pop-up or elevated rotating type sprinkler heads. Evaporation and soil infiltration of the dispersed effluent should prevent any run-off from occurring.

A:9.10-2 A pump station system must be sized according to use and comply with the applicable provisions of this Code.

A:9.10-3 The pressure pump must be a minimum of 1/2 horsepower capable of producing a minimum flow of 12 gallons per minute and maintaining 25 psi at all sprinkler heads.

A:9.10-4 The pump will be activated by a high/low water switch through a manual on/off switch. The pump must be deactivated through a low-volume cut off.

A:9.10-5 A time cycle device may be used to allow for specific sprinkling times (e.g., nighttime, afternoon). The pump chamber must be of adequate liquid capacity to allow sufficient storage to accommodate the desired time settings.

A:9.10-6 A minimum of three 4-inch type heads coded for wastewater effluent, spaced a minimum of 40 feet apart are required.

A:9.10-7 The spray irrigation sprinklers shall comply with American Society of Agricultural Engineers (ASAE) Standard S 398.1 (Procedure for Sprinkler Testing and Performance Reporting).

A:9.10-8 The edge of the spray must be a minimum of 50 feet from the nearest well and 10 feet from any property line. The slope of the land must be such as to facilitate drainage away from the well. In addition, the edge of the spray shall comply with the minimum distance requirements for water wells, lines, etc., as contained in Chapter 12 of this Code.

A:9.10-9 Exceptions due to lot size, topography or other constraints may be authorized by the Sanitarian Parish Manager with written notification of such authorization to the Sanitarian Regional Director and a copy attached to the LHS-47.

A:9.11-1 Overland Flow

When the size of the property is 3 acres or more, an overland flow may be utilized (Figure 19).

A:9.11-2 The discharge through perforated pipe must be distributed in such a manner as to confine the effluent on the property owned by the generator.

A:9.11-3 The location of the overland discharge must have a permanent vegetative cover.

A:9.11-4 The discharge point and the field of flow must be a minimum of 50 feet from the nearest well and the slope of the land must be such as to facilitate drainage away from the well. In addition, the discharge point and the field of flow shall comply with the minimum distance requirements from water wells, lines, etc., as contained in Chapter 12 of this Code.

A:9.11-5 A header should be used at the end of the discharge line to help disperse the effluent and to discourage channelization. The point of discharge must be such that there is at least a 200-foot flow of effluent over the property of the generator.

A:9.11-6 Construction of the system should be such that it is not closer than 20 feet from the property line.

A:9.12 Mound System or Subsurface Drip Disposal (Figure 20; Figure 21)

Either can be considered by DHH-OPH on a case to case basis. Plans and specifications must be submitted to DHH-OPH Engineering Services in consultation with the Sanitarian Regional Director for review and approval prior to construction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4.

HISTORICAL NOTE: Promulgated by Department of Health and Human Resources, Office of Public Health, LR 10:802 (October 1984); LR 11:1086 (November 1985); amended by the Department of Health and Hospitals, Office of Public Health, LR 19:49 (January 1993); LR 26:

Written comments regarding the proposed rule must be received no later than August 21, 2000, and should be addressed to: James Antoon, Chief Sanitarian Services, 6867 Bluebonnet Boulevard, Baton Rouge, LA 70810. A public hearing on this proposed rule will also be held on August 24, 2000 at 10 a.m. in Room 230 at 6867 Bluebonnet Boulevard, Baton Rouge, LA.

Copies of the proposed rule (including accompanying drawings) are available for public review at the Office of State Register, 1051 North Third Street, Baton Rouge, Louisiana 70802, (225) 342-5015, and at the following Office of Public Health offices during normal business

hours: 6867 Bluebonnet Boulevard, Baton Rouge, LA; 1500 Lee Street, Alexandria, LA; 1772 Wooddale Boulevard, Baton Rouge, LA; 1525 Fairfield Avenue, Room 569, Shreveport, LA; 206 East Third Street, Thibodaux, LA; 2913 Betin Street, Monroe, LA; 825 Kaliste Saloom Road, Suite 100, Lafayette, LA; 520 Old Spanish Trail, Slidell, LA; 4240 Senator J. Bennett Johnston Avenue, Lake Charles, LA.

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Sanitary Code C Sewage Disposal**

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

There will be an estimated \$720.00 implementation cost in FY 2000-01 for the publication of this rule in the *Louisiana Register*.

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

Revenue(s) increases to both state and local governmental units are projected as a result of increased state and local sales tax(es) collections associated with increased costs of mandatory wastewater systems requirements, as well as with respect to ad valorem tax(es) increases, where applicable beginning in FY 2000-01. Projected increased collections are being estimated at approximately \$1,125,000 for FY 00-01 and \$1,175,000 for FY 01-02.

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

There will be additional costs to consumers who utilize wastewater treatment systems addressed by the proposed action during FY 2000-01. The average additional cost to an average related consumer will be approximately \$1,250 per system for all new installations, upgrades and/or modifications to existing systems required as a result of a valid complaint (an investigation that a violation of Chapter XIII of the Louisiana Sanitary Code has occurred or is occurring).

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This action will in all likelihood increase competition and employment in the private sector. Related providers of goods and services addressed by the proposed action will be most likely affected. The amount of increase in either category is, however, inestimable at this time.

David W. Hood
Secretary
0007#077

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Office of Public Health**

Sanitary Code C Sewage Disposal (Chapter XIII)

In accordance with provisions of the Administrative Procedures Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health proposes to amend Paragraph 6.5 of Appendix A of Chapter 13 (Sewage Disposal) of the Louisiana Sanitary Code, pursuant to R.S. 40:4, as amended by Acts 1978, No. 786; Acts 1982, No. 619; Acts 1986, No. 885; Acts 1988, No. 942.

The amendment to this paragraph of the Louisiana Sanitary Code will extend for approximately an additional 60 days the final date for compliance with a newer standard for the testing, evaluation, and approval of residential mechanical wastewater treatment plants, and conforms with the recommendation of the Governor's Task Force on Individual Wastewater Treatment Systems.

Paragraph 6.5 of Appendix A of Chapter 13 (Sewage Disposal) of the Louisiana Sanitary Code is revised to read as follows:

A:6.5 All individual mechanical plants currently approved for installation in Louisiana as of the effective date of these regulations shall not be required to meet the requirements of paragraph 6.4 until March 1, 2001. Until March 1, 2001, plants shall continue to comply with the standards under which they were approved. Effective March 1, 2001, all plants shall comply with the standard as stated in paragraph 6.4.

Comments regarding the proposed rule should be addressed to: Bobby G. Savoie, Executive Director, Division of Environmental Health Services, 6867 Bluebonnet Blvd., Baton Rouge, LA 70810. A public review hearing will be held on August 23, 2000 at 10:00 a.m. in Room 230 of the Division of Environmental Health Services, 6867 Bluebonnet Blvd., Baton Rouge, LA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:4

HISTORICAL NOTE: Promulgated by Department of Health and Hospitals, Office of Public Health, LR 10:802 (October 1984); Emergency Rule (July 24, 1985) and LR 11:1086 (November 1985); LR 19:49 (January 1993); LR 25:49 (January 1999); LR 25:2408 (December 1999), LR 26:

David W. Hood
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Sanitary Code C Sewage Disposal**

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

Implementation of the proposed action will cost the agency approximately \$160 in publication costs for FY 2000-01.

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

A portion of revenue increases to both state and local governmental units projected as a result of increased state/local sales tax collections associated with the increased costs of mandatory wastewater systems requirements, as well as with respect to ad valorem tax increases (where applicable), would be delayed for approximately 60 days. Revenue collections of state or local governmental units at a rate of 3 percent each (or \$380 each) would be reduced by an approximate total of \$760 for FY 2000-01 as a result of the 60 day delay as proposed in this rule.

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

Costs to consumer groups (individuals and businesses) who utilize individual mechanical wastewater treatment systems addressed by the proposed would remain unaffected for approximately an additional 60 days. The previously projected average additional cost to an affected consumer (of approximately \$125) would be delayed for approximately an additional 60 days.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This action will delay the previously projected increased competition and employment in the private sector. Realted providers of goods and services addressed by the proposed action will also remain unaffected until the newly proposed implementation date.

David W. Hood
Secretary
0007#076

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**

Nursing Facilities CReimbursement Methodology

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule in the Medical Assistance Program as authorized by LA R.S. 46:153 and pursuant to Title XIX of the Social Security Act.

The Department of Health and Hospitals, Bureau of Health Services Financing provides coverage under the Medicaid Program for private nursing facility services. Payments for nursing facility services are made in accordance with the prospective reimbursement methodology adopted effective August 1, 1984 (*Louisiana Register*, Volume 10, Number 6). A rule was subsequently adopted to establish patient specific classifications of care in accordance with requirements of the Omnibus Budget Reconciliation Act (OBRA) of 1987 (*Louisiana Register*, Volume 16, Number 12). Subsequent rules were adopted to establish specialized nursing facility levels of care for specific types of patients in skilled nursing units such as Skilled Nursing/Infectious Disease (SN/ID) and Skilled Nursing/Technology Dependent Care (SN/TDC). The payment for SN/ID and SN/TDC was established as a cost-based reimbursement methodology (*Louisiana Register*, Volume 14, Number 12 and Volume 15, Number 11). The Bureau determined that it was necessary to adopt a rule to amend the December 20, 1988, and November 20, 1989, rules by converting the reimbursement methodology for SN/ID and SN/TDC services from a cost-based to a prospective methodology (*Louisiana Register*, Volume 25, Number 11).

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, 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 reimburses nursing facilities for Skilled Nursing-Infectious Disease (SN/ID) and Skilled Nursing-Technology Dependent Care (SN/TDC) services under a prospective reimbursement methodology. This methodology utilizes the skilled nursing (SN) rate inflated to the applicable rate year plus an average allowable cost per day. The allowable cost per day is

determined through the department's audit process in accordance with allowable cost guidelines for SN/ID and SN/TDC and based on cost reports for the provision of these services plus a five percent incentive factor inflated to the midpoint of the year preceding the rate year.

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

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

B. Allowable Incremental Costs for SN/ID

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

a. A minimum of 4.0 nursing hours per patient day for infectious disease residents is required. Costs for direct patient care in excess of 9.6 hours per patient day are not allowable on the SN/ID supplemental cost report;

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

2. Other Direct Care Services are based on demonstrated appropriate services including the following.

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

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

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

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

4. Allocated Costs are based on the ratio of direct nursing hours required for SN/ID service not covered in the regular skilled rate (1.4 hours per resident day) related to total facility direct nursing hours. The following costs are

allocated: administrative and general, nursing administration (DON), housekeeping, medical supplies and dietary.

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

C. Allowable Incremental Costs for SN/TDC.

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

a. a minimum of 4.5 nursing hours per patient day for technology dependent care residents is required. Costs for direct patient care in excess of 9.6 hours per patient day are not allowable on the SN/TDC supplemental cost report;

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

2. Other Direct Care Services are based on demonstrated appropriate services including the following:

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

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

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

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

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

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

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

Rates for SN/ID and SN/TDC services will be re-based as determined necessary by the department to ensure that appropriate services are reimbursed on a reasonable cost basis, recognizing the need for accountability for public funds, as well as the provider's right to a fair payment for

services rendered. Base rate adjustments will result in a new base rate component which will be used to calculate the rate for subsequent years. A base rate adjustment may be made when the event, or events, causing the adjustment is not one that would be reflected in inflationary indices.

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

Interested persons may submit written comments to the following address: Ben A. Bearden, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 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 Friday, August 25, 2000 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, LA. 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: Nursing FacilitiesC Reimbursement
Methodology**

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

It is anticipated that the implementation of this proposed rule will increase state program costs by approximately \$173,418 for SFY 1999-2000, \$226,331 for SFY 2000-01, and \$274,320 for SFY 2001-02. It is anticipated that \$320 (\$160 SGF and \$160 FED) will be expended in SFY 1999-2000 for the state's administrative expense for promulgation of this proposed rule and the final rule.

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

It is anticipated that the implementation of this proposed rule will increase federal revenue collections by approximately \$410,852 for SFY 1999-2000, \$635,872 for SFY 2000-01, and \$654,949 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 convert the reimbursement methodology for Skilled Nursing-Infectious Disease (SN/ID) and Skilled Nursing-Technology Dependent Care (SN/TDC) services from a cost-based to a prospective methodology reimbursement. This proposed rule will increase reimbursement to private nursing facility providers by approximately \$583,950 for SFY 1999-2000, \$902,203 for SFY 2000-01, and \$929,269 for SFY 2001-02.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no known effect on competition and employment.

David W. Hood
Secretary
0007#050

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Natural Resources Office of Conservation

Fees (LAC 43:XIX.Chapter 7)

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Office of Conservation hereby proposes to amend the established fees.

Title 43

NATURAL RESOURCES

Part XIX. Office of Conservation - General Operations

Subpart 2. Statewide Order No. 29-R-00/01

Chapter 7. Fees

§701. Definitions

Application Fee Can amount payable to the Office of Conservation, in a form and schedule prescribed by the Office of Conservation, by industries under the jurisdiction of the Office of Conservation. The total revenue collected from the application fees shall not exceed \$2,250,000 for Fiscal Year 2000-2001 and thereafter.

Application for Automatic Custody Transfer Can application for authority to measure and transfer custody of liquid hydrocarbons by the use of methods other than customary gauge tanks, as authorized by Statewide Order No. 29-G-1 (LAC 43:XIX.2301 et seq...), or successor regulations.

Application for Commercial Class I Injection Well Can application to construct a commercial Class I injection well, as authorized by Statewide Order No. 29-N-1 (LAC 43:XVII.101 et seq...) or Statewide Order No. 29-N-2 (LAC 43:XVII.201 et seq...), or successor regulations.

Application for Commercial Class I Injection Well (Additional Wells) Can application to construct additional Class I injection wells within the same filing, as authorized by Statewide Order No. 29-N-1 (LAC 43:XVII.101 et seq..) or Statewide Order No. 29-N-2 (LAC 43:XVII.201 et seq..), or successor regulations.

Application for Commercial Class II Injection Well Can application to construct a commercial Class II or Class V injection well, as authorized by Statewide Order No. 29-B (LAC 43:XIX.129 et seq.) or Statewide Order No. 29-N-1 (LAC 43:XVII.101 et seq..), or successor regulations.

Application for Commercial Class II Injection Well (Additional Wells) Can application to construct additional Class II or Class V injection wells within the same filing, as authorized by Statewide Order 29-B (LAC 43:XIX.129 et seq.), or successor regulations.

Application for Multiple Completion Can application to multiply complete a new or existing well in separate common sources of supply, as authorized by Statewide Order No. 29-C-4 (LAC 43:1301 et seq.), or successor regulations.

Application for Noncommercial Injection Well Can application to construct a Class I, II, III, or V noncommercial injection well, as authorized by Statewide Order Nos. 29-B (LAC 43:XIX.129 et seq.), 29-M (LAC 43:XVII.301 et seq.), 29-N-1 (LAC 43:XVII.101 et seq.), and 29-N-2 (LAC 43:XVII.201 et seq.), or successor regulations.

Application for Permit to Drill (Minerals) Can application to drill in search of minerals, as authorized by La. R.S. 30:28.

Application for Public Hearing Can application for a public hearing as authorized by R.S. 30:1, et. seq..

Application for Substitute Unit Well Can application for a substitute unit well as authorized by Statewide Order No. 29-K-1 (LAC 43:XIX.2901 et seq.), or successor regulations.

Application for Surface Mining Development Operations Permit Can application to remove coal, lignite, or overburden for the purpose of determining coal or lignite quality or quantity or coal or lignite mining feasibility, as authorized by Statewide Order No. 29-O-1 (LAC 43:XV.101 et seq.), or successor regulations.

Application for Surface Mining Exploration Permit Can application to drill test holes or core holes for the purpose of determining the location, quantity, or quality of a coal or lignite deposit, as authorized in Statewide Order No. 29-O-1 (LAC 43:XV.101 et seq.), or successor regulations.

Application for Surface Mining Permit Can application for a permit to conduct surface coal or lignite mining and reclamation operations, as authorized by Statewide Order No. 29-O-1 (LAC 43:XV.101 et seq.), or successor regulations.

Application for Unit Termination Can application for unit termination as authorized by Statewide Order No. 29-L-2 (LAC 43:XIX.3100 et seq.), or successor regulations.

Application for Well Classification (NAPA) Can application requesting the classification of a well, as authorized by Section 503 of the Natural Gas Policy Act of 1978.

Application to Amend Permit to Drill (Injection or Other) Can application to alter, amend, or change a permit to drill an injection, or other well after its initial issuance, as authorized by R.S. 30:21.

Application to Amend Permit to Drill (Minerals) Can application to alter, amend, or change a permit to drill for minerals after its initial issuance, as authorized by La. R.S. 30:28.A.*

*Application to Amend Operator (transfer of ownership) for any multiply completed well which has reverted to a single completion, any non-producing well which is plugged and abandoned within the time frame directed by the Commissioner, as well as any stripper crude oil well or incapable gas well so certified by the Department of Revenue shall not be subject to the application fee provided herein.

Application to Commingle Can application for authority to commingle production of gas and/or liquid hydrocarbons and to use methods other than gauge tanks for allocation, as authorized by Statewide Order No. 29-D-1 (LAC 43:XIX.1500 et seq. and LAC 43:XIX.1700 et seq.), or successor regulations.

Application to Process Form R-4 Can application for authorization to transport oil from a lease as authorized by Statewide Order No. 25 (LAC 43:XIX.900 et seq.), or successor regulations.

Application to Renew Permit to Drill (Injection or Other) Can application to renew a permit to drill an injection, or other well, as authorized by R.S. 30:21.

Application to Renew Permit to Drill (Minerals) Can application to renew a permit to drill for minerals, as authorized by R.S. 30:28.B.

BOE Annual barrels oil equivalent. Gas production is converted to BE by dividing annual mcf by a factor of 7.

Capable Gas Natural and casing head gas not classified as incapable gas well gas or incapable oil well gas by the Department of Revenue and Taxation.

Capable Oil Crude oil and condensate not classified as incapable oil or stripper oil by the Department of Revenue.

Class I Well A Class I injection well used to inject hazardous or nonhazardous, industrial, or municipal wastes into the subsurface, which falls within the regulatory purview of Statewide Order Nos. 29-N-1 (LAC 43:XVII.101 et seq.) or 29-N-2 (LAC 43:XVII.201 et seq.), or successor regulations.

Class I Well Fee An annual fee payable to the Office of Conservation, in a form and schedule prescribed by the Office of Conservation, on Class I wells in an amount not to exceed \$400,000 for Fiscal Year 2000-2001 and thereafter.

Class II Well A Class II injection well which injects fluids which are brought to the surface in connection with conventional oil or natural gas production, for annular disposal wells, for enhanced recovery of oil or natural gas, and for storage of hydrocarbons. For purposes of administering the exemption provided in L.A.-R.S. 30:21(B)(1)(c), such exemption is limited to operators who operate Class II wells serving a stripper oil well or an incapable gas well certified pursuant to R.S. 47:633 by the Severance Tax Division of the Department of Revenue and Taxation and located in the same field as such Class II well.

Class III Well A Class III injection well which injects for extraction of minerals or energy.

Emergency Clearance Emergency authorization to transport oil from lease.

Production Fee An annual fee payable to the Office of Conservation, in a form and schedule prescribed by the Office of Conservation, by oil and gas operators on capable oil wells and capable gas wells based on a tiered system to establish parity on a dollar amount between the wells. The tiered system shall be established annually by rule on capable oil and capable gas production, including nonexempt wells reporting zero production during the annual base period, in an amount not to exceed \$2,250,000 for Fiscal Year 2000 - 2001 and thereafter. Incapable oil, stripper oil, incapable gas well gas and incapable oil well gas shall be exempt from this fee.

Production Well Any well which has been permitted by and is subject to the jurisdiction of the Office of Conservation, excluding wells in the permitted and drilling in progress status, Class II injection wells, liquid storage cavity wells, commercial salt water disposal wells, Class V injection wells, wells which have been plugged and abandoned, wells which have reverted to landowner for use as a fresh water well (Statewide Order No. 29-B, LAC 43:XIX.137.G, or successor regulations), multiply completed wells reverted to a single completion, and stripper oil wells certified by the Severance Tax Division of the Department of Revenue and Taxation.

Regulatory Fee An amount payable annually to the Office of Conservation, in a form and schedule prescribed by the Office of Conservation, on Class II wells, Class III wells, storage wells, Type A facilities, and Type B facilities in an amount not to exceed \$875,000 for Fiscal Year 2000-2001 and thereafter. No fee shall be imposed on a Class II well of

an operator who is also an operator of a stripper crude oil well or incapable gas well certified pursuant to R.S. 47:633 by the severance tax division of the Department of Revenue and located in the same field as such Class II well. Operators of Record, excluding operators of wells and including, but not limited to, operators of gasoline/cycling plants, refineries, oil/gas transporters, and/or certain other activities subject to the jurisdiction of the Office of Conservation are required to pay an annual registration fee of \$105. Such payment is due within the time frame prescribed by the Office of Conservation.

Type A Facility Commercial oilfield waste disposal facilities within the State that utilize technologies appropriate for the receipt, treatment, storage, or disposal of oilfield waste solids and liquids for a fee or other consideration, and fall within the regulatory purview of Statewide Order No. 29-B (LAC 43:XIX.129 et seq.), or successor regulations. Such facilities may include not more than three underground injection wells at the permitted facility.

Type B Facility Commercial oilfield waste disposal facilities within the State that utilize underground injection technology for the receipt, treatment, storage, or disposal of only produced saltwater, oilfield brine, or other oilfield waste liquids for a fee or other consideration, and fall within the regulatory purview of Statewide Order No. 29-B (LAC 43:XIX.129 et seq.), or successor regulations. Such facilities may include not more than three underground injection wells at the permitted facility.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:21 et seq..

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 14:542 (August 1988), amended LR 15:551 (July 1989), LR 21:1249 (November 1995), LR 24:758 (March, 1998), LR 24:2127 (November 1998), LR 25:1873 (October 1999), LR 26:

§703. Fee Schedule for Fiscal Year 2000-2001

A. Application Fees	Amount
Application for Unit Determination	\$ 233
Application for Substitute Unit Well	\$ 233
Application for Public Hearing	\$ 700
Application for Multiple Completion	\$ 233
Application to Commingle	\$ 233
Application for Automatic Custody Transfer	\$ 233
Application for Noncommercial Injection Well	\$ 233
Application for Commercial Class I Injection Well	\$1,165
Application for Commercial Class I injection Well (Additional Wells)	\$ 582
Application for Commercial Class II Injection Well	\$ 582
Application for Commercial Class II Injection Well (Additional Wells)	\$ 290
Application for Permit to Drill - Minerals: 0' - 3,000'	\$ 117
Application for Permit to Drill - Minerals: 3,001' - 10,000'	\$ 582
Application for Permit to Drill - Minerals: 10,001' +	\$1,165
Drill Minerals Deeper (> 3,000')	\$ 466

Drill Minerals Deeper (> 10,000')	\$ 582
Application to Amend Permit to Drill - Minerals	\$ 117
Application to Amend Permit to Drill - Injection or Other	\$ 117
Application for Surface Mining Exploration Permit	\$ 60
Application for Surface Mining Development Operations Permit	\$ 87
Application for Surface Mining Permit	\$2,039
Application to Process Form R-4	\$ 34
Application to Reinstate Suspended Form R-4	\$ 60
Application for Emergency Clearance Form R-4	\$ 60

B. Regulatory Fees

1. Operators of each permitted Type A Facility are required to pay an annual Regulatory Fee of \$5,650 per facility.

2. Operators of each permitted Type B Facility are required to pay an annual Regulatory Fee of \$2,825 per facility.

3. Operators of record of permitted Class II injection/disposal wells are required to pay \$ 550 per well.

4. Operators of record of permitted Class III and Storage wells are required to pay \$ 550 per well.

C. Class I Well Fees: Operators of permitted Class I wells are required to pay \$9,090 per well.

D. Production Fees: Operators of record of capable oil wells and capable gas wells are required to pay according to the following annual production fee tiers:

	Annual Production (Barrel Oil Equivalent)	Fee (\$ Per Well)
Tier 1	0	13
Tier 2	1 - 5,000	67
Tier 3	5,001 - 15,000	190
Tier 4	15,001 - 30,000	318
Tier 5	30,001 - 60,000	508
Tier 6	60,001 - 110,000	699
Tier 7	110,001 - 9,999,999	857

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:21 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 14:543 (August 1988), amended LR 15:552 (July 1989), LR 21:1250 (November 1995), LR 24:758 (March 1998), LR 24:2128 (November 1998), LR 25:1874 (October 1999), LR 26:

§705. Failure to Comply

Operators of operations and activities defined in §701 are required to timely comply with this order. Failure to comply within 30 days past the due date of any required fee payment will subject the operator to civil penalties under the provisions of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, as well as penalties provided in other sections of Title 30, including R.S. 30:18.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:21 et seq. ...

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 14:544 (August 1988), amended LR 15:552 (July 1989), LR 21:1251 (November

1995), LR 24:759 (March 1998), LR 24:2128 (November 1998), LR 25:1874 (October 1999), LR 26:

§707. Severability and Effective Date

A. The fees set forth in §703 are hereby adopted as individual and independent rules comprising this body of rules designated as Statewide Order No. 29-R-00/01, and if any such individual fee is held to be unacceptable, pursuant to R.S. 49:968(H)(2), or held to be invalid by a court of law, then such unacceptability or invalidity shall not affect the other provisions of this order which can be given effect without the unacceptable or invalid provisions, and to that end the provisions of this order are severable.

B. This Order (Statewide Order No. 29-R-00/01) supersedes Statewide Order No. 29-R-99/00.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:21 et seq.

HISTORICAL NOTE: Promulgated by the Department of Natural Resources, Office of Conservation, LR 14:544 (August 1988), amended LR 15:552 (July 1989), LR 21:21:1251 (November 1995), LR 24:759 (March 1998), LR 24:2128 (November 1998), LR 25:1874 (October 1999), LR 26:

Comments and views regarding the proposed fees will be accepted until 4:30 p.m., Tuesday, September 5, 2000. Comments should be directed, in writing, to Philip N. Asprodites, Commissioner of Conservation, P.O. Box 94275, Baton Rouge, LA 70804-9275.

A public hearing will be held at 9 a.m., Tuesday, August 29, 2000, in the Conservation Auditorium, located on the first floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana.

Philip N. Asprodites
Commissioner of Conservation

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Fees**

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

There are no implementation costs (savings) to state or local governmental units.

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

Statewide Order No. 29-R-00/01 will result in collection of approximately \$5.76 million by the Office of Conservation, of which approximately \$990,000 is new revenue. Local governmental units will not be affected.

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

Statewide Order No. 29-R-00/01 will result in the collection of \$5.76 million of application, regulatory, production, and Class I well fees during FY 2000-2001, of which approximately \$990,000 is new revenue. Fees will be paid by operators of capable oil and capable gas wells, Class I injection wells, non-exempt Class II injection wells, Class III wells, storage wells, Type A and Type B facilities, and operators filing applications with the Office of Conservation.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Philip N. Asprodites
Commissioner of Conservation
0007#064

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Corrections Services
Office of Adult Services**

Adult Offenders
(LAC 22:I.365)

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 intent to amend regulations dealing with the Disciplinary Rules for Adult Offenders.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 3. Adult and Juvenile Services

Subchapter B. Disciplinary Rules for Adult Offenders

§365. Disciplinary Rules

A. - C. ...

D. Defiance (Schedule B). No inmate shall commit or threaten physically or verbally to commit bodily harm upon an employee. No inmate shall curse or insult an employee and/or his family. No inmate shall threaten an employee in any manner, however, an inmate may advise an employee of planned legal redress even during a confrontational situation (although an inmate's behavior in such a situation may not be disrespectful or violate any other disciplinary rule.) No inmate shall obstruct or resist an employee who is performing his proper duties. No inmate shall try to intimidate an employee to make the employee do as the inmate wants him to do. Employees shall not be subject to abusive conversation, correspondence, phone calls or gestures.

E. - Z. ...

AUTHORITY NOTE: Promulgated in accordance with RS. 15:823, *Wolff v. McDonald*, 94 S.Ct.2963 (1974) and *Ralph v. Dees*, C/A/ 81-94, USDC (Md.La.).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Adult Services, LR 7:6 (January 1981), repromulgated by the Department of Public Safety and Corrections, Corrections Services, Office of Adult Services, LR 17:605 (June 1991), LR 19:653 (May 1993), LR:

Interested persons may submit oral or written comments to Richard L. Stalder, Department of Public Safety and Corrections, Box 94304, Capitol Station, Baton Rouge, LA 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 & 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: Adult Offenders**

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

The minor amendments to the current rule will not result in any implementation costs 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 is no anticipated impact on competition and employment.

Richard L. Stalder
Secretary
0007#089

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Office of Public Safety
Department of Public Safety and Corrections
Corrections Services**

Medical Reimbursement Plan
(LAC 22:I.2105)

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 intent to amend regulations dealing with the Medical Reimbursement Plan.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part I. Corrections

Chapter 21. Medical Reimbursement Plan

§2105. Medical Reimbursement Plan Pursuant to R.S. 15:831(B)(1)

A. - A.1. ...

A.2. Inmates shall file a claim with a private medical or health care insurer, (or any public medical assistance program under which the inmate is covered and from which the inmate may make a claim), for payment or reimbursement of the cost of any such medical treatment. Upon receipt of the claim proceeds, the inmate shall reimburse the department for the cost of medical services provided.

B. - B.1. ...

B.2. The facility should require that the inmate file a claim with a private medical or health care insurer, (or any public medical assistance program under which he is covered and from which the inmate may make a claim), for payment or reimbursement of the cost of any such medical treatment. Upon receipt of the claim proceeds, the inmate shall reimburse the facility for the cost of medical services provided.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:831(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Corrections, Corrections Services, LR 26:331 (February 2000), amended LR 26:

Interested persons may submit oral or written comments to Richard L. Stalder, Department of Public Safety and Corrections, Box 94304, Capitol Station, Baton Rouge, LA 70804-9304, (225) 342-6741. Comments will be accepted through the close of business at 4:30 p.m. on August 20, 2000.

Family Impact Statement

In accordance with the Administrative Procedure Act, R.S. 49:953(A)(1)(a)(viii) and R.S. 49:972, the Department of Public Safety & 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: Medical Reimbursement Plan

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

The minor amendments to the current rule will not result in any implementation costs 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 is no anticipated impact on competition and employment.

Richard L. Stalder
Secretary
0007#090

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Public Safety and Corrections
Office of Motor Vehicles**

Driver's License Handling Fee (LAC 55:III.153)

Pursuant to the authority contained in R.S. 32:412.1, and in accordance with the Administrative Procedures Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Office of Motor Vehicles proposes to adopt LAC 55, Part III, Chapter 1, Subchapter A, §153, regarding the assessment of the \$8 handling fee whenever the Department administers the knowledge test in case of initial issuance, special examinations, or an examination required because the driver's license has been expired for six months or more.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 1. Driver's License

Subchapter A. General Requirements

§153. Additional Handling Fees

Pursuant to the authority contained in R.S. 32:412.1(B), as amended by Act No. 1 of the 2000 first extraordinary session, a handling fee of \$8 is assessed on the following transactions.

1 The administration of the knowledge test for a driver's license, regardless of the class of the license in cases of initial issuance, special examinations, and examinations required because the driver's license has been expired for six months or more.

2 The administration of the knowledge test for a motorcycle endorsement at the time of first issuance of the endorsement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:412.1(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 26:

Persons having comments or inquiries regarding these proposed rules may contact Stephen A. Quidd, attorney for the Office of Motor Vehicles by writing to P.O. Box 66614, Baton Rouge, Louisiana 70896, by calling (225) 925-4068, or by sending a facsimile to (225) 925-3974. These comments and inquiries should be received by Tuesday, August 22, 2000. A public hearing on this rule is tentatively scheduled for Tuesday, August 29, 2000, at 9:00 a.m. in the Executive Conference Room at the Office of Motor Vehicle Headquarters at 109 South Foster Drive, Baton Rouge, Louisiana 70806. Any person wishing to attend the public hearing should call to confirm the time and the location of the hearing as no hearing will be conducted if an insufficient number of comments are received during the comment period.

Family Impact Statement

1. The effect of these rules on the stability of the family.

This proposal should have no effect on the stability of the family. This is a minimal fee which in most cases will only be assessed against a person once in their lifetime.

2. The effect of these rules on the authority and rights of parents regarding the education and supervision of their children.

This proposal should have no effect on the authority and rights of parents regarding the education and supervision of their children.

3. The effect of these rules on the functioning of the family.

This proposal should have a no effect on the functioning of the family.

4. The effect of these rules on family earnings and family budget.

This proposal should have a minimal effect on family earnings and family budget. In most cases, this fee will be assessed against a person only once in their lifetime.

5. The effect of these rules on the behavior and personal responsibility of children.

This proposal should have no effect on the behavior and personal responsibility of children.

6. The effect of these rules on the ability of the family or local government to perform the function as contained in the proposed rules.

This proposal should have no effect on ability of each family member to obtain a driver's license upon the initial issuance of the license. This proposal should have no effect on local government as local government has no involvement in the issuance of driver's license.

Nancy VanNortwick
Undersecretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Driver's License Handling Fee**

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

Other than minimal computer programming costs at the beginning, there should be no cost to state government. There should be no costs to local governments because only the state administers knowledge tests and issues driver's licenses.

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

This program will be implemented on November 1, 2000. During the remaining eight months of FY 00-01, a projected 18,047 knowledge tests will be administered generating \$99,258.50 in self generated funds and \$45,117.50 in dedicated funds which will be deposited in the OMV Customer Service & Technology Fund.

In FY 01-02, the first full year of implementation, there will be an increase of revenue to the state in the amount of two hundred seventeen thousand, four hundred fifty-six dollars (\$217,456). This total is based on a projected number of 27,182 tests. \$5.50 of each handling fee is self-generated funds and \$2.50 of each handling fee is dedicated funds. There will be an increase of \$149,501.00 in self-generated funds annually and an increase of \$67,955.00 in dedicated funds to be deposited in the OMV Customer Service & Technology Fund.

The Customer Service and Technology fund is being used to purchase a new mainframe computer and related materials for the Department. The self-generated dollars are used to help cover Office of Motor Vehicle salary costs and to provide a guaranteed revenue stream for revenue bonds used to finance the construction of the new Department Headquarters at Independence Park in Baton Rouge.

There should be no increase of revenue to local governments as only the state administers knowledge tests and issues driver's licenses.

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

First time applicants, persons taking the knowledge test as part of a special examination, persons who have let their driver's license lapse for more than 6 months, and persons seeking a motorcycle endorsement will pay an additional \$8.00 because they will be required to take the knowledge test prior to the issuance of the driver's license.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The assessment of this fee for the administration of knowledge tests for driver's licenses should have no effect on competition and employment as only the state administers the knowledge test and issues driver's licenses.

Nancy Van Nortwick
Undersecretary
0007#066

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Louisiana Children's Trust Fund (LAC 67:V.1001)

The Department of Social Services, Office of Community Services, proposes to amend the existing rule in the Louisiana Administrative Code, Title 67, Part V, Subpart 2. Community Services. In accordance with R.S. 46:2406, the Children's Trust Fund has completed preparation of the Plan for Preventing Child Abuse and Neglect in Louisiana 2000-2002.

Title 67

SOCIAL SERVICES

Part V. Community Services

Subpart 2. Community Services

Chapter 10. Children's Trust Fund

§1001. Plan for Preventing Child Abuse and Neglect

A. Pursuant to R.S. 46:2406, the proposed Plan has been submitted to the Joint Committee on Health and Welfare of the Louisiana Legislature for approval prior to adoption by the Louisiana Children's Trust Fund Board. The plan becomes effective subsequent to adoption by the Louisiana Children's Trust Fund Board and will form the basis for future activities of the Children's Trust Fund.

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:2406.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Community Services, LR 20:898 (August 1994), amended LR 23:1326 (October 1997), amended LR 26:

A copy of the Plan is available for review by the public at the Louisiana Children's Trust Fund Office, 333 Laurel, Room 700, Baton Rouge, LA, 70801. Interested parties may call the office 225-342-2245 to make arrangements to review the plan.

J. Renea Austin-Duffin
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES : Louisiana
Children's Trust Fund**

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

It is estimated that the only cost will be for printing and distribution at approximately \$5,000.00 which will be paid out of current Children's Trust Fund (Office of Community Services) funds. There will be no increased cost as a result of implementation of proposed rule.

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

The Plan approval process will not affect revenue collection of state and local government.

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

Upon approval of the Plan for Preventing Child Abuse and Neglect, all future grant awards and other activities of the Louisiana Children's Trust Fund will be based upon the Plan. It will be necessary for all budget requests submitted by a non-profit or public agency to the Children's Trust Fund for funding child abuse and neglect prevention programs to conform to the Plan.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Implementation of this rule will not significantly impact competition and employment in the public and private sectors although the Children's Trust Fund's contracts will be awarded based upon the Plan as adopted.

J. Renea Austin-Duffin
Secretary
0007#065

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Daily Take and Possession Limits of King Mackerel,
Spanish Mackerel and Cobia (LAC 76:VII.327)

The Wildlife and Fisheries Commission does hereby give notice of intent to promulgate a Rule, LAC 76:VII.327, establishing a commercial trip limit of 3,000 pounds for king mackerel. Authority for adoption of this Rule is included in R.S. 56:6(25)(a) 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 Fishing

§327. Daily Take and Possession Limits of King Mackerel, Spanish Mackerel, and Cobia

A. - D. ...

E. Commercial King Mackerel

1. No person shall take, harvest, land, or possess aboard a harvesting vessel king, mackerel in excess of a recreational bag limit unless that person is in possession and has in his immediate possession a valid commercial fishing license, commercial gear licenses (if applicable) and a valid commercial vessel license. Persons taking, harvesting, landing, possessing or selling or attempting to sell king mackerel taken in or from the EEZ shall be in possession of

a valid federal permit for Gulf King Mackerel issued by the National Marine Fisheries Service. The holder of such valid commercial licenses or federal permits (if applicable) shall not take, possess, land, sell, barter, trade or exchange or attempt to take, sell, barter, trade or exchange king mackerel, whole or eviscerated, in excess of 3,000 pounds at any time.

2. No person aboard any vessel shall transfer or cause the transfer of king mackerel between vessels on state or federal waters.

3. Persons possessing king mackerel for commercial purposes shall not possess a recreational bag limit in addition to the 3,000 pound limitations as required herein.

4. No person shall sell, purchase, barter, trade or exchange or attempt to sell, purchase, barter, trade or exchange king mackerel, whole or eviscerated, in excess of 3,000 pounds. Except that such limitation shall not apply to the resale of king mackerel by a validly licensed wholesale/retail seafood dealer who purchased such king mackerel in compliance with the regulations and requirements of this section and in compliance with other requirements of law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), 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 15:868 (October 1989), amended LR 17:207 (February 1991), LR 19:513 (April 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 statement, 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. Randy Pausina, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Wednesday, September 6, 2000.

In accordance with Act Number 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 : Daily Take and
Possession Limits of King Mackerel, Spanish
Mackerel and Cobia**

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 this proposed rule.

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

The proposed regulation change would establish a king mackerel commercial trip limit of 3,000 pounds in state waters and is intended to provide consistent state and federal regulations. Costs and/or economic benefits derived from the implementation of the proposed rule are expected to be negligible, since the majority (80%) of king mackerel are harvested from federal waters and federal regulations are already at the proposed 3,000 pounds per trip limit. Setting a 3,000 pound king mackerel trip limit in state waters will increase the number of king mackerel fishing trips, and could shorten the average fishing trip or cause harvesters to target other fish species to compensate for the increased per unit costs associated with limiting the per trip harvest amount of king mackerel. No additional permits, fees, or paperwork will occur from the proposed rule change.

King mackerel merchants and consumers will also be affected by the proposed rule. Merchants and consumers could experience a slight increase in price, but should benefit from a longer and more stable supply of king mackerel over the commercial fishing season. Harvesters should benefit from a higher and more stable per unit dockside price for king mackerel. This is due to the reduction in domestic supply at any given time, over the longer fishing season. Not enough information is available to determine if the increase in the dockside per unit price will exceed the additional costs per unit that will be incurred by setting trip limits.

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.

Thomas M. Gattle, Jr.
Chairman
0007#043

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Turkey SeasonC2001
(LAC 76:XIX.113)

The Wildlife and Fisheries Commission at its July meeting does hereby give notice of its intent to promulgate rules and regulations governing the hunting of wild turkeys. A synopsis of said rule is attached to and made part of this Notice of Intent, along with a complete copy of the regulations.

**Title 76
WILDLIFE AND FISHERIES**

Part XIX. Hunting and WMA Regulations

Chapter 1. Resident Game Hunting Seasons

§113. Turkey Hunting Regulations

A. Daily limit is one gobbler, three gobblers per season. Still hunting only. Use of dogs, baiting, electronic calling devices and live decoys is illegal. Turkeys may be hunted with shotguns, including muzzle-loading shotguns, using shot not larger than number 2 lead or BB steel shot, and bow and arrow but by no other means. Shooting turkeys from a moving or stationary vehicle is prohibited. Shotguns capable of holding more than three shells prohibited.

B. No person shall hunt, trap or take turkeys by the aid of baiting on or over any baited area. Baiting means placing, exposing, depositing or scattering of corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed so as to constitute a lure, attraction or enticement to, on or over any areas where hunters are attempting to take turkeys.

C. A baited area is any area where corn (shelled, shucked or unshucked), wheat or other grain, salt, or other feed capable of luring, attracting or enticing turkeys is directly or indirectly placed, exposed, deposited, distributed or scattered. Such areas remain baited areas for 15 days following complete removal of all such corn, wheat or other grain, salt, or other feed.

D. Wildlife agents are authorized to close such baited areas and to place signs in the immediate vicinity designating closed zones and dates of closure.

E. The Department of Wildlife and Fisheries strongly discourages feeding agricultural grains to wild turkeys as this practice increases the risk of birds contracting potentially lethal diseases. Repeatedly placing grain in the same area may expose otherwise healthy birds to disease contaminated soils, grain containing lethal toxins and other diseased turkeys using the same feeding site. Properly distributed food plots (clovers, wheat, millet and chufa) are far more desirable for turkeys and have the added benefit of appealing to a wide variety of wildlife.

F. It is unlawful to take from the wild or possess in captivity any live wild turkeys or their eggs. No pen raised turkeys from within or without the state shall be liberated (released) within the state.

G All licensed turkey hunters are required to have a Turkey Stamp in their possession while turkey hunting in addition to basic and big game licenses.

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 25:2263 (November 1999), amended LR 26:

§115. Statewide Turkey Hunting Areas-Resident Game Birds and Animals

A. Shooting hours: one-half hour before sunrise to one-half hour after sunset.

Species	Season Dates	Daily Bag Limit	Possession Limit
Turkey	See Schedule	1	3/season

B. Turkey Hunting Schedule

Area	Season Dates
A	March 2-April 22
B	March 31-April 15
C	March 24-April 1

C. 2000 Turkey Hunting Season - Open Only in the Following Areas

1. Area A - March 24-April 22
 - a. All of the following parishes are open:
 - i. East Baton Rouge;
 - ii. East Feliciana;
 - iii. LaSalle;
 - iv. Livingston;

- v. Natchitoches (Exception: See Kisatchie National Forest hunting schedule for National Forest dates);
 - vi. St. Helena;
 - vii. St. Tammany;
 - viii. Tangipahoa;
 - ix. Washington;
 - x. West Baton Rouge;
 - xi. West Feliciana (including Raccourci Island).
- b. Portions of the following parishes are also open:
- i. Allen: North of La. 26 from DeRidder to the junction of La. 104 and north of La. 104;
 - ii. Avoyelles: That portion bounded on the east by the Atchafalaya River northward from Simmesport, on the north by Red River to the Brouillette Community, on the west by La. 452 from Brouillette to La. 1 eastward to Simmesport, and that portion surrounding Pomme de Terre WMA, bounded on the north, east and south by La. 451, on the west by the Big Bend Levee from its junction at the Bayou des Glaize structure east of Bordelonville southward to its junction with La. 451;
 - iii. Beauregard: North of La. 26 east of DeRidder, north and east of U.S. 171-190 from the junction of La. 26 to DeRidder, and north of U.S. 190 from DeRidder to Texas state line;
 - iv. Caldwell: West of Ouachita River southward to Catahoula Parish line, east of La. 165 from LaSalle Parish line to the junction of La. 126, north of La. 126 westward to the Winn Parish line;
 - v. Catahoula: West of Ouachita River southward to La. 559 at Duty Ferry, north of La. 559 to La. 124, south and west of La. 124 from Duty Ferry to La. 8 at Harrisonburg and north of La. 8 to La. 126, north and east of La. 126. Also that portion lying east of La. 15;
 - vi. Concordia: That portion east of Hwy. 15 and west of Hwy. 65 from its juncture with Hwy. 15 at Clayton;
 - vii. Evangeline: North and west of La. 115, north of La. 106 from St. Landry to La. 13, west of La. 13 from Pine Prairie to Mamou and north of La. 104 west of Mamou;
 - viii. Franklin: That portion lying east of Hwy. 17 and east of Hwy. 15 from its juncture with Hwy. 17 at Winnsboro;
 - ix. Grant: All of the parish except that portion of land that lies north of the Red River between U.S. 71 and La. 8. EXECEPTION: See Kisatchie National Forest hunting schedule for season dates;
 - x. Iberville: West of La. Hwy. 1. Exception: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries;
 - xi. Madison: That portion lying west of U.S. Hwy. 65 and south of U.S. Hwy. 80;
 - xii. Pointe Coupee: All except that portion bounded on the west by La. 77 and La. 10, northward from U.S. 190 to La. 1 at Morganza, on the north and east by La. 1 to its junction with La. 78 and by La. 78 from Parlang to U.S. 190. Further exception: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries;
 - xiii. Rapides: All of the parish except that portion of lands that lies north of the Red River and south of U.S. Hwy. 71 from its juncture with the Red River northward to the Grant Parish line. Exception: See Kisatchie National Forest hunting schedule for season dates;

- xiv. Richland: That portion south of U.S. Hwy. 80 and east of Hwy. 17;
 - xv. Sabine: That portion north of Hwy. 6 from Toledo Bend Lake to Many; east of Hwy. 171 from Many to the Vernon Parish line;
 - xvi. St. Landry: That portion bounded on the north by U.S. 190, west by the West Atchafalaya Basin Protection Levee. ALSO that portion of the parish bounded on the north by La. 10 from the West Atchafalaya Basin Protection Levee to Burton's Lake, on the east by Burton's Lake, on the south by Petite Prairie Bayou to its junction with the old O.G. Railroad right-of-way then by the O.G.R.R. right-of-way westward to U.S. 71 and on the west by the West Atchafalaya Guide Levee to its junction with La. 10, EXCEPT the Indian Bayou tract owned by the U.S. Corps of Engineers;
 - xvii. Upper St. Martin: All within the Atchafalaya Basin. Exception: see Sherburne WMA for special season dates on all state, federal and private lands within Sherburne boundaries;
 - xviii. Tensas: That portion west of Hwy. 65 from the Concordia Parish line to its juncture with Hwy. 128, north of La. 128 to St. Joseph; west and north of La. 605, 604 and 3078 northward to Port Gibson Ferry. Also all lands lying east of the main channel of the Mississippi River;
 - xix. Vernon: That portion east of Hwy. 171 from the Sabine Parish line to the junction of Hwy. 111, south of Hwy. 111 westward to Hwy. 392, and south of Hwy. 392 westward to the Sabine Parish line. Exception: See Kisatchie National Forest hunting schedule for season dates.
2. Area B - March 31-April 15
- a. All of the following parishes are open:
 - i. Bienville;
 - ii. Bossier;
 - iii. Claiborne;
 - iv. Lincoln;
 - v. Red River;
 - vi. Webster, including Caney Ranger District of Kisatchie National Forest.
 - vii. Union
 - b. Portions of the following parishes are open:
 - i. Caddo: That portion north of La. 2 from the Texas state line to U.S. 71, east of U.S. 71 from La. 2 to I-20, south of I-20 from U.S. 71 to U.S. 171, and east of U.S. 171 to the DeSoto Parish line;
 - ii. DeSoto: That portion east of U.S. 171 from the Caddo Parish line to U.S. 84 and south of U.S. 84;
 - iii. East Carroll: East of U.S. 65 from Arkansas state line to Madison Parish line;
 - iv. Jackson: West of Parish Road 243 from Lincoln Parish line to Parish Road 238, west and south of Parish Road 238 to La. 144, west of La. 144 to La. 34, west of La. 34 to Chatham, north and west of La. 4 from Chatham to Weston, north and west of La. 505 from Weston to Wyatt, west of U.S. 167 from Wyatt to Winn Parish line;
 - v. Ouachita: East of La. 143 from Union Parish line to Bayou Darbonne, north of Bayou Darbonne to the Ouachita River, west of the Ouachita River from the mouth of Bayou Darbonne northward to the Union Parish line;
 - vi. Morehouse: West of U.S. 165 from the 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, north of U.S. 165 from Bastrop to Ouachita Parish line;

3. Area C - March 24-April 1

a. All of the following parish is open:

i. Winn (Exception: see Kisatchie National Forest hunting schedule for season dates)

b. Portions of the following parishes are open:

i. Ascension: All east of the Mississippi River;

ii. Allen: South of La. 26 from DeRidder to Oberlin, west of U.S. 165 south of Oberlin;

iii. Avoyelles: South of La. 1 to West Protection Levee, south to Avoyelles Parish line;

iv. Beauregard: South of La. 26 east of DeRidder, east of U.S. 171 from the junction of La. 26 to Ragley, south of La. 12 west to Ragley;

v. Calcasieu: South of La. 12 east of Dequincy, east of La. 27 from Dequincy to I-10, and north of I-10 east of Sulphur;

vi. Concordia: North and east of Sugar Mill Chute (Concordia Parish) from the state line westward to Red River, east of Red River northward to Cocodrie Bayou, east of Cocodrie Bayou northward to U.S. Hwy. 84, south of U.S. Hwy. 84 eastward to La. Hwy. 15 (Ferriday), east of La. Hwy. 15 northward to U.S. Hwy. 65 (Clayton), east of U.S. Hwy. 65 northward to Tensas Parish line;

vii. Iberville: All east of the Mississippi River;

viii. Jefferson Davis: West of U.S. 165 and north of I-10;

ix. Madison: South of Hwy. 80 and east of U.S. Hwy. 65 to Tensas Parish line and all lands lying east of the main channel of the Mississippi River;

x. St. Landry: That portion bounded on the south by La. 10, on the west by the West Atchafalaya Basin Protection Levee, on the east by La. 105, and on the north by the Avoyelles Parish line;

xi. Tensas: East and south of U.S. Hwy. 65 from Concordia Parish line to Hwy. 128, south of Hwy. 128 to St. Joseph, east and south of La. Hwy. 605, 604 and 3078 northward to Port Gibson Ferry.

xii. Franklin and Richland Parishes - That portion lying west of La. Hwy. 17 from Ringle Road to La. Hwy. 577 at Crowville, north of La. Hwy. 577 to La. Hwy. 15 at Baskin, east of La. Hwy. 15 to Big Creek, and south and east of Big Creek to junction of Little Road, and south of Little, Ferguson and Ringle Roads to La. Hwy. 17.

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 25:2264 (November 1999), amended LR 26:

§117. 2000 Wildlife Management Area Turkey - Hunting Regulations

A. General

1. The following rules and regulations concerning 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 the individual to citation and/or expulsion from the management area.

2. Only those Wildlife Management Areas listed are open to turkey hunting.

3. All trails and roads designated as ATV Only shall be closed to ATVs from March 1 through September 15. ATV off-road or trail travel is prohibited. Walk-in hunting only (bicycles permitted), unless opened by sign on trail.

4. Bag limits on WMAs are part of the season bag limit. The bag limit for turkeys on Wildlife Management Areas is two per area, not to exceed two per season for all WMAs. Only one turkey is allowed to be taken during special lottery hunts. The bag limit for turkeys is one gobbler per day and three gobblers per season including those taken on WMAs.

B. Permits

1. Self-Clearing Permits: All turkey hunts, including lottery hunts, are self-clearing and all hunters must check in daily by picking up a permit from a self-clearing station. Upon completion of each daily hunt, the hunter must check out by completing the hunter report portion of the permit and depositing it in the check-out box at a self-clearing station before exiting the WMA.

2. Lottery Hunts: Bayou Macon, Dewey Wills, Georgia-Pacific, Loggy Bayou, Sabine, Sherburne, Sicily Island and Tunica Hills WMAs are restricted to those persons selected as a result of the pre-application lottery. Deadline for receiving applications is February 15, 2001. Application fee of \$5 must be sent with each application. Applicants may submit only one application and will be selected for one WMA Turkey Lottery Hunt annually. Submitting more than one application will result in disqualification. Contact any district office for applications. Hunters must abide by self-clearing permit requirements.

3. Requests for information on WMA regulations, permits, lottery hunt applications and maps may be directed to any district office: [District 1 C 1401 Talton Street, Minden, 71055; 318/371-3050]; [District 2 C 368 Century Park Drive, Monroe, 71203; 318/343-4044]; [District 3 C 1995 Shreveport Hwy., Pineville, 71360; 318/487-5885]; [District 4 C P.O. Box 1640, Ferriday, 71334; 318/757-4571]; [District 5 C 1213 N. Lakeshore Dr., Lake Charles, 70601; 318/491-2575]; [District 6 C 5652 Highway 182, Opelousas, 70570; 318/948-0255]; [District 7 C P.O. Box 98000, Baton Rouge, 70898; 225/765-2360].

C. Wildlife Management Area Turkey Hunting Schedule*

WMA	Season Dates	Permit Requirements	Lottery Dates**
Bayou Macon	March 31-April 1	Self-clearing	March 31-April 1
Bens Creek ¹	March 24-April 15	Self-clearing	None
Big Lake	March 24-April 1	Self-clearing	None
Bodcau	March 31-April 15	Self-clearing	None
Boeuf	March 24-April 1	Self-clearing	None
Boise Vernon	March 24-April 15	Self-clearing	None
Camp Beauregard	March 24-April 8	Self-clearing	None
Dewey Wills	March 24-25, March 31-April 1	Self-clearing	March 24-25, March 31-April 1
Fort Polk	March 24-April 22	Self-clearing	None
Georgia-Pacific	March 31-April 8	Self-clearing	March 31-April 1
Grassy Lake	March 24-April 1	Self-clearing	None

Jackson-Bienville	March 31-April 15	Self-clearing	None
Little River	March 24-April 8	Self-clearing	None
Loggy Bayou	April 7-8, April 14-15	Self-clearing	April 7-8 (Youth Hunt), April 14-15
Pearl River	March 24-April 15	Self-clearing	None
Peason Ridge	March 24-April 22	Self-clearing	None
Pomme de Terre	March 24-April 1	Self-clearing	None
Red River	March 24-April 1	Self-clearing	None
Sabine	March 24-25, March 31-April 1	Self-clearing	March 24-25, March 31-April 1
Sandy Hollow	March 24-April 15	Self-clearing	None
Sherburne ²	March 24-April 1	Self-clearing	March 24-25, March 26-28
Sicity Island	March 24-25, March 31-April 1, April 7-8, April 14-15	Self-clearing	March 24-25, March 31-April 1, April 7-8, April 14-15
Three Rivers	March 24-April 1	Self-clearing	None
Tunica Hills Angola Tract ³	March 24-25, March 31-April 1, April 7-8, April 14-15	Self-clearing	March 24-25, March 31-April 1, April 7-8, April 14-15
Tunica Hills South Tract	March 24-25, March 31-April 1, April 7-8, April 14-15	Self-clearing	March 24-25, March 31-April 1, April 7-8, April 14-15
Union	March 31-April 1	Self-clearing	March 31-April 1
West Bay	March 24-25	Self-clearing	March 24-25

*The deadline for receiving applications for all turkey Lottery Hunts on WMAs is Feb. 15, 2001.

¹No turkey hunting within 100 yards of food plots identified by two yellow paint rings around the nearest tree.

²All turkeys harvested on Sherburne WMA must be weighed and checked at WMA headquarters.

³Scouting access limited. Contact Region 7 office for details (225) 765-2360.

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 25:2265 (November 1999), 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 Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondences to other agencies of government.

Additionally, interested persons may submit written comments relative to the proposed rule until September 21, 2000 to Mr. Tommy Prickett, Administrator, Wildlife Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898.

In accordance with Act Number 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 : Turkey SeasonC 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 to the state, aside from staff time, is the production of the turkey regulation pamphlets and the issuance of turkey stamps which are estimated to cost \$17,600. The state agency currently has sufficient funds to implement the proposed action and no implementation costs or savings will be incurred by local governmental units resulting from the proposed rule.

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

License revenue from the sale of the turkey stamps is estimated to be \$55,970. Failure to adopt this rule would result in no turkey hunting seasons being established and loss of state revenues from sale of turkey stamps. In addition, loss of tax revenues of an undeterminable amount may occur to both state and local governmental units from the sale of supplies and equipment used in the pursuit of turkeys.

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

Approximately 10,000 resident and non-resident sportsmen and an undeterminable amount of sporting good distributors, retail outlets and landowners are directly affected by this proposal. Turkey hunters in Louisiana generate income to retail outlets, landowners and commercial operations that cater to the hunting public through hunting leases and the sale of outdoor related equipment and associated items (food, fuel, clothing, shotgun shells, etc.). These land and business owners will be negatively impacted if turkey hunting seasons, rules and regulations are not established and promulgated. The actual amount of this impact is not estimable at this time. Both resident and non-resident turkey hunters will incur an additional cost of \$5.50 and \$10.50, respectively, from the required purchase of a wild turkey stamp.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)

Hunting supports approximately 15,271 full and part time jobs in Louisiana of which a proportion is directly related to turkey hunting. Failure to establish turkey hunting seasons may have a negative impact on some of these jobs. It is also anticipated that there will be little or no effect on competition in both the public and private sectors resulting from the proposed action.

Thomas M. Gattle, Jr.
Chairman
0007#044

Robert E. Hosse
General Government Section Director
Legislative Fiscal Office