

Rules

RULE

Department of Agriculture and Forestry Office of Forestry

Timber Harvesting and Receiving Records (LAC 7:XXXIX.Chapter 15)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Office of Forestry, amends rules and regulations regarding procedures and information relating to the harvesting and transportation of forest products.

The Rule establishes procedures for the recording of important information related to the harvest and transportation of forest products. This Rule will result in mandatory record-keeping by harvesters of forest products and by facilities that receive forest products that will aid in the investigation of timber theft cases.

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

Title 7

AGRICULTURE AND ANIMALS

Part XXXIX. Forestry

Chapter 15. Timber Harvesting and Receiving Records

§1501. Loaders Log: Required Information; Distribution; Maintenance of Records

A. Loaders log must be kept on all timber harvesting sites. On any per-unit sale, upon completion of the harvest, the purchaser must provide the timber owner a copy of the loaders log. Loaders log must be maintained for a period of four years.

B. Each loaders log must contain the following information:

1. loader make and modelCeach loader used must be identified on the loaders log book by make and model;
2. load numberCeach load of timber leaving a cutting site must be assigned a load number. Load numbers for each job site must be in sequence;
3. parish/county and stateCthe parish or county and state where the timber was severed;
4. landowner's nameCthe name of the owner of the land where the timber is being severed. On multiple ownership land, the name of the estate, corporation, or what the site is commonly known as, may be entered. On industrial lands, the company tract number may be listed;
5. date and timeCthe date and time the forest product is loaded on the truck;
6. productCthe forest product type must be clearly identified, for instance pine log, pine pulp, hardwood log, hardwood pulp, chip and saw, poles. The following symbols may be used: PLCpine logs; PPCpine pulp; HWLChardwood logs; HWPCchardwood pulp; C&SCchip and saw. Any other forest product must be written out. The severance tax code may also be used to identify the product;

7. destinationCthe first wood-receiving facility that the forest product is being transported to;

8. loader's nameCthe name of the individual loading the timber. Name must be as shown on the loaders drivers license. Must be printed and legible;

9. driver's nameCthe name of the driver transporting the load. Name must be as shown on the drivers CDL. Must be printed and legible.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4278.3.

HISTORICAL NOTE: Promulgated by the Department Agriculture and Forestry, Office of Forestry, Forestry Commission, LR 26:31 (January 2001).

§1503. Scale/Load Tickets: Required Information; Distribution; Maintenance of Records

A. Information required by the scale ticket regulations may be kept on a load ticket provided that the scale ticket can be cross referenced to the load ticket. When both are used, the load ticket and scale ticket must be maintained for a period of not less than four years.

B. On any per-unit sale the purchaser of the timber must provide the timber owner hard copies of the scale tickets relating to any partial or final settlement made during the course of the harvest. Mill generated settlement sheets may be provided to the timber owner in lieu of a copy of the scale ticket provided it includes the load number, scale ticket number, date and time, product and species description, volume and/or weight.

C. Each scale ticket must contain the following information:

1. scale ticket numberCeach scale ticket issued at a wood receiving facility must be numbered;
2. parish/county and stateCthe parish/county and state where the timber was harvested;
3. date and timeCdate and time that the forest product was received (required on scale ticket only);
4. type and quantity of forest product delivered:
 - a. typeCdescription of forest product received;
 - b. quantityCboard feet, tonnage, or cords;
(The following items must be documented on a scale ticket or documented on a load ticket that can be cross referenced to the scale ticket)
5. timber owner's nameCowner or owners of timber at the time it was severed. On a per-unit sale the seller must be listed as the timber owner;
6. landownerCname of the owner of the land where the timber was severed. On multiple ownership land, the name of the estate, corporation, or what the site is commonly known as, may be entered. On industrial lands, the company tract number may be listed;
7. producerCcompany or individual who is responsible for harvesting the timber;
8. load numberCthe load number designated by the loaders log book;
9. driver's signatureCsignature of driver delivering the forest product. Must be legible and as shown on the drivers CDL.

D. Restrictions. Wood-receiving facilities cannot accept any load of timber unless all information required by these regulations is provided at the time of delivery.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4278.3.

HISTORICAL NOTE: Promulgated by the Department Agriculture and Forestry, Office of Forestry, Forestry Commission, LR 26:31 (January 2001).

§1505. Access Requirements

A. Each person, business or entity that harvests, loads, carries, or receives wood shall permit any commissioned officer or other authorized agent of the Department of Agriculture and Forestry, Office of Forestry to examine records required by these regulations. However, such records shall not be reproduced by any such commissioned officer or other authorized agent of the department, without the permission of the possessor of the records unless copies of records are required in connection with an ongoing investigation of a specifically identified timber theft or apparent violation of either R.S. 3:4278.3, these regulations or both. The records required by these regulations shall be considered confidential business records and any copies obtained by the department, its officers or agents shall remain such to the extent allowed by law.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4278.3.

HISTORICAL NOTE: Promulgated by the Department Agriculture and Forestry, Office of Forestry, Forestry Commission, LR 26:32 (January 2001).

§1507. Penalty for Violations

A. In the event of a violation of R.S. 3:4278.3 or the regulations promulgated thereunder, the maximum penalty allowed may be imposed after an adjudicatory hearing held in accordance with the Administrative Procedure Act. The Louisiana Forestry Commission shall make an initial determination on the matter. Their decision shall be submitted to the commissioner in writing.

B. The commissioner shall make the final determination on the matter. If the determination of the commissioner differs the commission, the commissioner shall issue a written opinion based on the record of the hearing.

C. Appeals from rulings of the commissioner shall be taken in accordance with the provisions of the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:4278.3.

HISTORICAL NOTE: Promulgated by the Department Agriculture and Forestry, Office of Forestry, Forestry Commission, LR 26:32 (January 2001).

Bob Odom
Commissioner

0101#005

RULE

Board of Elementary and Secondary Education

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

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted an amendment to Bulletin 741, referenced in LAC 28:1.901.A, promulgated by the Board of Elementary and Secondary Education in LR 1:483 (November 1975). The Louisiana Public Education Accountability System is designed to encourage and support school improvement by the following: establishing the state's goals for schools and students; communicating a school's performance to the public; recognizing school effectiveness in achievement; and focusing attention, energy, and resources to schools needing improvement.

The proposed changes more clearly explain and refine the existing policy as follows.

1. Requirement of written communication from districts with schools in Corrective Action II and III of their transfer policy.

2. Appeals process for exceeding the established caps for out-of-level alternate assessment of students with disabilities.

3. Growth Targets for schools having a School Performance Score (SPS) of 150 and above.

4. Students who fail the 8th grade LEAP 21 (Option I and II students).

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 9. Bulletins, Regulations, and State Plans

Subchapter A. Bulletins and Regulations

§901. School Approval Standards and Regulations

A. Bulletin 741

* * *

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

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education LR 1:483 (November 1975), amended by the Board of Elementary and Secondary Education LR 26:635 (April 2000); LR 26:1260 (June 2000), LR 26:1260 (June 2000), LR 27:32 (January 2001).

Bulletin 741C Louisiana Handbook for School

Administrators C Performance Labels

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

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

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

A school with an SPS of 30.1 - state average shall be labeled Academically Below the State Average.

A school with an SPS of state average - 99.9 shall be labeled Academically Above the State Average.

* The state average is recalculated every growth cycle.

**A school with an SPS of 100.0 - 124.9 shall be labeled a School of Academic Achievement.

**A school with an SPS of 125.0 - 149.9 shall be labeled a School of Academic Distinction.

**A school with an SPS of 150.0 or above shall be labeled a School of Academic Excellence.

**A school with these labels shall no longer be subject to Corrective Actions and shall not receive "negative" growth labels, i.e., School in Decline and Minimal Academic Growth. This school shall continue to meet or exceed Growth Targets to obtain "positive" growth labels, recognition, and possible rewards.

Transfer Policy

2.006.11. Parents shall have the right to transfer their child to another public school when an Academically Unacceptable School begins Corrective Actions Level II or any other school begins Corrective Actions Level III.

Transfers shall not be made to Academically Unacceptable Schools or any school undergoing Corrective Actions Level II or Level III.

Upon parental request, districts shall transfer the child to the nearest acceptable school prior to the October 1 student membership count.

If no academically acceptable school in the district is available, the student may transfer to a neighboring district. Parents shall provide the transportation to the school. State dollars shall follow the child when such a transfer occurs.

Schools and districts may refuse to accept a student if there is insufficient space, if a desegregation order prevents such a transfer, or if the student has been subjected to disciplinary actions for behavioral problems.

Districts shall develop a plan for student transfer that provides the following:

- a description of the general transfer policy;
- transfer for as many eligible students as possible in the academically unacceptable schools in Corrective Actions II or III to other academically acceptable schools;
- equal educational opportunities for all students eligible to transfer, including students with disabilities and limited English proficiency and in compliance with all civil rights laws pertaining to all eligible students; and
- time and resources for parent outreach.

When an LEA lacks capacity to offer student transfer to all eligible students a district must develop a plan that provides the following:

- evidence that the LEA lacks the capacity to provide transfer for all eligible students;
- a description of the process for equitable choosing students for the option of transfer from among the entire population of students eligible for choice; or

- evidence that the LEA cannot provide school choice or transfer to any students because of a court-ordered desegregation plan.

Inclusion of Students with Disabilities

2.006.18. All students, including those with disabilities, shall participate in Louisiana's new testing program. The scores of all students who are eligible to take the CRT and the NRT shall be included in the calculation of the SPS. Most students with disabilities shall take the CRT and the NRT with accommodations, if required by their Individualized Education Program (IEP). A small percentage of students with very significant disabilities, limited to 1.5 percent per grade level per school district, shall participate in an alternate assessment, as required by their IEP.

Local Education Agencies (LEAs) have the option to allow or disallow out-of-level testing. The LEA shall determine the percentage of students who can test out-of-level, not to exceed a total of four percent of students at any grade level per school district. This four percent includes those students participating in alternate assessment. The parent must agree with out-of-level assessment through written parental approval, via the IEP. There shall be an appeals method in place to make decisions on exceptions when the district four percent cap has been exceeded.

For students with disabilities who test out-of-level, Iowa (ITBS) standard scores from two consecutive years shall be compared in the following manner to determine student performance in calculating the SPS:

1. less than 5 standard score points of progress C0 points (Unsatisfactory);
2. 5-9 standard score points of progress C50 points (Approaching Basic);
3. 10-14 standard score points of progress C100 points (Basic);
4. 15-19 standard score points of progress C150 points (Proficient);
5. 20 + standard score points of progress C200 points (Advanced).

The scores of Special Education students participating in out-of-level testing shall be excluded from the School Performance Score for the school year 1999-2000.

Appeals Process for Exceeding the Established Caps for Out-of-Level Alternate Assessment of Students with Disabilities

- I. School districts that either
 - A) exceed a total of four percent but less than five percent of the total district population at any grade level participating in out-of-level testing and alternate assessment, and/or
 - B) exceed a total of 1.5 percent but less than two percent of the total district population at any grade level participating in alternate assessmentmust submit the following to the Department of Education (DOE) for review and approval.
 - 1) A justification documenting the reasons for exceeding the cap(s), and
 - 2) A corrective action plan to
- Increase participation in on-level assessment of the total district population at the grade level(s) where the cap was exceeded, and when applicable,
- Decrease participation in alternate assessment to a maximum of

1.5 percent of the total district population at the grade level(s) where the cap was exceeded.

II. School districts that either

- C) exceed a total of five percent or more of the total district population at any grade level participating in out-of-level testing and alternate assessment, and/or
- D) exceed a total of two percent of the total district population at any grade level participating in alternate assessment

must submit the following to the Department of Education for review and approval.

- 3) A justification documenting the reasons for exceeding the cap(s), and
- 4) A corrective action plan to

- Increase participation in on-level assessment of the total district population at the grade level(s) where the cap was exceeded, and when applicable,
- Decrease participation in alternate assessment to a maximum of 1.5% of the total district population at the grade level(s) where the cap was exceeded.

The school district will receive an onsite investigation by a Department of Education team, and following the investigation, the DOE team will meet with the school district's superintendent and appropriate staff to address the findings and revise, if necessary, the submitted corrective action plan.

III. The DOE will report to BESE on each appeal.

Weegie Peabody
Executive Director

0101#013

RULE

Board of Elementary and Secondary Education

Bulletin 1706C Regulations for Implementation of the Children with Exceptionalities Act (LAC 28:XLIII.1330, 1431, 1441, 1449 and 2001)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Board of Elementary and Secondary Education adopted revisions to Bulletin 1706, the Regulations for Implementation of the Children with Exceptionalities Act (R.S. 17:1941 et seq.).

The proposed revisions to Bulletin 1706, The Regulations for Implementation of the Children with Exceptionalities Act, R.S. 17:1941 et seq. officially changes the state regulations to be in compliance with the recent revisions to the federal regulations of IDEA -Part B and in the state statute at R.S. 17:1941 et seq. The gifted/talented regulations are not federally mandated and the IDEA regulations are not applicable to Gifted/Talented students. Since service to students who are gifted/talented are required under state statute, a companion document had to be created to address this population. When 1706 G/T Subpart B was on public review the stakeholders for gifted/talented programs asked for substantive changes in the document

**Title 28
EDUCATION**

Part XLIII. Bulletin 1706C Regulations for Implementation of the Children with Exceptionalities Act

Subpart B. Regulations for Gifted/Talented Students

Chapter 13. Responsibilities and Activities of the Division of Special Populations

§1330. State Policies and Procedures: Notice and Participation

A. In the preparation of the policies and procedures required by state statute, the division shall ensure that prescribed activities are preformed.

1. The division shall submit proposed revisions of policies and procedures to the State Board of Elementary and Secondary Education for advertisement, and as appropriate, Notice of Intent in the *Louisiana Register*.

2. The division shall publish in newspapers of general circulation throughout the state, other media, or both, the timetable for final approval, the procedures for submitting written comments, and a list of the dates, times, and places of public meetings to be held; the proposed policies and procedures shall be available for comment at least 45 calendar days following the date of notice.

3. The division shall distribute to interested parties and shall post the policies and procedures on the department's official internet website for public comment for a period of 45 days.

4. The division shall hold a series of open public meetings in which parents and other interested persons throughout the state are afforded a reasonable opportunity to comment on the proposed policies and procedures.

5. The division shall review and consider all public comments that might warrant modification of the policies and procedures.

6. The division shall attach a summary of the comments made during the public meetings or received by the state board to the proposed final policies or procedures submitted to the state board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:1578 (August 2000), amended LR 27:34 (January 2001).

Chapter 14. Responsibilities of City and Parish Schools Boards, Special School Districts, and State Special Schools

§1431. Students in Educational Programs Operated by the LEA

A.1. - 4. ...

5. The initial or most recent individual evaluation has expired.

B. - D. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:1582 (August 2000), amended LR 27:34 (January 2001).

§1441 IEP Team Participation

- A. - A.6. ...
- 7. if appropriate the student.
 - a. The LEA shall invite a G/T student of any age to attend his/her IEP meeting.
 - b. Beginning at least one year before a student reaches the age of majority under state law, the student's IEP shall include a statement that the student has been informed of his or her rights under these regulations, if any, that will transfer to the student on his or her reaching the age of majority, consistent with §1518.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:1584 (August 2000), Amended LR 27:35 (January 2001).

§1449. IEP Declassification Placement

- A. ...
- 1. place the student in regular education if the student is eligible for regular education;
- 2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:1586 (August 2000), LR 27:35 (January 2001).

Chapter 20. State Program Rules for Special Education

§2001. Pupil/Teacher, and Pupil Appraisal Ratios for Public Education

Setting	Preschool	Elementary	Secondary
* * *			
Combination Resource/Self-contained		22	22

- B. - B.4. ...
- AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.
- HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 26:1599 (August 2000), LR 27:35 (January 2001).

Weegie Peabody
Executive Director

0101#011

RULE

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

Commission Bylaws CCommittees (LAC 28:V.109)

The Louisiana Student Financial Assistance Commission (LASFAC), the statutory body created by R.S. 17:3021 et seq., in compliance with §952 of the Administrative Procedure Act, hereby revises its governing bylaws.

Title 28

EDUCATION

Part V. Student Financial AssistanceC Higher Education Loan Program

Chapter 1. Student Financial Assistance Commission Bylaws

§109. Committees

- A.1. - 2. ...
- 3. Personnel Committee;
- 4. Internal Audit Committee;
- 5. Planning Committee; and
- 6. Rules Committee.

B. - C.1. ...

2. The vice chairman of the commission shall be chairman of the rules committee.

3. It shall be the duty of the chairman of each committee to call and to preside over the necessary meetings. The minutes of the meeting of the committee, showing its actions and recommendations, shall be deemed in compliance with the provisions of §107.C, hereof, concerning the written recommendations of the committee.

D. - E. ...

F. Executive Committee

1. The executive committee shall consist of seven members. The chairman and vice chairman of the commission shall serve in those capacities on the executive committee. The chairman of each of the other standing committees or the chair's designee from his respective committee shall be a member of the executive committee. The remaining person, for a total of seven members, shall be appointed by the chairman of the commission from the other members of the commission.

F.2. - G ...

H. Personnel Committee. The Personnel Committee shall consist of not less than six members of the commission. Normally, to this committee shall be referred matters concerning oversight of personnel policies, staffing, and related matters. This committee shall hear appeals pursuant to the office's grievance procedure.

I. ...

J. Planning Committee. The Planning Committee shall consist of not less than six members of the commission. Normally, to this committee shall be referred the Strategic Plans and related matters.

K. Rules Committee. The Rules Committee shall consist of not less than seven members of the commission. Normally, to this committee shall be referred all matters related to making and interpreting rules.

L. Special Committees. As the necessity therefor arises, the chairman may, with the concurrence of the commission, create special committees with such functions, powers and authority as may be delegated. The chairman may appoint ad hoc committees for special assignments for limited periods of existence not to exceed the completion of the assigned task.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:321.

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:1264 (July 1998), LR 26:484 (March 2000), LR 27:35 (January 2001).

Mark S. Riley
Assistant Executive Director

0101#030

RULE

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

Tuition Opportunity Program for Students
(TOPS) Higher Education Scholarship and Grant
Programs (LAC 28:IV.301, 509, 703, 803 and 2103)

The Louisiana Student Financial Assistance Commission (LASFAC) amends rules of the Tuition Opportunity Program for Students (TOPS) (R.S. 17:3042.1 and R.S. 17:3048.1).

**Title 28
EDUCATION**

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

Chapter 3. Definitions

§301. Definitions

* * *

Legal Guardian An adult appointed by a court of competent jurisdiction to have custody and care of a minor, and who demonstrates the requirement to provide the primary support for such minor.

* * *

Orphan A person who does not live with either parent because the parent(s) is/are dead or has/have abandoned him or the parental rights of the parent(s) has/have been severed by competent authority.

* * *

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

HISTORICAL NOTE: Promulgated LR 24:631 (April 1998), amended LR 24:1897 (October 1998), LR 24:2237 (December 1998), LR 25:256 (February 1999), LR 25:654 (April 1999), LR 25:1458, 1460 (August 1999), LR 25:1794 (October 1999), LR 26:65 (January 2000), LR 26:688 (April 2000), LR 26:1262 (June 2000), LR 27:36 (January 2001).

Chapter 5. Application; Application Deadlines and Proof of Compliance

§509. American College Test (ACT) Testing Deadline

A. ...

B. The student may substitute an equivalent score, as determined by the comparison tables used by LASFAC, on an equivalent Scholastic Aptitude Test (SAT) taken on or before the official April test date in the Academic Year (High School) in which the student graduates. In order to substitute a SAT score, the student must direct the College Board to send the score to LOSFA so that the score is electronically reported to LOSFA by the College Board within 45 days of the final test date allowed by Section 509. SAT scores received in any other manner shall not be considered.

C. - E. ...

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 26:1995 (September 2000), amended LR 27:36 (January 2001).

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

§703. Establishing Eligibility

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

ii. for purposes of satisfying the requirements of §703.A.5.a.i., above, or §803.A.6.a., the following courses shall be considered equivalent to the identified core courses and may be substituted to satisfy corresponding core courses.

Core Curriculum Course	Equivalent (Substitute) Course
Physical Science	General Science
Algebra I	Algebra I, Parts 1 and 2
Applied Algebra IA and IB	Applied Mathematics I and II
Algebra I, Algebra II and Geometry	Integrated Mathematics I, II and III
Geometry, Trigonometry, Calculus, or Comparable Advanced Mathematics	Pre-Calculus, Algebra III, Probability and Statistics, Discrete Mathematics, Applied Mathematics III*
Chemistry	Chemistry Com
Fine Arts Survey	Speech Debate (2 units)
Western Civilization	European History

*Applied Mathematics III was formerly referred to as Applied Geometry

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

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance, LR 24:632 (April 1998), amended LR 24:1898 (October 1998), LR 25:2237 (December 1998), LR 25:257 (February 1999), LR 25:655 (April 1999), LR 25:1794 (October 1999), LR 26:64 (January 2000), LR 26:689 (April 2000), LR 26:1996 (September 2000), LR 27:36 (January 2001).

Chapter 8. TOPS-TECH Award

§803. Establishing Eligibility

A. - A.6.c. ...

d. Any courses that may be substituted for TOPS core curriculum course requirements in §703.A.5.a.i. may be substituted for the comparable TOPS-TECH core curriculum course requirements.

e. For purposes of satisfying the core curriculum requirements for a TOPS-TECH award, a student may substitute for a core curriculum course those courses listed as equivalent courses in §703.A.5.a.ii.

7. - 11. ...

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 24:1898 (October 1998), amended LR 24:2237 (December 1998), LR 25:1794 (October 1999), LR 26:64 (January 2000), LR 26:1997 (September 2000), LR 27:36 (January 2001).

**Chapter 21. Miscellaneous Provisions and Exceptions
§2103. Circumstances Warranting Exception to the Initial and Continuous Enrollment Requirements**

A. - D.3. ...

E. Qualifying Exceptions to the Initial and Continuous Enrollment Requirement. A student who has been declared ineligible for TOPS because of failure to meet the initial or continuous enrollment requirements may request reinstatement in TOPS based on one or more of the following exceptions:

1. - 10.c. ...

11. Exceptional Circumstances

a. Definition. The student/recipient has exceptional circumstances, other than those listed in §2103.E.1-10, which are beyond his immediate control and which necessitate full or partial withdrawal from, or non-enrollment in an eligible postsecondary institution. The following situations are not exceptional circumstances:

(a) - (h) ...

(i) for students graduating from high school in 2001 and thereafter, making financial commitments or accepting an academic or athletic scholarship or grant to attend a postsecondary institution outside of Louisiana.

E.11.a.ii. - E.11.c. ...

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

HISTORICAL NOTE: Promulgated by the Student Financial Assistance Commission, Office of Student Financial Assistance LR 24:647 (April 1998), amended LR 24:1919 (October 1998), LR 27:36 (January 2001).

Mark S. Riley
Assistant Executive Director

0101#028

RULE

**Tuition Trust Authority
Office of Student Financial Assistance**

Student Tuition and Revenue Trust (START Saving) Program (LAC 28:VI.107, 307 and 311)

The Louisiana Tuition Trust Authority (LATTA) amends rules of the Student Tuition Assistance and Revenue Trust (START Saving) Program (R.S. 17:3091-3099.2) to implement the provisions of Act 45 of the 2000 Regular Session of the Legislature.

**Title 28
EDUCATION**

**Part VI. Student Financial Assistance Higher
Education Savings**

**Chapter 1. General Provisions
Subchapter A. Student Tuition Trust Authority**

§107. Applicable Definitions

* * *

Eligible Educational Institution either a state college, university, or technical college or institute or an independent college or university located in this state that is accredited by the regional accrediting association, or its successor, approved by the U.S. Secretary of Education or a public or independent college or university located outside this state that is accredited by one of the regional accrediting associations, or its successor, approved by the U.S. Secretary of Education or a state licensed proprietary school licensed

pursuant to R.S. Chapter 24-A of Title 17, and any subsequent amendments thereto.

* * *

Enrollment Period that period designated by the LATTA during which applications for enrollment in the START program will be accepted by the LATTA.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:712 (June 1997), amended LR 24:1268 (July 1998), LR 25:1794 (October 1999), LR 27:37 (January 2001).

Chapter 3. Education Savings Account

§307. Allocation of Tuition Assistance Grants

A. - C.2. ...

D. Tuition Assistance Grant Rates

1. The Tuition Assistance Grant rates applicable to an Education Assistance Account are determined by the federal adjusted gross income of the Account Owner, according to the following schedule:

Reported Federal Adjusted Gross Income	Tuition Assistance Grant Rate*
0 to \$14,999	14 percent
\$15,000 to \$29,999	12 percent
\$30,000 to \$44,999	10 percent
\$45,000 to \$59,999	8 percent
\$60,000 to \$74,999	6 percent
\$75,000 to \$99,999	4 percent
\$100,000 and above	0 percent

*Rates may be reduced pro rata, to limit grants to amounts appropriated by the Legislature.

2. Effective January 1, 2001, the Tuition Assistance Grant rates applicable to an Education Assistance Account are determined by the federally adjusted gross income of the Account Owner, according to the following schedule:

Reported Federal Adjusted Gross Income	Tuition Assistance Grant Rate*
0 to \$29,999	14 percent
\$30,000 to \$44,999	12 percent
\$45,000 to \$59,999	9 percent
\$60,000 to \$74,999	6 percent
\$75,000 to \$99,999	4 percent
\$100,000 and above	2 percent

*Rates may be reduced pro rata, to limit grants to amounts appropriated by the Legislature.

E. Restrictions on Allocation of Tuition Assistance Grants to Education Assistance Accounts. The allocation of Tuition Assistance Grants is limited to Education Assistance Accounts which:

1. have principal deposits totaling at least \$100 annually; and
2. have an Account Owner's reported federal adjusted gross income of less than \$100,000 (effective January 1, 2001, this restriction shall terminate); and

E.3. - H.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:715 (June

1997), amended LR 24:1271 (July 1998), LR 25:1794 (October 1999), LR 27:37 (January 2001).

§311. Termination and Refund of an Education Savings Account

A. - H. ...

I. Refund Payments

1. Payment of refunds for voluntary termination of accounts without penalty pursuant to §311.F shall be made by or about the tenth day following the date on which the account was terminated. The refund shall consist of the principal remaining in the account and interest remaining in the account accrued on the principal through the end of the last calendar year. Interest earned during the calendar year of termination will be refunded on or about the forty-fifth day after the start of the next calendar year.

2. Payment of refunds for voluntary termination of accounts with penalty pursuant to §311.G shall be made by or about the tenth day following the date on which the account was terminated. The refund shall consist of the principal remaining in the account and interest remaining in the account accrued on the principal through the end of the last calendar year less the interest penalty. Interest earned during the calendar year of termination, less the interest penalty, will be refunded on or about the forty-fifth day after the start of the next calendar year

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:3091-3099.2.

HISTORICAL NOTE: Promulgated by the Tuition Trust Authority, Office of Student Financial Assistance, LR 23:717 (June 1997), amended LR 24:1273 (July 1998), LR 27:38 (January 2001).

Mark S. Riley
Assistant Executive Director

0101#029

RULE

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

Correct Organization Citations
Resulting from Reengineering of DEQ
(LAC 33:I, III, VII and IX)(OS036)

Editor's Note: The following sections of OS036, which was published as a Rule on pages 2439-2608 of the November 20, 2000 Louisiana Register, are being republished to correct typographical errors.

Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 2. Notification Regulations

Chapter 39. Notification Regulations and Procedures for Unauthorized Discharges

Subchapter C. Requirements for Prompt Notification

§3917. Notification Requirements for Unauthorized Discharges Which Do Not Cause an Emergency Condition

A. In the event of an unauthorized discharge which exceeds a reportable quantity specified in Subchapter E of this Chapter but which does not cause an emergency condition, the discharger shall notify the Office of

Environmental Compliance by telephone within 24 hours after learning of the discharge. Notification should be made to the Office of Environmental Compliance at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays; or by e-mail utilizing the Incident Report Form and procedures found at www.deq.state.la.us/surveillance.

B. Dischargers are not relieved from any requisite written notification procedures in LAC 33:I.3925 or of any permit or license terms and conditions issued under the Louisiana Environmental Quality Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2025(J), R.S. 30:2060(H), 30:2076(D), 30:2183(I), 30:2194(C) and 30:2204(A).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 11:770 (August 1985), amended LR 19:1022 (August 1993), repromulgated LR 20:182 (February 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2443 (November 2000), repromulgated LR 27:38 (January 2001).

Subpart 3. Laboratory Accreditation

Chapter 47. Program Requirements

§4705. Categories of Accreditation

A. At the time of application each applicant must clearly identify both the fields of testing and the test categories for which accreditation is sought. A copy of the relevant test method documentation and the requisite equipment for the method must be available at the laboratory. A current list of approved methodologies for each parameter/analyte will be maintained by the Office of Management and Finance, Laboratory Services Division and a copy of the list will become a part of the application package. In cases where the methodology used by the laboratory is not listed, the laboratory shall submit documentation that will verify that the results obtained from the method in use are equal to or better than those results obtained from the approved methodology. The department will review the data submitted by the laboratory and will notify the laboratory in writing within 60 calendar days if the method is acceptable or unacceptable as an alternate method of analysis.

* * *

[See Prior Text In B- B.11]

C. An accredited laboratory may request the addition of field(s) of testing and test category(ies) to its scope of accreditation at any time. Such a request must be submitted in writing to the Office of Management and Finance, Laboratory Services Division. Unless the previous on-site inspection can verify the competence of the laboratory to perform the additional tests, another on-site inspection may be required.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:919 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1435 (July 2000), LR 26:2443 (November 2000), repromulgated LR 27:38 (January 2001).

Part III. Air

Chapter 28. Lead-Based Paint Activities C Recognition, Accreditation, Licensure, and Standards for Conducting Lead-Based Paint Activities

§2811. Work Practice Standards for Conducting Lead-Based Paint Activities for Target Housing and Child-Occupied Facilities

[See Prior Text in A - A.4.f]

5. If using X-ray Fluorescence Spectroscopy (XRF) to test for the presence of lead-based paint, XRF shall be used according to the manufacturer's procedures. The XRF must be licensed in accordance with the department's Radiation Protection Regulations (LAC 33:XV).

[See Prior Text in B - E.3]

4. The lead contractor shall notify the Office of Environmental Services, Permits Division in writing of abatement activities.

[See Prior Text in E.4.a]

b. The project shall not start before the start date noted on the LPN. The Office of Environmental Services, Permits Division shall be notified if the operation will stop for a day or more during the project time noted on the LPN or if the project has been canceled or postponed. The firm shall also give notice 24 hours before the completion of a project. Notice should be submitted to the department with written follow-up and fax notification to the appropriate regional office.

[See Prior Text in E.4.c - 13]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 23:1672 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2459 (November 2000), repromulgated LR 27:39 (January 2001).

Part VII. Solid Waste

Chapter 7. Solid Waste Standards
Subchapter E. Financial Assurance for all Processors and Disposers of Solid Waste

§727. Financial Assurance

[See Prior Text in A-A.2.i.iv.(d)]

(e). The wording of the letter from the chief financial officer shall be identical to the wording as follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted:

Solid Waste Facility Letter From The Chief Financial Officer

(Liability Coverage, Closure, and/or Post-Closure)

Secretary
Louisiana Department of Environmental Quality
Post Office Box 82231
Baton Rouge, Louisiana 70884-2231
Attention: Office of Management and Finance, Financial Services Division

Dear Sir:

I am the chief financial officer of [name and address of firm, which may be either the permit holder, applicant, or parent corporation of the permit holder or applicant]. This letter is in support of this firm's use of the financial test to demonstrate financial responsibility for [insert "liability coverage," "closure," and/or "post-closure," as applicable] as specified in [insert "LAC 33:VII.727.A.1," "LAC 33:VII.727.A.2," or LAC 33:VII.727.A.1 and A.2"].

[Fill out the following four paragraphs regarding facilities and associated liability coverage, and closure and post-closure cost estimates. If your firm does not have facilities that belong in a particular paragraph, write "None" in the space indicated. For each facility, list the site identification number, site name, facility name, and facility permit number.]

[See Prior Text in 1 - 4]

This firm [insert "is required" or "is not required"] to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on [month, day]. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed year, ended [date].

[Fill in Part A if you are using the financial test to demonstrate coverage only for the liability requirements.]

[See Prior Text in Part A - Part B, Alternative II]

[Fill in Part C if you are using the financial test to demonstrate assurance for liability coverage, closure, and/or post-closure care.]

Part C. Liability Coverage, Closure, And/Or Post-Closure

[Fill in Alternative I if the criteria of LAC 33:VII.727.A.2.i.i.(a) are used.]

ALTERNATIVE I	
1. Sum of current closure and/or post -closure cost estimates (total of all cost estimates listed above)	\$ _____
2. Amount of annual aggregate liability coverage to be demonstrated	\$ _____
3. Sum of lines 1 and 2	\$ _____
*4. Total liabilities (If any portion of your closure and/or post -closure cost estimates is included in your "total liabilities" in your firm's financial statements, you may deduct that portion from this line and add that amount to lines 5 and 6.)	\$ _____
*5. Tangible net worth	\$ _____
*6. Net worth	\$ _____
*7. Current assets	\$ _____
*8. Current liabilities	\$ _____
*9. The sum of net income plus depreciation, depletion, and amortization	\$ _____

*10. Total assets in the U.S. (required only if less than 90 percent of assets are located in the U.S.)	\$ _____	
	YES	NO
11. Is line 5 at least \$10 million?	_____	_____
12. Is line 5 at least 6 times line 3?	_____	_____
*13. Are at least 90 percent of assets located in the U.S.? If not, complete line 14.	_____	_____
14. Is line 10 at least 6 times line 3?	_____	_____

[Fill in Alternative II if the criteria of LAC 33:VII.727.A.2.i.i.(b) are used.]

ALTERNATIVE II		
1. Sum of current closure and/or post-closure cost estimates (total of all cost estimates listed above)	\$ _____	
2. Amount of annual aggregate liability coverage to be demonstrated	\$ _____	
3. Sum of lines 1 and 2	\$ _____	
4. Current bond rating of most recent issuance of this firm and name of rating service	_____	
5. Date of issuance of bond	_____	
6. Date of maturity of bond	_____	
*7. Tangible net worth (If any portion of the closure and/or post-closure cost estimates is included in the "total liabilities" in your firm's financial statements, you may add that portion to this line.)	\$ _____	
*8. Total assets in U.S. (required only if less than 90 percent of assets are located in the U.S.)	\$ _____	
	YES	NO
9. Is line 7 at least \$10 million?	_____	_____
10. Is line 7 at least 6 times line 3?	_____	_____
*11. Are at least 90 percent of assets located in the U.S.? If not, complete line 12.	_____	_____
12. Is line 8 at least 6 times line 3?	_____	_____

(The following is to be completed by all firms providing the financial test)

I hereby certify that the wording of this letter is identical to the wording specified in LAC 33:VII.727.A.2.i.iv.(e).

[Signature of Chief Financial Officer for the Firm]

[Typed Name of Chief Financial Officer]

[Title]

[Date]

[See Prior Text in A.2.i.v - B.2]

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

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 19:1143 (September 1993), LR 19:1316 (October 1993), amended by the Office of Waste Services, Solid Waste Division, LR 23:954 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2529 (November 2000), repromulgated LR 27:39 (January 2001).

Chapter 11. Beneficial-Use Facilities
§1109. Standards Governing Beneficial-Use Facilities

[See Prior Text in A - F.1.b.ii.(e)]

(f). copy of the semiannual soil waste mixtures tests and analyses of the results, with conclusions, submitted semiannually to the Office of Environmental Assessment, Environmental Technology Division, or more frequently if deemed necessary by the administrative authority.

[See Prior Text in F.1.b.ii.(g) - H.2]

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

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 26:2536 (November 2000), repromulgated LR 27:40 (January 2001).

Part IX. Water Quality Regulations
Chapter 23. The Louisiana Pollutant Discharge Elimination System (LPDES) Program
Subchapter B. Permit Application and Special LPDES Program Requirements
§2341. Storm Water Discharges

[See Prior Text In A - E.2.d.ii]

e. A facility listed under LAC 33:IX.2341.B.14.a-k may add on to a group application submitted in accordance with LAC 33:IX.2341.E.2.a at the discretion of the department, and only upon a showing of good cause by the facility and the group applicant; the request for the addition of the facility shall be made no later than February 18, 1992; the addition of the facility shall not cause the percentage of the facilities that are required to submit quantitative data to be less than 10 percent, unless there are over 100 facilities in the group that are submitting quantitative data; approval to become part of group application must be obtained from the group or the trade association representing the individual facilities.

[See Prior Text In E.3 - G.4.d]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Section 2074(B)(3) and (B)(4).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:957 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2273 (October 2000), LR 26:2552 (November 2000), repromulgated LR 27:40 (January 2001).

James H. Brent, Ph.D.
Assistant Secretary

0101#050

RULE

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Hazardous Waste Manifest
(LAC 33:V.903, 905, 907, 913, 915, 917,
919, 1107, 1111 and 1309)(HW074)

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 has amended the Hazardous Waste regulations, LAC 33:V.903, 905, 907, 913, 915, 917, 919, 1107, 1111, Chapter 11.Appendix A and 1309 (Log #HW074).

This Rule makes Louisiana hazardous waste manifesting regulations equivalent to federal requirements and reduces submittal and processing of redundant information contained in the manifest. This Rule allows the facilities to comply with equivalent federal regulations while retaining the cradle to grave concept for tracking hazardous waste activity. The basis and rationale for this Rule are to make Louisiana regulations equivalent to federal regulations.

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

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality Hazardous Waste

Chapter 9. Manifest System for TSD Facilities

§903. Manifest Requirements

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 12:319 (May 1986), LR 17:362 (April 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2469 (November 2000), repealed LR 27:41 (January 2001).

§905. Use of the Manifest System

* * *

[See Prior Text in A - A.3]

4. within 30 working days after the delivery, send a signed copy of the manifest to the generator; and

5. retain at the facility a copy of each manifest for at least three years from the date of delivery.

* * *

[See Prior Text in B - B.4]

5. retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

* * *

[See Prior Text in C]

D. Within three working days of the receipt of a shipment subject to LAC 33:V.Chapter 11.Subchapter B, the

owner or operator of the facility must provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; to the Department of Environmental Quality, Office of Environmental Services, Environmental Assistance Division, Box 82135, Baton Rouge, LA 70884; and to competent authorities of all other concerned countries. A copy of the tracking document must be maintained at the facility for at least three years from the date of signature.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 17:364 (April 1991), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:660 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:41 (January 2001).

§907. Manifest Discrepancies

* * *

[See Prior Text in A]

B. Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g., with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the owner or operator must immediately submit to the Office of Environmental Services, Environmental Assistance Division a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 17:364 (April 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2469 (January 2000), LR 27:41 (January 2001).

§913. Manifest Document Flow

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 12:319 (May 1986), LR 17:362 (April 1991), LR 18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2469 (November 2000), repealed LR 27:000 (January 2001).

§915. Facilities Accepting Out-of-State Wastes

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 27:41 (January 2001).

§917. Hazardous Wastes Not Properly Manifested

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), repealed by the Office of Environmental Assessment, Environmental Planning Division, LR 27:41 (January 2001).

§919. Hazardous Waste Rejections

Repealed.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 17:364 (April 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), repealed LR 27:42 (January 2001).

Chapter 11. Generators

§1107. The Manifest System

* * *

[See Prior Text in A - A.7]

8. Reserved.

* * *

[See Prior Text in A.9 - B.2]

C. Number of Copies. The manifest consists of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records and another copy to be returned to the generator.

* * *

[See Prior Text in D - D.6]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 12:319 (May 1986), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:1256 (November 1992), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:267 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), LR 27:42 (January 2001).

§1111. Recordkeeping and Reporting

* * *

[See Prior Text in A - C]

1. Reserved.

* * *

[See Prior Text in C.2 - E]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:220 (March 1990), LR 17:365 (April 1991), LR 20:1000 (September 1994), LR 20:1109 (October 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2470 (November 2000), LR 27:42 (January 2001).

Appendix AC Uniform Hazardous Waste Manifest and Instructions

(DEQ Form HW-3 and Its Instructions)

Read all instructions before completing DEQ Form HW-3. This form is available from the Office of Environmental Services, Environmental Assistance Division and has been designed for use on a 12-pitch (elite) typewriter; a firm point

pen may also be used. Press down hard. State regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, and disposal facilities to use this form (HW-3) and, if necessary, the continuation sheet for both interstate and intrastate transportation. Federal and state regulations also require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, and disposal facilities to complete the following information:

I. DEQ Form HW-3

A. Generators

Item 1. Generator's U.S. EPA ID Number--Manifest Document Number

Enter the generator's U.S. EPA twelve digit identification number and the unique five digit number assigned to this manifest (e.g., 00001) by the generator.

Item 2. Page 1 of ----

Enter the total number of pages used to complete this manifest, i.e., the first page (HW-3) plus the number of continuation sheets, if any.

Item 3. Generator's Name and Mailing Address

Enter the name and mailing address of the generator. The address should be the location that will manage the returned manifest forms.

Item 4. Generator's Phone Number

Enter a telephone number where an authorized agent of the generator may be reached in the event of an emergency.

Item 5. Transporter 1 Company Name

Enter the company name of the first transporter who will transport the waste.

Item 6. U.S. EPA ID Number

Enter the U.S. EPA twelve digit identification number of the first transporter identified in item 5.

Item 7. Transporter 2 Company Name

If applicable, enter the company name of the second transporter who will transport the waste. If more than two transporters are used to transport the waste, use a continuation sheet(s) and list the transporters in the order they will be transporting the waste.

Item 8. U.S. EPA ID Number

If applicable, enter the U.S. EPA twelve digit identification number of the second transporter identified in item 7.

[Note: If more than two transporters are used, enter each additional transporter's company name and U.S. EPA twelve digit identification number in items 24-27 on the continuation sheet. Each continuation sheet has space to record two additional transporters. Every transporter used between the generator and the designated facility must be listed.]

Item 9. Designated Facility Name and Site Address

Enter the company name and site address of the facility designated to receive the waste listed on this manifest. The address must be the site address, which may differ from the company mailing address.

Item 10. U.S. EPA ID Number

Enter the U.S. EPA twelve digit identification number of the designated facility identified in item 9.

Item 11. U.S. DOT Description [Including Proper Shipping Name, Hazard Class, and ID Number (UN/NA)]

Enter the U.S. DOT Proper Shipping Name, Hazard Class, and ID Number (UN/NA) for each waste as identified in 49 CFR 171 - 177.

[Note: If additional space is needed for waste descriptions, enter these additional descriptions in item 28 on the continuation sheet.]

Item 12. Containers (No. and Type)

Enter the number of containers for each waste and the appropriate abbreviation from Table I (below) for the type of container.

Table I-Types of Containers	
Abbreviation	Type of Container
DM	Metal drums, barrels, kegs
DW	Wooden drums, barrels, kegs
DF	Fiberboard or plastic drums, barrels, kegs
TP	Tanks portable
TT	Cargo tanks (tank trucks)
TC	Tank cars
DT	Dump truck
CY	Cylinders
CM	Metal boxes, cartons, cases (including roll-offs)
CW	Wooden boxes, cartons, cases
CF	Fiber or plastic boxes, cartons, cases
BA	Burlap, cloth, paper, or plastic bags

Item 13. Total Quantity

Enter the total quantity of waste described on each line.

Item 14. Unit (Wt./Vol.)

Enter the appropriate abbreviation from Table II (below) for the unit of measure.

Table II-Units of Measure	
Abbreviation	Unit of Measure
G	Gallons (liquids only)
P	Pounds
T	Tons (2000 lbs)
Y	Cubic yards
L	Liters (liquids only)
K	Kilograms
M	Metric tons (1000 kg)
N	Cubic meters

Item 15. Special Handling Instructions and Additional Information

Generators may use this space to indicate special transportation, treatment, storage, or disposal information or bill of lading information. States may not require additional, new, or different information in this space. For international shipments, generators must enter in this space the point of departure (city and state) for those shipments destined for treatment, storage, or disposal outside the jurisdiction of the United States.

Item 16. Generator's Certification

The generator must read, sign (by hand), and date the certification statement. If a mode other than highway is used, the word "highway" should be lined out and the appropriate mode (rail, water, or air) inserted in the space below. If another mode in addition to the highway mode is used, enter the appropriate additional mode (e.g., and rail) in the space below.

Primary exporters shipping hazardous wastes to a facility located outside of the United States must add to the end of the first sentence of the certification the following words "and conforms to the terms of the EPA Acknowledgment of Consent to the shipment." In signing the waste minimization certification statement, those generators who have not been exempted by statute or regulation from the duty to make a

waste minimization certification under section 3002(b) of RCRA are also certifying that they have complied with the waste minimization requirements.

Generators may preprint the words, "On behalf of" in the signature block or may hand write this statement in the signature block prior to signing the generator certifications.

[Note: All of the above information except the handwritten signature required in item 16 may be preprinted.]

B. Transporters

Item 17. Transporter 1 Acknowledgement of Receipt of Materials

Enter the name of the person accepting the waste on behalf of the first transporter. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt.

Item 18. Transporter 2 Acknowledgement of Receipt of Materials

Enter, if applicable, the name of the person accepting the waste on behalf of the second transporter. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.

[Note: International Shipments/Transporter Responsibilities. Exports/Transporters must sign and enter the date the waste left the United States in item 15. Imports/Shipments of hazardous waste regulated by RCRA and transported into the United States from another country must, upon entry, be accompanied by the U.S. EPA Uniform Hazardous Waste Manifest. Transporters who transport hazardous waste into the United States from another country are responsible for completing the Manifest (LAC 33:V.1301.E).]

C. Owners and Operators of Treatment, Storage, or Disposal Facilities

Item 19. Discrepancy Indication Space

The authorized representative of the designated (or alternate) facility's owner or operator must note in this space any significant discrepancy between the waste described on the manifest and the waste actually received at the facility. Owners and operators of facilities located in unauthorized states (i.e., the U.S. EPA administers the hazardous waste management program) who cannot resolve significant discrepancies within 15 days of receiving the waste must submit to their regional administrator (see list below) a letter with a copy of the manifest at issue describing the discrepancy and attempts to reconcile it (LAC 33:V.907 and 4355). Owners and operators of facilities located in authorized states (i.e., those states that have received authorization from the U.S. EPA to administer the hazardous waste program) should contact their state agency for information on state discrepancy report requirements.

EPA Regional Administrators
Regional Administrator, U.S. EPA Region I, J.F. Kennedy Federal Building, Boston, MA 02203
Regional Administrator, U.S. EPA Region II, 26 Federal Plaza, New York, NY 10278
Regional Administrator, U.S. EPA Region III, 6th and Walnut Streets, Philadelphia, PA 19106
Regional Administrator, U.S. EPA Region IV, 345 Courtland Street, NE, Atlanta, GA 30365
Regional Administrator, U.S. EPA Region V, 77 West Jackson Boulevard, Chicago, IL 60604
Regional Administrator, U.S. EPA Region VI, 1201 Elm Street, Dallas, TX 75270
Regional Administrator, U.S. EPA Region VII, 324 East 11th Street, Kansas City, MO 64106
Regional Administrator, U.S. EPA Region VIII, 1860 Lincoln Street, Denver, CO 80295

Regional Administrator, U.S. EPA Region IX, 215 Fremont Street, San Francisco, CA 94105

Regional Administrator, U.S. EPA Region X, 1200 Sixth Avenue, Seattle, WA 98101

Item 20. Facility Owner or Operator: Certification of Receipt of Hazardous Materials Covered by this Manifest Except as Noted in Item 19

Print or type the name of the person accepting the waste on behalf of the owner or operator of the facility. That person must acknowledge acceptance of the waste described on the Manifest by signing and entering the date of receipt. Generators must also complete items A-K (the shaded portions of the manifest).

II. Instructions C Continuation Sheet

Read all instructions before completing this form. This form has been designed for use on a 12-pitch (elite) typewriter; a firm point pen may also be used--press down hard. This form must be used as a continuation sheet to DEQ Form HW-3 if:

more than two transporters are to be used to transport the waste; or

more space is required for the U.S. DOT description and related information in Item 11 of DEQ Form HW-3.

Federal and state regulations require generators and transporters of hazardous waste and owners or operators of hazardous waste treatment, storage, or disposal facilities to use DEQ Form HW-3 and, if necessary, this continuation sheet for both inter- and intrastate transportation.

A. Generators

Item 21. Generator's U.S. EPA ID Number C Manifest Document Number

Enter the generator's U.S. EPA twelve digit identification number and the unique five digit number assigned to this Manifest (e.g., 00001) as it appears in item 1 on the first page of the manifest.

Item 22. Page ----

Enter the page number of this continuation sheet.

Item 23. Generator's Name

Enter the generator's name as it appears in item 3 on the first page of the manifest.

Item 24. Transporter C Company Name

If additional transporters are used to transport the waste described on this manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word transporter the order of the transporter. For example, Transporter 3 Company Name. Each Continuation Sheet will record the names of two additional transporters.

Item 25. U.S. EPA ID Number

Enter the U.S. EPA twelve digit identification number of the transporter described in item 24.

Item 26. Transporter C Company Name

If additional transporters are used to transport the waste described on this manifest, enter the company name of each additional transporter in the order in which they will transport the waste. Enter after the word transporter the order of the transporter. For example, Transporter 4 Company Name. Each continuation sheet will record the names of two additional transporters.

Item 27. U.S. EPA ID Number

Enter the U.S. EPA twelve digit identification number of the transporter described in item 26.

Item 28. U.S. DOT Description Including Proper Shipping Name, Hazardous Class, and ID Number (UN/NA). Refer to item 11.

Item 29. Containers (No. and Type). Refer to item 12.

Item 30. Total Quantity. Refer to item 13.

Item 31. Unit (Wt./Vol.). Refer to item 14.

Item 32. Special Handling Instructions

Generators may use this space to indicate special transportation, treatment, storage, or disposal information or bill of lading information.

B. Transporters

Item 33. Transporter C Acknowledgement of Receipt of Materials

Enter the same number of the transporter as identified in item 24. Enter also the name of the person accepting the waste on behalf of the transporter (Company Name) identified in item 24. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.

Item 34. Transporter C Acknowledgement of Receipt of Materials

Enter the same number of the transporter as identified in item 26. Enter also the name of the person accepting the waste on behalf of the transporter (Company Name) identified in item 26. That person must acknowledge acceptance of the waste described on the manifest by signing and entering the date of receipt.

C. Owners And Operators of Treatment, Storage, or Disposal Facilities

Item 35. Discrepancy Indication Space. Refer to item 19.

D. Generators must also complete items L-R (the shaded portions of the continuation sheet).

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:42 (January 2001).

Chapter 13. Transporters

§1309. Compliance with the Manifest

* * *

[See Prior Text in A - E]

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2472 (November 2000), LR 27:44 (January 2001).

James H. Brent, Ph.D.

Assistant Secretary

0101#048

RULE

Department of Environmental Quality Office of Environmental Assessment Environmental Planning Division

Privately Owned Sewage Treatment Facilities
(LAC 33:IX.2331, 2381, 2383,
2385, 2769, 2801-2809)(WP035)

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 adopted the Water Quality regulations in LAC 33:IX.2331, 2381, 2383, 2385, 2769, and 2801-2809 (Log #WP035).

The Rule requires that all operators of privately-owned sewage treatment facilities, regulated by the Public Service Commission, obtain financial assurance prior to receiving discharge authorization. This Rule is being promulgated to satisfy Act 399 of the 1999 Legislative Session. Legal operation of treatment facilities is essential for the proper treatment of sewage. The financial assurance requirement will allow the secretary to address or correct deficiencies at the facility or to maintain and operate the system in the event the operator is unable or unwilling to properly operate the system. The basis and rationale for this Rule is to satisfy the mandate in R.S. 30:2075.2 that the department promulgate rules and regulations to require that operators of privately-owned sewage treatment facilities obtain financial assurance.

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

Title 33

ENVIRONMENTAL QUALITY

Part IX. Water Quality Regulations

Chapter 23. The Louisiana Pollutant Discharge Elimination System (LPDES) Program Subchapter B. Permit Application and Special LPDES Program Requirements

§2331. Application for a Permit

[See Prior Text in A - O.Note 3.e]

P. Additional Requirements for Privately-Owned Sewage Treatment Facilities Regulated by the Public Service Commission. Privately-owned sewage treatment facilities regulated by the Public Service Commission must also comply with the financial security requirements in LAC 33:IX.Chapter 23.Subchapter W. Following receipt of the permit application the administrative authority shall calculate and subsequently notify the applicant of the average discharge capacity per day for the facility. The applicant will use this figure to determine the amount of the financial security required by LAC 33:IX.Chapter 23.Subchapter W. The applicant shall subsequently obtain and supply the department with the financial security document in accordance with LAC 33:IX.Chapter 23.Subchapter W. No permit shall be issued after July 1, 1999, without the

required financial security, unless a waiver or exemption has been granted under R.S. 30:2075.2(A)(6).

[See Prior Text in Q - Q.15]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and (4) and 2075.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:723 (June 1997), amended by the Office of the Secretary, LR 25:661 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2552 (November 2000), LR 26:2756 (December 2000), LR 27:45 (January 2001).

Subchapter D. Transfer, Modification, Revocation and Reissuance, and Termination §2381. Transfer of Permits

[See Prior Text in A - B.1]

2. the notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them;

3. the state administrative authority does not notify the existing permittee and the proposed new permittee of his or her intent to modify or revoke and reissue the permit. A modification under this Subsection may also be a minor modification under LAC 33:IX.2385. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in Subsection B.2 of this Section; and

4. additional requirements are met for privately-owned sewage treatment facilities regulated by the Public Service Commission when transferred after July 1, 1999. The new permittee shall comply with the financial security requirements in LAC 33:IX.Chapter 23.Subchapter W, unless a waiver or exemption has been granted under R.S. 30:2075.2(A)(6).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and (4) and 2075.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:45 (January 2001).

§2383. Modification or Revocation and Reissuance of Permits

When the state administrative authority receives any information [for example, inspects the facility, receives information submitted by the permittee as required in the permit (see LAC 33:IX.2355), receives a request for modification or revocation and reissuance under LAC 33:IX.2407, or conducts a review of the permit file] he or she may determine whether or not one or more of the causes listed in Subsections A and B of this Section for modification or revocation and reissuance or both exist. If cause exists, the state administrative authority may modify or revoke and reissue the permit accordingly, subject to the limitations of LAC 33:IX.2407.B and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new

term (see LAC 33:IX.2407.B.2). If cause does not exist under this Section or LAC 33:IX.2385, the state administrative authority shall not modify or revoke and reissue the permit. If a permit modification satisfies the criteria in LAC 33:IX.2385 for minor modifications the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared and other procedures in LAC 33:IX.Chapter 23.Subchapters E and F followed.

* * *

[See Prior Text in A - B.2]

C. Upon modification or revocation and reissuance of a permit for a privately-owned sewage treatment facility regulated by the Public Service Commission, the permittee shall comply with the financial security requirements in LAC 33:IX.Chapter 23.Subchapter W, unless a waiver or exemption has been granted under R.S. 30:2075.2(A)(6).

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and (4) and 2075.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended LR 23:724 (June 1997), LR 23:1524 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2283 (October 2000), LR 27:45 (January 2001).

§2385. Minor Modifications of Permits

A. Upon the consent of the permittee, the state administrative authority may modify a permit to make the corrections or allowances for changes in the permitted activity listed in this Section, without following the procedures of LAC 33:IX.Chapter 23.Subchapters E-G. Any permit modification not processed as a minor modification under this Section must be made for cause and with LAC 33:IX.Chapter 23.Subchapters E-G draft permit and public notice as required in LAC 33:IX.2383. Minor modifications may only:

1. correct typographical errors;
2. require more frequent monitoring or reporting by the permittee;
3. change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement; or
4. allow for a change in ownership or operational control of a facility where the state administrative authority determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the state administrative authority. The new permittee of a privately-owned sewage treatment facility regulated by the Public Service Commission must additionally comply with the financial security requirements in LAC 33:IX.Chapter 23.Subchapter W, unless a waiver or exemption has been granted under R.S. 30:2075.2(A)(6).

* * *

[See Prior Text in A. 5 - 7]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and (4) and 2075.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:46 (January 2001).

Subchapter V. Additional Requirements Applicable to the LPDES Program

§2769. Additional Requirements for Permit Renewal and Termination

A. The following are causes, in addition to those found in LAC 33:IX.2387, for terminating a permit during its term or for denying a permit renewal:

* * *

[See Prior Text in A.1]

2. due consideration of the facility's history of violations and compliance;
3. change of ownership or operational control (see LAC 33:IX.2381); and/or
4. failure to provide or maintain financial security in accordance with LAC 33:IX.Chapter 23.Subchapter W.

* * *

[See Prior Text in B - D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and (4) and 2075.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 21:945 (September 1995), amended by the Water Pollution Control Division, LR 23:726 (June 1997), amended by the Office of the Secretary, LR 25:662 (April 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 27:46 (January 2001).

Subchapter W. Financial Security

§2801. Applicability

A. This Subsection shall be applicable to the following actions, for privately-owned sewage treatment facilities regulated by the Public Service Commission, when taken after July 1, 1999:

1. issuance of a new discharge permit;
2. renewal of an existing discharge permit;
3. modification of an existing discharge permit; and
4. transfer of an existing discharge permit to a different permittee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and (4) and 2075.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:46 (January 2001).

§2803. Acceptable Form of Financial Security

A. Financial security required by R.S. 30:2075.2 may be established by any one or a combination of the following mechanisms:

1. Surety Bond. The requirements of this Section may be satisfied by obtaining a surety bond that conforms to the following requirements:

a. the bond must be submitted to the department at the following address: Louisiana Department of Environmental Quality, Office of Management and Finance, Financial Services Division, Box 82231, Baton Rouge, LA 70884-2231;

b. the bond must be executed by the permittee and a corporate surety licensed to do business in Louisiana. The surety must, at a minimum, be among those listed as

acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury and be approved by the administrative authority;

c. under the terms of the bond, the surety will become liable on the bond obligation when the permit holder fails to perform as guaranteed by the bond;

d. under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the permit holder and to the administrative authority at the address indicated in Subsection A.1.a of this Section. Cancellation may not occur, however, before 120 days have elapsed, beginning on the date that both the permit holder and the administrative authority receive the notice of cancellation, as evidenced by the return receipts; and

e. the wording of the surety bond must be identical to the following, except that material in brackets is to be replaced with the relevant information and the brackets deleted:

PERFORMANCE BOND

Date bond was executed: _____

Effective date: _____

Principal: [legal name and business address of permit holder or applicant]

Type of organization: [insert "individual," "joint venture," "partnership," or "corporation"]

State of incorporation: _____

Surety: [name(s) and business address(es)]

[Site identification number, site name, facility name, facility permit number, facility address, amount for each facility guaranteed by this bond]

Total penal sum of bond: \$ _____

Surety's bond number: _____

Know All Persons By These Presents That we, the Principal and Surety hereto, are firmly bound to the Louisiana Department of Environmental Quality in the above penal sum for the payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, provided that, where Sureties are corporations acting as cosureties, we, the Sureties, bind ourselves in such sum "jointly and severally" only for the purpose of allowing a joint action or actions against any or all of us and, for all other purposes, each Surety binds itself, jointly and severally with the Principal, for the payment of such sum only as is set forth opposite the name of such Surety, but if no limit of liability is indicated, the limit of liability shall be the full amount of the penal sum.

WHEREAS, said Principal is required, under the Louisiana Environmental Quality Act, La. R.S. 30:2001, et seq., to have a permit in order to discharge wastewater from the facility identified above; and

WHEREAS, the Principal is required by law to provide financial assurance for the conditions specified in LAC 33:IX.Chapter 23.Subchapter W, as a condition of the permit; and

THEREFORE, the conditions of this obligation are such that if the Principal shall faithfully perform, in a timely manner, the requirements of LAC 33:IX applicable to the facility for which this bond guarantees the requirements of LAC 33:IX, in accordance with the other requirements of the

permit as such permit may be amended and pursuant to all applicable laws, statutes, rules, and regulations, as such laws, statutes, rules, and regulations may be amended;

OR, if the Principal shall provide other financial assurance as specified in LAC 33:IX.Chapter 23.Subchapter W and obtain written approval of the administrative authority of such assurance within 90 days after the date of notice of cancellation of this bond is received by both the Principal and the administrative authority, then this obligation shall be null and void; otherwise, it is to remain in full force and effect.

The Surety shall become liable on this bond obligation only when the Principal has failed to fulfill the conditions described hereinabove.

Upon notification by the administrative authority that the Principal has been found in violation of the requirements of LAC 33:IX or of its permit, for the facility for which this bond guarantees performances of the requirements of LAC 33:IX.Chapter 23.Subchapter W, the Surety shall either perform the requirements of LAC 33:IX.Chapter 23.Subchapter W, or place the closure amount guaranteed for the facility into the standby trust fund as directed by the administrative authority.

The Surety hereby waives notification of amendments to permit, applicable laws, statutes, rules, and regulations and agrees that no such amendment shall in any way alleviate its obligation on this bond.

The liability of the Surety(ies) shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond, but in no event shall the obligation of the Surety hereunder exceed the amount of the penal sum.

The Surety may cancel the bond by sending notice of cancellation by certified mail to the Principal and to the administrative authority. Cancellation shall not occur before 120 days have lapsed, beginning on the date that both the Principal and the administrative authority received the notice of cancellation as evidenced by the return receipts.

The Principal may terminate this bond by sending written notice to the Surety and to the administrative authority, provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond by the administrative authority.

The Principal and Surety hereby agree that no portion of the penal sum may be expended without prior written approval of the administrative authority.

IN WITNESS WHEREOF, the Principal and the Surety have executed this PERFORMANCE BOND on the date set forth above.

Those persons whose signatures appear below hereby certify that they are authorized to execute this surety bond on behalf of the Principal and Surety, that each Surety hereto is authorized to do business in the state of Louisiana, and that the wording of this surety bond is identical to the wording specified in LAC 33:IX.2803.A.1, effective on the date this bond was executed.

PRINCIPAL
[Signature(s)]
[Name(s)]

[Title(s)]
CORPORATE SURETY

[Name and address]

State of incorporation: _____

Liability limit: \$ _____

[Signature(s)]

[Name(s) and title(s)]

[For every cosurety, provide signature(s) and other information in the same manner as for Surety above.]

Bond premium: \$ _____

2. Letter of Credit. The requirements of this Section may be satisfied by obtaining a Letter of Credit that conforms to the following requirements:

a. the letter of credit must be submitted to the department at the following address: Louisiana Department of Environmental Quality, Office of Management and Finance, Financial Services, Box 82231, Baton Rouge, LA 70884-2231;

b. the issuing institution must be an entity that has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency;

c. the letter of credit must be irrevocable and issued for a period of at least one year, unless at least 120 days before the current expiration date, the issuing institution notifies both the permit holder and the administrative authority at the address indicated in Subsection A.2.a of this Section by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the permit holder and the administrative authority receive the notice, as evidenced by the return receipts; and

d. the wording of the letter of credit shall be identical to the wording that follows, except that the instructions in brackets are to be replaced with the relevant information and the brackets deleted:

IRREVOCABLE LETTER OF CREDIT

Secretary

Louisiana Department of Environmental Quality
Financial Services

Post Office Box 82231

Baton Rouge, Louisiana 70884-2231

Dear Sir:

We hereby establish our Irrevocable Standby Letter of Credit No. _____ in favor of the Department of Environmental Quality of the state of Louisiana at the request and for the account of [permit holder's or applicant's name and address] for the conditions specified in LAC 33:IX.Chapter 23.Subchapter W for its [list site identification number, site name, facility name, facility permit number] at [location], Louisiana, for any sum or sums up to the aggregate amount of U.S. dollars \$ _____ upon presentation of:

(1). A sight draft, bearing reference to the Letter of Credit No. _____ drawn by the administrative authority, together with;

(2). A statement, signed by the administrative authority, declaring that the amount of the draft is payable pursuant to the Louisiana Environmental Quality Act, R.S. 30:2001, et seq.

The Letter of Credit is effective as of [date] and will expire on [date], but such expiration date will be automatically extended for a period of at least one year on the above expiration date [date] and on each successive expiration date thereafter, unless, at least 120 days before the then-current expiration date, we notify both the administrative authority and [name of permit holder or applicant] by certified mail that we have decided not to extend this Letter of Credit beyond the then-current expiration date. In the event that we give such notification, any unused portion of this Letter of Credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both the Department of Environmental Quality and [name of permit holder or applicant] as shown on the signed return receipts.

Whenever this Letter of Credit is drawn under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft in accordance with the administrative authority's instructions.

Except to the extent otherwise expressly agreed to, the Uniform Customs and Practice for Documentary Letters of Credit (1983), International Chamber of Commerce Publication No. 400, shall apply to this Letter of Credit.

We certify that the wording of this Letter of Credit is identical to the wording specified in LAC 33:IX.2803.A.2, effective on the date shown immediately below.

[Signature(s) and title(s) of

official(s) of issuing

institution(s)]

[date]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and (4) and 2075.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:46 (January 2001).

§2805. Amount of Required Financial Security

A. The amount of the financial security must be equal to or greater than \$1 per gallon of wastewater discharge per day from the facility, as determined by the administrative authority, up to a maximum of \$25,000.

B. The secretary may, in his discretion, allow a single financial security instrument to satisfy the requirements of this Subchapter for up to four permits held by the same permittee, if the amount of financial security provided by that instrument is large enough to satisfy the requirements of Subsection A of this Section for the facility with the greatest amount of wastewater discharge per day.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and (4) and 2075.2.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:48 (January 2001).

§2807. Conditions for Forfeiture

A. The secretary or his designee may enter an order requiring forfeiture of all or part of the financial security, if he determines that:

1. the continued operation or lack of operation and maintenance of the facility covered by this Subsection represents a threat to public health, welfare, or the

environment because the permittee is unable or unwilling to adequately operate and maintain the facility or the facility has been actually or effectively abandoned by the permittee. Evidence justifying such determination includes, but is not limited to:

- a. the discharge of pollutants exceeding limitations imposed by applicable permits;
- b. failure to utilize or maintain adequate disinfection facilities;
- c. failure to correct overflows or backups from the collection system;
- d. a declaration of a public health emergency by the state health officer; and
- e. a determination by the Public Service Commission that the permittee is financially unable to properly operate or maintain the system;

2. reasonable and practical efforts under the circumstances have been made to obtain corrective actions from the permittee; and

3. it does not appear that corrective actions can or will be taken within an appropriate time as determined by the secretary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and (4) and 2075.2 and 3.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:48 (January 2001).

§2809. Use of Proceeds

A. The proceeds of any forfeiture shall be used by the secretary, or by any receiver appointed by a court under R.S. 30:2075.3, to address or correct the deficiencies at the facility or to maintain and operate the system, as deemed necessary by the secretary under LAC 33:IX.2807.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq., and in particular Sections 2074(B)(3) and (4) and 2075.2 and 3.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 27:49 (January 2001).

James H. Brent, Ph.D.
Assistant Secretary

0101#049

RULE

Office of the Governor Commission on Law Enforcement and Administration of Criminal Justice

Peace Officers Standards and Training
(LAC 22:III.4703)

In accordance with the provision of R.S. 40:2401 et seq., the Peace Officer Standards and Training Act, and R.S. 49:950 et seq., the Administrative Procedure Act, the Commission on Law Enforcement and Administration of Criminal Justice hereby promulgates rules and regulations relative to the training of peace officers.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part III. Commission on Law Enforcement and Administration of Criminal Justice

Subpart 4. Peace Officers

Chapter 47. Standards and Training

§4703. Basic Certification

A. - C. ...

D. To maintain firearm certification, an officer shall be required to requalify yearly on the POST firearms qualification course, demonstrating at least 80 percent proficiency. Scores shall be computed and verified by a POST certified Firearms Instructor. If the period between qualifying exceeds 18 months for any reason, the officer will be required to successfully complete a Firearms Course prescribed by the POST Council conducted by a POST certified Firearms Instructor, unless the officer had been in the military for more than three years and was exercising his veteran reemployment rights.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:1204 and R.S. 15:1207.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Commission on Law Enforcement and Administration of Criminal Justice, LR 13:434 (August 1987), amended LR 25:663 (April 1999), amended LR 27:49 (January 2001).

Michael A. Ranatza
Executive Director

0101#032

RULE

Office of the Governor Division of Administration Property Assistance Agency

Items of Property to be Inventoried
(LAC 34:VII.307)

Editor's Note: This rule is being repromulgated to correct a misprint in the December 20, 2000 edition of the *Louisiana Register*.

In accordance with the R.S. 49:950, et seq., the Division of Administration, Louisiana Property Assistance Agency, hereby amends LAC 34:VII.307.

Title 34

GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY CONTROL

Part VII. Property Control

Chapter 3. State Property Inventory

§307 Items of Property to be Inventoried

A. All items of moveable property having an original acquisition cost, when first purchased by the state of Louisiana, of \$1000 or more, all gifts and other property having a fair market value of \$1000 or more, and all weapons, regardless of cost, with the exception of items specifically excluded in §307.E must be placed on statewide inventory system. The term "moveable" distinguishes this

type of equipment from equipment attached as a permanent part of a building or structure. The term "property" distinguishes this type of equipment from "supplies" with supplies being consumable through normal use in no more than one year's time. All acquisitions of qualified items must be tagged with a uniform state of Louisiana identification tag approved by the commissioner of administration and all pertinent inventory information must be forwarded to the Louisiana Property Assistance Agency Director or his designee within 45 days after receipt of these items.

B. Gifts of moveable property must be given a fair market value as agreed upon between the donor and head of the receiving agency and recorded in the inventory if the fair market value is \$1000 or more.

C. Agencies manufacturing moveable property for use within the agency must determine the estimated cost based on the cost of labor and materials and include such items in the inventory provided that estimated cost is \$1000 or more.

D. Agencies which are eligible to receive federal surplus property must place on inventory all items acquired from Federal Surplus which would ordinarily be classified as moveable property and which have an acquisition cost of \$1000 or more. The acquisition date will be the date of acquisition by the state agency and the acquisition cost will be the actual cost incurred by the state agency.

Note: There are federal regulations regarding accountability for federal surplus property. State agencies should contact the Federal Surplus Property section for information regarding these regulations.

E. Livestock acquired for breeding, dairy, and experimental purposes are classified as property and, with the exception of fowl, and rodents, and any other similar type small mammals, must be recorded in the inventory regardless of the value per animal. Animals acquired for slaughter need not be placed on inventory. When an agency acquires livestock by birth and determination is made that such animals will be used for breeding, dairy, or experimental purposes, the animals shall be included in the inventory and noted as having been acquired by birth and given an appraised fair market value. At each annual inventory, the value of livestock acquired by birth and used for breeding, dairy, or experimental purposes will be re-appraised by the agency property manager and the acquisition cost will be adjusted on the inventory in accord with current fair market value. When an agency acquires livestock by birth and determination is made that such animals will be slaughtered for food, the animals shall not be included in the inventory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 39.321 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Division of Administration, Property Control, LR 2.241 (August 1976), amended LR 8.144 (March 1982), amended by the Office of the Governor, Division of Administration, Property Assistance Agency, LR 12:103 (February 1986), LR 26:2005 (September 2000), repromulgated LR 26:2284 (October 2000), repromulgated LR 27:49 (January 2001).

Irene C. Babin
Director

0101#035

RULE

Office of the Governor Office of Elderly Affairs

GOEA Policy Manual Revision C Property Control (LAC 4:VII.1199)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, the Governor's Office of Elderly Affairs (GOEA) hereby amends the GOEA Policy Manual effective January 20, 2001. This Rule change requires service providers funded through the GOEA to follow the state guidelines governing tangible personal property.

Title 4

ADMINISTRATION

Part VII. Governor's Office

Chapter 11. Elderly Affairs

Subchapter D. Service Provider Responsibilities

§1199. Property Control and Disposition

A. - A.1. ...

B. Definitions

Equipment tangible personal property with an acquisition cost equal to or greater than \$1,000 and a useful life of more than one year. All such property must be tagged.

C. Required Records and Reporting for Property Inventory

1. ...

2. Gifts of moveable property must be given a fair market value as agreed upon between the donor and head of the receiving agency and recorded in the inventory if the fair market value is \$1,000 or more.

3. Agencies which are eligible to receive federal surplus property must place on inventory all items acquired from federal surplus which would ordinarily be classified as moveable property and which have an acquisition cost of \$1,000 or more. The acquisition date will be the acquisition date by the agency and the acquisition cost will be the actual cost incurred by the GOEA contractor or subcontractor.

NOTE: There are federal regulations regarding accountability for federal surplus property. Service providers should contact the Federal Surplus Property section for information regarding these regulations.

4. The head of the agency, at his/her discretion, may include items such as computers, electronic calculators, desks, file cabinets and other property having an acquisition cost of less than \$1,000 in the inventory.

5. The updated inventory must be submitted annually to GOEA with final fiscal reports of the contract/grant period. This inventory must reflect all property purchased with GOEA funds under the current or previous contract(s). If property was disposed of during the current period, such property and related disposition information must be included on this inventory. Subsequent inventories will exclude such property.

D. - F.2.b. ...

AUTHORITY NOTE: Promulgated in accordance with OAA Section 307(a)(7), 45 CFR Subtitle A, Part 92.31 and 92.32 and 45 CFR Part 74 Subpart O.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Elderly Affairs, LR 10:464 (June 1984),

amended LR 11:1078 (November 1985), LR 18:610 (June 1992), LR 25:867 (May 1999), LR 27:50 (January 2001).

P.F. "Pete" Arceneaux, Jr.
Executive Director

0101#010

RULE

**Department of Health and Hospitals
Board of Veterinary Medicine**

**Prescribing and Dispensing Drugs
(LAC 46:LXXXV.700 and 705)**

The Board of Veterinary Medicine hereby amends LAC 46:LXXXV.700 and 705 in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and the Louisiana Veterinary Practice Act, R.S. 37:1518 et seq. The proposed rule amendments have no known impact on family formation, stability, and autonomy as described in R.S. 49:972. The proposed amendments to the rule are set forth below.

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS**

Part LXXXV. Veterinarians

Chapter 7. Veterinary Practice

§700. Definitions

* * *

Prescribe, Prescribing or Prescription Can order for any drug, medicine, chemical or controlled substance provided by a veterinarian licensed by the board, stemming from the veterinarian-client-patient relationship, that is patient specific which is either:

1. dispensed or administered by the prescribing veterinarian;
2. dispensed by a veterinarian licensed by the board other than the prescribing veterinarian; or
3. written, electronically communicated or given orally to a registered pharmacist to be filled, compounded or dispensed by the pharmacist in a registered pharmacy.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 19:1328, amended LR 20:1381 (December, 1994), LR 24:940 (May 1998), LR 24:1932 (October 1998), LR 24:2257 (December 1998), LR 27:51 (January 2001).

§705. Prescribing and Dispensing Drugs

A. - I. ...

J. Only a veterinarian licensed by the board may prescribe any drug, medicine, chemical or controlled substance for a patient after the establishment of the veterinarian/client/patient relationship, with the exception of the delegation of such authority pursuant to Subsection M below.

K. The veterinarian is responsible for and shall maintain accurate medical records when prescribing any drug,

medicine, chemical or controlled substance which includes the following:

1. client's name;
2. patient's name;
3. date of prescription;
4. name of drug;
5. usage dosage including the route of administration;
6. quantity dispensed and number of refills;
7. name of veterinarian prescribing the drug, medicine, chemical or controlled substance;
8. telephone calls changing the prescription or dosages must be recorded in the medical record of the patient; and
9. refill information must be recorded on the prescription and in the medical record of the patient.

L. The initial prescription of a legend drug shall be communicated personally or by telephone to the pharmacy by the veterinarian. The initial prescription and any refills of a controlled substance shall be communicated personally or by telephone to the pharmacy by the veterinarian.

M. The veterinarian may delegate to an office employee the authority to communicate a refill of a legend drug to the pharmacy on behalf of the veterinarian pursuant to written protocol established prior to the delegation of such authority.

N. The written protocol required in Subsection M. above shall be maintained on the premises as part of the prescribing veterinarian's facility procedure and shall include, but not be limited to, the following:

1. an authorization dated and signed by the veterinarian delegating specific authority to the office employee;
2. the authorization shall be for a stated limited period;
3. the authorization shall specify the exact nature and extent of the delegation of authority;
4. the medical record of the patient shall be documented to show the exercise of the delegated authority at the time the office employee communicates to the pharmacy the order to refill;
5. the office employee who has the delegated authority and the veterinarian shall sign the written protocol; and
6. the written protocol shall be made available to the pharmacy at issue on request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:1518.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Board of Veterinary Medicine, LR 6:71 (February 1980), amended by the Department of Health and Hospitals, Board of Veterinary Medicine, LR 16:226 (March 1990), LR 19:1329 (October 1993) LR 20:1381 (December 1994), LR 23:1686 (December 1997), LR 24:1932 (October 1998), LR 25:1249 (July 1999), LR 25:1627 (September 1999), LR 27:51 (January 2001).

Kimberly B. Barbier
Administrative Director

0101#014

RULE

Department of Health and Hospitals Office of Public Health

Lead Poisoning Prevention Program (LAC 48:V.7001-7007)

Under the authority of R.S. 40:5 and R.S. 40: 1299.21, 22 and 23 and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health amends the definition for lead contamination as defined within the Lead Poisoning Program in Louisiana. The Rule also codifies regulations pertaining to the Louisiana Lead Poisoning Prevention Program as previously published in the *Louisiana Register* of January 20, 2000. The Rule should improve the family formation, stability and autonomy by preventing and detecting lead poisoning which causes harmful long term effects to the child's developing brain and nervous system.

Title 48

PUBLIC HEALTHC GENERAL

Part V. Public Health Services

Subpart 19. Genetic Diseases Services

Chapter 70. Lead Poisoning Prevention Program

§7001. Relationship of Local and State Poisoning Prevention Programs

A. The local lead prevention program shall collaborate with the state Lead Prevention Program at the Office of Public Health and adhere to current Centers for Disease Control and Prevention guidelines.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950 et seq., and under the authority of R.S. 40:5; 40:1299.21; 40:1299:22, and 40:1299:23.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 26:85, (January 2000); amended LR 27:52 (January 2001).

§7003. Definitions

A Case of Lead Poisoning (in children between the ages of six months to 72 months of age)C

1. a venous blood-lead level greater than or equal to 15 Fg/dl (micrograms per deciliter);
2. acute symptomatic illness consisting of lead colic with or without lead encephalopathy; or
3. chronic symptomatic illness consisting of the signs and symptomatic illness consisting of the signs and symptoms of chronic plumbism, including, but not limited to anemia, nephropathy, neuropathy, loss of developmental skills, recurrent lead colic and/or recurrent lead encephalopathy.

*Previously Reported*Cany case of lead poisoning which has been diagnosed by a medical provider, and reported to the Office of Public Health as specified in §7005.

*Lead Contamination*Cshall be considered a health hazard to children or other persons, if said lead contamination exists in or about a dwelling, dwelling unit, household, or other premises which in the judgement of the State Health Officer, children or other persons visit with such frequency or duration as to create significant risk of lead poisoning. Lead contamination shall include:

1. paint or similar coating material, putty, plaster or other composition material, on an exposed surface or chewable surface, which contains \$0.5 percent lead by

weight as determined by laboratory analysis or \$1.0 milligram per square centimeter of surface area as measured by x-ray fluorescence or equivalent method;

2. drinking water, dust, or soil which contains a level of lead which, in the judgement of the State Health Officer, is sufficient to be a source of lead poisoning to children or other persons;

3. any object or material which, in the judgement of the State Health Officer, can be a source of lead ingestion or inhalation.

*Clinical Laboratory*Ca facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of substances derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease, or in the assessment or impairment of the health of human being.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950 et seq., and under the authority of R.S. 40:5; 40:1299.21; 40:1299:22, and 40:1299:23.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 26:85, (January 2000); amended LR 27:52 (January 2001).

§7005. Mandatory Case Reporting By Health Care Providers

A. Medical providers must report a lead case to the Lead Poisoning Prevention Program, Office of Public Health within 48 hours to ensure appropriate and timely follow-up. All health care providers shall assure that all the following information is completed for all blood lead analysis ordered by the health care provider and that this information accompanies the sample to the testing laboratory:

1. child's name;
2. parent's or the guardian's name;
3. child's street and mailing address, including the city, state, parish, and zip code;
4. child's date of birth;
5. child's sex;
6. child's race;
7. child's national origin;
8. child's Social Security Number;
9. phone number where the child can be reached;
10. Medicaid number, if any;
11. type of sample (venous or capillary);
12. sample date;
13. type of test: first, annual, or repeat test;
14. blood lead level results in micrograms per deciliter (Fg/dl).

B. Lead cases along with the specified information can be reported either by fax at (504) 599-1376 or by telephone at (504) 599-0256, and followed up by the mailing of the information to the Louisiana Childhood Lead Poisoning Prevention program, Office of Public Health, Room 311, 325 Loyola Avenue, New Orleans, LA. 70112.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950 et seq., and under the authority of R.S. 40:5; 40:1299.21; 40:1299:22, and 40:1299:23.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 26:85, (January 2000); amended LR 27:52 (January 2001).

§7007. Reporting Requirements of Blood Lead Levels by Laboratories for Public Health Surveillance

A. Clinical laboratories responsible for conducting analysis to determine blood lead levels, and/or responsible for reporting the results of analysis to referring laboratories and other health care providers, shall also report the results to the Louisiana Office of Public Health at least monthly to the Lead Poisoning Prevention Program at the address listed in §7005.A.3. The following information is essential for appropriate monitoring, screening and treatment of lead poisoning.

1. All results of blood lead testing for children between the ages of 6 to 72 months of age must be reported, regardless of the test results.

2. Laboratories shall collect and report all of the information specified in §7005.A.1-14. However, Paragraphs 2, 3, 4, 5, 6, 7 and 8 must only be reported if the information is available to the laboratory.

3. Laboratories can report the information required by this rule to the Office of Public Health by electronic transfer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:950 et seq., and under the authority of R.S. 40:5; 40:1299.21; 40:1299.22, and 40:1299.23.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 26:85, (January 2000); amended LR 27:53 (January 2001).

David W. Hood
Secretary

0101#052

RULE

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

**Durable Medical Equipment (DME) Program
Customized Wheelchairs**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the reimbursement for manual type customized wheelchairs and their components from Manufacturer's Suggested Retail Price (MSRP) minus 15 percent to MSRP minus 20 percent

and for motorized type customized wheelchairs from MSRP minus 12 percent to MSRP minus 17 percent.

David W. Hood
Secretary

0101#062

RULE

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

**Durable Medical Equipment (DME) Program
E and K Procedure Codes C Reimbursement Reduction**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 et seq., and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the reimbursement for certain durable medical equipment items identified by specific HCPC procedure codes. Reimbursement is reduced to 70 percent of the Medicare Fee Schedule amount or to billed charges, whichever is the lesser amount, for the following HCPC procedure codes:

E1050-E1060	Wheelchairs with special features
E1070-E1110	
E1170-E1213	
E1221-E1224	
E1240-E1295	
K0002-K0014	
L7803-L8030	Breast Prosthesis
L8039	
L8400-L8435	Prosthetic Sheaths
L8470-L8485	Prosthetic Socks
L8100-L8230	Elastic Support Stockings
L8239	
A7003-A7017	Nebulizer Administrative Supplies
K0168-K0181	
K0529-K0530	
E0840-E0948	Traction Equipment
E0781, K0455	External Ambulatory Infusion Pumps
E0621	Patient Lift Slings
E0480	Percussors
E0550-E0560	Humidifiers
E0565	Compressors

If an item is not available at the rate of 70 percent of the Medicare fee schedule amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community for the HCPC procedure code.

David W. Hood
Secretary

0101#063

RULE

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

**Durable Medical Equipment (DME) Program
Enteral Formulas CReimbursement Reduction**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces reimbursement for enteral formulas to 80 percent of the Medicare Fee Schedule, or a rate of 80 percent of the established flat fee amount, or 80 percent of the Manufacturer's Suggested Retail Price (MSRP), or billed charges, whichever is the lesser amount. If an enteral formula is not available at the rate of 80 percent of the Medicare Fee Schedule, 80 percent of the established flat fee amount, or 80 percent of the MSRP, the flat fee that will be utilized is the lowest cost at which the enteral formula has been determined to be widely available by analyzing usual and customary fees charged in the community.

David W. Hood
Secretary

0101#065

RULE

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

**Durable Medical Equipment (DME) Program
Flat Fee Amounts CReimbursement Reduction**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing amends the reimbursement methodology for designated durable medical equipment items from 80 percent of the Medicare allowable fee or billed charges, whichever is the lesser amount, to the following Medicaid established flat fee amounts or billed charges, whichever is the lesser amount. The Medicaid established flat fee amounts will be as follows:

Enteral Infusion Pumps		
B9000, B9002	\$595 purchase	\$92 rental per month
B0777, B0778		
Standard Type Wheelchairs		
E1130 and K0001	\$250 purchase	\$35 rental per month
E1140	\$412.50 purchase	\$38.50 rental per month
E1150	\$453.75 purchase	\$42.35 rental per month
E1160	\$375 purchase	\$50 rental per month
Hospital Beds		
E0255	\$650 purchase	\$75 rental per month
E0265	\$1250 purchase	\$75 rental per month
Artificial Eyes		
V2623	\$500 purchase	
Commode Chairs		
E0163	\$55 purchase	
E0164	\$83.55 purchase	
E0165	\$85 purchase	
E0166	\$142.80 purchase	
Stationary Suction Machines		
Z0500	\$225 purchase	\$35 rental per month

If an item is not available at the established flat fee, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

David W. Hood
Secretary

0101#066

RULE

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

**Durable Medical Equipment (DME) Program
Orthotics and Prosthetics CReimbursement Reduction**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the reimbursement for certain durable medical equipment items identified by specific HCPC procedure codes. Reimbursement is reduced to 70 percent of the Medicare Fee Schedule amount or billed charges, whichever is the lesser amount, for the following HCPC procedure codes:

- L0100-L2999 Orthotics
- L3650-L4380
- L5000-L7499 Prosthetics

If an item is not available at 70 percent of the Medicare Fee Schedule amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

David W. Hood
Secretary

0101#068

RULE

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

**Durable Medical Equipment (DME) Program
Ostomy and Urological Supplies CReimbursement
Reduction**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the reimbursement for certain durable medical equipment items identified by specific Health Care Financing Administration Common Procedure Codes. The reimbursement is reduced to 70 percent of the Medicare Fee Schedule, or seventy 70 of the Manufacturer's Suggested Retail Price (MSRP) amount, or billed charges, whichever is the lesser amount, for the following HCPC codes:

- A4200-A4460 Ostomy and Urological supplies
- A4927-A5149
- K0133-K0139
- A6020-A6406 Wound dressings and supplies
- K0216-K0437

If an item is not available at 70 percent of the Medicare Fee Schedule amount or 70 percent of the MSRP amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

David W. Hood
Secretary

0101#069

RULE

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

**Durable Medical Equipment (DME) Program
Oxygen Concentrators and Glucometers**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law". This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the reimbursement fees for oxygen concentrators to \$1250 for purchase or \$150 per month for rental, or billed charges, whichever is the lesser amount. The reimbursement fees for glucometers is reduced to \$30 for purchase, or billed charges, whichever is the lesser amount. If an item is not available at the established rate, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

David W. Hood
Secretary

0101#067

RULE

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

**Durable Medical Equipment (DME) Program
Parenteral and Enteral Supplies**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review,

and other measures as allowed by federal law." This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the reimbursement for certain durable medical equipment items identified by specific Health Care Financing Administration Common Procedure Codes. The reimbursement is reduced to 70 percent of the Medicare Fee Schedule amount or billed charges, whichever is the lesser amount, for the following HCPC codes:

B4034-B4084, B9004-B9999	Parenteral and Enteral supplies
E0776, E0791	Suction Catheters
A4624-A4625	Tracheostomy masks or collars
A4621	Tracheostomy cannulas
A4623	

If an item is not available at 70 percent of the Medicare Fee Schedule amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

The reimbursement is reduced to 90 percent of the Medicare Fee Schedule amount or billed charges, whichever is the lesser amount, for the following HCPC codes:

A4622	Tracheostomy tubes
A4629	Tracheostomy care kits

If an item is not available at 90 percent of the Medicare Fee Schedule amount, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

David W. Hood
Secretary

0101#070

RULE

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

**Durable Medical Equipment (DME) Program CZ and E
Procedure Codes C Reimbursement Reduction**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This Rule is

adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the reimbursement for all durable medical equipment items identified by Health Care Financing Administration Common Procedure Codes (HCPC) beginning with the letter Z, except codes for enteral formulas; all miscellaneous equipment items authorized with the HCPC codes E1399; and all home health supply items and other miscellaneous supplies identified with the HCPC code Z1399 to 70 percent of the established flat fee, or 70 percent of the Manufacturers Suggested Retail Price (MSRP) or billed charges, whichever is the lesser amount. If an item is not available at the rate of 70 percent of the established flat fee or 70 percent of MSRP, the flat fee that will be utilized is the lowest cost at which the item has been determined to be widely available by analyzing usual and customary fees charged in the community.

David W. Hood
Secretary

0101#064

RULE

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

**Private Intermediate Care Facilities for the Mentally Retarded
Hospital Leave of Absence Days
Reimbursement Methodology**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Bureau of Health Services Financing reduces the reimbursement paid to private intermediate care facilities for the mentally retarded (ICF/MR) for hospital leave days by 25 percent. The reimbursement for hospital leave days is reduced to 75 percent of the applicable ICF/MR per diem rate.

Interested persons may submit written comments to Ben A. Bearden, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for

Tuesday, November 28, 2000 at 9:30 a.m. in the Department of Transportation and Development Auditorium, First Floor, 1201 Capitol Access Road, Baton Rouge, Louisiana. At that time all interested persons will be afforded an opportunity to submit data, views or arguments, either orally or in writing. The deadline for the receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

David W. Hood
Secretary

0101#071

RULE

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

**Private Nursing Facilities
Hospital Leave of Absence Days
Reimbursement Methodology**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing reduces the reimbursement paid to private nursing facilities for hospital leave days by 25 percent. The reimbursement for hospital leave days is reduced to 75 percent of the applicable per diem rate.

David W. Hood
Secretary

0101#072

RULE

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

**Substance Abuse Clinics
Termination of Services**

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following Rule under the Medical Assistance Program as authorized by R.S. 46:153 and 36:254 and pursuant to Title XIX of the Social Security Act and as directed by the 1999-

2000 General Appropriation Act, which states: "The secretary shall implement reductions in the Medicaid program as necessary to control expenditures to the level approved in this schedule. The secretary is hereby directed to utilize various cost containment measures to accomplish these reductions, including but not limited to pre-certification, pre-admission screening and utilization review, and other measures as allowed by federal law." This Rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing terminates coverage and reimbursement for substance abuse clinic services under the Medicaid Program.

David W. Hood
Secretary

0101#073

RULE

Department of Public Safety and Corrections Gaming Control Board

Code of Conduct of Licensees and Permittees
(LAC 42:VII.2901, XI.2417, 2901 and XIII.2901)

The Louisiana Gaming Control Board hereby adopts amendments to LAC 42:VII.2901, IX.2901, XI.2417 and XIII.2901 in accordance with R.S. 27:15 and 24, and the Administrative Procedure Act, R.S. 49:950 et seq.

Title 42

LOUISIANA GAMING

Part VII. Pari-Mutuel Live Racing Facility Slot Machine Gaming

Chapter 29. Operating Standards Generally

§2901. Code of Conduct of Licensees and Permittees

A. General Provisions

1. All licensees and permittees shall comply with all applicable federal, state, and local laws and regulations.

2. All licensees and permittees shall, at all times, conduct themselves in a professional manner when communicating with the public, the division and the board.

3. Any violation of the provisions of the Act, shall also constitute a violation of these rules.

B. Unsuitable Conduct

1. No licensee or permittee shall engage in unsuitable conduct or practices or shall employ or have a business association with any person, natural or juridical, which engages in unsuitable conduct or practices.

2. For purposes of this Section, unsuitable conduct or practices shall include, but not be limited to the following:

a. employment of, in a managerial or other significant capacity as determined by the division or board, business association with, or participation in any enterprise or business with, except for race horse care personnel, a person convicted of a felony or declared unsuitable by the division or board;

b. employment of, association with, or participation in any enterprise or business with a documented or

identifiable organized crime group or recognized organized crime figure;

c. misrepresentation of any material fact or information to the division or board;

d. engaging in, furtherance of, or profit from any illegal activity or practice, or any violation of these rules or the act;

e. obstructing or impeding the lawful activities of the board, division or its agents;

f. persistent or repeated failure to pay amounts due or to be remitted to the state; and

3. A licensee or permittee shall not engage in, participate in, or facilitate by any means, any criminal activity.

4. All licensees and permittees shall have a continuing duty to inform the division of any legal action that may materially affect the licensee's capability to perform or execute his responsibilities as a licensee or permittee.

5. A licensee or permittee shall not intentionally make, cause to be made, or aid, assist, or procure another to make any false statement in any report disclosure, application, permit form, or any other document, including improperly notarized documents, required by these rules or the act.

C. Additional Causes for Disciplinary Action

1. Further instances of conduct by a licensee or permittee where the division or board may sanction a licensee or permittee shall include but not be limited to when:

a. the licensee or permittee has been involved in the diversion of gaming equipment for unlawful means;

b. the licensee or permittee or a designated representative of the licensee or permittee has been involved in activities otherwise prohibited by law or the willful purpose of which was to circumvent or contravene the provisions set forth in the division's rules;

c. the licensee or permittee has demonstrated a reluctance or inability to comply with the requirements set forth in these rules and the act, particularly after repeated warnings;

d. the licensee or permittee violates written conditions;

e. the division discovers incomplete or erroneous information as to a material or a substantial matter provided on an application or any item affecting the decision whether to license the applicant;

f. the division discovers substantial, incomplete, or erroneous information provided in a report or other required communication; and

g. the licensee or permittee has failed to timely pay a fine imposed by the division or board;

h. tardy, inaccurate, or incomplete reports;

i. failure to respond in a timely manner to communications from the division or board; and

j. unavailability of the licensees or permittees, their designated representatives, or their agents.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 26:763 (April 2000), amended LR 27:58 (January 2001).

Part IX. Landbased Casino Gaming

Chapter 29. Operating Standards

§2901. Code of Conduct of the Casino Operator, Casino Manager, Licensees and Permittees

A. General Provisions

1. The casino operator, casino manager, and all licensees and permittees shall comply with all applicable federal, state, and local laws and regulations.

2. The casino operator, casino manager, and all licensees and permittees shall, at all times, conduct themselves in a professional manner when communicating with the public, the division and the board.

3. Any violation of the provisions of the Act, shall also constitute a violation of these rules.

B. Unsuitable Conduct

1. No casino operator, casino manager, licensee or permittee shall engage in unsuitable conduct or practices or shall employ or have a business association with any person, natural or juridical, which engages in unsuitable conduct or practices.

2. For purposes of this Section, unsuitable conduct or practices shall include, but not be limited to the following:

a. employment of, in a managerial or other significant capacity as determined by the division or board, business association with, or participation in any enterprise or business with, a person convicted of a felony or declared unsuitable by the division or board;

b. employment of, association with, or participation in any enterprise or business with a documented or identifiable organized crime group or recognized organized crime figure;

c. misrepresentation of any material fact or information to the division or board;

d. engaging in, furtherance of, or profit from any illegal activity or practice, or any violation of these rules or the act;

e. obstructing or impeding the lawful activities of the board, division or its agents;

f. persistent or repeated failure to pay amounts due or to be remitted to the state.

3. The casino operator, casino manager, a licensee or permittee shall not engage in, participate in, or facilitate by any means, any criminal activity.

4. The casino operator, casino manager, all licensees and permittees shall have a continuing duty to inform the division of any legal action that may materially affect the licensee's capability to perform or execute his responsibilities as a licensee or permittee.

5. The casino operator, casino manager, any licensee or permittee shall not intentionally make, cause to be made, or aid, assist, or procure another to make any false statement in any report disclosure, application, permit form, or any other document, including improperly notarized documents, required by these rules or the act.

C. Additional Causes for Disciplinary Action

1. Further instances of conduct by the casino operator, casino manager, any licensee or permittee where the division or board may sanction a licensee or permittee shall include but not be limited to when:

a. the casino operator, casino manager, any licensee or permittee has been involved in the diversion of gaming equipment for unlawful means;

b. the casino operator, casino manager, licensee or permittee or a designated representative of the licensee or permittee has been involved in activities otherwise prohibited by law or the willful purpose of which was to circumvent or contravene the provisions set forth in the division's rules;

c. the casino operator, casino manager, licensee or permittee has demonstrated a reluctance or inability to comply with the requirements set forth in these rules and the act, particularly after repeated warnings;

d. the casino operator, casino manager, licensee or permittee violates written conditions;

e. the division discovers incomplete or erroneous information as to a material or a substantial matter provided on an application or any item affecting the decision whether to license the applicant;

f. the division discovers substantial, incomplete, or erroneous information provided in a report or other required communication; and

g. the casino operator, casino manager, licensee or permittee has failed to timely pay a fine imposed by the division or board.

h. tardy, inaccurate, or incomplete reports;

i. failure to respond in a timely manner to communications from the division or board; and

j. unavailability of the Casino Operator, Casino Manager, licensees or permittees, their designated representatives, or their agents.

D. Specific Provisions

1. Responsibility for the employment and maintenance of suitable methods of operation rests with the casino operator, casino manager or permittee, as the case may be, and willful or persistent use or toleration of methods of operation deemed unsuitable is grounds for disciplinary action.

2. The board may deem any activity on the part of the casino operator, casino manager, licensee or permittee, their agents or employees that is inimical to the public health, safety, morals, good order and general welfare of the people of the State of Louisiana or that would reflect or tend to reflect discredit upon the State of Louisiana or the tourism industry to be an unsuitable method of operation and grounds for disciplinary action.

3. The casino operator shall be responsible, in addition to the casino manager, for all reporting and Approval obligations imposed upon the casino manager by these Regulations or assumed by the casino manager in connection with the casino management agreement.

4. Consistent with Section 17.1 of the casino operating contract, the casino operator shall deliver updated copies of the scale drawings to the board as changes are made in the use of any room or enclosed area.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1950 (October 1999), amended LR 27:59 (January 2001).

Part XI. Video Poker

Chapter 24. Video Draw Poker

§2417. Code of Conduct of Licensees and Permittees

A. General Provisions

1. All licensees and permittees shall comply with all applicable federal, state, and local laws and regulations.

2. All licensees and permittees shall, at all times, conduct themselves in a professional manner when communicating with the public, the division and the board.

3. Any violation of the provisions of the Act, shall also constitute a violation of these rules.

B. Unsuitable Conduct

1. No licensee or permittee shall engage in unsuitable conduct or practices or shall employ or have a business association with any person, natural or juridical, which engages in unsuitable conduct or practices.

2. For purposes of this Section, unsuitable conduct or practices shall include, but not be limited to the following:

a. employment of, in a managerial or other significant capacity as determined by the division or board, business association with, or participation in any enterprise or business with, except for race horse care personnel, a person convicted of a felony or declared unsuitable by the division or board;

b. employment of, association with, or participation in any enterprise or business with a documented or identifiable organized crime group or recognized organized crime figure;

c. misrepresentation of any material fact or information to the division or board;

d. engaging in, furtherance of, or profit from any illegal activity or practice, or any violation of these rules or the act;

e. obstructing or impeding the lawful activities of the board, division or its agents;

f. persistent or repeated failure to pay amounts due or to be remitted to the state; and

3. A licensee or permittee shall not engage in, participate in, or facilitate by any means, any criminal activity.

4. All licensees and permittees shall have a continuing duty to inform the division of any legal action that may materially affect the licensee's capability to perform or execute his responsibilities as a licensee or permittee.

5. A licensee or permittee shall not intentionally make, cause to be made, or aid, assist, or procure another to make any false statement in any report disclosure, application, permit form, or any other document, including improperly notarized documents, required by these rules or the act.

C. Additional Causes for Disciplinary Action

1. Further instances of conduct by a licensee or permittee where the division or board may sanction a licensee or permittee shall include but not be limited to when:

a. the licensee or permittee has been involved in the diversion of gaming equipment for unlawful means;

b. the licensee or permittee or a designated representative of the licensee or permittee has been involved in activities otherwise prohibited by law or the willful purpose of which was to circumvent or contravene the provisions set forth in the division's rules;

c. the licensee or permittee has demonstrated a reluctance or inability to comply with the requirements set forth in these rules and the act, particularly after repeated warnings;

d. the licensee or permittee violates written conditions;

e. the division discovers incomplete or erroneous information as to a material or a substantial matter provided on an application or any item affecting the decision whether to license the applicant;

f. the division discovers substantial, incomplete, or erroneous information provided in a report or other required communication; and

g. the licensee or permittee has failed to timely pay a fine imposed by the division or board;

h. tardy, inaccurate, or incomplete reports;

i. failure to respond in a timely manner to communications from the division or board; and

j. unavailability of the licensees or permittees, their designated representatives, or their agents.

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq., R.S. 27:15 and 24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 27:59 (January 2001).

Part XIII. Riverboat Gaming

Chapter 29. Operating Standards

§2901. Code of Conduct of Licensees and Permittees

A. General Provisions

1. All licensees and permittees shall comply with all applicable federal, state, and local laws and regulations.

2. All licensees and permittees shall, at all times, conduct themselves in a professional manner when communicating with the public and the division and the board.

3. Any violation of the provisions of the Act, shall also constitute a violation of these rules.

B. Unsuitable Conduct

1. No licensee or permittee shall engage in unsuitable conduct or practices or shall employ or have a business association with any person, natural or juridical, which engages in unsuitable conduct or practices.

2. For purposes of this Section, unsuitable conduct or practices shall include, but not be limited to the following:

a. employment of, in a managerial or other significant capacity as determined by the division or board, business association with, or participation in any enterprise or business with, a person convicted of a felony or declared unsuitable by the division or board;

b. employment of, association with, or participation in any enterprise or business with a documented or identifiable organized crime group or recognized organized crime figure;

c. misrepresentation of any material fact or information to the division or board;

d. engaging in, furtherance of, or profit from any illegal activity or practice, or any violation of these rules or the act;

e. obstructing or impeding the lawful activities of the board, division or its agents;

f. persistent or repeated failure to pay amounts due or to be remitted to the state;

3. A licensee or permittee shall not engage in, participate in, or facilitate by any means, any criminal activity.

RULE

**Office of Public Safety and Corrections
Gaming Control Board**

Requirements for Licensing (LAC 42:XI.2405)

The Louisiana Gaming Control Board hereby adopts amendments to LAC 42:XI.2405.B. in accordance with R.S. 27:15 and 24, and the Administrative Procedure Act, R.S. 49:950 et seq.

Title 42

LOUISIANA GAMING

Part XI. Video Poker

Chapter 24. Video Draw Poker

§2405. Application and License

A. - A.15. ...

B. Requirements for Licensing

B.1. - 12.a. ...

b. If surrendered in accordance with §2405.B.12.a, no gaming activities may be conducted at the premises unless and until the license is returned to the licensee.

c. The license may be returned to the licensee when business operations are resumed for the unexpired term of the license provided that the license has not been revoked and is not under suspension and further provided that no more than 180 days has elapsed from the date the license was surrendered.

d. Licenses surrendered in accordance with §2405.B.12.a shall not be subject to renewal unless the license has been returned to the licensee.

e. Failure to surrender the license as provided in §2405.B.12.a shall constitute grounds for revocation or suspension of the license.

C. - D.7. ...

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 23:1322 (October 1997), LR 24:955 (May 1998), LR 26:346 (February 2000), LR 27:61 (January 2001).

Hillary J. Crain
Chairman

0101#033

4. All licensees and permittees shall have a continuing duty to inform the division of any legal action that may materially affect the licensee's capability to perform or execute his responsibilities as a licensee or permittee.

5. A licensee or permittee shall not intentionally make, cause to be made, or aid, assist, or procure another to make any false statement in any report disclosure, application, permit form, or any other document, including improperly notarized documents, required by these rules or the act.

C. Additional Causes for Disciplinary Action

1. Further instances of conduct by a licensee or permittee where the division or board may sanction a licensee or permittee shall include but not be limited to when:

a. the licensee or permittee has been involved in the diversion of gaming equipment for unlawful means;

b. the licensee or permittee or a designated representative of the licensee or permittee has been involved in activities otherwise prohibited by law or the willful purpose of which was to circumvent or contravene the provisions set forth in the division's rules;

c. the licensee or permittee has demonstrated a reluctance or inability to comply with the requirements set forth in these rules and the act, particularly after repeated warnings;

d. the licensee or permittee violates written conditions;

e. the division discovers incomplete or erroneous information as to a material or a substantial matter provided on an application or any item affecting the decision whether to license the applicant;

f. the division discovers substantial, incomplete, or erroneous information provided in a report or other required communication; and

g. the licensee or permittee has failed to timely pay a fine imposed by the division or board.

h. tardy, inaccurate, or incomplete reports;

i. failure to respond in a timely manner to communications from the division or board; and

j. unavailability of the licensees or permittees, their designated representatives, or their agents.

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

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Riverboat Gaming Enforcement Division, LR 21:702 (July 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 25:1900 (October 1999), LR 25:2255 (November 1999), LR 27:60 (January 2001).

Hillary J. Crain
Chairman

0101#034

RULE

Department of Public Safety and Corrections Office of State Police

Vehicle Safety Equipment (LAC 55:III.Chapter 11)

Pursuant to R.S. 32:190 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Public Safety and Corrections, Public Safety Service, Office of State Police has repealed LAC 55:III.Ch. 11 Sections 1101-1105 in entirety. Notice is further given that the Department has adopted the following rules and regulations which define specifications and guidelines for the safe manufacture of motorcycle helmets and motorcycle goggles and safety glasses. The proposed rules are intended to adopt the same standards for motorcycle helmets and motorcycle goggles and safety glasses in the state of Louisiana which are currently mandated nationwide by the federal government.

Title 55

PUBLIC SAFETY

Part III. Motor Vehicles

Chapter 11. Vehicle Safety Equipment

Subchapter A. Motorcycle Helmets

§1101. Scope, Purpose and Application

A. Scope. This standard establishes minimum performance requirements for helmets designed for use by motorcyclists and other motor vehicle users.

B. Purpose. To reduce deaths and injuries to motorcyclists and other motor vehicle users resulting from head impacts.

C. Application. This standard applies to all helmets designed for use by motorcyclists and other motor vehicle users.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:62 (January 2001).

§1102. Definitions

Basic Plane Ca plane through the centers of the right and left external ear openings and the lower edge of the eye sockets (Figure 1) of a reference headform (Figure 2) or test headform.

Helmet Positioning Index Cthe distance in inches, as specified by the manufacturer, from the lowest point of the brow opening at the lateral midpoint of the helmet to the basic plane of a reference headform, when the helmet is firmly and properly positioned on the reference headform.

Mid-Sagittal Plane Ca longitudinal plane through the apex of a reference headform or test headform that is perpendicular to the basic plane (Figure 3)

Reference Headform Ca measuring device contoured to the dimensions of one of the three headforms described in Table 2 and Figures 5 through 8 with surface markings indicating the locations of the basic, mid-sagittal, and reference planes, and the centers of the external ear openings.

Reference Plane Ca plane above and parallel to the basic plane on a reference headform or test headform (Figure 2) at the distance indicated in Table 2.

Retention System Cthe complete assembly by which the helmet is retained in position on the head during use.

Test Headform Ca test device contoured to the dimensions of one of the three headforms described in Table 2 and Figures 5 through 8 with surface markings indicating the locations of the basic, mid-sagittal, and reference planes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:62 (January 2001).

§1103. Requirements

A. Each helmet shall meet the requirements of §1104, §1105, and §1106 when subjected to any conditioning procedure specified in §1114, and tested in accordance with §1116, §1117, and §1118.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:62 (January 2001).

§1104. Impact Attenuation

A. When an impact attenuation test is conducted in accordance with §1116, all of the following requirements shall be met.

1. Peak accelerations shall not exceed 400g;
2. Accelerations in excess of 200g shall not exceed a cumulative duration of 2.0 milliseconds; and
3. Accelerations in excess of 150g shall not exceed a cumulative duration of 4.0 milliseconds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:62 (January 2001).

§1105. Penetration

A. When a penetration test is conducted in accordance with §1117, the striker shall not contact the surface of the test headform.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:62 (January 2001).

§1106. Retention System

A. When tested in accordance with §1118:

1. the retention system or its components shall attain the loads specified without separation; and
2. the adjustable portion of the retention system test device shall not move more than 1 inch (2.5 cm) measured between preliminary and test load positions.

B. Where the retention system consists of components which can be independently fastened without securing the complete assembly, each such component shall independently meet the requirements of §1106.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:62 (January 2001).

§1107. Configuration

A. Each helmet shall have a protective surface of continuous contour at all points on or above the test line described in §1113.C. The helmet shall provide peripheral vision clearance of at least 105E to each side of the

mid-sagittal plane, when the helmet is adjusted as specified in §1114. The vertex of these angles, shown in Figure 3, shall be at the point on the anterior surface of the reference headform at the intersection of the mid-sagittal and basic planes. The brow opening of the helmet shall be at least 1 inch (2.5 cm) above all points in the basic plane that are within the angles of peripheral vision (see Figure 3).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:62 (January 2001).

§1108. Projections

A. A helmet shall not have any rigid projections inside its shell. Rigid projections outside any helmet's shell shall be limited to those required for operation of essential accessories, and shall not protrude more than 0.20 inch (5 mm).

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:63 (January 2001).

§1109. Labeling

A. Each helmet shall be labeled permanently and legibly, in a manner such that the label(s) can be read easily without removing padding or any other permanent part, with the following:

1. manufacturer's name or identification;
2. precise model designation;
3. size;
4. month and year of manufacture. This may be spelled out (for example, June 1988), or expressed in numerals (for example, 6/88);
5. the symbol DOT, constituting the manufacturer's certification that the helmet conforms to the applicable Federal motor vehicle safety standards. This symbol shall appear on the outer surface, in a color that contrasts with the background, in letters at least 3/8 inch (1 cm) high, centered laterally with the horizontal centerline of the symbol located a minimum of 1 1/8 inches (2.9 cm) and a maximum of 1 3/4 inches (3.5 cm) from the bottom edge of the posterior portion of the helmet;
6. instructions to the purchaser as follows:
 - a. shell and liner constructed of (identify type(s) of materials);
 - b. helmet can be seriously damaged by some common substances without damage being visible to the user. Apply only the following: recommended cleaning agents, paint, adhesives, etc., as appropriate;
 - c. make no modifications. Fasten helmet securely. If helmet experiences a severe blow, return it to the manufacturer for inspection, or destroy it and replace it;
 - d. any additional relevant safety information should be applied at the time of purchase with an attached tag, brochure, or other suitable means.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:63 (January 2001).

§1110. Helmet Positioning Index

A. Each manufacturer of helmets shall establish a positioning index for each helmet manufactured. This index

shall be furnished immediately to any person who requests the information, with respect to a helmet identified by manufacturer, model designation, and size.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:63 (January 2001).

§1111. Preliminary Test Procedures

A. Before subjecting a helmet to the testing sequence specified in §1112, the helmet shall be prepared according to the procedures in §1112, §1113 and §1114.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:63 (January 2001).

§1112. Selection of Appropriate Headform

A. A helmet with a manufacturer's designated discrete size or size range which does not exceed 6 3/4 (European size: 54) shall be tested on the small headform. A helmet with a manufacturer's designated discrete size or size range which exceeds 6 3/4, but does not exceed 7 1/2 (European size: 60) shall be tested on the medium headform. A helmet with a manufacturer's designated discrete size or size range which exceeds 7 1/2 shall be tested on the large headform.

B. A helmet with a manufacturer's designated size range which includes sizes falling into two or all three size ranges described in section §1112.A shall be tested on each headform specified for each size range.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:63 (January 2001).

§1113. Reference Marking

A. Only a reference headform that is firmly seated with the basic and reference planes horizontal may be used. The completed helmet to be tested shall be placed on the appropriate reference headform, as specified in §1112.A and §1113.B.

B. A 10 pound (4.5 kg) static vertical load shall be applied through the helmet's apex. The helmet shall be centered laterally and seated firmly on the reference headform according to its helmet positioning index.

C. While maintaining the load and position described in §1113.C, a line shall be drawn (hereinafter referred to as test line) on the outer surface of the helmet coinciding with portions of the intersection of that service with the following planes, as shown in Figure 2:

1. a plane 1 inch (2.5 cm) above and parallel to the reference plane in the anterior portion of the reference headform;
2. a vertical transverse plane 2.5 inches (6.4 cm) behind the point on the anterior surface of the reference headform at the intersection of the mid-sagittal and reference planes;
3. the reference plane of the reference headform;
4. a vertical transverse plane 2.5 inches (6.4 cm) behind the center of the external ear opening in a side view; and
5. a plane 1 inch (2.5 cm) below and parallel to the reference plane in the posterior portion of the reference headform.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:63 (January 2001).

§1114. Helmet Positioning

A. Before each test, the helmet shall be fixed on a test headform in the position that conforms to its helmet positioning index. The helmet shall be secured so that it does not shift position before impact or before application of force during testing.

B. In testing as specified in §1116 and §1117, the retention system shall be placed in a position such that it does not interfere with free fall, impact or penetration.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:64 (January 2001).

§1115. Conditioning

A. Immediately before conducting the testing sequence specified in §1116, each test helmet shall be conditioned in accordance with any one of the following procedures:

1. ambient conditions. Expose to a temperature of 70EF (21EC) and a relative humidity of 50 percent for 12 hours;

2. low temperature. Expose to a temperature of 14EF(-10EC) for 12 hours;

3. high temperature. Expose to a temperature of 122EF (50EC) for 12 hours;

4. water immersion. Immerse in water at a temperature of 77EF(25EC) for 12 hours.

B. If during testing, as specified in §1116.C and §1117.C, a helmet is returned to the conditioning environment before the time out of that environment exceeds four minutes, the helmet shall be kept in the environment for a minimum of three minutes before resumption of testing with that helmet. If the time out of the environment exceeds 4 minutes, the helmet shall be returned to the environment for a minimum of three minutes for each minute or portion of a minute that the helmet remained out of the environment in excess of four minutes or for a maximum of 12 hours, whichever is less, before the resumption of testing with that helmet.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:64 (January 2001).

§1116. Test Conditions

A. Impact Attenuation Test. Impact attenuation is measured by determining acceleration imparted to an instrumented test headform on which a complete helmet is mounted as specified in §1114, when it is dropped in guided free fall upon a fixed hemispherical anvil and a fixed flat steel anvil.

B. Each helmet shall be impacted at four sites with two successive identical impacts at each site. Two of these sites shall be impacted upon a flat steel anvil and two upon a hemispherical steel anvil as specified in §1116.I and §1116.J. The impact sites shall be at any point on the area above the test line described in paragraph §1113.C, and separated by a distance not less than one-sixth of the maximum circumference of the helmet in the test area.

C. Impact testing at each of the four sites, as specified in §1116.B, shall start at two minutes, and be completed by four minutes, after removal of the helmet from the conditioning environment.

1. The guided free fall drop height for the helmet and test headform combination onto the hemispherical anvil shall be such that the minimum impact speed is 17.1 feet/second (5.2 m/sec). The minimum drop height is 54.5 inches (138.4 cm). The drop height shall be adjusted upward from the minimum to the extent necessary to compensate for friction losses.

2. The guided free fall drop height for the helmet and test headform combination onto the flat anvil shall be such that the minimum impact speed is 19.7 ft./sec (6.0 m/sec). The minimum drop height shall be 72 inches (182.9 cm). The drop height shall be adjusted upward from the minimum to the extent necessary to compensate for friction losses.

D. Test headforms for impact attenuation testing shall be constructed of magnesium alloy (K-1A), and exhibit no resonant frequencies below 2,000 Hz.

E. The monorail drop test system shall be used for impact attenuation testing.

F. The weight of the drop assembly, as specified in Table 1, shall be the combined weight of the test headform and the supporting assembly for the drop test. The weight of the supporting assembly shall not be less than 2.0 lbs. and not more than 2.4 lbs. (0.9 to 1.1 kg). The supporting assembly weight for the monorail system shall be the drop assembly weight minus the combined weight of the test headform, the headform's clamp down ring, and its tie down screws.

G. The center of gravity of the test headform shall be located at the center of the mounting ball on the supporting assembly and lie within a cone with its axis vertical and forming a 10 degree included angle with the vertex at the point of impact. The center of gravity of the drop assembly shall lie within the rectangular volume bounded by $x = -0.25$ inch (-0.64 cm), $x = 0.85$ inch (2.16 cm), $y = 0.25$ inch (0.64 cm), and $y = -0.25$ inch (-0.64 cm) with the origin located at the center of gravity of the test headform. The rectangular volume shall have no boundary along the z-axis. The x-y-z axes shall be mutually perpendicular and shall have positive or negative designations in accordance with the right-hand rule (See Figure 5). The origin of the coordinate axes shall also be located at the center of the mounting ball on the supporting assembly (See Figures 6, 7, and 8). The xy-z axes of the test headform assembly on a monorail drop test equipment shall be oriented as follows: From the origin, the x-axis shall be horizontal with its positive direction going toward and passing through the vertical centerline of the monorail. The positive z-axis shall be downward. The y-axis shall also be horizontal and its direction will be decided by the z- and x-axes, using the right-hand rule.

H. The acceleration transducer shall be mounted at the center of gravity of the test headform with the sensitive axis aligned to within 5 degree of vertical when the test headform assembly is in the impact position. The acceleration data channel shall comply with SAE Recommended Practice J211 JUN 80, Instrumentation for Impact Tests, requirements for channel class 1,000.

I. The flat anvil shall be constructed of steel with a 5-inch (12.7 cm) minimum diameter impact face, and the

hemispherical anvil shall be constructed of steel with a 1.9 inch (4.8 cm) radius impact face.

J. The rigid mount for both of the anvils shall consist of a solid mass of at least 300 pounds (136.1 kg), the outer surface of which shall consist of a steel plate with minimum thickness of 1 inch (2.5 cm) and minimum surface area of 1 ft² (929 cm²).

K. The drop system shall restrict side movement during the impact attenuation test so that the sum of the areas bounded by the acceleration-time response curves for both the x and y-axes (horizontal axes) shall be less than five percent of the area bounded by the acceleration-time response curve for the vertical axis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:64 (January 2001).

§1117. Penetration Test

A. The penetration test shall be conducted by dropping the penetration test striker in guided free fall, with its axis aligned vertically, onto the outer surface of the complete helmet, when mounted as specified in §1114, at any point above the test line, described in §1114.B except on a fastener or other rigid projection.

B. Two penetration blows shall be applied at least 3 inches (7.6 cm) apart, and at least 3 inches (7.6 cm) from the centers of any impacts applied during the impact attenuation test.

C. The application of the two penetration blows, specified in §1117.B, shall start at two minutes and be completed by four minutes, after removal of the helmet from the conditioning environment.

D. The height of the guided free fall shall be 118.1 inches (3 m), as measured from the striker point to the impact point on the outer surface of the test helmet.

E. The contactable surface of the penetration test headform shall be constructed of a metal or metallic alloy having a Brinell hardness number no greater than 55, which will permit ready detection should contact by the striker occur. The surface shall be refinished if necessary before each penetration test blow to permit detection of contact by the striker.

F. The weight of the penetration striker shall be 6 pounds, 10 ounces (3 kg).

G. The point of the striker shall have an included angle of 60 degree, a cone height of 1.5 inches (3.8 cm), a tip radius of 0.02 inch (standard 0.5 millimeter radius) and a minimum hardness of 60 Rockwell, C scale.

H. The rigid mount for the penetration test headform shall be as described in §1116.J.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:65 (January 2001).

§1118. Retention System Test

A. The retention system test shall be conducted by applying a static tensile load to the retention assembly of a complete helmet, which is mounted, as described in §1114, on a stationary test headform as shown in Figure 4, and by measuring the movement of the adjustable portion of the retention system test device under tension.

B. The retention system test device shall consist of both an adjustable loading mechanism by which a static tensile load can be applied to the helmet retention assembly as a means for holding the test headform and helmet stationary. The retention assembly shall be fastened around two freely moving rollers, both of which shall have a 0.5 inch (1.3 cm) diameter and a 3 inch (7.6 cm) center-to-center separation, and which shall be mounted on the adjustable portion of the tensile loading device (Figure 4). The helmet shall be fixed on the test headform as necessary to ensure that it will not move during the application of the test loads to the retention assembly.

C. A 50-pound (22.7 kg) preliminary test load shall be applied to the retention assembly, normal to the basic plane of the test headform and symmetrical with respect to the center of the retention assembly for 30 seconds, and the maximum distance from the extremity of the adjustable portion of the retention system test device to the apex of the helmet shall be measured.

D. An additional 250-pound (113.4 kg) test load shall be applied to the retention assembly, in the same manner and at the same location as described in §1118.C, for 120 seconds, and the maximum distance from the extremity of the adjustable portion of the retention system test device to the apex of the helmet shall be measured.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:65 (January 2001).

Subchapter B. Motorcycle Goggles and Safety Glasses

§1119. Purposes and Scope

A. Purpose. To provide manufacturers of motorcycle goggles and safety glasses with equipment approval guidelines for motorcyclists eye protection devices through the development of a regulation to provide a reasonable degree of protection against tearing and against foreign objects striking or lodging in the eye, causing eye irritation or damage, distracting or handicapping the operator, and thereby causing accidents.

B. Scope. The scope of this regulation shall include requirements for material, lens size, optical properties, strength, field of vision, flammability, cleaning capabilities, labeling, identification, and testing procedures for eye protection devices for drivers and passengers of motorcycles.

1. Windshields are the subject of other nationally recognized standards and shall not be included within the scope of this regulation.

2. Contact lenses are not acceptable as eye protection devices and shall not be included within the scope of this regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:65 (January 2001).

§1120. Definitions

EPDC Eye protection devices.

Eye Glasses Includes devices such as spectacles or sunglasses worn before the eyes having two separately mounted lenses.

Face Shield—A device attached to a helmet or head band(s) which covers the wearer's eyes and face at least to a point approximately to the tip of the nose.

Frame—Those parts of the eye glasses or goggles containing the lens housing. Padding may be associated with the frame.

Goggles—A device worn before the eyes, the predominant function of which shall be to protect the eyes without obstructing peripheral vision. They shall provide protection from the front and sides and may or may not form a complete seal with the face.

Headband—That part of the device consisting of a supporting band or other structure that either encircles the head or protective helmet, or can be attached thereto.

Mid-Signal Plane—The anteroposterior plane through the longitudinal axis of the body.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:65 (January 2001).

§1121. Eye Protection Devices

A. To be considered an EPD, under these regulations, a device must be one of the following:

1. goggles;
2. face shield;
3. eye glasses.
 - a. Each lens shall have a convex frontal surface.
 - b. Each lens shall have a minimum area of 3 square inches. The horizontal diameter (or side-to-side measurement) shall be no less than 2 inches. The vertical diameter (or top-to-bottom measurement) shall be no less than 12 inches. A diameter shall pass through a point on the lens that is intended to be directly in front of the pupil of the eye when the wearer is looking straight ahead.

B. Optical correction of a person's vision, where required or desired, may be provided either by:

1. An EPD that provides the proper optical correction, or
2. Personal corrective lenses worn under an EPD that does not disturb the adjustment of those lenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:66 (January 2001).

§1122. Materials

A. All parts of an EPD shall be free from sharp edges or projections that could cause harm or discomfort to the wearer.

B. A headband shall be capable of holding the EPD securely under normal operating conditions. It shall be capable of easy adjustment and replacement.

C. Material(s) utilized in any portion of an EPD shall be of durable quality; ie, material characteristics shall not undergo appreciable alterations under the influence of ageing or of the circumstances of use to which the device is normally subjected (exposure to rain, sun, cold, dust, vibrations, contact of the skin, effects of sweat, or of products applied to skin or hair).

D. Material(s) commonly known to cause skin irritation or disease shall not be used for those parts of the device which come into contact with the skin.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:66 (January 2001).

§1123. Optical Properties of Eye Protection Devices

A. Lenses of EPD-S shall comply with the following requirements:

1. Lenses shall be made of material suitable for ophthalmic use, and shall be free from striae, waves, bubbles, or any other defects which may impair their optical quality.

2. The prismatic effect of a non-corrective lens shall not exceed 1/8 diopter at any point within the specified minimum field of vision. In the case of eye glasses, each non-corrective lens shall comply with the limitation of prismatic effect.

3. In any meridian, the refractive power of a non-corrective lens shall not exceed plus or minus 1/3 diopter and the difference between the refractive powers in any two meridians shall not exceed 1/8 diopter.

4. The definition afforded by a non-corrective lens shall be such that a line pattern with lines separated not more than 24 seconds of angle shall be clearly distinguishable when viewed through the lens.

B. The compliance of a lens with the prismatic effects, refractive power, and definition requirements §1123.A.2, 3 and 4 herein above, shall be determined in accordance with those tests methods described in the American National Standards Institute Standard Z87.1-1989. In order to maintain consistency in the results of tests conducted by various organizations, the following test requirements must be met:

1. An 8-power telescope with focusing arrangement to accommodate the refractive effects of both positive (converging) and negative (diverging) lenses placed between the telescope and test chart shall be used. The illuminated target and test chart shall be a central dot and a concentric circle one inch in diameter plus one of the high contrast (black and white) NBS resolution test charts dated 1952 and printed on lens resolution charts to accompany NBS Circular 374. The chart shall be perpendicularly aligned 35 feet from the objective lens of the telescope when the telescope is properly focused with no test, sample, or other lens between the objective lens and the chart. The center dot and the periphery of the concentric circle one inch in diameter shall be used when testing for prismatic effect. The test pattern marked A20 shall be used when testing for refractive power and when testing for definition. Standard lenses of plus or minus 1/8 diopter shall be used when testing for refractive power.

2. Other standard methods of testing that are equivalent or superior, as regards to accuracy, quality and consistency of results, to the above specified National Bureau of Standards methods, may be used to determine compliance only when such methods are approved by the Deputy Secretary, Department of Public Safety and Corrections, Public Safety Services.

C. Minimum Horizontal Field of Vision. Except as provided in §1123.C.1 below, each EPD shall not obstruct a horizontal field of vision to at least 105 degrees to the right side of the sagittal plane that passes through the pupil of the

right eye, and at least 105 degrees to the left side of the sagittal plane that passes the pupil of the left eye.

1. The specified minimum horizontal field of vision shall be unobstructed except that the horizontal field provided by spectacles or sunglasses may be obstructed by the frame in a sector no greater than 72 degrees in horizontal angular width and located between 50 degrees and 80 degrees of the pertinent sagittal plane passing through the eye pupil.

2. When ascertaining the horizontal field of vision afforded by eye glasses, the pupil of the eye shall be assumed to be located 17 millimeters behind the point on the rear surface of the lens where the horizontal and vertical diameters intersect. When ascertaining the horizontal field of vision of EPDs other than eye glasses, the assumed location of the pupil of the eye relative to the structures of the EPD shall be that location which is most likely to occur when the EPD is attached and worn in accordance with the manufacturer's instructions.

3. No portion of the minimum horizontal field of vision shall be obstructed by a temple piece, headband, helmet, helmet attaching device, or any other supporting attaching device.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:66 (January 2001).

§1124. Light Transmittance of Eye Protection Devices

A. Clear. A clear EPD is a device which transmits not less than 85 percent of the incident visible radiation.

B. Tinted. A tinted EPD is a device which transmits less than 85 percent of the incident visible radiation but no less than 20 percent.

1. A tinted EPD shall not impair the wearer's ability to discern color.

2. A tinted EPD shall not be used at night.

C. Luminous Transmittance test

1. Clear EPD. The standard source of all radiant energy used in the measurement of luminous transmittance shall be a projection-type No. T8 (or other high-powered gas filled tungsten filament incandescent lamp) operated at the color temperature corresponding to CIE Source A.

2. Tinted EPD. The standard source of all radiant energy used in the measurement of luminous transmittance for tinted EPDs shall be CIE source C.

D. The luminous transmittance of both clear and tinted EPDs shall be determined by one of the following means and by utilizing the applicable light source.

1. Photometrically by an observer having normal color vision, as determined by recognized color vision chart tests such as those employing pseudo-isochromatic plates.

2. With a physical photometer consisting of a thermopile (or other radiometer) and a luminosity solution having a special transmittance curve which coincides closely with the luminous efficiency curve of the average eye.

3. By measuring the spectral transmittance and calculating the luminous transmittance through the use of published data on the spectral radiant energy of CIE Source A for clear EPDs and CIE Source C for tinted EPDs and the relative luminous efficiency of the average eye.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:67 (January 2001).

§1125. Lens Strength-Testing Procedure for Eye Protection Devices

A. Helmet mounted face shields shall be tested while attached to a helmet and mounted on a human head form as herein defined. An EPD not designed to be attached to a helmet shall be tested on the same type of head form and shall be located in a position simulating its position in actual use.

B. The human head form used for testing both the helmet mounted face shield and the other EPDs herein defined shall be an Anthropomorphic Head Assembly SA 150 M010" as defined in the National Highway Traffic Safety Administration's Standard 572, Anthropomorphic Test Dummies. The head form needs to have only those features necessary to test EPDs which shall include size, facial features, and covering material.

C. A steel projectile 3/8" in diameter, weighing 1.56 ounces, approximately 2 1/2" long with a conical point of 90 degree included angle, the point having a spherical radius no greater than .020" and a hardness of 60 (" 10) on the Rockwell C scale, shall be freely dropped from a height of 14 feet above the EPD. The projectile may be guided, but not restricted, in its vertical fall by dropping it through a tube extending to within approximately 4" of the impact area. The impact area must be on the forward optical surface and within a 1" diameter circle centered over the eye opening. The impact point shall be perpendicular to a plane tangent to the impact area.

D. Cracking and piercing of the EPD is permissible provided that the projectile does not pass through or remain lodged in the lens, but is repulsed by the EPD. No lens shall become dislodged nor shall any particles of the EPD break loose from any eyeward surface of the EPD.

E. Tests shall be performed at EPD temperatures of 0E and 110EF. Tests shall be performed at 10 percent and 90 percent relative humidities for all temperatures in excess 70EF. The EPD shall be conditioned in the specified environment for a minimum of four hours, removed, and tested within five seconds.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:67 (January 2001).

§1126. Flammability Test - Plastics Only

A. Where plastic materials are used in an EPD, such materials shall be non-combustible or slow-burning. Such plastic items shall be exposed to a test to determine the flame-propagation rate. The specimen shall be ignited by holding one end of specimen horizontally at the top of a luminous : " Bunsen burner flame in a draft-free room. The rate of propagation of burning, after removing the flame from the specimen, determined by a stop watch shall be 1" or less per 20 seconds. A faster rate of propagation shall be cause for rejection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:67 (January 2001).

§1127. Care and Cleansing

A. All EPD materials shall be such as to withstand, without visible deterioration, washing in ordinary household detergents and warm water, and rinsing to remove visible traces of detergents. The manufacturer shall provide with each EPD a notice setting forth proper care and cleansing instructions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:68 (January 2001).

§1128. Identification and Labeling

A. Eye protection devices, manufactured to comply with the requirements of these regulations, shall be identified and labeled as follows.

1. The following information shall be permanently marked on the structure and on each lens of the EPD in a manner not to interfere with the vision of the wearer:

- a. that the device meets §1125 of these regulations;
- b. the manufacturer's or distributor's trade name and model name or number, which shall correspond with the name and number under which the device has been approved or certified. On the lens itself, the manufacturer's identifying monogram or symbol shall be sufficient;
- c. on an tinted EPD, the wording "day use only" shall appear.

B. The information required under §1128.A.1 plus the corporate or business name and address of either the actual manufacturer or marketer assuming the responsibilities of the manufacturer shall be imprinted on the container in which the EPD is packed and on any instruction sheet(s) pertaining to the EPD.

C. The following statement shall appear in a prominent location on the container or label accompanying each tinted eye protection device: The tinted eye protection device is for daytime use only. Words of equivalent meaning may be substituted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:68 (January 2001).

§1131. Appendices

A. Table 1- Weights for Impact Attenuation Test Drop Assembly

Test Headform Size	Weight ¹ -lb(kg)
Small	7.8 (3.5 kg).
Medium	11.0 (5.0 kg).
Large	13.4 (6.1 kg).

¹ Combined weight of instrumented test headform and supporting assembly for drop test.

B. Figure 1. Basic Plane

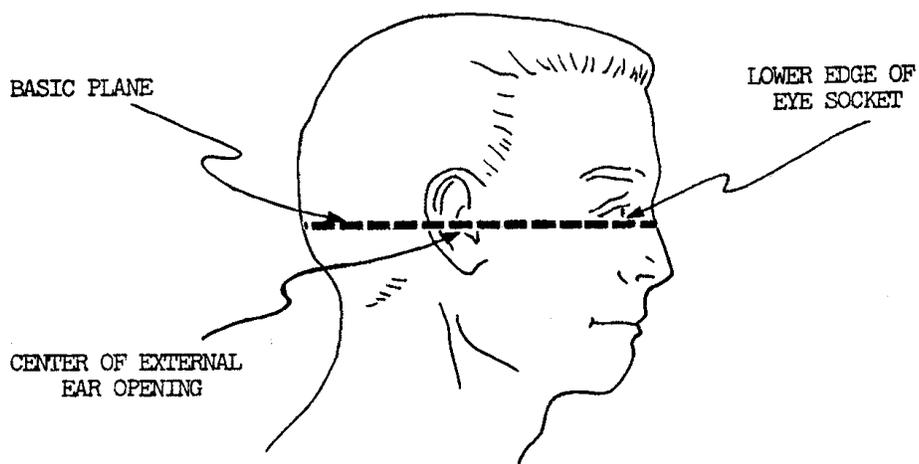
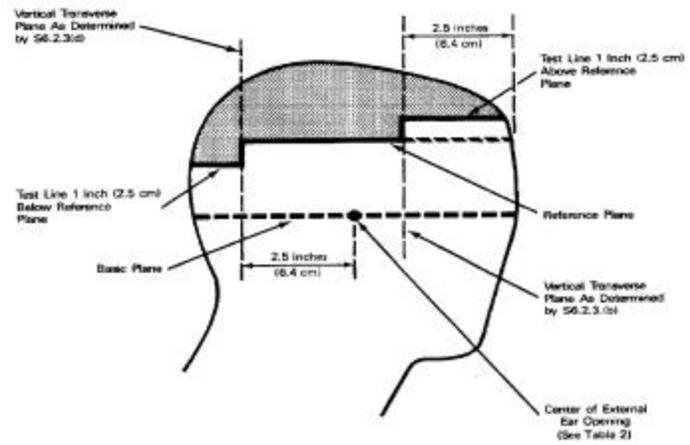


Figure 1

C. Figure 2. Test Form

§ 571.218

49 CFR Ch. V (10-1-97 Edition)



Note: Solid lines would correspond to the test line on a test helmet.

 Test Surface

Figure 2

D. Figure 3. Mid-Sagittal Plane

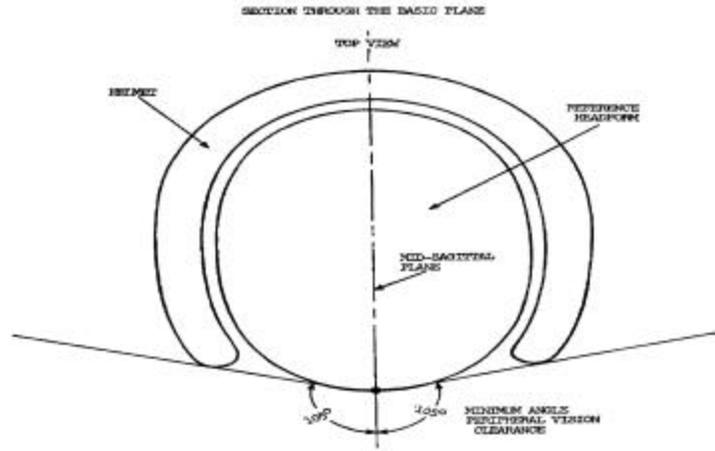


Figure 3

E. Figure 4. Test Headform

5 571.218

49 CFR Ch. V (10-1-97 Edition)

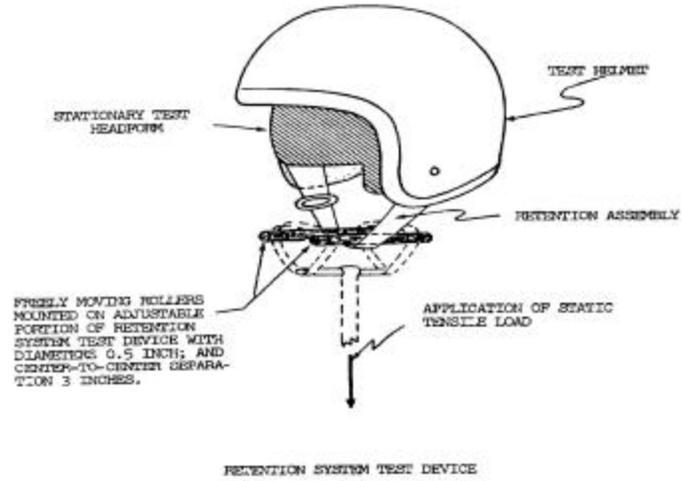
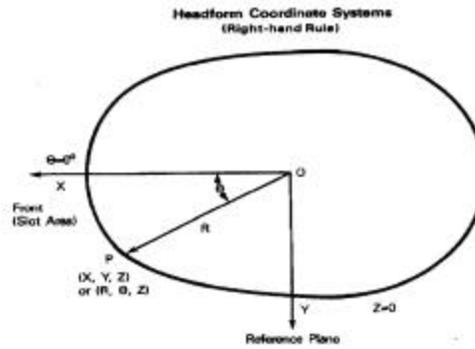
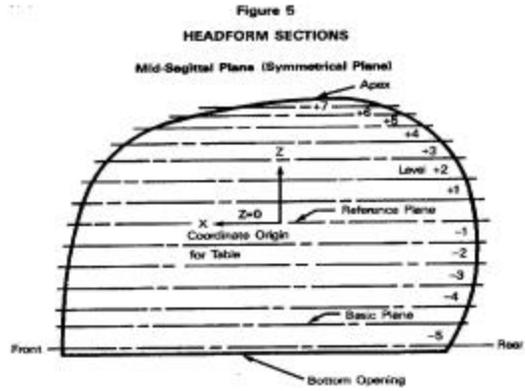


Figure 4

F. Figure 5. Headform Sections



§ 571.218

49 CFR Ch. V (10-1-97 Edition)

Table 2
Medium Headform - Exterior Dimensions

θ	Bottom Opening Z= -3.02			Level-5 Z= -2.900		
	R	X	Y	R	X	Y
0	4.292	4.292	0	4.293	4.293	0
10	4.286	4.201	0.741	4.270	4.206	0.742
20	4.159	3.908	1.423	4.172	3.920	1.427
30	3.967	3.436	1.964	3.961	3.430	1.961
40	3.690	2.804	2.393	3.670	2.811	2.389
50	3.332	2.142	2.923	3.352	2.165	2.988
60	3.030	1.600	2.032	3.007	1.524	2.688
70	2.826	0.971	2.068	2.806	0.901	2.696
80	2.720	0.472	2.679	2.772	0.401	2.730
90	2.675	0	2.675	2.709	0	2.709
100	2.703	-0.409	2.062	2.724	-0.473	2.693
110	2.764	-0.946	2.097	2.754	-0.966	2.626
120	2.888	-1.444	2.001	2.917	-1.469	2.526
130	2.986	-1.919	2.267	3.040	-1.954	2.329
140	3.100	-2.375	1.980	3.176	-2.432	2.041
150	3.175	-2.750	1.088	3.232	-2.799	1.616
160	3.186	-2.904	1.090	3.246	-3.060	1.110
170	3.177	-3.129	0.662	3.237	-3.188	0.592
180	3.187	-3.187	0	3.246	-3.246	0

θ	Basic Flare Z= -2.960			Level-4 Z= -2.000		
	R	X	Y	R	X	Y
0	4.272	4.272	0	4.247	4.247	0
10	4.248	4.194	0.738	4.223	4.199	0.733
20	4.147	3.897	1.418	4.120	3.872	1.400
30	3.981	3.430	1.961	3.940	3.412	1.970
40	3.697	2.824	2.370	3.663	2.821	2.367
50	3.394	2.175	2.962	3.362	2.180	2.980
60	3.111	1.596	2.694	3.132	1.566	2.712
70	2.927	1.001	2.751	2.960	1.012	2.782
80	2.815	0.489	2.772	2.890	0.497	2.817
90	2.779	0	2.779	2.839	0	2.836
100	2.822	-0.487	2.759	2.861	-0.497	2.818
110	2.867	-0.967	2.713	2.868	-1.012	2.790
120	3.019	-1.510	2.615	3.008	-1.549	2.683
130	3.180	-2.044	2.436	3.260	-2.096	2.497
140	3.306	-2.633	2.125	3.406	-2.808	2.189
150	3.396	-2.940	1.860	3.516	-3.046	1.759
160	3.466	-3.280	1.183	3.686	-3.369	1.228
170	3.476	-3.422	0.503	3.612	-3.567	0.627
180	3.472	-3.472	0	3.609	-3.609	0

H. Table 2. Medium Headform - Exterior Dimensions (Continued)

Nat'l Highway Traffic Safety Admin., DOT

§ 571.218

Table 2
Medium Headform - Exterior Dimensions (Continued)

ø	Level-3 Z= -1.500			Level-2 Z= -1.000		
	R	X	Y	R	X	Y
0	4.208	4.208	0	4.148	4.148	0
10	4.179	4.119	0.726	4.132	4.060	0.714
20	4.076	3.829	1.394	4.013	3.771	1.378
30	3.902	3.379	1.951	3.844	3.339	1.922
40	3.654	2.799	2.349	3.609	2.786	2.508
50	3.377	2.171	2.597	3.352	2.136	2.717
60	3.094	1.547	2.690	3.137	1.509	2.809
70	2.802	1.020	2.602	2.966	1.022	2.858
80	2.591	0.622	2.547	2.822	0.604	2.884
90	2.476	0	2.676	2.804	0	2.898
100	2.518	-0.607	2.874	2.943	-0.511	2.969
110	3.021	-1.033	2.839	3.062	-1.044	2.969
120	3.170	-1.596	2.745	3.226	-1.513	2.793
130	3.337	-2.145	2.560	3.397	-2.154	2.932
140	3.483	-2.698	2.239	3.536	-2.709	2.772
150	3.604	-3.121	1.802	3.667	-3.157	1.829
160	3.692	-3.499	1.269	3.751	-3.526	1.283
170	3.726	-3.968	0.647	3.807	-3.749	0.661
180	3.741	-3.741	0	3.822	-3.822	0

ø	Level-1 Z= -0.500			Reference Plane Z=0.0		
	R	X	Y	R	X	Y
0	4.057	4.057	0	3.971	3.971	0
10	4.033	3.972	0.700	3.936	3.875	0.683
20	3.944	3.706	1.349	3.863	3.621	1.318
30	3.777	3.271	1.889	3.701	3.205	1.851
40	3.552	2.721	2.280	3.461	2.674	2.244
50	3.323	2.136	2.546	3.279	2.106	2.512
60	3.126	1.563	2.707	3.101	1.561	2.686
70	2.967	1.022	2.807	2.979	1.019	2.759
80	2.912	0.506	2.968	2.910	0.505	2.866
90	2.880	0	2.893	2.890	0	2.890
100	2.866	-0.603	2.861	2.945	-0.511	2.900
110	3.004	-1.048	2.679	3.062	-1.047	2.877
120	3.231	-1.515	2.798	3.238	-1.514	2.796
130	3.411	-2.130	2.613	3.413	-2.194	2.615
140	3.560	-2.727	2.298	3.563	-2.728	2.250
150	3.662	-3.189	1.841	3.681	-3.188	1.841
160	3.733	-3.606	1.294	3.773	-3.546	1.290
170	3.806	-3.826	0.675	3.832	-3.774	0.685
180	3.857	-3.857	0	3.844	-3.844	0

I. Table 2. Medium Headform - Exterior Dimensions (Continued)

§ 571.218

49 CFR Ch. V (10-1-97 Edition)

Table 2
Medium Headform - Exterior Dimensions (Continued)

D	Level +1 Z=0.500			Level +2 Z=1.000		
	R	X	Y	R	X	Y
0	3.630	3.630	0	3.665	3.665	0
10	3.601	3.743	0.980	3.613	3.628	0.627
20	3.725	3.500	1.274	3.564	3.340	1.216
30	3.687	3.106	1.794	3.438	2.976	1.718
40	3.389	2.604	2.186	3.271	2.506	2.103
50	3.205	2.090	2.466	3.102	1.994	2.376
60	3.044	1.522	2.636	2.939	1.480	2.603
70	2.927	1.001	2.761	2.864	0.976	2.802
80	2.851	0.497	2.818	2.792	0.486	2.750
90	2.856	0	2.854	2.783	0	2.783
100	2.897	-0.608	2.863	2.832	-0.482	2.789
110	3.007	-1.029	2.826	2.938	-1.006	2.761
120	3.176	-1.388	2.751	3.102	-1.561	2.686
130	3.372	-2.188	2.660	3.294	-2.117	2.623
140	3.620	-2.897	2.353	3.453	-2.649	2.216
150	3.643	-3.195	1.822	3.564	-3.067	1.762
160	3.728	-3.603	1.275	3.637	-3.418	1.244
170	3.777	-3.720	0.660	3.676	-3.619	0.638
180	3.782	-3.782	0	3.670	-3.670	0

D	Level +3 Z=1.490			Level +4 Z=1.990		
	R	X	Y	R	X	Y
0	3.419	3.419	0	3.061	3.061	0
10	3.362	3.331	0.987	3.036	2.989	0.527
20	3.299	3.100	1.128	2.966	2.787	1.014
30	3.197	2.769	1.690	2.872	2.487	1.436
40	3.062	2.336	1.982	2.754	2.110	1.770
50	2.911	1.871	2.230	2.642	1.688	2.024
60	2.788	1.363	2.413	2.522	1.261	2.184
70	2.700	0.804	2.537	2.477	0.847	2.328
80	2.647	0.490	2.637	2.442	0.424	2.405
90	2.636	0	2.696	2.442	0	2.442
100	2.691	-0.467	2.660	2.482	-0.403	2.454
110	2.796	-0.966	2.627	2.599	-0.889	2.442
120	2.961	-1.481	2.564	2.768	-1.379	2.366
130	3.147	-2.023	2.411	2.936	-1.867	2.249
140	3.301	-2.629	2.122	3.081	-2.360	1.980
150	3.408	-2.961	1.794	3.176	-2.751	1.688
160	3.479	-3.289	1.190	3.230	-3.036	1.106
170	3.514	-3.481	0.610	3.270	-3.220	0.609
180	3.562	-3.562	0	3.271	-3.271	0

J. Table 2. Medium Headform – Exterior Dimensions (Continued)

Nat'l Highway Traffic Safety Admin., DOT

5 571.218

Table 2
Medium Headform – Exterior Dimensions (Continued)

θ	Level +5 Z=2.250			Level +6 Z=2.000		
	R	X	Y	R	X	Y
0	2.526	2.526	0	1.798	1.798	0
10	2.621	2.483	0.483	1.798	1.771	0.312
20	2.464	2.315	0.843	1.757	1.661	0.601
30	2.287	2.067	1.194	1.719	1.489	0.890
40	2.205	1.798	1.482	1.676	1.285	1.079
50	2.232	1.435	1.710	1.632	1.062	1.266
60	2.174	1.067	1.889	1.641	0.821	1.421
70	2.144	0.733	2.015	1.645	0.563	1.548
80	2.132	0.370	2.100	1.673	0.291	1.648
90	2.147	0	2.147	1.712	0	1.712
100	2.213	-0.384	2.175	1.809	-0.314	1.792
110	2.316	-0.792	2.178	1.926	-0.668	1.809
120	2.463	-1.232	2.133	2.066	-1.033	1.795
130	2.624	-1.687	2.010	2.213	-1.423	1.696
140	2.793	-2.117	1.778	2.398	-1.806	1.516
150	2.863	-2.479	1.432	2.469	-2.138	1.235
160	2.919	-2.743	0.998	2.506	-2.383	0.867
170	2.954	-2.908	0.513	2.561	-2.532	0.445
180	2.958	-2.998	0	2.596	-2.556	0

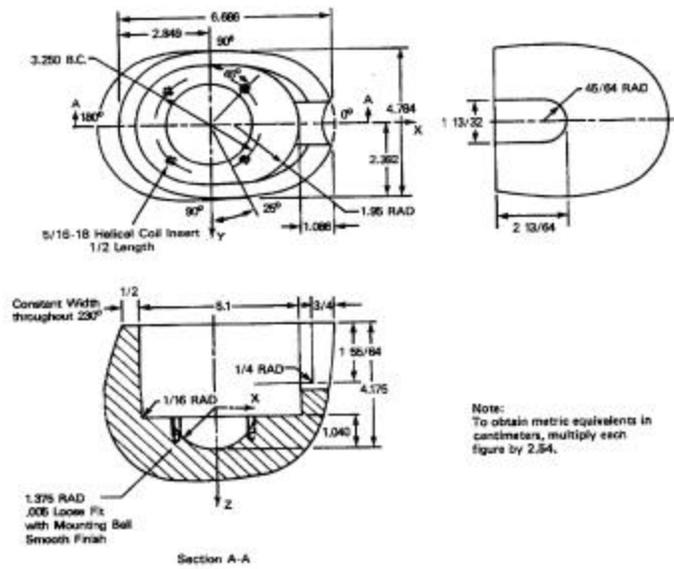
θ	Level +7 Z=2.750			Notes:
	R	X	Y	
0	1.061	1.061	0	1. Apex is located at (-0.75, 0, 3.521) for (X,Y,Z) or (0.75, 180, 3.021) for (R, θ, Z). 2. Center of ear opening is located at (0.40, 2.78, -2.58) for (X,Y,Z) or (2.80, 61.5, -2.58) for (R,θ,Z). 3. Scale all dimensions by 0.8941 for small headform. 4. Scale all dimensions by 1.089 for large headform. 5. Headform is symmetrical about the mid-sagittal plane. 6. Units: R,X,Y,Z = inches. θ = degrees. 7. To obtain metric equivalents in centimeters, multiply each figure by 2.54.
10	1.068	1.072	0.189	
20	1.095	0.991	0.361	
30	1.039	0.900	0.520	
40	1.039	0.796	0.668	
50	1.052	0.675	0.806	
60	1.068	0.534	0.925	
70	1.106	0.378	1.039	
80	1.171	0.203	1.153	
90	1.242	0	1.242	
100	1.422	-0.247	1.400	
110	1.499	-0.509	1.388	
120	1.683	-0.842	1.458	
130	1.801	-1.168	1.390	
140	1.954	-1.497	1.256	
150	2.082	-1.804	1.042	
160	2.138	-2.009	0.731	
170	2.175	-2.142	0.378	
180	2.175	-2.175	0	

K. Figure 6. Small Headform - Interior Design

§ 571.218

49 CFR Ch. V (10-1-97 Edition)

Figure 6
Small Headform - Interior Design

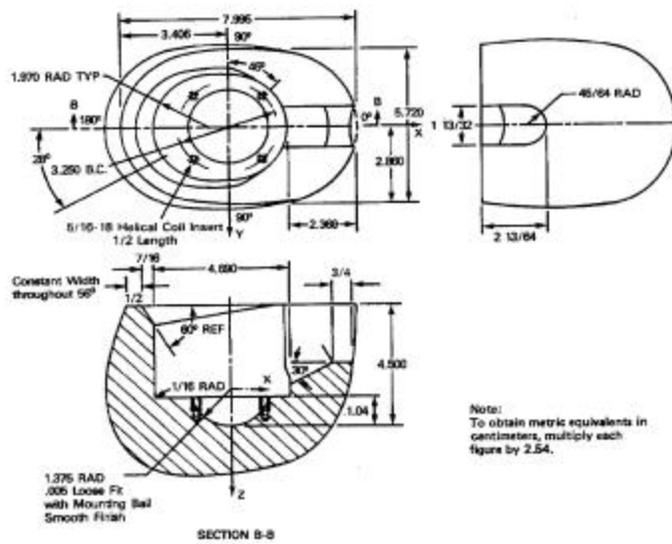


L. Figure 7. Medium Headform - Interior Design

Nat'l Highway Traffic Safety Admin., DOT

§ 571.218

Figure 7
Medium Headform - Interior Design



AUTHORITY NOTE: Promulgated in accordance with R.S. 32:190.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:68 (January 2001).

Jerry W. Jones
Undersecretary

0101#045

RULE

**Department of Social Services
Office of Family Support**

**Support Enforcement Services CTax Refund Offset
(LAC 67:III.2529 and 2531)**

The Department of Social Services, Office of Family Support, has amended the Louisiana Administrative Code, Title 67, Part III, Subpart 4, Support Enforcement Services (SES), the child support enforcement program.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 4. Support Enforcement Services

Chapter 25. Support Enforcement

Subchapter I. Tax Refund Offset

§2529. State Tax Refunds

A. SES will request withholding of any state income tax refunds due to individuals who have child support arrearages in excess of \$50. Support payments received through state

tax intercept will be distributed in accordance with federal regulations.

B. SES will charge a \$2.75 fee to non-FITAP custodial parents for each successful state tax refund offset of \$4 or more. This fee will reimburse SES for intercept fees paid to the Department of Revenue and Taxation. The fee charged for the state tax offset will be deducted from the child support checks issued by SES. The noncustodial parent will be given credit for the amount of the check before the fee deduction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 47:299.1 et seq., 45 CFR 303.102, P.L. 104-193 and P.L. 105-33.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 10:916 (November 1984), amended by the Department of Social Services, Office of Family Support, LR 17:388 (April 1991), LR 27:81 (January 2001).

§2531. Advance Notice of State Tax Refund Interception

A. SES will send an advance notice to each noncustodial parent owing past-due child support whose name is submitted for interception of state tax refund. This notice will advise the noncustodial parent of the right to administrative review if the state tax information is contested.

AUTHORITY NOTE: Promulgated in accordance 45 CFR 303.102, P.L.104-193 and P.L. 105-33.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 11:1152 (December 1985), amended by the Department of Social Services, Office of Family Support, LR 27:81 (January 2001).

J. Renea Austin-Duffin
Secretary

0101#040