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Executive Orders

EXECUTIVE ORDER EWE-79-3

WHEREAS, due to natural and incidental man-made catastrophes and disaster which have resulted and will continue to result from the torrential rains, high water levels, and flooding of certain areas of the State of Louisiana, causing, or threatening to cause widespread and severe damage and injury, including loss of life or property; and

WHEREAS, persons and property in and near False River in Pointe Coupee Parish may be victimized or threatened by such catastrophes and disaster; and

WHEREAS, the seriousness of the current emergency has been publicly announced by the Police Jury of Pointe Coupee Parish, Louisiana, with the request that specific emergency action be taken; and

WHEREAS, when such conditions exist and valid requests are made to him, it is necessary and appropriate, under the Constitution and laws of this state, for the Governor to take such action as he considers necessary and appropriate to protect lives and property to the end that existing hazards and dangers will be decreased and hopefully eliminated; and

WHEREAS, power boat navigation on False River during this time of crisis can only serve to cause damage and injury and to maintain the level of or to increase existing hazards and danger to life and property; and

WHEREAS, the Chief Executive of Louisiana is required to act in the public interest in times of emergency, catastrophe, and disaster.

NOW, THEREFORE, by virtue of the powers vested in me to preserve law and order and to curtail and reduce the injury and damage to persons and property resulting from catastrophe and disaster, I, EDWIN EDWARDS, acting under the authority granted to me and the duties imposed upon me by Article 4, Sections 5(A) and (J) of the Louisiana Constitution of 1974, Act 636 of 1974 as amended by Section 1 of Act 645 of 1975 (The Louisiana Disaster Act of 1974), do hereby, and for an indefinite period not to exceed thirty days from this date, order and proclaim that power boat navigation on False River be, and the same is, hereby prohibited.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to have affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 25th day of April, A.D. 1979.

Edwin Edwards
Governor of Louisiana

EXECUTIVE ORDER EWE-79-4

WHEREAS, due to natural and incidental man-made catastrophes and disasters which have resulted and will continue to result from the torrential rains, high water levels, and flooding of certain areas of the State of Louisiana, causing, or threatening to cause widespread and severe damage and injury, including loss of life or property; and

WHEREAS, citizens of these areas have been or will be driven from their homes; and

WHEREAS, the State and Federal governments have declared these areas a major disaster; and

WHEREAS, when such conditions exist, it is necessary and appropriate, under the Constitution and laws of this state, for the Governor to take such action as he considers necessary and appropriate to protect lives and property to the end that existing hazards, danger, and delays will be decreased and hopefully eliminated; and

WHEREAS, the Chief Executive of Louisiana is required to act in the public interest in times of emergency, catastrophe, and disaster.

NOW, THEREFORE, by virtue of the powers vested in me to preserve law and order, to curtail and reduce injury and damage to persons and property resulting from catastrophe and disaster, and to expedite relief, I, EDWIN EDWARDS, acting under the authority granted to me and the duties imposed upon me by Article 4, Sections 5(A) and (J) of the Louisiana Constitution of 1974, Act 636 of 1974 as amended by Section 1 of Act 645 of 1975 (The Louisiana Disaster Act of 1974) do hereby, and for an indefinite period not to exceed thirty days from this date, for the purposes of administering the Temporary Housing Program, suspend all provisions of any regulatory statutes prescribing the procedures for purchases of services, supplies, and equipment.

IN WITNESS WHEREOF, I have hereunto set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 3rd day of May, A.D. 1979.

Edwin Edwards
Governor of Louisiana

Policy and Procedure Memoranda

Office of the Governor
Division of Administration
Policy and Procedure Memorandum No. 49 (Addendum)

Subject: State General Travel Regulations
Effective Date: May 1, 1979

This addendum is to amend the following subsections of Section VI of the General Travel Regulations (PPM 49):

Section VI, A.1. - to change authorized mileage reimbursement from 16 cents per mile to 19 cents per mile.

Section VI, B.1. - to change the amount allowable for meals while on in-state travel status from \$11.00 per day to \$13.50 per day allocated as follows:

Breakfast	\$ 3.00
Lunch	3.50
Dinner	7.00
	<u>13.50</u>

Section VI, B.3 - to change the allowable reimbursement for in-state lodging from an amount not to exceed \$20.00 (plus tax) per day to an amount not to exceed \$25.00 (plus tax) per day. An exception will be made for lodging in the New Orleans Metropolitan Area (Orleans and Jefferson Parishes), where allowable reimbursement will be increased from an amount not to exceed \$25.00 (plus tax) per day, to an amount not to exceed \$35.00 (plus tax) per day.

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Section VI, C.1. - to change the amount allowable for meals while on out-of-state travel status from \$11.00 per day to \$15.00 per day allocated as follows:

Breakfast	\$ 3.00
Lunch	4.00
Dinner	8.00
	\$15.00

Section VI, C.3. - to change the allowable reimbursement for out-of-state lodging from an amount not to exceed \$25.00 (plus tax) per day to an amount not to exceed \$35.00 (plus tax) per day.

These increases are to be implemented only if adequate funds are available in the state agency's current operating budget.

Note: The Division of Administration is in the final stages of a complete review of the current travel regulations. A new Fiscal Policy and Procedure Memorandum covering travel regulations will be issued by June of 1979 to become effective July 1, 1979.

Charles E. Roemer, II
 Commissioner of Administration and
 Executive Assistant to the Governor

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

Effective April 26, 1979, the State Board of Elementary and Secondary Education has exercised those powers conferred by the emergency provisions of the Administrative Procedures Act, R.S. 49:953B, to adopt Standards for Elementary Summer Schools. This action has been taken because standards which presently exist do not sufficiently address elementary summer schools and are inflicting undue hardship on local systems, and because, in terms of timing, the Board must issue these standards prior to the planning for summer schools in order to protect the welfare of the children of Louisiana.

Rule 4.01.60 Standards for State Approved Elementary Summer Schools

The following regulations govern the operation of approved summer programs in elementary schools.

Purpose.

1. To enable students who have failed in subjects to remove deficiencies and be considered for promotion to the next grade.
2. To enable students to become stronger in subjects where a need has been recognized.
3. To enable students to participate in offerings that are not provided in the regular curriculum during the school year.

Administration.

1. A summer school shall be organized and operated under the administrative and supervisory control of the chief administrative officer of the school system.
2. Summer school shall be conducted in an approved school building.
3. The Local Education Agency (LEA) will set up policies that will control requirements for satisfying successful completion of subjects offered.
4. Summer schools shall be operated under the direct supervision and administration of the LEA. However, summer

schools having seven or more teachers shall have a certified principal.

Application.

1. The LEA shall apply to the State Department of Education for approval of each summer school program.
2. An application for approval of each summer school's offering shall be filed no later than the end of the first week after the summer session begins.

3. The application forms, provided by the State Department of Education, shall be submitted to the director of the Bureau of Elementary Education.

4. The application shall carry the approval of the chief administrative officer of the school system, and the principal of the summer school, if applicable.

5. In order for summer schools to be accepted, an on-site evaluation shall be made by personnel from the State Department of Education to verify information submitted on the report and to evaluate the quality of the instructional program.

Faculty.

1. Certification of the faculty shall be equal to that required during the regular session for subjects offered for removal of deficiencies.

2. The teaching load shall not exceed twenty students per class.

3. A teacher shall not teach for more than four clock hours daily.

Instruction.

1. A teacher will be allowed to teach only one subject for removal of deficiencies or remediation during a single time period.

2. A student attending summer school for promotional purposes cannot enroll for more than two subjects.

3. The library or library books as well as all regular teaching aids and equipment shall be available for summer school use.

4. Textbooks, supplementary materials and supplies adequate for effective instruction shall be provided.

a. Textbooks used during the summer school shall be chosen from the state approved list.

b. No fee shall be charged for textbooks used during summer school.

Attendance.

1. The minimum attendance for an elementary student to receive credit or pass a subject shall be sixty hours for one subject.

2. Students attending summer school for promotional purposes must have written consent by the principal of the last school he attended.

3. The LEA may impose a more strict minimum attendance policy.

Time Requirements.

1. A summer school term shall be operated for a minimum period of thirty-five days (five days per week for seven weeks).

2. Daily time requirements as follows:

Program	35 Days	Total Hours
Removal of Deficiencies	120 min. per subject	70
Remedial/Enrichment	90 min. per subject	52

Deviations. Deviations from the above time allotments and/or policies must be approved by the State Department of Education.

James V. Soileau, Executive Director
 Board of Elementary and Secondary Education

Rules

RULES

Department of Agriculture Office of Agricultural and Environmental Sciences Seed Commission

Tagging of all Classes of Certified Seed

In accordance with the provisions of the Revised Statutes of 1950, Title 3, Part I, Chapter 11, as amended by Act 439 of 1954, the following regulation is prescribed concerning the sampling and tagging of certified seed of all classes, Breeder, Foundation, Registered, and Certified, of all crops from which such certified seed is produced in Louisiana. This regulation is supplemental and does not supersede or cancel paragraphs covering sampling and tagging contained in the individual regulations governing the different crops.

The purpose of this proposed regulation is to increase the effectiveness of the certified seed tag by providing an inspection system to eliminate abuse of the tagging privilege and to be sure that the tags issued are applied to the seed from which the certified samples are drawn.

I. Definition of terms.

A. "Certified Laboratory Sample" shall mean the sample drawn by inspectors of the Louisiana Seed Commission after a lot of seed has been cleaned and bagged, to determine if it meets the laboratory certification standards of the particular class of seed and crop in question.

B. "Marking" shall mean the identification of the sacks by lot number either by stenciling the sacks or by sewing into the sacks a tag with the lot number printed on it.

C. "Lot" shall mean the permanent identity given to a certain quantity of seed entered for certification, which is uniform in its quality, and was produced in its entirety from one field or unit of land.

II. Size of lot entered for certification. A lot of clean bagged seed from which a laboratory sample is to be drawn shall consist of no more than 108,000 pounds or 1,500 bags, whichever is smaller.

III. Marking of lots. Any individual, firm, or corporation applying for certification of seed must, at the time of cleaning, processing, and bagging of a lot of certified seed, immediately assign a lot number to each lot and mark the bags with the lot number. This must be done before the Seed Commission Inspector will take a laboratory sample of the lot of seed. The lot must be stacked so as to permit the inspector to make an accurate count of the bags in the lot.

IV. Tagging requirements.

A. Before any seed sold as certified seed leaves the premises of the certified grower or processor of certified seed, each bag must be tagged and sealed with the official seal, and the lot numbers on the certified tags must conform to the lot numbers already marked on the bags.

B. All unused certified tags must be returned to the certifying agency or destroyed in the presence of an inspector of the certifying agency.

V. Tagging records and inspection privileges.

A. Every certified grower or processor of certified seed must maintain for every lot of certified seed for which tags are received, an inventory record and record of disposition. These records must be kept for a period of at least one year. This record shall show every shipment of each lot of certified seed to which tags are affixed, and the name of the party to whom each delivery was made.

B. The above records shall be made available to certification inspectors at all times. Evidence to support these records must also be made available in the form of permitting the inspector to see the actual seed, if the inventory record shows it to be still on hand, to see the actual tags if the record shows them not to have been affixed to bags, and to see invoices or delivery records attesting to the shipments or disbursements claimed on the inventory records.

VI. Penalties. Breeders, Foundation, Registered, or Certified seed which has been mistagged in violation of this regulation and/or the individual crop regulation with reference to tagging, shall be placed on stop sale until all certified tags or other identification as certified seed has been removed and the tags destroyed. Any person, firm, or corporation found guilty of violating the provisions of this regulation shall be subject to the penalties provided for by the Revised Statutes of 1950, Title 3, Part I, Chapter 11, Section 1447.

VII. The above regulation may be revised or amended at any time that conditions warrant.

VIII. The above regulation shall be effective on and after May 20, 1979.

* * * *

Bulk Sampling of Certified Small Grain, Soybean, and Rice Seed

In accordance with the provisions of the Revised Statutes of 1950, Title 3, Part I, Chapter 11, as amended by Act 439 of 1954, the following regulation is prescribed governing all classes of certified seed. This regulation is supplemental and does not supersede or cancel paragraphs covering sampling and tagging contained in the individual regulations governing the different crops.

The purpose of this regulation is to retain the effectiveness of the certified seed tag while providing the seedsman with a means of having his certified seed sampled in bulk.

I. Type of storage facility. Any storage facility suitable for storing and maintaining germination and varietal purity will be acceptable provided it is so constructed that a representative sample can be drawn.

II. Sampling procedure.

A. Sampling cleaned seed. Sampling from top of grain only. In facilities that lend themselves to drawing a sample from the top of the grain only, the grain depth should be no greater than can be sampled with sampling equipment being used. All of the samples shall be taken at each four foot depth. All of the samples from a bin will be submitted to the State Seed Laboratory at the same time, labeled so as to identify the bin from which they were drawn and serially numbered. If any one of these samples fails germination by more than the established tolerance (three percent), the entire bin fails for certification in bulk. If any one sample fails by three percent or less and all samples average eighty percent or better, the bin can be certified in bulk.

The same requirements for certification in bulk will apply for other mechanical or quality standards.

After the seed has passed laboratory tests, appropriate tags can be issued based on the estimated quantity of seed in the lot as determined by the inspector at the time of sampling. The inspector's report should show the size bags the seed will be put in, i.e., fifty pounds, one hundred pounds, etc. After the seed has been bagged and tagged, the number of bags must be counted by the inspector. The inspector should pick up any surplus tags issued based on estimated quantity and destroy them.

B. Sampling uncleaned seed. If a producer so desires, he can have uncleaned seed officially sampled by following this procedure:

1. A certified sample of uncleaned seed can be drawn for purposes of determining moisture content and germination percentage only.

2. After the seed has been cleaned, a second certified sample must be drawn on the same lot for purity testing.

3. If a lot of seed is favorable for certification (based on these two samples), seed tags can be issued.

The time between the drawing of the first certified sample and the second certified sample must not be over sixty days. If it is, the germination percentage found on the first sample will not be valid.

III. Moisture content. No lot of seed that has been sampled in bulk will be eligible for certification if the moisture content as determined by the State Seed Laboratory is over 12.5 percent or 13.5 percent for rice. Moisture content should be determined as soon as the sample is received in the laboratory. When two samples are submitted under the uncleaned seed provision, moisture content must be determined on the first sample. Samples drawn from bulk seed should be sent to the State Seed Laboratory in moisture-proof containers. Satisfactory moisture-proof containers must be furnished by the person desiring to have his seed sampled in bulk.

IV. Penalties. Any person, firm or corporation found guilty of violating the provisions of this regulation shall be subject to the penalties provided for by the Revised Statutes of 1950, Title 3, Parts I, II, and III, Chapter 11.

V. The above regulation may be revised or amended at any time that conditions warrant.

VI. The above regulation shall be effective on and after May 20, 1979.

* * * *

Amendment to Louisiana Seed Law Regulations

Section VI. List and Limitations of Noxious Weed Seed (Section 1433)

Name	Limitations
1. Field Bindweed (<i>Convolvulus arvensis</i>)	Prohibited
2. Hedge Bindweed (<i>Convolvulus sepium</i>)	Prohibited
3. Nutgrass (<i>Cyperus esculentus</i> , <i>C. rotundus</i>)	Prohibited
4. Wild Onion and/or Wild Garlic (<i>Allium sp.</i>)	9 per lb.
5. Johnson Grass (<i>Sorghum halepense</i>)	100 per lb.
6. Blueweed, Texas (<i>Helianthus ciliaris</i>)	200 per lb.
7. Dodders (<i>Cuscuta sp.</i>)	100 per lb.
8. Canada Thistle (<i>Cirsium arvense</i>)	100 per lb.
9. Quack Grass (<i>Agropyron repens</i>)	100 per lb.
10. Russian Knapweed (<i>Centaurea repens</i>)	100 per lb.
11. Bermuda Grass (<i>Cynodon dactylon</i>)	300 per lb.
12. Cheat or Chess (<i>Bromus secalinus</i> , <i>B. commutatus</i>)	300 per lb.
13. Darnel (<i>Lolium temulentum</i>)	300 per lb.
14. Corncockle (<i>Agrostemma githago</i>)	300 per lb.
15. Horsenettle (<i>Solanum carolinense</i>)	300 per lb.
16. Purple Nightshade (<i>Solanum elaeagnifolium</i>)	300 per lb.
17. Buckhorn Plantain (<i>Plantago lanceolata</i>)	300 per lb.
18. Bracted Plantain (<i>Plantago aristata</i>)	300 per lb.
19. Dock (<i>Rumex sp.</i>)	300 per lb.
20. Sheep Sorrel (<i>Rumex acetosella</i>)	300 per lb.
21. Red Rice (<i>Oryza sativa var.</i>)	9 per lb.
22. Cocklebur (<i>Zanthium sp.</i>)	5 per lb.
23. Purple Moon Flower (<i>Ipomoea turbinata</i>)	9 per lb.
24. Spearhead (<i>Rhynchospora sp.</i>)	5 per lb.
25. Balloon Vine (<i>Cardiospermum halicacabum</i>)	18 per lb.
26. Morning Glory (<i>Ipomoea spp.</i>)	Name and number per lb. on label
27. Wild Poinsettia (<i>Euphorbia heterophylla</i> , <i>E. dentata</i>)	Name and number per lb. on label
Sum total noxious weed (Subject to above limitations)	500 per lb.

Limitations on noxious and prohibited weeds are listed on individual certified crop seed regulations. Noxious weed seed tolerance of one for regulatory action on certified seed being offered for sale in Louisiana for those noxious weed seed which are prohibited by the Louisiana Certified Seed Regulations for the specific seed kind in question.

Richard Carlton, Secretary
Seed Commission

RULE

**Department of Commerce
Racing Commission**

§ 30.9 The State Steward shall lock all pari-mutuel ticket issuing machines and sound the "off" bell when the horses leave the starting gate. The horses shall be at the starting gate at post time, which shall not be changed after the horses leave the paddock. The starter shall immediately load the horses in the starting gate and start the horses as soon as possible thereafter in order to avoid delay. The State Steward, or the acting State Steward, may delay compliance with this rule in unusual circumstances. At the discretion of the State Steward, the ticket issuing machines may be unlocked prior to the declaration that the result of the race is official. However, in no case shall the mutuel cashiers' windows be opened until after the declaration that the result of the race is official.

Albert M. Stall, Chairman
Racing Commission

RULE

Board of Trustees for State Colleges and Universities

Section 2.10B of the General Operating Procedures is amended to read as follows:

B. Faculty Advisory Council (FAC). A college and university faculty advisory council shall be created and shall consist of one faculty representative from each of the colleges and universities. The representative and one alternate shall be selected by the faculty senate of each institution.

Bylaws:

The FAC will elect a chairman, vice-chairman and a secretary in the fall of each year. Other officers may be selected or appointed by the chairman as deemed necessary by the FAC.

The institution from which the FAC chairman is elected will provide sufficient funds to defray travel expenses of the chairman, who will represent the faculties at Board meetings.

Each institution will pay expenses of the faculty representative or the alternate to the FAC meetings and to meetings of the Board of Trustees at which their presence is requested by the Board

Bill Junkin, Executive Director
Board of Trustees for State Colleges and Universities

RULE

Board of Elementary and Secondary Education

Rule 3.03.10.c

The Board adopted a policy whereby all evening extension programs conducted by vocational-technical schools must be approved by the Department of Education before the program can be started in the vocational-technical school.

James V. Soileau, Executive Director
Board of Elementary and Secondary Education

RULES

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

Policies

1. State and local criminal justice agencies, local governmental units and private, nonprofit organizations are eligible to apply for Law Enforcement Assistance Administration (LEAA) funding in Louisiana. However, private, nonprofit organizations must apply through units of local government and/or state, or local criminal justice agencies, or such organizations must furnish security in the form of a surety bond in the amount of the grant. This bond must be approved by the Commission General Counsel. Applications of private, nonprofit organizations must be accompanied by written agreements between the organization and the appropriate criminal justice system referral sources. Ongoing Juvenile Justice and Delinquency Prevention (JJDP) projects are exempted from this policy until Fiscal Year (FY) 1980. Any project receiving FY 1980 funds is subject to this policy.

2. Eligible agencies (this includes state and local law enforcement, prosecutory, judicial, correctional, and juvenile criminal justice agencies) who fail to respond to the State Planning Agency's (SPA) annual surveys or fail to report criminal statistical data when required by state and federal statute or by Louisiana Commission on Law Enforcement (LCLE) request, will be ineligible for any LEAA funding. Any agency failing to report nine or more months of computer acceptable reports of the Uniform Crime Reporting (UCR) Program is ineligible. Such ineligibility will apply to the fiscal year following such failure to report.

3. In order to prevent duplication and to promote cooperative efforts and coordination, LCLE will not fund like projects to eligible agencies serving the same geographical jurisdiction during the same project period.

4. No construction projects will be funded with Part C and Part E funds. JJDP funds may be utilized in construction provided that any project totaling more than five thousand dollars must be matched fifty-fifty.

5. All Part C, Part E and JJDP action grants may be canceled if not commenced by the subgrantee within ninety days of the date of Commission award. Commenced shall be understood to mean that the project has begun to meet its grant timetable and objectives as adjudged by the Evaluation Committee.

6. Diminished support for all continuing projects will be determined by the following schedule:

First Year Awards--These projects will be funded with ninety percent federal funds and a minimum ten percent cash match.

Second Year Awards--These projects will be eligible for a maximum of seventy-five percent of their first year's federal fund award. This amount must be matched with a minimum of ten percent cash match.

Third Year Awards--These projects will only be eligible for a maximum of sixty percent of their first year's federal fund award. This amount must then be matched with a minimum of ten percent cash match.

Multi-year projects in general will be eligible for a maximum of three years or thirty-six months of federal fund support. However, a project may be extended for a period of no more than six months. Extensions may be granted during any funding period provided the aggregate extension amounts to no more than six months.

Noncontinuation, one-time grants may be extended for no more than six months.

Certain project categories are exempt from the above restrictions as to the length of time they may receive funding support and the amount of yearly support:

a. State agency and regional block training grants. (Specialized inter-agency training projects remain subject to the three-year support limitation.)

b. Information systems which require extensive hardware acquisition and/or lengthy implementation periods.

c. Planning support for Criminal Justice Coordinating Councils. SPA jail monitoring personnel and evaluations.

7. "Indirect Costs" are allowed on projects not to exceed ten percent of direct labor costs including fringe benefits, or five percent of total direct costs. However, in any event, the application must provide a definite indication that indirect expenses exist and that the allowance approximates what indirect expenses will be for the project.

8. The Commission, in the course of funding projects, will fund only one retirement and one health and hospitalization insurance program, notwithstanding the fact that another program or retirement system may be funded by some other source; but in no event should the additional funds provided for insurance or retirement be used as match for a project. In any event, "fringe" benefits shall be limited to no more than twenty-five percent of salary costs. An exception to this is when employees are covered by workmen's compensation. This policy would take effect July 1, 1979, and be applicable to all funding years.

9. No training funds shall be spent for activities other than structured meetings or conferences for which agendas may be provided. In addition, training funds specifically shall not be used to reimburse personnel for visits to other jurisdictions for nonspecific training purposes or on-site visits. It is the intent of the Commission to utilize its training funds to best advantage as well as to be able to evaluate the programs and monitor the training.

10. Members or participants attending meetings of boards, committees, councils, commissions, etc., may not be paid per diem, travel, subsistence, or other related expenses from LEAA federal block funds or funds used as minimum match for a grant.

11. The Commission shall determine an appropriate length for a project prior to funding any portion of the project. Any project may be terminated if:

a. The level of federal funding to the state under the JJDP Act or Crime Control Act is decreased materially.

b. The applicant fails to comply with the terms and conditions of the award.

c. The applicant fails to receive a satisfactory evaluation/monitoring or auditing report.

12. Any publications promulgated as a result, in whole or in part, through the use of LEAA funds, excluding reports generated through the use of Part B funds, must bear a prominent statement to the effect: "This publication was made possible through the use of LEAA funds allocated by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice." Twenty-five copies must be supplied to the Commission upon request.

13. Any attorney employed under a grant from the Louisiana Commission on Law Enforcement may engage in the practice of law in civil cases and matters. The grant application and progress reports must demonstrate that their primary responsibility shall be to the position that they hold under the grant.

14. To be eligible, project applications must certify and provide such documentation as to clearly indicate LEAA federal funds will not be used to supplant any activity, or portion thereof, for which other state or local appropriations have been made or may be reasonably assured of being received. Where such appropriations are received unexpectedly during the life of a project, immediate notification must be submitted to LCLE with a revised project application for approval demonstrating the manner in which federal monies will be used to supplement (rather than supplant) the activities for which state or local appropriations have been received.

15. Applications received at the SPA on or before the fifteenth of the month will be presented at the Commission meeting of the following month. This allows a sufficient period of time for the SPA staff to review the applications and compile the information for packet mailout.

16. Appeals Procedure: When an application for funding is rejected by the Commission, or when an approved subgrant is discontinued, the applicant or subgrantee may appeal the decision of the Commission by filing a notice of appeal with the SPA at the recognized business address (1885 Wooddale Boulevard, Room 615, Baton Rouge, Louisiana 70806). The notice of appeal must be by certified mail and must be filed no later than fifteen business days after receipt of the notice of denial by the applicant or subgrantee.

Upon receipt of the notice of appeal by the SPA, the Executive Director will notify the appropriate Commission Committee that an appeal hearing will be held on the date of the next regularly scheduled Commission meeting. The appropriate committee will be that committee whose substantive area of criminal justice activity most closely relates to the application or subgrant. The Executive Director shall designate the time and place of the meeting, and a copy of the notice shall be sent to the applicant or subgrantee.

On the date of the next regularly scheduled Commission meeting, the appropriate committee shall meet and hear evidence by the applicant or subgrantee relative to reasons the appeal should be granted. The applicant or subgrantee may present as many witnesses as may be necessary to support his appeal, except that the committee chairman may limit the number or time allotted to the witnesses where necessary. The secretary to the Commission shall take minutes of the appeal hearing and the entire hearing shall be recorded. The committee may also request other evidence relating to the application or project.

At the conclusion of the hearing the committee shall present its findings and make recommendations to the Commission.

A vote shall then be taken on the appeal.

In the event the appeal is denied, the applicant or subgrantee may, within fifteen days of the date of denial, file with the Office of the Governor and the SPA a notice of appeal to the Governor. The notice of appeal must be by certified mail.

Upon receipt of the notice of appeal to the Governor, the SPA shall have fifteen days to provide the applicant or subgrantee and the Governor with minutes of the appeal hearing and a copy of the vote of the Commission. The recorded tapes shall also be made available to the Governor at his request.

The results of the appeal to the Governor shall be communicated to the SPA within twenty days.

Nothing herein shall preclude the resubmission of an application through use of regular SPA procedures.

17. All waiver requests must be in writing and must be reviewed by the Priorities Committee. The Committee's recommendation will be forwarded to the full Commission. All waiver requests would require a two-thirds vote for approval.

18. Part C, E and JJDP action grants shall be limited to no more than four months of pre-award costs. The Louisiana Commission on Law Enforcement requires adherence to its monitoring and evaluation requirements. All subgrantees who request pre-award costs will be held accountable for the period to be covered by the pre-award costs.

19. The acquisition of equipment will not be allowed in a grant unless such equipment is "part of a program" or an agency can demonstrate that the acquisition of such equipment provides for agency expansion of services.

20. Requests for auxiliary police will not be considered for funding.

21. No LEAA block monies (including JJDP, Parts B, C and E) may be utilized for travel outside the continental United States (forty-eight contiguous states).

22. The following agencies are ineligible to receive grants from LEAA block funds: (a) university campus police, (b) airport security, (c) hospital security, (d) capitol police, (e) wildlife and fisheries enforcement unit, (f) harbor, river and levee board police, (g) justices of the peace, and (h) park rangers.

23. "Legal advisors" hired under a grant must have at least one year of experience as assistant prosecutors or defense attorneys. The employing agency must have a minimum of seventy-five full-time employees.

24. To be eligible for funding consideration, projects which involve multi-agency agreements and/or operations must include with their applications signed copies of the written agreement between the participating agencies outlined in nature and extent of the cooperative effort. The agreement must also outline what provisions have been made by the participant agencies to assume operating costs of the project upon expiration of federal funding.

25. All JJDP and Part C juvenile applications must be reviewed first by the JJDP Advisory Board prior to review by the full Commission.

26. To be eligible for funding, the Louisiana Department of Corrections must continue to provide "recidivism rates" on a yearly basis.

27. No project supported with Part C or E funds will be eligible to transfer project support to JJDP Act funds or vice versa.

28. All "pure courts" project applications, as defined by the Judicial Planning Committee (JPC), must be reviewed by the JPC prior to submission to the full Commission for review.

29. The Regional Planning Units can serve as subgrantees only when receiving planning grants, block training grants, and research/evaluation grants.

30. No equipment can be purchased with evaluation funds.

31. Prospective noninstitutional based treatment centers should attempt to secure a facility and/or site prior to the awarding of any LEAA funds due to past adverse public opinion of these projects being located in relative proximity of residential areas. If this is not feasible, then the subgrantee should only hire one person on the grant for the purpose of securing a facility and/or site, and establish a definite operational start-up date before any other personnel are hired or before any other funds can be drawn down.

Wingate M. White, Executive Director
Commission on Law Enforcement
and Administration of Criminal Justice

RULES

Office of the Governor Tax Commission

Tax Commission Guideline Manual (Page 2A)

Each individual well must be listed separately by field, lease name, well serial number, lease well number, single or multiple completion, type well (oil or gas—as designated by the Louisiana Department of Conservation), and production depth. The assessment, per foot, shall apply to each producing zone without allowance as to well performance. All permanently abandoned wells shall be reported only the first year after abandonment, however, no assessment shall apply. The Louisiana Department of Conservation's serial number must be provided. A work permit is not acceptable. Production depth explanation is the depth from the surface to the upper perforation in each producing zone in which the well is completed. As an example, a well completed in three zones is a triple completion and will have three different production depths as determined by the depth of the upper perforation of each completion. A per foot assessment shall apply, according to depth, to the upper perforation of each zone.

All surface equipment used in the production, storage, transmission, or sale of the production from all leases must be listed by field and ward, in accordance with the assessor's requirements. Equipment on the lease which is not the reporting responsibility of the reporting agency shall be listed, described and the name and address of the owner of such equipment shall be reported. A well(s) reported with no equipment, or less equipment than usually required, shall be fully explained. Otherwise, equipment will be added and assessed.

LAT 13, Drilling Rig and Related Equipment form, shall be sent in addition to the Form LAT 5 to any company, business, or individual having such property in the parish or taxing district on the assessment date.

LAT 14, Pipelines form, should be furnished to all companies owning and/or operating pipelines other than pipelines which are assessed as public service properties by the Louisiana Tax Commission. This form is considered to be a supplement to LAT 5 and LAT 12.

LAT 15, Aircraft form should be furnished to individuals, partnerships, corporations, associations, etc., owning and/or operating an aircraft in Louisiana as of assessment date. This form is considered to be a supplement to LAT 5.

(Page 3)
Real Property Rules and Regulations

Each assessor shall be responsible for obtaining and keeping an updated *Residential Cost Handbook* and *Marshall Valuation Service*, published by Marshall and Swift. In making the appraisal of residential, commercial, and industrial buildings for 1978, the assessors shall use the building cost index and local multipliers as of October 1, 1976.

The following procedure shall be used for assessing, listing, and placing transferred property and property upon which improvements have been made after the date of the reappraisal as set by the Louisiana Tax Commission.

Improvements shall be added to the rolls January 1 following the year the improvements are completed, Orleans excepted, which shall be August 1, following the year the improvements are completed. Value of the improvements will be indexed to the date of the last reappraisal.

The assessor shall use property transfers to evaluate trends within the assessing district. These trends will be applied by the assessor in reappraising property on the basis of at least every four years or as directed by the Commission. The assessor may reappraise property based on property transfers more often than every four years, if the trends established by the transfers indicate that property value fluctuations are creating inequities within the assessing district by property classifications; however, the reappraisal shall not be applied on a parcel-by-parcel basis, but rather across the board in a given geographical area. Values would be updated and then indexed to the date of the last reappraisal.

The annual report of the Louisiana Tax Commission will be indexed to the date of the last appraisal.

The Louisiana Tax Commission hereby orders that all property be reappraised in all parishes, Orleans excepted, for the 1982 tax year. Property is to be valued as of October 1, 1980. The Louisiana Tax Commission hereby orders all property in the Parish of Orleans be reappraised for the 1983 tax year. Property in Orleans is to be valued as of June 1, 1982.

Russell R. Gaspard, Executive Secretary
Tax Commission

RULES

Department of Health and Human Resources Air Control Commission

Definitions

4.59 Smoke. Any small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon, ash, and other combustible material, and present in sufficient quantity to be observable.

4.65 Submerged Fill Pipe. Any fill pipe the discharge opening of which is entirely submerged when the liquid level is six inches (fifteen centimeters) above the bottom of the tank or when applied to a tank which is loaded from the side, means any fill pipe the discharge opening of which is entirely submerged when the liquid level is eighteen inches (forty-five centimeters) above the bottom of the tank. Any nozzle in full contact with the bottom of the tank being filled shall be considered to meet these requirements. In addition, a nozzle which remains below the surface of the liquid in the tank during all normal operations (nozzle shall not be uncovered more than twice per year) shall be considered to meet these requirements.

4.80 Petroleum Refinery. Any facility engaged in producing gasoline, kerosene, distillate fuels oils, residual fuel oils, lubricants, or other products through distillation of crude oils, or through redistillation, cracking extraction, or reforming of unfinished petroleum derivatives.

4.81 Asphalt. A dark brown to black cementitious material (solid, semisolid, or liquid in consistency) in which the predominating constituents are bitumens which occur in nature as such or which are obtained as residue in refining petroleum.

4.82 Cutback Paving Asphalt. Asphalt cement which has been liquefied by blending with petroleum solvents (diluent). Upon exposure to atmospheric conditions the diluents evaporate, leaving the asphalt cement to perform its function. Products made for this use are designated SC (Slow Cure), MC (Medium Cure) and RC (Rapid Cure) liquid asphalt and are manufactured to meet ASTM specifications D-2026-72, D-2027-72 and D-2028-72 or similar paving asphalt specifications.

4.83 Emulsified Asphalt. An emulsion of asphalt cement and water which contains a small amount of an emulsifying agent; a heterogeneous system containing two normally immiscible phases (asphalt and water) in which the water forms the continuous phase of the emulsion, and minute globules of asphalt form the discontinuous phase.

4.84 Penetrating Prime Coat. An application of low-viscosity liquid asphalt to an absorbent surface. It is used to prepare an untreated base for an asphalt surface. The prime penetrates the base and plugs the voids, hardens the top, and helps bend it to the overlying asphalt course. It also reduces the necessity of maintaining an untreated base course prior to placing the asphalt pavement.

4.85 Automobile. A passenger car or passenger car derivative capable of seating not more than twelve passengers.

4.86 Automobile and Light-Duty Truck Assembly Plant. A facility where automobile and/or light-duty truck bodies, frames and parts are assembled for eventual inclusion into a finished product ready for sale to vehicle dealers excluding the following operations: (1) wheel coatings, (2) anti-rust coatings, (3) trunk coatings, (4) interior coatings, (5) flexible coatings, (6) sealers, (7) plastic parts coatings. Excluded from this definition are customizers, body shops, and other repainters.

4.87 Final Repair. The surface coatings applied to correct top coat imperfections.

4.88 Light-Duty Truck. A motor vehicle rated at 8,500 pounds gross weight or less which is designed primarily for the purpose of transportation of property or is a derivative of such vehicle.

- 4.89 Primer. The first surface coating applied to the surface.
- 4.90 Primer-Surfacer. The surface coating applied over the primer and beneath the top coat.
- 4.91 Top Coat. The surface coating applied for the purpose of establishing the color and/or protective surface, including groundcoat and paint sealer materials.
- 4.92 Bulk Plant. A facility having a daily throughput of 20,000 gallons (76,000 liters) or less of gasoline.
- 4.93 Bulk Terminal. A facility having a daily throughput of more than 20,000 gallons (76,000 liters) of gasoline.
- 4.94 Gasoline. A petroleum distillate having a Reid vapor pressure of 27.6 kPa (four pounds) or greater.

* * * *

6.1 ...Said report shall be prepared in accordance with the general rules, which follow, for submission of industrial waste reports, and no construction or modification or operation of a facility which ultimately may result in emission of air contaminants as defined in Section 4.4 shall be started until the report has been approved, an appropriate permit fee paid (for applications made after July 1, 1979), and a certificate of approval (permit) for the work has been received from the Louisiana Air Control Commission....

* * * *

6.11 Interstate Pollution. Each major proposed new or modified source: (1) subject to significant deterioration of air quality review or, (2) which may significantly contribute to levels of air pollution in excess of the national ambient air quality standards in a control region outside Louisiana shall provide written notice to all nearby states, the air pollution levels of which may be affected by such source, at least sixty days prior to the date on which commencement of construction is to be permitted by the Commission.

* * * *

6.6 Public Comment. No permit for new sources or modifications shall be acted upon by the Commission unless:

- (1) The information submitted by the owner or operator and the analysis made by the Commission staff of the effect on air quality is available for public inspection in at least one location in the Air Quality Control Region (AQCR) affected.
- (2) A thirty-day period exists for submittal of public comment.
- (3) A notice by prominent advertisement in the AQCR affected indicating the location of the information described in (1) above is published.

* * * *

17.12 Emission Inventory. Emission Inventory Questionnaire shall be submitted to the Department within ninety days of initial request. An updated report must be submitted semiannually, if there has been any significant change in reported annual emission rates. A significant change is one in which the annual emission rate of any individual emission point changes more than ten percent from reported annual values.

* * * *

17.14 Stack Heights. The degree of emission limitation required in these regulations for control of any air pollutant shall not be affected in any manner by (1) so much of the stack height of any sources as exceeds good engineering practice or (2) any other dispersion technique.

This section shall not apply with respect to stack heights in existence before the date of enactment of the Clean Air Amendments of 1970 or dispersion techniques implemented before such date.

17.14.1 In establishing an emission limitation for coal-fired steam electric generating units which are subject to the provisions of Section 118 of the Federal Clean Air Act and which commenced operation before July 1, 1957, the effect of the entire stack height of stacks for which a construction contract was awarded before February 8, 1974, may be taken into account.

17.14.2 For the purpose of this section:

- (a) The term "dispersion technique" includes any intermittent or supplemental control of air pollutants varying with atmospheric conditions.
- (b) The term "good engineering practice" means with respect to stack heights, the height necessary to insure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source as a result of atmospheric downdraft, eddies and wakes which may be created by the source itself, nearby structures or nearby terrain obstacles. Such height shall not exceed two and a half times the height of such source unless the owner or operator of the source demonstrates, after notice and opportunity for public hearing to the satisfaction of the Louisiana Air Control Commission, that a greater height is necessary as provided under the preceding sentence. In no event may the Louisiana Air Control Commission prohibit any increase in any stack height or restrict in any manner the stack height of any source.

* * * *

17.15 Maintenance of Pay. In the case of any source which uses a supplemental, or intermittent control for the purpose of meeting the requirements of an order under Section 119 (d) or Section 119 (relating to primary nonferrous smelter orders) of the Federal Clean Air Act, the owner or operator of such source may not temporarily reduce the pay of any employee by reason of the use of such supplemental or intermittent or other dispersion dependent control system.

17.16 A facility may propose to the Commission a control plan for any pollutant that sets a mass emission rate equal to the sum of all sources within the facility or any combination of sources within the facility. The facility may control the emissions contained in the proposal any way it deems appropriate as long as the proposed mass emission rate is not violated. The facility will set emission rates for each proposed source within the facility that when accumulated will demonstrate compliance with the mass emission rate.

The Commission shall approve the use of the alternative emission reduction proposal if the facility can demonstrate that the proposal will not interfere with the attainment or maintenance of the ambient air quality standard for the pollutant which the control plan is proposed.

* * * *

18.2 Control of Smoke. The emission of smoke from any combustion unit (other than a flare, as described in Section 18.3 below) or from any type of burning in a combustion unit (other than a flare), including the incineration of industrial, commercial, institutional and municipal wastes, shall be controlled so that the shade or appearance of the emission is not darker than twenty percent opacity as to obscure vision to a degree equivalent to the above except that emitted during the cleaning of a fire box or the building of a new fire, soot blowing or lancing, charging of an incinerator, equipment changes, ash removal and rapping of precipitators may be darker than twenty percent opacity for a period of not more than four consecutive minutes in any one-hour period, (any sixty-minute period commencing on the hour).

* * * *

19.5.1 Control of Particulate Matter and/or Suspended Particulate Matter. The emission of particulate matter and/or suspended particulate matter from any source other than new or existing fluid catalytic cracking unit incinerator-waste heat boilers shall be controlled so that the shade or appearance of the emission is not denser than twenty percent opacity; except that emitted may be denser than twenty percent opacity for a period of not more than four consecutive minutes in any one-hour period, (any sixty-minute period commencing on the hour.)

For new or existing fluid catalytic cracking unit incinerator-waste heat boilers emissions shall not exceed thirty percent opacity ex-

cept that emitted may be denser than thirty percent opacity for one six-minute average per hour without violating this standard.

Emissions already less than that allowed by the process weight rate limitation (Table 3) will be considered by the Technical Secretary for exemption from the provisions of this subsection.

When the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this subsection, this subsection will not apply.

* * * * *

18.6.3 Where the presence of uncombined water or matter other than smoke, as defined in 4.59, is the only reason for failure of an emission to meet the requirements of Section 18.2 of this regulation, Section 18.2 will not apply. In addition, emissions already less than that allowed by Sections 21.3 and 23.4.1 of these regulations shall be considered by the Technical Secretary for exemption from the provisions of this subsection.

* * * * *

In Section 22.3 revise the first sentence to read as follows: No person shall place, store or hold in any new stationary tank, reservoir, or other container of more than 40,000 gallons (151,400 liters) capacity any volatile organic compounds unless such tank, reservoir or other container is a pressure tank capable of maintaining working pressures sufficient at all times under normal operating conditions to prevent vapor or gas loss to the atmosphere or is designed and equipped with a submerged fill pipe and one of the following vapor loss control devices:

* * * * *

In Section 22.3 (b) revise the sentence as follows:

(b) A vapor loss control system, consisting of a vapor gathering system capable of collecting the organic compound vapors and gases and a vapor disposal system capable of processing such organic vapors and gases so as to limit their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

* * * * *

22.5 Volatile Organic Compounds. Any loading facility for volatile organic compounds servicing tanks, trucks or trailers having a capacity in excess of two hundred gallons (seven hundred sixty liters) and having 20,000 gallons (75,700 liters) or more throughput per day, 40,000 gallons (151,400 liters) or more for existing facilities, averaged over any thirty-day period, must be equipped with a vapor collection and disposal system or equivalent means thereof, properly installed, in good working order. Provisions must be made to prevent spills during the attachment and disconnection of filling lines or arms. This section does not apply to crude or condensate loading facilities.

* * * * *

Change the last paragraph of Section 22.3 to read as follows:

This section does not apply to existing storage tanks having a nominal storage capacity of less than 420,000 gallons (1,589,900 liters) of crude or condensate or to new crude or condensate storage capacity of less than 420,000 gallons (1,589,900 liters) unless such new tanks are subject to 40 CFR Part 60 Subpart K. Activities prior to lease custody transfer are exempt from this section.

22.3.1 Any crude or condensate storage tank in an oxidant non-attainment area emitting one hundred tons per year (TPY) or more of volatile organic compounds shall control the emissions as specified in Section 22.3.

* * * * *

22.9(a) Incineration, provided ninety percent of the carbon in the organic compounds being incinerated is oxidized to carbon dioxide (except as provided in 22.9.3(a)).

* * * * *

Revise the first paragraph of Section 22.9.1 to read as follows:

22.9.1 Soldering operations, painting and coating operations, not listed in 22.9.2, and Dry Cleaning Operations Using Organic

Solvents. Soldering operations, painting and coating operations, not listed in 22.9.2 and dry cleaning operations using organic solvents which are not considered photochemically reactive shall be considered for exemption from the requirements of Section 22.9 of the Air Control Commission regulations.

* * * * *

22.9.2 Surface Coating Industries. No person may cause, suffer, allow, or permit volatile organic compound (VOC) emissions from the surface coating of any materials affected by Regulation 22.9.2(a) through (h) to exceed the emission limits as specified in the regulation.

Affected Facility	VOC Emission Limitation	
	Lbs. Per Gal. Of Coating (Minus Water)	KG Per Liter Of Coating (Minus Water)
(a) Large Appliance Coating Industry. The following emission limits shall apply:		
Prime, single or topcoat application area, flash-off area and oven	4.3 ¹ 2.8 ²	0.52 ¹ 0.34 ²
¹ Until Dec. 31, 1981. ² After Dec. 31, 1981.		
(b) Surface Coating of Cans. The following emission limits shall apply:		
Sheet Basecoat (exterior and interior) and over-varnish: Two-piece can exterior (basecoat and over-varnish)	2.8	0.34
Two and three-piece can interior body spray, two-piece can exterior end (spray or roll coat)	4.2	0.51
Three-piece can side-seam spray	5.5	0.66
End sealing compound	3.7	0.44
(c) Surface Coating of Coils. The following emission limits shall apply:		
Prime and topcoat or single coat operation	2.6	0.31
(d) Surface Coating of Paper. The following emission limits shall apply:		
Coating Line	2.9	0.35
(e) Surface Coating of Fabrics. The following emission limits shall apply:		
Fabric Facility	2.9	0.35
Vinyl Coating Line	3.8	0.45
(f) Surface Coating of Assembly Line Automobiles and Light Duty Trucks. The following emission limits shall apply:		
Prime application, flash-off area and oven	1.2	0.14
Primer surfacer application flashoff area and oven	2.8	0.34
Topcoat application, flashoff area and oven	2.8	0.34
Final repair application, flashoff area and oven	6.5 ¹ 4.8 ²	0.79 ¹ 0.58 ²
¹ Until Dec. 31, 1981. ² After Dec. 31, 1981.		
(g) Surface coating-magnetic wire coating.		
Coating Line	1.7	0.20

(h) Surface Coating of Metal Furniture. Volatile organic compound emissions from metal furniture coating lines shall not exceed three pounds per gallon (0.36 kg/liter) of coating (minus water).

22.9.3 Control Techniques.

(a) If add-on controls such as incinerators or vapor recovery systems are used to comply with the emission limitation requirements, the volatile organic compound capture and abatement system shall be at least eighty percent efficient overall, (sixty-five percent with energy recovery). All surface coating facilities shall submit to the Technical Secretary for his approval design data for each capture system and emission control device which is proposed for use. (Example: A line using an eighty percent effective control device with a coating containing 8.5 pounds per gallon of VOC shall be considered to meet a 1.7 pound gallon emission limitation).

(b) If a person wishes to use low solvent technology to meet any of the emission limits specified in Regulation 22.9.2(a) through (h) and if the technology to be used for any particular application is not now proven but is expected to be proven in a reasonable length of time, he may request a compliance date extension from the Technical Secretary. After consultation with appropriate local governmental agencies, the Technical Secretary may extend the compliance date to no later than December 31, 1982. Compliance date extensions will require progress reports every ninety days, or as directed, to show reasonable progress, as determined by the Technical Secretary, toward technology to meet the specified emission limitation.

Compliance with the emission limitation for any specified surface coating application shall be eighteen months after any progress report indicates the extended compliance date cannot be met with low solvent technology. Final compliance date for any control plan shall be no later than December 31, 1982.

(c) A plant-wide emission reduction plan may be approved by the Technical Secretary if it can be demonstrated by the surface coating facility that any emissions in excess of those allowed for a given coating line will be compensated or by reducing emissions from regulated sources within the surface coating facility.

(d) Surface coating facilities on any property in affected parishes which have a potential to emit a combined weight of volatile organic compounds less than one hundred pounds (forty-five kilograms) in any consecutive twenty-four-hour period are exempt from the provisions of Regulation 22.9.2(a) through (h).

(e) Soldering and surface coating facilities or portions thereof, may request exemption from the requirements of Regulation 22.9.2 if all of the following conditions are met:

- (1) The affected portion of the facility will not emit more than fifty tons per year of VOC.
- (2) That the only practical means of VOC control is thermal oxidation.
- (3) That the substance to be emitted is not toxic.
- (4) That the moles of fuel used would exceed the moles of VOC destroyed.
- (5) That the reasonable control of the VOC would result in a net increase of emissions from the facility.

The exemption will be described in detail in the Compliance Orders, under Section 110(a)(3) of the Federal Clean Air Act, adopted by the Commission.

* * * *

Revise the second sentence of 22.8(c) to read as follows:

22.8(c) ...Where it can be demonstrated to the Department that the waste gas stream:

1. is not significant (i.e. is less than one hundred TPY),
2. will not support combustion without auxiliary fuel, or

3. disposal cannot be practically or safely accomplished by other means without causing economic hardship, the Technical Secretary may waive the requirement...

* * * *

22.10 Exemptions. The following compounds are considered exempt from the control requirements of Section 22.0 et al: methane, ethane, 1, 1, 1 trichloroethane (Methyl Chloroform), trichlorotrifluoroethane (Freon 113) and methylene chloride. Sources emitting other volatile organic compounds may be considered for exemption by the Commission if their control causes economic hardship. Any exemption granted will be described in detail in Compliance Orders adopted by the Commission.

* * * *

22.12 Vapor Degreasers.

22.12.1 Open Top Vapor Degreasers.

(a) No person shall operate or maintain a system utilizing a volatile organic compound for the open top vapor cleaning of objects without a cover that can be opened and closed easily without disturbing the vapor zone.

(b) No person shall operate or maintain a system using a volatile organic compound for the open top vapor cleaning of objects without complying with the following operating procedures:

- (1) The cover shall be closed at all times except when processing work loads through the degreaser.
- (2) Parts shall be positioned so that maximum drainage is obtained.
- (3) Parts shall be moved in and out of the degreaser at less than eleven feet per minute (three and three-tenths meters per minute).
- (4) The work load shall be degreased in the vapor zone at least thirty seconds or until condensation ceases.
- (5) Any pools of solvent on the cleaned parts shall be removed by tipping the part before withdrawing the part.
- (6) Parts shall be allowed to dry within the degreaser for at least fifteen seconds or until visually dry.
- (7) Porous or absorbent materials such as cloth, leather, wood or rope shall not be degreased.
- (8) Work loads shall not occupy more than half of the degreaser open top area.
- (9) The vapor level shall not drop more than 4 inches.
- (10) Solvent shall not be sprayed above the vapor level.
- (11) Solvent leaks shall be repaired immediately or the degreaser shall be shut down.

(12) Waste solvent shall not be disposed of or transferred to another party such that greater than twenty percent of the waste (by weight) will evaporate into the atmosphere.

(13) Exhaust ventilation shall not exceed sixty-five cubic-feet-per-minute (CFM) per cubic foot (ft³) (twenty cubic meters per minute per cubic meters) of degreaser open area, unless necessary to meet OSHA requirements. Ventilation fans shall not be used near the degreaser opening.

(14) Water shall not be visibly detectable in solvent exiting the water separator.

22.12.2 ConveyORIZED Degreasers. No person shall operate or maintain a system utilizing a volatile organic compound for the conveyORIZED cleaning of objects without complying with the following operation procedures:

(a) Exhaust ventilation shall not exceed sixty-five CFM per Ft³ (twenty M³/Min per M³) of degreaser opening, unless necessary to meet OSHA requirements. Ventilation fans shall not be used near the degreaser opening.

(b) Parts shall be positioned so that maximum drainage is obtained.

(c) Vertical conveyor speed shall be maintained at less than eleven Ft/Min (3.3 M/Min).

(d) Waste solvent shall not be disposed of or transferred to another party such that greater than twenty percent of the waste (by weight) can evaporate into the atmosphere. Waste solvent shall be stored only in covered containers.

(e) Leaks shall be repaired immediately or the degreaser shall be shut down.

(f) Water shall not be visibly detectable in the solvent exiting the water separator.

22.12.3 Cold Cleaning Facilities.

(a) No person shall operate or maintain a system utilizing a volatile organic compound for the cold cleaning of objects without a cover that can be opened or closed easily.

(b) No person shall operate or maintain a system using a volatile organic compound for cold cleaning of objects without complying with the following operating procedures:

(1) The cover shall be closed at all times except when processing work loads through the degreaser.

(2) Parts shall be positioned so that maximum drainage is obtained.

(3) Any pools of solvent on the cleaned parts shall be removed by tipping the part before withdrawing the part.

(4) Parts shall be allowed to dry within the degreaser for at least fifteen seconds or until visually dry.

(5) Solvent shall not be sprayed above the vapor level.

(6) Porous or absorbent materials such as cloth, leather, wood, or rope shall not be degreased.

(7) Solvent leaks shall be repaired immediately or the degreaser shall be shut down.

(8) Waste solvent shall not be disposed of or transferred to another party such that greater than twenty percent of the waste (by weight) will evaporate into the atmosphere.

(9) Exhaust ventilation shall not exceed sixty-five CFM per foot³ (twenty M/Min per M³) of degreaser open area, unless necessary to meet OSHA requirements. Ventilation fans shall not be used near the degreaser opening.

(10) Water shall not be visibly detectable in a solvent exiting the water separator.

22.12.4 Exemptions.

(a) Volatile organic solvent using processes affected by Section 22.12 et seq. which uncontrolled may emit up to a combined weight of volatile organic compounds less than one hundred pounds (forty-five kilograms) in any consecutive twenty-four hour period are exempt from the provisions of this section.

* * * *

22.13 Cutback Paving Asphalt. No person may cause, allow or permit the manufacture, mixing, storage, use or application of cutback paving asphalts without approval of the Technical Secretary as provided below. The Technical Secretary may approve the manufacture, mixing, storage, use or application of cutback asphalts where;

(a) Long-life stockpile storage is necessary.

(b) The use or application at ambient temperatures less than 10°C (50°F) is necessary.

(c) The cutback paving asphalt is to be used solely as a penetrating prime coat.

* * * *

22.14 Filling of Gasoline Storage Vessels (Stage 1).

22.14.1 Control Requirements. No person shall transfer gasoline from any delivery vessel into any stationary storage container with a nominal capacity of two thousand gallons (7,570 liters) or greater unless such container is equipped with a submerged fill pipe and unless the displaced vapors from the storage container are processed by a vapor recovery system which reduces the emissions to a level not to exceed 1.2 pounds of volatile organic compounds per one thousand gallons (140 mg/liter) of gasoline transferred.

22.14.2 Approved Vapor Balance System. When a vapor balance system is used to comply with the above control requirements, the balance system will be assumed to meet the specified emission limitations if the following conditions are met:

(a) A vapor-tight return line is connected before gasoline can be transferred into the storage container. No gasoline leaks exist anywhere in the liquid transfer system.

(b) The only atmospheric emission during gasoline transfer into the storage container is through the storage container pressure-vacuum valve.

(c) The delivery vessel is kept vapor-tight under normal conditions with vapor recovery equipment.

22.14.3 Alternate Vapor Balance Systems. Other vapor balance arrangements may be accepted if proof of the emission level required in subparagraph 22.14.1 is provided to the Louisiana Air Control Commission. Approval of any alternate vapor balance system shall not be valid unless it is received from the Technical Secretary in writing.

22.14.4 Exemptions. The following are exempt from the requirements of Section 22.14.1 above:

(a) Stationary containers having a capacity of five hundred fifty gallons (2,082 liters) or less used exclusively for the fueling of implements of agriculture.

(b) Transfers made to storage tanks equipped with external floating roofs, internal floating roofs, or their equivalent.

(c) Any stationary container having a nominal capacity of two thousand gallons (7,570 liters) or less installed before January 1, 1979. (Small tanks).

(d) Retail gasoline outlets whose throughput are less than 500,000 gallons (1,892,700 liters) per year. (Small outlet).

22.14.5 Areas Affected and Compliance Schedule. All affected facilities in the areas which have been specified by the U.S. Environmental Protection Agency as non-attainment areas for the oxidant standard shall be in compliance as soon as practicable but no later than December 31, 1982.

* * * *

22.15 Gasoline Bulk Plants.

22.15.1 Control Requirements.

(a) No person shall permit the transfer of gasoline from a transport vessel into a gasoline bulk plant storage tank unless a vapor return line is installed from the storage tank to the transport vessel. There shall be no leaks in the transfer system which includes liquid lines, vapor lines, hatch covers, pumps and transport vessel pressure-vacuum relief valves. The only atmospheric emission during gasoline transfer shall be through the storage tank's pressure-vacuum relief valves. Maximum allowable loss shall be 1.2 pounds of volatile organic compounds per one thousand gallons (140 mg/liter) of gasoline transferred. All gauging and sampling devices shall be vapor-tight except for necessary gauging and sampling.

(b) No person shall permit the transfer of gasoline from a gasoline bulk plant into a delivery truck unless the delivery truck or loading rack has a submerged fill pipe. There shall be no gasoline leaks between the storage tank connection and the delivery vessel.

(c) No person shall permit the transfer of gasoline from a gasoline bulk plant storage tank into a delivery truck unless a vapor return line is installed from the delivery truck to the storage tank. There shall be no leaks in the transfer system which includes liquid lines, vapor lines, hatch covers, pumps and delivery truck pressure-vacuum relief valves. The only atmospheric emission during gasoline transfer shall be through the storage tank pressure-vacuum relief valve. Maximum allowable loss shall be 1.2 pounds of volatile organic compounds per one thousand gallons (one hundred forty mg/liter) of gasoline transferred. All gauging and sampl-

ing devices shall be vapor-tight except for necessary gauging and sampling.

22.15.2 Exemptions. Gasoline bulk plants which have a gasoline throughput less than 20,000 gallons (78,710 liters) per day averaged over the work days in any consecutive 365-day period and which do not service facilities controlled by Section 22.14 are exempt from the above control requirements. Bulk plants servicing controlled and exempted facilities, are required to collect vapor from the controlled facilities.

22.16 Bulk Gasoline Terminals.

22.16.1 No person may load gasoline into any tank trucks or trailers from any bulk gasoline terminal unless:

(1) The bulk gasoline terminal is equipped with a vapor control system, capable of complying with Paragraph 22.16.2 of this section, properly installed, in good working order, in operation and consisting of one of the following:

(i) An adsorber or condensation system which processes and recovers at least ninety percent by weight of all vapors and gases from the equipment being controlled.

(ii) A vapor collection system which directs all vapors to a fuel gas system.

(iii) A control system, demonstrated to have control efficiency equivalent to or greater than the above, and approved by the Technical Secretary.

(2) All displaced vapors and gases are vented only to the vapor control system.

(3) A means is provided to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

(4) All loading and vapor lines are equipped with fittings which make vapor-tight connections and which close automatically when disconnected.

22.16.2 Sources effected by this regulation may not allow mass emissions of volatile organic compounds from control equipment to exceed eighty milligrams per liter (4.7 grains per gallon) of gasoline loaded.

22.16.3 Sources effected by this regulation may not:

(1) Allow gasoline to be discarded in sewers or stored in open containers or handled in any manner that would result in evaporation.

(2) Allow the pressure in the vapor collection system to exceed the tank truck or trailer pressure relief settings.

22.16.4 Exemptions. Bulk terminals servicing exempted and controlled facilities are required to collect vapors from controlled facilities.

22.16.5 Areas Affected and Compliance Schedule. All affected facilities in the areas which have been specified by the U.S. Environmental Protection Agency as non-attainment areas for the oxidant standard shall be in compliance as soon as practicable but no later than December 31, 1982.

Add the following to the end of Sections 22.3, 22.5, 22.8, 22.9.1, 22.9.2, 22.10, 22.12, 22.13, 22.14, 22.15, and 22.16: Sources affected by this section of the regulations shall achieve compliance promptly according to a compliance schedule approved by the Louisiana Air Control Commission, but in no event later than December 31, 1982.

In Section 22.2 delete "(except methane)."

24.6.1 The methods listed in Table 4 or such equivalent methods as may be approved by the Department shall be utilized to determine sulfur dioxide and sulfuric acid mist concentrations in stack.

Table 4

Emissions - Method of Contaminant Measurement. Add the following entry:

Sulfuric Acid Mist (1) Title 40, Code of Federal Regulations Part 60, Appendix A, Test Methods 1, 2, 3, 4, 6, and 8, or Part 60 8(b).

18.4 Exemptions from the provisions of Section 18.3 may be granted by the Technical Secretary during startup and shutdown periods if the flaring was not the result of failure to maintain or repair equipment. In addition, the flaring must be minimized and no ambient air quality standard can be jeopardized.

Add the following to the end of Sections 24.9.1 and 26.3.1:

...A report, in writing, explaining the conditions and duration of the startup, shall be submitted to the Technical Secretary within seven calendar days of the occurrence.

This provision is applicable to infrequent startups only. Before the exemption can be granted the Technical Secretary must determine the excess emissions were not the result of failure to maintain or repair equipment. In addition the duration of excess emission must be minimized and no ambient air quality standard can be jeopardized.

In Sections 24.9.2 and 26.3.2 delete the last three sentences and add the following:

A report, in writing, explaining the conditions and duration of the upset shall be submitted to the Technical Secretary within seven calendar days of the occurrence.

This provision is applicable to infrequent online adjustments only. Before the exemption can be granted the Technical Secretary must determine the excess emissions were not the result of failure to maintain or repair equipment. In addition the duration of excess emission must be minimized and no ambient air quality standard can be jeopardized.

In Section 24.7.4 delete the first sentence and revise the second sentence as follows:

No person shall discharge gases which contain concentrations of SO₂ which exceeds two thousand parts per million (ppm) by volume at standard conditions....

In Section 22.8(b) revise the second sentence to read as follows:

The hydrocarbons shall be combusted and the halogenated products of combustion shall be reduced to an emission level acceptable to the Technical Secretary.

Revise Table I and Table Ia of the Louisiana Air Control Commission Regulations by deleting the entries for total oxidants in both tables and adding:

Ozone 235 ug/M³ (0.12 ppm). The standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above 0.12 ppm (235 micrograms (ug)/M³) is equal to or less than one, as determined by 40 CFR 50 Appendix H.

24.6.1 The methods listed in Table 4 or such equivalent methods as may be approved by the Department shall be utilized to determine sulfur dioxide and sulfuric acid mist concentrations in stack.

Table 4

Emissions - Method of Contaminant Measurement. Add the following entry:

Sulfuric Acid Mist (1) Title 40, Code of Federal Regulations Part 60 Appendix A, Test Methods 1, 2, 3, 4, 6, and 8, or Part 60 8(b).

William A. Cherry, M.D., Chairman
Air Control Commission

RULE

**Department of Health and Human Resources
Office of Family Security**

Beginning June 1, 1979, the Department of Health and Human Resources, Office of Family Security, has adopted policy that will not allow the Medical Assistance Program to make payment for medical transportation for General Assistance recipients.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

**Department of Health and Human Resources
Office of Family Security**

Beginning June 1, 1979, the Department of Health and Human Resources, Office of Family Security, has adopted a policy to allow standard deductions from gross earnings for expenses incidental to employment for Long Term Care patients, except intermediate care facilities for the mentally retarded (ICF/MR) activity center earnings. The proposed policy is quoted below:

Long Term Care patients who have earned income (except public ICF/MR activity center earnings) shall be eligible for a standard deduction from their gross earned income to allow for incidental expenses related to their employment. The amounts allowed in the standard deductions include both personal and nonpersonal expenses which are incurred because of extra need and upkeep due to employment or self-employment, such as required deductions for withholding taxes and social security deductions, required union dues and retirement deductions, tools, supplies, uniforms, work gloves, goggles, and special shoes.

The amount of standard deduction is based on the amount of gross earnings as is specified by the following chart.

Gross earnings from employment or profit from self-employment	If employed, deduct	If self-employed, deduct
\$ 0 to \$ 29.99	\$ 9.00	\$ 9.00
30.00 to 44.99	11.00	11.00
45.00 to 69.99	12.00	12.00
70.00 to 119.99	15.00	14.00
120.00 to 199.99	28.00	25.00
200.00 and over	30.00	30.00

If the recipient claims expenses higher than the standard deduction and can document the claim, the actual documented expenses are to be used in arriving at net income.

The cost of transportation is not included in the above standard deduction amount. If free transportation to employment is not available the actual cost of transportation shall be deducted.

Long Term Care patients with earnings from sheltered workshops participation are eligible for a twenty dollar monthly protected income allowance. This twenty dollar disregard is deducted from gross earnings as the first step in determining earned income to be applied in computing Long Term Care applicable income. The appropriate standard deduction for the gross earnings is then deducted.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

**Department of Health and Human Resources
Office of Human Development
Division of Youth Services**

**Regulations for the Implementation
of Act 300 of the 1978 Session
of the Legislature**

Introduction: The Parish Youth Services Act of 1978 (R.S. 46:1941.1 to 46:1941.13) requires that the Director of the Division of Youth Services of the Office of Human Development of the Department of Health and Human Resources promulgate rules for the implementation and operation of programs under the Act. The rules which follow are intended to fulfill that requirement.

Definitions: For the purpose of these rules:

A. "Comprehensive Plan" shall mean the working document of the governing authority resulting from systematic planning which establishes a coordinated youth service delivery system within a parish or multi-parish region.

B. "Coordination" means the process of bringing youth services into harmony, without reducing the authority of component agencies, to the end that policies and practices of such agencies are supportive and directed toward the goals of the Act. Such services may include diversion, alternatives to incarceration, and services to troubled youths and families. To achieve such coordination the following activities may be involved:

1. Establishment of a centralized referral system.
2. Linkage of service agencies.
3. Promotion of communication among youth serving programs.
4. Identification of gaps and overlaps in service delivery.
5. Conducting research relating to youth needs and concerns.
6. Identification of resources for youth serving programs.
7. Developing public awareness of youth needs.

C. "Director" shall mean the Director of the Division of Youth Services, Office of Human Development, Department of Health and Human Resources or his designee.

D. "Fiscal Year" shall mean the period of twelve calendar months beginning on July 1 of one year and ending on June 30 of the following year.

E. "Governing Authority" shall mean either the parish governing authority, the parish governing authorities of multi-parish participants, or the governing authority of an authorized private, nonprofit corporation, as applicable.

F. "Service Unit" shall mean any constituent part of an agency's collective program which has a distinct function, i.e., a community crisis unit within a probation department or a youth employment program within a private community agency. Such units are commonly referred to as sub-programs.

G. "Youth" means a person eighteen years or younger.

H. "Youth at Risk" shall mean children, who are in environments which may contribute to neglect, abuse, dependency, and/or exploitation or those children whose pre-delinquent or pre-status behavior patterns may result in contact with the Juvenile Justice system.

I. "Youth Population" shall mean the total number of youths in a parish or multi-parish area from zero to eighteen years of age as specified by the United States Bureau of Census through official decennial censuses, middecade censuses, and population projections issued between censuses.

J. "Youth Serving Agency" shall mean an instrumentality, public or private, which has component(s) which provide a major portion of its services to delinquents, status offenders and/or "youth at risk."

Goals: The goals of the Parish Youth Services Act (hereafter called the Act) are to:

- A. Encourage positive youth development.
- B. Divert youths from juvenile and criminal justice systems.
- C. Reduce commitments to state correctional institutions.
- D. Promote efficiency and economy by coordinating the local youth services delivery system.
- E. Develop programs of diversion and alternatives to incarceration.
- F. Provide services to troubled youth and families.
- G. Provide a mechanism for community action to deal with delinquency and youth crime.

Application for Participation:

A. Application for participation by a parish or group of parishes shall consist of a resolution by the governing body of the parish or parishes expressing its intent to participate in the programs established by the Act. Further, said resolution shall contain an agreement to provide the necessary local matching funds and shall create a youth services advisory board that shall provide for the preparation of a comprehensive plan for the coordination, development, implementation and operation of youth services programs within the parish or parishes. The governing body shall provide the Director with a copy of such resolutions within thirty days after their enactment.

B. Multi-parish participation of contiguous parishes is permissible when the governing body of each parish has adopted a resolution expressing its intent to participate in the program as a member of a contiguous multi-parish district. Additionally, the governing body shall, through a resolution, agree to provide its portion of the required local matching funds and shall express its intent to work with other parishes in the multi-parish district toward the establishment of a youth services advisory board.

C. The governing body of a parish may authorize a private, nonprofit corporation to participate when the parish does not choose to participate in the program. In such cases, the governing body of the parish shall, by resolution, authorize the nonprofit agency to administer the youth services program as provided by this Act within the parish. The nonprofit corporation shall provide a notarized resolution from its governing body establishing a youth services advisory board and agreeing to provide the necessary local matching funds. In cases of multi-parish participation through a single nonprofit corporation, each governing body of the multi-parish region shall authorize the participation of the nonprofit corporation as the official parish agency to administer the provisions of the Act within that parish.

D. Approval of the application by the Director shall designate the parish, parishes, or nonprofit corporation as an authorized participant to receive funds pursuant to the provisions of the Act. The Parish Youth Services Advisory Board:

A. The parish governing body or bodies shall create, by resolution, a youth services advisory board (hereafter referred to as the Board).

B. The Board shall consist of at least eighteen but not more than twenty members who shall, if available and willing, be representatives of law enforcement, prosecutors, the judiciary, public education, juvenile probation, corrections, ethnic minorities, social services and lay citizenry with at least three members being eighteen years of age or less. Said Board members whose term of office shall be for a period of two years, shall serve without remuneration.

C. In cases where participation is by the parish governing body, said body shall make all appointments to the Board. In cases of multi-parish participation by the governing bodies of the respective parishes, the parish governing bodies shall formulate an equitable plan to insure that each parish is represented on the Board according to the youth population of each parish. An additional representative may be appointed from each par-

ticipating parish; however, as a minimum, each parish must have at least one representative on the Board.

D. Pursuant to R.S. 46:1941.5(c), parish governing bodies may authorize a private nonprofit corporation as the agent of the parish or parishes to administer the Act within the parish or parishes. In such cases, the nonprofit corporation shall appoint a Board whose establishment, functions, operations, and authority meet the requirements herein specified.

E. The Board is legally responsible to the parish governing body or the parent nonprofit corporation.

F. All proceedings of the Board and any committee or subgroup appointed by the Board shall be subject to the provisions of the Open Meetings Law as contained in R.S. 42:4.1 through R.S. 42:10. All votes taken of members shall be recorded and shall become matters of public record.

G. The Board shall make formal recommendations to the parish governing authority or joint parish governing authorities at least annually concerning the comprehensive plan and its implementation during the ensuing year.

H. The Board shall promulgate and implement rules concerning the attendance of members at Board meetings.

I. The members may elect their own officers.

J. The Board may develop working committees composed of board members as well as nonboard members to concentrate on specific areas of the youth services delivery system. Nonmembers serving in such capacities shall have authority only in matters pertaining to the official work activities of the specific committees to which they are assigned.

K. The Board shall abide by the parliamentary procedures as specified in *Robert's Rules of Order* (Revised), 75th Edition. Development of the Comprehensive Plan:

A. The comprehensive plan (hereafter referred to as the plan) must be developed by the governing authority with the assistance of the Board, must be formally accepted and approved by the governing authority by resolution, and must be submitted to the Director within one hundred twenty days after the governing body has officially given notice to the Director that the parish intends to participate in the provisions of the Act. When necessary and in the best interest of the parish and state, the Director may extend the deadline an additional one hundred twenty days upon request of the governing authority or the Board.

B. The plan shall be supportive of the specified objectives of the Act and shall contain an assurance that current expenditures for youth services programs under the jurisdiction of the governing authority will not be reduced.

C. The plan, when feasible, should provide for contractual arrangements with existing nonprofit corporations when establishing new or expanded service units.

D. The plan shall list private and public youth serving agencies within the jurisdiction of the governing authority. Statements of support and intent to cooperate in the governing authority's coordinating efforts shall be obtained from youth serving agencies and attached to the plan. While such support should exist with each agency, the abstention of an agency or agencies will not necessarily affect the acceptance of the plan by the Director; however, each plan should contain a statement of support and intent to cooperate from the court of juvenile jurisdiction and the chief law enforcement officials of the jurisdictions governed by the governing authority. If such statements of support from the court of juvenile jurisdiction and the chief law enforcement officials are not included, an explanation should accompany the plan.

E. The plan shall be prepared in consultation with the appropriate parish and city school boards.

F. The Division of Youth Services shall provide consultation and technical assistance in the development and implementa-

tion of the plan when requested to do so by the governing authority or the Board.

G. The content and format for the plan shall be as follows:

1. **Problem:** Based on a needs assessment that must have been performed, specify the service delivery problems or unmet needs of the youth population.

2. **Goals:** Generalized goals including those defined in these regulations shall be specified.

3. **Objectives:** The proposed objectives and the method of accomplishing such shall be sufficiently described with the anticipated results of each activity clearly delineated. Objectives shall be specified in such a manner that they are measurable within a specified time frame.

4. **Coordination:** The plan shall specify in sufficient detail the manner and method by which the coordination of the youth services system will be accomplished.

5. **Funding:** A budget must be submitted for each service unit specifying line item expenditures as well as sources of financing.

6. **Training:** Each plan should contain a provision for training after an assessment of training needs has been established. Training needs should be prioritized to insure that personnel needing the greater amount of training receive it first.

7. **Internal Reporting and Auditing:** The plan should include the procedures which the governing authority will employ to review and inspect all aspects of the service units created or expanded under the provisions of this Act.

8. **Evaluation:** The plan should include provisions for the evaluation of the effectiveness of the Board as well as the service units created or expanded. Such evaluation shall include the accomplishment of objectives referred to in G3 and an annual audit by an independent certified public accountant. The terms and conditions of the audit must be approved by the Legislative Auditor as established in Title 24 of the Revised Statutes of 1950.

H. Upon approval of the plan, the Director shall execute a contract between the Division of Youth Services and the governing authority. Such contracts shall be made on a fiscal year basis according to the funds appropriated by the Legislature for the implementation of the provisions of this Act.

Changes in the Comprehensive Plan:

A. When the governing authority wishes to change the comprehensive plan during the fiscal year for which funds were appropriated, it may do so by an amendment which requires the prior approval of the Director.

B. Amendments are required when:

1. Service units are added, modified, or deleted from the comprehensive plan.

2. Funds are reallocated within or between service units identified in the comprehensive plan.

Withdrawal from Program:

A. Any governing body which wishes to withdraw from the program shall, at the beginning of a calendar quarter, notify the Director by resolution of its intention to withdraw from the program. This withdrawal shall be effective on the last day of the last month of the quarter in which the notice was given.

B. All unencumbered and unexpended funds from the state grant on hand on the final day of withdrawal shall be returned to the Division of Youth Services within fifteen days thereafter.

State Funding Procedures:

A. State funds shall be equal to the actual cash amount made available at the local level except that state funding cannot exceed the annual rate of \$1.22 for each youth (zero to eighteen years of age) within the jurisdiction of the governing authority for any one fiscal year.

B. State funding is contingent upon (1) approval of the plan by the Director, and (2) a determination by the Director of the effective date of the availability of state funds.

C. State funds shall be forwarded to the fiscal agent specified by the governing authority to receive such funds. The governing authority shall designate the fiscal agent responsible for the supervision of all fiscal matters relating to funds provided under the Act. Said agent shall comply with all applicable laws and promulgated regulations governing the management of state, federal, and/or parish funds.

D. Parishes and nonprofit corporations participating in the Act may accept gifts, grants and subsidies from any lawful source, and apply for and accept federal funds. Federal funds may be used for local matching provided that:

1. Federal funds do not exceed fifty percent of the total required local match.

2. Federal funds used for match purposes are unencumbered and will be used exclusively for the programs created under the provisions of this Act.

E. Twenty-five percent of the total grant will be awarded upon the basis of B(2) above. The Director may increase the amount of the initial payment if requested to do so by the governing authority. The remainder of the grant shall be paid on equal installments of twenty-five percent of the total grant less the unexpended funds from the previous quarter. The Director may increase the amount of a particular installment upon request of the governing authority. The fact that funds are unexpended by the governing authority during a quarter, shall not diminish the amount of the grant as specified in the contract.

F. The Director shall certify whether state grants are from state and/or federal sources.

G. All unencumbered and unexpended funds on hand on the final day of the fiscal year that are derived from the state grant shall be returned to the Division of Youth Services within fifteen days of the close of the grant.

Selection of Programs for State Funding:

A. When adequate appropriated funding is available, the Director shall fund all parishes or nonprofit corporations qualified and approved under the provisions of this Act and the regulations herein.

B. Whenever there are limited appropriations, the Director shall select a limited number of programs to fund. Selection will be based on the following considerations:

1. The extent to which youth serving agencies within the jurisdiction of the governing authority have filed written statements of how they are to assist in the coordinative programs of the governing authority.

2. The extent to which the mechanism for bringing about coordination of services is developed and specified.

3. The comprehensiveness of the plan and the extent to which documentation is used in specifying needs.

4. The extent to which existing agencies shall be utilized for the provision of additional services specified in the plan.

5. The extent to which more than one parish participates in the program.

C. In the selection of projects for funding, the Director shall establish a presumption in favor of existing programs funded with state grants pursuant to the provisions of this Act if such programs continue to meet the requirements as specified in these regulations.

D. In Fiscal Year 1978-79 efforts shall be made to select model projects including at least one nonprofit corporation and one governmental unit that meet the requirements as specified in these regulations.

Fiscal Management by the Governing Authority:

A. The governing authority shall designate one individual as a fiscal agent responsible for the supervision of all fiscal matters

relating to funds provided under this Act. Said agent shall comply with all applicable laws governing the management of state, parish, and/or federal funds.

B. The governing authority shall adopt written procedures regulating how funds are to be handled. Such regulations shall be consistent with applicable parish, state, and/or federal regulations.

C. Funds advanced shall be expended in a manner consistent with the budget contained in the approved plan. Expenditures shall represent reasonable and actual costs necessary and essential in carrying out the specified programs contained in the plan.

D. The fiscal agent shall prepare for the governing authority, to be submitted to the Director, a monthly report of the financial status of the program and shall maintain such books, records, documents, and other evidence in accordance with generally accepted accounting procedures and practices sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred.

E. All transactions and events must be recorded, classified, and summarized in appropriate journals, providing chronological records of transactions having a common origin and ledgers of accounts to receive and consolidate transaction amounts related to a given classification.

F. Records will establish independent account of all receipts and disbursements of monies.

G. All records, including those of a fiscal nature, shall be subject at all reasonable times to inspection and audit by agencies of the Department of Health and Human Resources, the Legislative Auditor, and other individuals that may be authorized by the parish governing bodies to perform such inspection and audit.

H. The governing authority shall employ an independent certified public accountant approved by the Legislative Auditor to render a final audit which shall be completed for the governing authority and submitted to the Director within ninety days of the close of the fiscal year in accordance with Title 24 of the Revised Statutes of 1950.

I. All books, records, and other documents relevant to the programs provided in this Act and the funds expended hereunder, shall be retained for at least six years after each grant year has ended.

Administrative Structure of Programs:

A. The governing authority, with the assistance of the Board, shall determine and establish the administrative structure for the coordination of services, as well as new and expanded service units, that are best suited to the efficient administration and delivery of services to the youth population. Such structure may involve contracting with existing public or private agencies to provide necessary services or may involve the establishment of a new agency or unit of service under the general administration of the governing authority. The governing body may, if desired, require the Board to perform specified administrative duties.

B. Each governing authority should utilize, whenever possible, agencies and organizations established in the community to deliver services to the youth population. The governing authority shall, in planning its total range of youth services, establish a presumption in favor of resources already existing in the community.

C. If the governing authority proposes to initiate services which duplicate existing services, clear evidence must be presented in the plan to demonstrate that existing services are either inappropriate or not of sufficient quantity to meet identified needs and objectives.

Acquisition and Control of Property:

A. Parishes or nonprofit corporations participating in the provisions of this Act may acquire by any lawful means, includ-

ing purchase, lease, or transfer of custodial control, the lands, buildings, and equipment necessary for the accomplishment of the goals and objectives specified in the plan. The lease of all property shall be in accordance with R.S. 39:194-195.

B. The governing authority shall designate an agent to maintain current inventory of all property and to insure that all property is appropriately marked and identified in accordance with state property control regulations as promulgated by the Division of Administration. Acquisition, inventory maintenance, and disposition of all moveable property and capital assets shall be in accordance with state property control regulations as promulgated by the Division of Administration.

Affirmative Action: No person shall be denied participation in the programs created through this Act, appointment to the Board, or employment in programs created therein on the basis of race, color, sex, national origin, or political affiliation.

Prohibition Against Political Activities: The activities of the Board and the programs created or assisted with funds under this Act shall not be carried on in a manner involving the use of funds, the provision of services, or the employment or assignment of personnel in a manner supporting or resulting in the identification of such activities and programs with (1) any partisan or nonpartisan activity associated with a candidate, or contending faction or group, in an election for public or party office, (2) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election, or (3) any voter registration activities.

Suspension of Grant by the Director:

A. When the Director determines that reasonable grounds exist to believe that a parish, multi-parish entity, or a nonprofit corporation is not in substantial compliance with the promulgated minimum standards or the promulgated regulations governing programs under this Act, he shall serve notice of the noncompliance listing specifically the areas of noncompliance.

B. Thirty days after such notice has been given, the Director shall hold a public hearing to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance.

C. In cases of documented failure to meet the required standards and in absence of a plan to accomplish such, the Director shall suspend all or a portion of the grant until such time as the standard of operation has been met.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

Department of Health and Human Resources Office of Licensing and Regulation Division of Narcotics and Dangerous Drugs

The Department of Health and Human Resources, Office of Licensing and Regulation has adopted the following regulations providing for record keeping and order forms under R.S. 40:972 (Uniform Controlled Dangerous Substances Act).

Part 1, Section 7, (a) (1) This file shall be kept separate from the licensee's other business or professional records. All purchasing records or procurement records for Phentermine and Phendimetrazine shall be kept with this file.

* * * *

Part 1, Section 11, Order Forms. Controlled Dangerous Substances in Schedules I and II shall be distributed only by a licensee, pursuant to an order form. Phentermine and Phendimetrazine are exempt from the requirement of distribution by a licensee pursuant to an order form. Compliance with the provisions of federal laws

regulating such substances respecting order forms shall be deemed compliance with this section.

Part 1, Section 19. Added Controlled Dangerous Substances—Delete in its entirety.

The Department of Health and Human Resources has adopted the following amendments to the Uniform Controlled Dangerous Substances Act under R.S. 40:962A. Amend 40:964, Schedule IV, by adding thereto the following drug: (26) Pentazocine. Amend 40:964, Schedule I, C. by adding thereto the following drug: (23) 1-Piperidinocyclohexanecarbonitrile.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

**Department of Health and Human Resources
Office of the Secretary**

**Amendments to the Facility Manual Where
Department of Health and Human Resources
Funds Are Used to Care for
Handicapped Persons**

1. Under the section entitled "Cost Related Reimbursement," add a paragraph between paragraph five and paragraph six (paragraph six will then become paragraph seven); this paragraph will read, "The required information must be submitted on cost report forms provided by the Department for this purpose. The cost report shall be completed in its entirety and in accordance with the Department's instructions for completing such forms.

2. Under the section entitled "General Instructions for Cost Reporting," add the following paragraph and number it paragraph b: "If a facility has changed its reporting period, a cost report covering the short period must be filed along with IRS Form 1128 if required or other proof of intent to change. The intent of change must be made prospectively. Short period shall mean the period from the end of the facility's regular year to the beginning of the facility's new reporting period. (Example: regular report period January 1, (1978) to December 31, (1978) and changing report period to July 1, (1979) to June 30, (1980). The short period report would cover January 1, 1979 to June 30, 1979.)" The current paragraph b will then become c.

3. Also under the section entitled "General Instructions for Cost Reporting," change the P. O. Box number for the Office of Management and Finance to P. O. Box 2944.

4. Under the section entitled "Allowable Cost for Services Provided," add under paragraph two of a:

To be allowable the depreciation must:

1. Be identifiable and recorded in the provider's records.
2. Give historical cost and accumulated depreciation.
3. Indicate useful life and depreciation method.

Note: If provider has previously used an accelerated depreciation method, the required record keeping information may be kept in a subsidiary ledger to be used for program purposes only.

The estimates listed below are average ranges for asset depreciation. For all depreciable assets, even those not included in the guidelines, any estimate is acceptable if it is proven reasonable.

Land Improvements	Years
Fencing	15-25
Paving	15-20
Landscaping	10-12
Underground sewer and water	25-30
Outdoor Lighting	10-15
Buildings	
Wood Frame	25-30
Masonry	30-50
Fixed Equipment	
Electrical Wiring, AC Systems, Heating Systems, Sprinkler and Fire Alarm Systems, Telephone, Plumbing, Sewerage, Roofing, Lighting, etc.	20-25
Major Movable Equipment	
Kitchen Equipment, Therapy Equipment, Laundry Equipment, Cleaning Equipment, etc.	08-20
Other Items	
Automobiles	03-05
Furniture and Furnishings	05-10
Office Machines	05-10

5. Under the section entitled "Allowable Cost For Services Provided," subsection five of this section entitled "Education Cost" shall be completely rewritten as follows:

DHHR is not responsible for the provision of or reimbursement for educational services for clients between the ages of three and twenty-one years (both inclusive), as these services are the responsibility of the Department of Education. However, DHHR will reimburse for those educational expenses attributable to clients under three or over twenty-one years of age when educational services for those clients are not provided by the Department of Education.

Educational cost items which must be reported are listed on the cost reporting forms provided by DHHR. The entire cost of educational services must be recorded and reported separately.

6. Under the section entitled "Administrative Cost," add these two paragraphs:

K. Bad Debts, Charity and Courtesy Allowances. Bad debts, charity and courtesy allowances are deductions from revenue and are not includable as allowable costs.

L. Grants, Gifts and Income from Endowments. Those grants, gifts, and income from endowments which are not restricted as to use should not be deducted in computing allowable costs; restricted grants, gifts and endowment income should be deducted in computing allowable costs.

William A. Cherry, M.D., Secretary
Department of Health and Human Resources

RULES

Department of Revenue and Taxation

First Use Tax Credit

Pursuant to the authority vested in me by law, the following regulations concerning the severance tax credit granted in R.S. 47:647 to persons liable for or bearing the payment of the First Use Tax levied in R.S. 47:1301 through R.S. 47:1307 are hereby promulgated.

Article 647-1

Subsequent to the passage of the First Use Tax levied in R.S. 47:1301-1307, the Congress of the United States passed the Natural Gas Policy Act of 1978, Public Law 95-621, which apparently prohibits the recovery of the First Use Tax in addition to the maximum lawful price applicable to the first sale of gas in this state, even though there may be an otherwise enforceable right to the reimbursement of such taxes within the contemplation of R.S. 47:647(B). Therefore, persons claiming the tax credit allowed in R.S. 47:647, in addition to other information required by the Secretary, shall also submit a declaration whether the gas in regard to which they are liable for the tax imposed under R.S. 47:1301-1307 is subject to the Natural Gas Policy Act, and the Secretary, in determining whether or not the taxpayer has the right of reimbursement, shall consider whether the Natural Gas Policy Act, as presently construed, prohibits reimbursement of the First Use Tax from the first purchaser. The Secretary reserves the right to make a redetermination, on a prospective basis only, should a different construction be placed on Public Law 95-621, or if Public Law 95-621 is amended or repealed.

Article 647-2

Persons taking severance tax credits as a result of the First Use Tax levied in R.S. 47:1301-1307 shall submit a claim on or before the last day of the second month following the payment of the tax for the tax credit on forms provided by the Secretary, and at the Secretary's request, shall submit a true and correct copy of the contractual terms pertaining to the sale of gas first introduced into the state in regard to which First Use Tax is due. It is not necessary that the severance tax credit be taken at the time a claim is filed.

First Use taxpayers liable for and remitting taxes, interest and penalties levied and collected pursuant to R.S. 47:1301 through 1307 or each First Use taxpayer who bears such taxes as a direct result of contractual terms, or bears such tax as a result of limitations imposed by Public Law 95-621, shall be allowed a direct tax credit for First Use Taxes paid, but, not in excess of the amount which must be borne by such taxpayer for periods subsequent to March 31, 1979, against severance taxes owed by such taxpayer to the State, the amount of which credit shall not exceed the amount of severance taxes for which such taxpayer is liable to the State. Unused tax credits may be carried forward to subsequent tax periods. There can be no duplication of tax credits.

Tax credits authorized and granted by R.S. 47:647 shall be applied against severance taxes due in the following order: (1) oil severance, (2) condensate severance, (3) liquefied petroleum gas and natural or casinghead gasoline severance, (4) sulphur severance, (5) gas severance, (6) all other severance taxes. Therefore, tax credits shall be taken against oil severance taxes with remaining tax credits, if any, taken against the other natural resource severance taxes due in the order shown here.

In the event that the Secretary determines that a taxpayer has an enforceable right to reimbursement of the First Use Tax, the taxpayer has the right to appeal such ruling (within thirty days of receipt of the Secretary's ruling) to the Louisiana Board of Tax Appeals which Board shall determine in open meeting whether there is sufficient evidence to support the ruling of the Secretary. If the Board overrules the Secretary, the taxpayer shall not be required to take any other action in order to continue receiving the tax credit provided in R.S. 47:647. If the Board rules in favor of the Secretary, the taxpayer shall thereafter have a period of ninety days within which to institute any administrative or judicial proceedings necessary to assert such right to reimbursement. At all times subsequent to the filing of a claim for the tax credit and during the pendency of administrative or judicial proceedings, and during any appeals therefrom (including the appeal of an adverse ruling by the Secretary) the taxpayer shall be entitled to the credit provided in R.S. 47:647; provided that if no action is taken by the taxpayer to assert the right to reimbursement within ninety days no

further credit shall be granted and the State may exercise the right to recover from the taxpayer any credits granted prior to the expiration of such time.

If the administrative or judicial determination establishes that the taxpayer has an enforceable right to reimbursement of the taxes levied pursuant to R.S. 47:1301 through 1307 then the taxpayer becomes liable to the State for additional severance taxes equivalent to tax credits previously taken but only to the extent of any reimbursement which the taxpayer has received plus interest received by the taxpayer on the reimbursement, the interest amount not to exceed the rate prescribed in R.S. 47:1601.

A taxpayer who claims a tax credit as a result of bearing any portion of the tax levied pursuant to R.S. 47:1301 through 1307 because of contractual terms or agreements applied in disregard of R.S. 47:1303(C), shall be entitled to a credit provided by R.S. 47:647 only after there has been a determination by the Louisiana Supreme Court or the appropriate United States District Court that such taxpayer must bear the tax, provided that if the taxpayer or the State has sought and been denied a preliminary injunction enjoining the application of such contractual terms or agreements sought to be rendered inapplicable by R.S. 47:1303(C), then such taxpayer shall be entitled to a credit from the date of denial of the preliminary injunction.

Article 647-3

Only persons or entities who are liable for and who pay or bear the First Use Tax without protest, are entitled to the Severance Tax credit. Severance Tax credits allowed under R.S. 47:647 may not be sold, traded, or otherwise transferred from one party to another.

Article 647-4

Tax credits authorized by R.S. 47:647 shall not be granted until there has been a final decision upholding the validity of the First Use Tax levied in R.S. 47:1301 through 1307, except as permitted under Article 647-2 to the extent that First Use Taxes levied are collected without either protest or suit for recovery filed directly by the person claiming the credit. In the event that R.S. 47:647 is declared invalid as to tax credits authorized thereunder, such invalidity shall be prospective only.

First Use Taxes paid under protest pursuant to the provisions of R.S. 47:1576 shall be held in a segregated fund pending the outcome of litigation. If the Secretary is successful in upholding the right of the state to collect the First Use Tax, the tax shall be considered paid when withdrawn by the Secretary from the segregated fund.

Shirley McNamara, Secretary
Department of Revenue and Taxation

RULES

Department of Transportation and Development Board of Registration for Professional Engineers and Land Surveyors

LAC 19-3:1 Definitions

§1.1 Within the context of these rules these terms shall be defined as follows:

Act--Act 73 of 1950, as amended (R.S. 37:681, et seq.), which mandated the registration of professional engineers and land surveyors who practice or offer to practice in Louisiana. The Act created the Board of Registration for Professional Engineers and Land Surveyors to carry out its provisions.

Engineering Practice--The practice of engineering is the rendering of a responsible professional service which may include consultation, investigation, evaluation, planning, observation, research, designing, or supervision of construction in connection

with any public or private utilities, structures, machines, equipment, processes, work, or projects wherein the public welfare or the safeguarding of life, health, and property is concerned or involved, when such professional service requires the application of engineering principles and the interpretation of engineering data. Teaching of engineering may constitute the practice of engineering. A person shall be construed to practice or offer to practice engineering who practices in any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any way represents himself to be a professional engineer; or who represents himself as able to perform, or who does perform any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as engineering. The practice of engineering shall not include the work ordinarily performed by a person who operates or maintains machinery or equipment.

Fraud, Deceit, or Misrepresentation--Intentional deception to secure gain, through attempts or deliberately conceal, mislead, or misrepresent the truth with the intent to have others take some action relying thereupon, or any act which provides incorrect, false, or misleading information, upon which others might reasonably rely. Examples of practice which the Board may consider to constitute fraud, deceit, or misrepresentation include, but are not limited to:

A. The acceptance of compensation or benefits of any substantial nature, financial or otherwise, from more than one party for services on the same project or assignment or for services pertaining to the same project or assignment, unless the circumstances are fully disclosed to all interested parties.

B. The solicitation or acceptance, directly or indirectly, of any financial or other valuable considerations, or benefits of any substantial nature, from any supplier of materials or equipment for any project on which the registrant is performing or has contracted to perform engineering or land surveying services.

C. The solicitation or acceptance of any significant gratuity, or benefits of any substantial nature, directly or indirectly, from contractors, their agents, servants or employees, or from any other party dealing with the registrant's client or employer in connection with any project on which the registrant is performing or has contracted to perform engineering or land surveying services.

D. The participation by the registrant in considerations or actions with respect to services provided by him or his organization in private practice to a governmental body or department which he is a member of, advisor to, or employee of.

E. The solicitation or acceptance of an engineering and/or surveying contract from a governmental body of which a principal, officer, or employee of the registrant's organization serves as a member.

F. The payment or offer of payment, either directly or indirectly, of any commission, political contribution, or a gift or other consideration in order to secure work, exclusive of securing salaried positions through employment agencies. Political contributions or gifts not given with the intent to secure work, and which meet legal requirements, will not be considered as fraud, deceit, or misrepresentation.

G. Permitting the falsification or misrepresentation of the registrant's or any associate's academic or professional qualifications; the misrepresentation or exaggeration of the registrant's degree of responsibility in or for the subject matter of prior assignments; or the misrepresentation of pertinent facts concerning employers, employees, associates, joint ventures of the registrant, or his organization's past accomplishments with the intent and purpose of enhancing his qualifications and his work.

H. The permitting of the registrant's seal, stamp, or name to be affixed to any document which was not prepared by him or under his responsible supervision and control.

I. Permitting the falsification, misrepresentation or publication of technical reports, plans or documents which bear the registrant's name, seal, or stamp, when the issuance of such reports, plans or documents will mislead or misrepresent the truth.

Gross Incompetency--The practice of engineering or land surveying by a registrant who is either incapable of exercising ordinary care and diligence or who lacks the ability and skill necessary to properly perform the duties he undertakes. (The practice of engineering in an area other than that in which the registrant has been issued a certificate will not be considered as evidence of gross incompetency provided the registrant is otherwise qualified by education or experience.) Examples of practice which the Board may consider to constitute gross incompetency include but are not limited to:

A. The undertaking of assignments other than those for which the registrant is qualified by education or experience in the specific technical fields involved.

B. The affixing of registrant's signature and/or seal to any engineering or land surveying plan or document dealing with subject matter in which the registrant lacks competence by virtue of education or experience.

Gross Negligence--The practice of engineering or land surveying by a registrant characterized by his lack of reasonable care, precaution, or attention to the rights, safety, or welfare of others, which could result in injury or damage to life or property. Examples of practice which the Board may consider to constitute gross negligence include but are not limited to:

A. The preparation of an incomplete or inaccurate engineering or land surveying plan or document that is obviously below acceptable engineering standards, which is released for construction or other lawful purpose, and which could result in financial loss to a client or employer.

B. Failure of the registrant to exercise reasonable diligence and care in providing professional services, which could result in financial loss or damage to a client or employer.

Land Surveying Practice--The practice of land surveying includes the measuring of areas, land surfaces, streams, bodies of water, and swamps for their determination and description, for the establishment, reestablishment, ascertainment, or description of land boundaries, corner, divisions, distances, and directions; the plotting and monumenting of lands and subdivisions thereof; mapping and topographical work. Teaching of surveying may constitute the practice of land surveying.

Land Surveyor--A person who engages in the practice of land surveying as hereinbefore defined.

Professional Engineer--A person who, by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as hereinbefore defined, as attested by his legal registration as a professional engineer.

Responsible Professional Service--The control and direction of investigation, design, or technical supervision of construction or engineering works or research for which the individual has the sole responsibility to his client or employer. Teaching of engineering may constitute the rendering of responsible professional service.

Significant Gratuity (Benefits of Any Substantial Nature)--Any acts, articles, money, or other material possessions which are of such value or proportion that their acceptance could reasonably be expected to create an obligation on the part of the receiver, or otherwise influence his judgment.

LAC 19-3:2 Applications and Fees

§2.1 Applications for registration shall be typed on forms furnished by the Board. They shall be accompanied by the prescribed fee. They shall contain statements made under oath, showing the applicant's education and a complete and detailed summary of his technical experience and the names of references as specified under subsequent paragraphs herein.

§2.2 Applicants who have attended college must have certified transcripts of their college work forwarded to the office of the Board. The documents will be made a part of the application files.

§2.3 Each applicant will be required to submit a one or two-page typewritten resume of the experience record he has presented in Section 5 of the application. Forms will be provided by the Board. Copies of this resume will be sent to the personal references the applicant has listed in his application.

§2.4 The registration fee for professional engineers and for land surveyors is thirty-five dollars.

§2.5 A fee of fifteen dollars will be charged to applicants for the examination in fundamental engineering subjects or for the examination in the fundamentals of land surveying. Persons who pass the examination will be allowed credit for the examination fee toward the payment of the registration fees when applications are made for registration.

§2.6 If the applicant is approved for registration he will be presented with an official certificate and his name will be enrolled in the records of the Board.

§2.7 An applicant granted registration as a professional engineer in more than one branch of engineering on the basis of the submission of a single application will receive one certificate upon which all the branches in which he is registered will be shown. Registrants desiring to receive separate or additional certificates will be required to pay five dollars per certificate.

§2.8 Payment of only one fee will be required when registration is sought in more than one branch of engineering provided that the request for registration is submitted on one application form and that written examinations are not required. Each application for registration for an additional branch or branches filed subsequent to initial registration must be accompanied by an additional fee in the amount specified for initial registration.

§2.9 Applicants taking written examinations in more than one branch of professional engineering will be required to pay a registration fee in each branch.

§2.10 An application for registration will not be considered by the Board, nor will an applicant be admitted to a written examination, until the information submitted has been investigated and replies have been received from all references. Therefore, an application should be received by the Executive Secretary not less than sixty days prior to the Board meeting at which the applicant expects it to be considered.

§2.11 When an applicant who is given a written examination by the Board fails to qualify, his entire fee is retained by the Board. When an application for registration under any other provision of the Act is rejected, a processing fee of twenty dollars will be retained by the Board.

§2.12 An applicant who fails, for any reason, to take a scheduled examination may be required to pay an examination fee of fifteen dollars or may have his application withdrawn from further consideration with no refund of fees.

§2.13 All certificates expire on December 31 of each year and shall become invalid on that date unless renewed. The failure on the part of any registrant to renew his certificate annually as required above shall not deprive a person of the right of renewal, but the fee paid for late renewal shall be increased ten percent for each month or fraction of a month that payment of renewal is delayed. The maximum fee for delayed renewal shall not exceed twice the normal fee.

Renewal Fees

Professional Engineer	\$10.00
Land Surveyor	\$5.00
Civil Engineer and Land Surveyor as a Public Employee	\$2.00
Engineer-in-Training	\$4.00
Land Surveyors-in-Training	\$4.00

LAC 19-3:3 Experience Equivalents

§3.1 No applicant will be allowed more than one year of experience for work of one calendar year.

§3.2 The Board will not recognize experience acquired by an applicant in violation of any law.

§3.3 An applicant for registration on the basis of graduation plus experience will not be given credit for experience obtained prior to graduation.

§3.4 The satisfactory completion of each year of a four-year curriculum in engineering approved by the Board shall be considered as equivalent to a year of experience for certification as an engineer-in-training and for registration as a professional engineer on the basis of experience plus examination and as a year of professional experience for registration as a professional engineer on the basis of long established practice, provided that no applicant shall receive credit for more than four years of experience for his undergraduate education (R.S. 37:692).

§3.5 The satisfactory completion of each year of a four-year curriculum in engineering that is not considered to be an approved curriculum may be allowed the equivalent of three-fourths of a year of experience for certification as an engineer-in-training and for registration as a professional engineer on the basis of experience plus examination and three-fourths of a year of professional experience for registration as a professional engineer on the basis of long established practice, provided that no applicant shall receive credit for more than three years of experience for his undergraduate education.

§3.6 Graduation in an approved four-year curriculum other than engineering from a college or university of recognized standing may be considered as equivalent to two years of experience for certification as an engineer-in-training and for registration as a professional engineer on the basis of experience plus examination and as equivalent to two years of professional experience for registration on the basis of long established practice (R.S. 37:692).

§3.7 The Board may allow experience credit for engineering education at the graduate level. Applicants holding a degree of Master of Science in engineering or in a branch of engineering or the equivalent thereof may be allowed a maximum credit of one year of experience for their graduate engineering education. Applicants holding a degree of Doctor of Philosophy in engineering or in a branch of engineering or the equivalent may be allowed a maximum of three years of experience, provided that no applicant shall receive credit for more than three years of experience for his graduate education in engineering.

§3.8 The satisfactory completion of each year of an undergraduate curriculum approved by the Board for the registration of land surveyors may be considered equivalent to a year of office experience, provided the applicant has completed at least six semester credit hours or equivalent in surveying courses approved by the Board. No applicant shall receive credit for more than four years of land surveying experience for his undergraduate education (R.S. 37:692).

§3.9 In considering the qualifications of applicants, years spent in engineering teaching may be construed as engineering experience.

§3.10 The Board may consider the execution, as a contractor, of work designed by a professional engineer or the supervision of the construction of such work as a foreman or superintendent toward qualification for registration of an applicant as a professional engineer (R.S. 37:692).

§3.11 The Board will not consider an applicant for registration as a professional engineer to have been in responsible charge of important engineering work unless the applicant shall have been legally authorized to practice professional engineering at the time the work was performed or shall have been in a field of employment exempt under the law from the requirement that professional engineers be registered to practice therein.

LAC 19-3:4 Approved Curricula

§4.1 The Board shall determine which curricula are to be recognized under the provisions of the Act as approved curricula for the registration of persons as professional engineers and land surveyors.

§4.2 In general, the Board will recognize as approved curricula all engineering curricula of four years or more accredited by the Engineers' Council for Professional Development (ECPD) in programs that lead to degrees in agricultural, chemical, civil, electrical, industrial, mechanical, metallurgical, mining, and petroleum engineering, and may recognize as an approved curriculum an engineering curriculum leading to the degrees specified above that was not accredited at the time of the applicant's graduation, but became accredited two years later.

§4.3 Based on an investigation by a committee of the Board, the Board may, by a majority vote at a regular meeting, recognize as an approved curriculum an engineering curriculum of four years or more from a school of satisfactory standing that does not meet the specifications of Section 4.2. The Secretary shall keep a record of the engineering curricula thus approved.

§4.4 The Board may recognize that an applicant for registration as a professional engineer has an education equivalent to that of a graduate of an approved curriculum provided the applicant has received a graduate degree from a department with an engineering curriculum approved by the Board. Such recognition shall be made on an individual basis as a result of the consideration of the applicant's entire record of education and the results of a personal interview and oral examination by the Board or by a committee of the Board.

§4.5 The Board may recognize as approved for the registration of land surveyors under Section 12A(2)(a) and (b) of the Act all approved engineering curricula that contain at least six semester credit hours, or equivalent, of satisfactory surveying courses.

§4.6 The Board, by a majority vote at a regular meeting, may recognize a curriculum of a college or university of recognized standing, leading to a Bachelor of Science degree as an approved curriculum for the registration of land surveyors under Section 12A(2)(a) and (b) of the Act provided the curriculum contains at least six semester credit hours or equivalent, of satisfactory surveying courses. The Secretary shall keep a record of the curricula thus approved.

§4.7 The Board may recognize that the formal education of an applicant for registration as a land surveyor meets the requirements of Section 12A(2)(b) of the Act if he has passed sixty semester hours, or the equivalent, of courses above the high school level, including at least six semester hours, or the equivalent, of satisfactory surveying courses. The Secretary shall keep a record of this action by the Board if the education was obtained in a two-year curriculum leading to a degree or a certificate.

LAC 19-3:5 Examinations

§5.1 The examination in fundamental engineering subjects covers the basic subjects included in engineering curricula such as engineering economy, thermodynamics, mechanics of materials, fluid mechanics, physics, mathematics, electrical theory, statics, chemistry, and dynamics. It is offered in the spring and fall of each year at places designated by the Board.

§5.2 Seniors and graduates of four-year engineering curricula (including engineering curricula of state and private universities and colleges not approved by the Board), engineering graduate students, and any applicants who meet the other requirements for

certification as engineers-in-training may be permitted to take the examination in fundamental engineering subjects provided they have filed applications with the Board or its representatives in accordance with the rules of the Board.

§5.3 The Board may waive the requirement of a written examination in fundamental engineering subjects for applicants who appear before the Board for an oral examination or interview and meet one of the following criteria:

§5.3.1 The applicant had previously passed the examination, or one similar to it, but the time limit during which the examination credit may be used has expired.

§5.3.2 The applicant was registered as a professional engineer by another board prior to July 1, 1967.

§5.3.3 The applicant, applying for registration on the basis of experience plus examination, has at least fifteen years of satisfactory experience.

§5.4 Each applicant who passes the examination in fundamental engineering subjects will be issued a letter stating that he has passed the examination and that the fact has been properly recorded. Passing the examination constitutes a credit toward registration for a period of ten years, pending fulfillment of the other requirements.

§5.5 Passing the examination in the principles and practice of engineering satisfies one of the requirements for registration as a professional engineer. The scope of this one-day written examination is limited to the branch in which registration is sought and includes problems which would be encountered in the normal practice of a professional engineer. This examination is given twice each year in New Orleans.

§5.6 An applicant who meets the other requirements for registration as a professional engineer may be permitted to take the examination in principles and practice of the branch of engineering in which he seeks registration.

§5.7 Examinations in more than one branch of professional engineering will not be given concurrently to the same applicant. Applicants taking written examinations in more than one branch of professional engineering will be required to pay a registration fee in each branch.

§5.8 The examination in fundamental surveying subjects is a written or oral and written examination which covers the basic surveying subjects included in the elementary and advanced surveying texts usually taught at the college level. The examination is designed to evaluate the applicant's ability to make route surveys, to determine true meridians, to tie surveys to the Louisiana Coordinate System, to compute areas of land, to use General Land Office survey data, to compute various corrections, to lay out and plot subdivisions, and to handle such mathematical tasks as are encountered in the normal practice of land surveying in this state. This examination will be given at least once a year in New Orleans.

§5.9 An applicant who meets the other requirements for certification as a land surveyor-in-training may be permitted to take the examination in the fundamentals of land surveying. If he passes this examination he will be certified as a land surveyor-in-training.

§5.10 The Board may waive the requirement of a written examination in the fundamentals of land surveying for a person who is registered as a land surveyor in another state whose requirements for registration are not less than those in Louisiana.

§5.11 Each applicant who passes the examination in fundamental surveying subjects will be issued a letter stating that he has passed the examination and that this fact has been properly recorded. Passing the examination will constitute a credit toward registration for a period of ten years, pending fulfillment of the other requirements.

§5.12 A person who has passed the examination in the fundamentals of land surveying and has met the other requirements for registration as a land surveyor may be permitted to take examinations in the principles and practice of land surveying and land

surveying laws and procedures. After he passes these examinations he will be registered as a land surveyor.

§5.13 When permitted, textbooks, reference books or other aids to which a practitioner would ordinarily have access may be used by the applicant while taking a written examination. However, applicants will not be permitted to use unbound references. Self-contained, battery powered, silent calculators may be used.

§5.14 Applicants will be informed at the earliest possible date as to whether they passed or failed an examination. No other information regarding the applicant's examination will be given.

§5.15 After each examination, the Board shall review the results and by a majority vote shall specify the raw score that is equivalent to a converted score of seventy percent. The Board has the sole authority to release examination scores.

§5.16 The passing grade for an applicant in a branch of engineering or in land surveying shall be seventy percent. This grade shall be based on a weighted combination of the score (0-100%) of the written examination and an experience score (0-100%) based on the character of the experience of the individual applicant as determined by the Board by its review of his application file and the results of his oral examination and interview. The experience and the written examination scores shall be assigned equal weight for those applicants with twenty years or more of satisfactory experience. The weighting factor for the experience score for those applicants with less than twenty years of satisfactory experience shall be calculated using the following equation:

$$y = 0.500 [1 - (1 - x/20)^2]$$

where y represents the experience weighting factor and x the number of years of satisfactory experience. For x equal to or greater than twenty this weighting factor, y, has a value of 0.500. The examination grade is the sum of the products of y times the experience score and (1-y) times the written examination score.

§5.17 A person who fails an examination for the first time is eligible to apply to retake the examination.

§5.18 A person who has failed an examination on two occasions, regardless of the elapsed time between exams, will not be eligible to apply to retake the examination until two years after his last failure. Upon application he is expected to present evidence that he has made a serious effort to increase his knowledge of the subject matter covered by the examination.

§5.19 A person who has failed an examination three times or more than three times will not be eligible to apply to retake the examination until four years after his last failure. Upon application he must present evidence that he has made a serious effort to increase his knowledge of the subject matter covered by the examination. Before the applicant is given approval to retake the examination he must appear before the Board or a committee of the Board for an interview and oral examination.

§5.20 The National Council of Engineering Examiners prepares examinations in the "Principles and Practice of Engineering." These examinations are made available to all of the state boards twice each year. The Board provides the opportunity for engineers who are registered in Louisiana to take the National Council's examination in the branch of their registration without affecting their registration status with this Board. These examinations are offered at times and places designated by the Board. Each applicant will be charged a fee of twenty-five dollars for this service. Application is made by letter.

LAC 19-3:6 Certification, Registration and Temporary Permits

§6.1 Persons who meet the requirements of the Board for engineer-in-training, or land surveyor-in-training will be issued a certificate to that effect signed by the Chairman and Secretary of the Board.

§6.2 To be certified as an engineer-in-training or a land surveyor-in-training an applicant must present evidence that he is

of good character and meets the minimum requirements specified under one of the alternatives in Sections 6.4-6.8.

§6.3 An applicant for certification as a land surveyor-in-training is normally required to appear before the Board or a committee of the Board for an interview and oral examination.

§6.4 An applicant for certification as an engineer-in-training on the basis of graduation plus examination must:

§6.4.1 Graduate from an approved engineering curriculum of four years or more.

§6.4.2 Pass an eight-hour written examination in fundamental engineering subjects given by this Board or by a similar board of registration having equal requirements.

§6.5 An applicant for certification as an engineer-in-training on the basis of experience plus examination must:

§6.5.1 Graduate from an approved high school.

§6.5.2 Have a minimum of four years of experience in engineering work of a character satisfactory to the Board. The experience must be of such quality and extent that the Board believes the applicant has obtained engineering knowledge and skills at least equivalent to that obtained by education in an approved four-year engineering curriculum. Satisfactory completion of each year of an approved engineering curriculum may be considered equivalent to a year of experience.

§6.5.3 Pass an eight-hour written examination in fundamental engineering subjects given by this Board or another board of registration having equal requirements.

§6.6 An applicant for certification as a land surveyor-in-training on the basis of graduation plus examination must:

§6.6.1 Have at least a Bachelor of Science degree in an approved curriculum including the successful completion of at least six semester credit hours in surveying courses approved by the Board.

§6.6.2 Pass the written examination in the fundamentals of land surveying.

§6.6.3 Submit the names of three references not less than one of whom shall be a professional engineer or land surveyor who has personal knowledge of the applicant's character and abilities.

§6.7 An applicant for certification as land surveyor-in-training on the basis of education plus examination must:

§6.7.1 Have at least two years of formal education in an approved curriculum above high school level with at least sixty semester credit hours passed. Of these credits at least six semester hours must have been in surveying courses approved by the Board.

§6.7.2 Present evidence satisfactory to the Board that he has had at least two years of combined office and field experience in land surveying with a minimum of one year of experience in charge of land surveying projects under the supervision of a registered land surveyor.

§6.7.3 Pass the written examination in the fundamentals of land surveying.

§6.7.4 Submit three references, not less than one of whom shall be a registered land surveyor having personal knowledge of the applicant's land surveying experience.

§6.8 An applicant for certification as land surveyor-in-training on the basis of experience plus examination must:

§6.8.1 Graduate from an approved high school.

§6.8.2 Present evidence satisfactory to the Board that he has had at least four years of combined office and field experience in land surveying with a minimum of two years experience in charge of land surveying projects under the supervision of a registered land surveyor.

§6.8.3 Pass the written examination in the fundamentals of land surveying.