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Executive Orders

EXECUTIVE ORDER MJF 97-29

Bond Allocation—Town of Arcadia

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "the Act") and Act 51 of the 1986 Louisiana Legislature, Executive Order Number MJF 96-25 (hereafter "MJF 96-25") was issued on August 27, 1996 to establish (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 1997 (hereafter "the 1997 Ceiling"); (2) the procedure for obtaining an allocation of bonds under the 1997 Ceiling; and (3) a system of central record keeping for such allocations; and

WHEREAS: the Town of Arcadia has requested an allocation from the 1997 Ceiling to be used to finance the acquisition and renovation of a chicken processing plant owned by Randall Farms, in accordance with the provisions of Section 143 of the *Internal Revenue Code of 1986*, as amended;

NOW THEREFORE I, M. J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 1997 Ceiling as follows:

Amount of Allocation	Name of Issuer	Name of Project
\$8,200,000	Town of Arcadia	Randall Farms, L.L.C.

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect, provided that such bonds are delivered to the initial purchasers thereof on or before November 17, 1997.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the *Internal Revenue Code of 1986*, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 19th day of August, 1997.

M. J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9709#024

EXECUTIVE ORDER MJF 97-30

Bond Allocation—Village of Choudrant

WHEREAS: pursuant to the Tax Reform Act of 1986 (hereafter "the Act") and Act 51 of the 1986 Louisiana Legislature, Executive Order Number MJF 96-25 (hereafter "MJF 96-25") was issued on August 27, 1996 to establish (1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 1997 (hereafter "the 1997 Ceiling"); (2) the procedure for obtaining an allocation of bonds under the 1997 Ceiling; and (3) a system of central record keeping for such allocations; and

WHEREAS: the Village of Choudrant has requested an allocation from the 1997 Ceiling to be used to upgrade and equip a feed mill owned by Randall Farms and located at 3969 Elm Street, Choudrant, Louisiana, in accordance with the provisions of Section 143 of the *Internal Revenue Code of 1986*, as amended;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the 1997 Ceiling as follows:

Amount of Allocation	Name of Issuer	Name of Project
\$575,000	Village of Choudrant	Randall Farms, L.L.C.

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general

purpose set forth in the "Application for Allocation of a Portion of the State of Louisiana Private Activity Bond Ceiling" submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect, provided that such bonds are delivered to the initial purchasers thereof on or before November 17, 1997.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the *Internal Revenue Code of 1986*, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 19th day of August, 1997.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9709#025

EXECUTIVE ORDER MJF 97-31

Royal Street Project Advisory Board

WHEREAS: the New Orleans Court Building, which occupies the 400 block of Royal in the French Quarter, was constructed as a joint project between the City of New Orleans and State of Louisiana during the period of 1907 to 1910;

WHEREAS: in October of 1910, the Louisiana Supreme Court moved from the Cabildo to join the Orleans Court of Appeal and various state and city offices in the New Orleans Court Building, where it stayed until the 1950's;

WHEREAS: when the Louisiana Supreme Court began to outgrow its present location on Loyola Avenue, the court began studying the feasibility of returning to the New Orleans Court Building (hereafter the "Royal Street Project");

WHEREAS: the Royal Street Project is the proposed future site of the Louisiana Supreme Court, the Louisiana Fourth Circuit Court of Appeal, the Law Library of Louisiana, the Louisiana Judicial Administrator's Office, a satellite office of the Louisiana Attorney General, and a museum or tourist information center;

WHEREAS: more than \$7 million has been expended to date on planning, renovations, and construction since the

Royal Street Project received its first legislative appropriation in 1981;

WHEREAS: considering the historical significance of the building, the high cost of renovation projects, the project's fast-approaching completion date, and the complications that can normally arise in a project of this size and nature, the interests of the citizens of the State of Louisiana would be best served by the creation of an advisory board, composed of local businessmen and attorneys who have earned the public's confidence as experienced developers, to advise the Louisiana Supreme Court and Division of Administration with regard to all plans and contracts for the project; and

WHEREAS: the Speaker of the Louisiana House of Representatives and President of the Louisiana Senate, as representatives of the legislative branch, have indicated their agreement to representatives of the judicial and executive branches, that they find the creation of an advisory board serves the best interests of the citizens of this state, and they approve of the proposed objectives and membership of the advisory board for the Royal Street Project;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Royal Street Project Advisory Board (hereafter "advisory board") is created and established within the Executive Department, Office of the Governor.

SECTION 2: The duties of the advisory board shall include, but are not limited to, the following:

A. providing advice to the Division of Administration and the Louisiana Supreme Court regarding the expenditure of all funds and all contracts, bids, proposals, and plans associated with the Royal Street Project;

B. providing consulting advice for all planning, development, and/or construction associated with the Royal Street Project; and

C. preparing the documentation for all future requests for legislative appropriations for the Royal Street Project and presenting the appropriation requests to the commissioner of Administration and the legislative committees and/or leadership of the Louisiana Legislature.

SECTION 3: The advisory board shall consist of at least five members appointed by and serving at the pleasure of the Governor, four of whom shall be well known and respected within the New Orleans business community for possessing an expertise in historical renovations and/or the development and management of significant building construction projects. The membership of the advisory board shall be composed as follows:

A. the Chief Justice of the Louisiana Supreme Court, or the designee of the Chief Justice; and

B. at least four members selected from the New Orleans business community.

SECTION 4: The chair and vice-chair of the advisory board shall be appointed by the Governor from its membership.

SECTION 5: The advisory board shall meet at the call of the chair.

SECTION 6: Support staff for the advisory board and facilities for their meeting shall be provided by the Division of Administration and/or the Louisiana Supreme Court.

SECTION 7: Advisory board members shall not receive compensation or a per diem. Nonetheless, contingent on the availability of funds, advisory board members who are not employed by the state or an elected official may receive reimbursement for actual travel expenses, in accordance with state guidelines and procedures, upon the approval of the commissioner of Administration.

SECTION 8: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the advisory board in implementing the provisions of the Order.

SECTION 9: This Order is effective upon signature of the Governor and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the State of Louisiana, at the City of Baton Rouge, on this 19th day of August, 1997.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9709#026

EXECUTIVE ORDER MJF 97-32

Coordinating Council on Domestic Violence

WHEREAS: domestic violence is a pervasive social evil that potentially can devastate its direct and indirect victims physically, emotionally, spiritually, and financially;

WHEREAS: the stability and success of the family unit is threatened by domestic violence as it victimizes the entire family, including the children, who learn through example that violence is an acceptable mode of coping with problems, dealing with stress, and asserting control over others;

WHEREAS: domestic violence has a negative impact on society in general, necessitating that millions of dollars be annually expended due to absenteeism and a loss of productivity at work and school, mental health and medical expenses, and the prosecution and/or administrative costs of criminal, quasi-criminal, and civil cases;

WHEREAS: the goal of eradicating domestic violence throughout Louisiana may only be achieved by increasing public awareness about the prevalence and harmfulness of domestic violence, implementing a firm public policy against domestic violence, and instituting an effective means of enforcement that encompasses law enforcement, social service agencies, and the courts; and

WHEREAS: to obtain this goal, the State of Louisiana must implement consistent, coordinated, and nonvictim

blaming responses to incidents of domestic violence throughout the response process, beginning with law enforcement and continuing through victim protection and assistance services and the administration of justice process; therefore, the leadership of the State of Louisiana, including members of the Louisiana Legislature, the Executive Branch, and the Louisiana Supreme Court, together with representatives from law enforcement agencies, social service agencies, and special interest organizations that deal with domestic violence, must join together to develop a comprehensive coordinated response to domestic violence within the State of Louisiana;

NOW THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Louisiana Coordinating Council on Domestic Violence (hereafter "council") is established within the Executive Department, Office of the Governor.

SECTION 2: The duties of the council shall include, but are not limited to, the following:

A. examining the current responses of public agencies, the courts, and private organizations to situations of domestic violence;

B. identifying barriers, breakdowns, or areas for improvement among those who are charged with the public duty of responding to domestic violence;

C. making recommendations for improved cooperation and coordination between public agencies and those entities which volunteer or offer assistance and services;

D. identifying various means of promoting public awareness, and educating the public about domestic violence;

E. evaluating the effectiveness of Louisiana's statutory and jurisprudential laws on domestic violence; and

F. evaluating the model code on domestic and family violence prepared by the National Council of Juvenile and Family Court Judges.

SECTION 3: The council shall submit to the Governor a detailed written report containing the council's findings and recommendations on or before December 31, 1998.

SECTION 4: The council shall consist of 20 members who shall be appointed by and serve at the pleasure of the Governor. The membership of the council shall be selected as follows:

A. the president of the Louisiana Senate, or the president's designee chosen from the membership of the Senate;

B. the speaker of the House of Representatives, or the speaker's designee chosen from the membership of the House;

C. the executive director of the Office of Women's Services, Office of the Governor, or the executive director's designee;

D. the secretary of the Department of Social Services, or the secretary's designee;

E. the secretary of the Department of Corrections, or the secretary's designee;

F. a member of the Louisiana Supreme Court;

G. two district court judges, one who presides over a criminal docket and one who presides over a family/domestic docket;

H. three members of the Louisiana Coalition Against Domestic Violence;

I. a member of the Louisiana District Attorneys Association;

J. a member of the Family Law Committee of the Louisiana State Bar Association;

K. a member of the Louisiana Association of Criminal Defense Lawyers;

L. a member of the Louisiana Council on Child Abuse;

M. a member of the Louisiana Trial Lawyers Association;

N. a member of the Louisiana Clerks of Court Association;

O. a member of the Louisiana Sheriff's Association;

P. a member of the Chiefs of Police Association; and

Q. a member of the Louisiana Commission on Law Enforcement.

SECTION 5: The chair shall be selected by the Governor from its membership.

SECTION 6: The council shall meet at regularly scheduled intervals and at the call of the chair. A majority of the membership present shall constitute a quorum.

SECTION 7: Support staff for the council shall be provided by the Department of Social Services.

SECTION 8: Council members shall not receive compensation or a per diem. Nonetheless, contingent upon the

availability of funds, members who are not an employee of the State of Louisiana or one of its political subdivisions, or an elected or appointed public official, may receive reimbursement from the Office of the Governor for actual travel expenses incurred, in accordance with state guidelines and procedures, and upon the approval of the commissioner of Administration.

SECTION 9: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in the implementation of this Order.

SECTION 10: This Order is effective upon signature of the Governor and shall continue in effect until amended, modified, terminated, or rescinded by the Governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have 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 26th of August, 1997.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9709#027

Emergency Rules

DECLARATION OF EMERGENCY

Department of Agriculture and Forestry Office of the Commissioner

Alternative Livestock—Imported Exotic Deer and Imported Exotic Antelope, Elk, and Farm-Raised White-Tailed Deer (LAC 7:XXI.1501-1523)

Editor's Note: All Agriculture and Forestry rules, found at LAC, Title 7, will be renumbered during the next few months, so that each Part (I through XLIII) will begin with a Chapter 1 and continue with sequential chapters (through Chapter 99), as needed. A revised *Louisiana Administrative Code*, Title 7, is scheduled for publication during Fall, 1997. As shown below, the *Louisiana Register* is promulgating all Title 7 emergency, proposed, and final rules under the new numbering system.

In accordance with the Administrative Procedure Act, specifically R.S. 49:953(B), and R.S. 3:3101, the commissioner of Agriculture and Forestry finds that these emergency rules regulating the raising, slaughtering, and sale of imported exotic deer and antelope, elk, and farm-raised white-tailed deer for commercial purposes in the state of Louisiana are necessary to prevent imminent peril to the health, safety, and welfare of the citizens of Louisiana.

Without regulations in place, diseased or contaminated animals may be brought into the state of Louisiana or slaughtered and sold as food to be consumed by Louisiana citizens. Louisiana is certified by the United States Department of Agriculture (USDA) as a tuberculosis- and brucellosis-free state. The introduction of any imported exotic deer and antelope, elk, and farm-raised white-tailed deer infected with either of these diseases or other diseases will subject Louisiana cattle and other livestock to infection. Any infection of cattle or other livestock will cause the owner of such livestock to lose the commercial value of such animals. In addition, introduction of these diseases into the state will jeopardize Louisiana's certifications from the USDA. The loss of the commercial value of infected livestock, as well as the loss of USDA certification, will cause a substantial adverse economic impact on the agricultural economy of this state. Permanent regulations are being promulgated; however, the time delay required by the Administrative Procedure Act precludes adoption of permanent regulations before the first set of emergency rules expire. It is, therefore, necessary to readopt emergency rules to avoid a hiatus in the law.

For these reasons, the commissioner has determined that these emergency rules are necessary in order to immediately regulate the raising, slaughtering, and sale of imported exotic deer, and antelope, elk, and farm-raised white-tailed deer for commercial purposes in the state of Louisiana.

These emergency rules are effective at 6 p.m. on September 3, 1997 and shall remain in effect 120 days or until the final rules become effective, whichever occurs first.

Title 7

AGRICULTURE AND ANIMALS

Part XXI. Diseases of Animals

Chapter 15. Alternative Livestock—Imported Exotic Deer and Imported Exotic Antelope, Elk, and Farm-Raised White-Tailed Deer

§1501. Statement of Authority and Purpose

The commissioner of Agriculture and Forestry heads and directs the Department of Agriculture and Forestry and exercises all functions of the state relating to the promotion, protection, and advancement of agriculture and forestry. The commissioner is authorized by law and does hereby adopt these rules and regulations for the purposes of promoting, protecting, and advancing agriculture and to implement the laws adopted by the legislature, including those in Part I of Chapter 19-A of Title 3 of the Revised Statutes, giving the commissioner the specific power to regulate farm-raised exotic animals, including imported exotic deer and imported exotic antelope, elk, and farm-raised white-tailed deer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1503. Definitions

For purposes of these rules and regulations the following words and phrases shall have the meaning given herein:

Alternative Livestock—any imported exotic deer and imported exotic antelope, elk, and farm-raised white-tailed deer.

Commercial Purpose—the keeping, breeding, raising, containing, harvesting, killing, slaughtering, buying, selling, trading, or transferring ownership of alternative livestock, any alternative livestock carcass or part thereof, with the intent to receive money, goods, services, livestock, or any other type of compensation in connection therewith.

Commissioner—The commissioner of Agriculture and Forestry.

Department—the Louisiana Department of Agriculture and Forestry.

Elk—any animal of the species and genus *Cervus canadensis*.

Farm—any area of land or water, regardless of size, used to breed, raise, or keep farm-raised alternative livestock for a commercial purpose, including but not limited to, breeding farms or propagating preserves. This definition does not include areas of land or water which are part of a zoo, game park, or wildlife exhibit where the primary purpose is the exhibition of alternative livestock or other animals.

Farm-Raised—any alternative livestock born, raised, or kept within a closed circumscribed fenced area for a commercial purpose. This definition does not include alternative livestock which are part of a zoo, game park, or wildlife exhibit where the primary purpose is the exhibition of the alternative livestock or other animals.

Farm-Raised White-Tailed Deer—any animal of species and genus *Odocoileus virginianus* which is bred, born, raised, and/or kept within a closed circumscribed fenced area for the purpose of buying, selling, or trading in commerce. Farm-raised white-tailed deer does not include any white-tailed deer which is part of any zoo, game park, or wildlife exhibit where the primary purpose of the same is the exhibition of white-tailed deer and/or other animals.

Imported Exotic Antelope—any animal of the family *Bovidae* which is not indigenous to North America, except animals of the tribes *Bovine* (cattle) and *Caprine* (sheep and goats).

Imported Exotic Deer—any animal of the family *Cervidae* which is not indigenous to North America, including but not limited to, red deer, seika deer and fallow deer.

Person—any individual, corporation, partnership, or other legal entity.

Quarantine—the requirement, resulting from an order of the department or the state veterinarian, to secure and physically isolate an animal, or animals, in a specified confined area to prevent the spread of contagious disease.

White-Tailed Deer—any animal of the species and genus *Odocoileus virginianus*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1505. Issuance of Farm-Raising License; Renewals

A. Any person who keeps, breeds, raises, contains, harvests, kills, slaughters, buys, sells, trades, or transfers ownership of any type of farm-raised alternative livestock for commercial purposes shall obtain a farm-raising license from the department prior to engaging in such activity.

B. The department shall not issue any farm-raising license until the application for the farm-raising license and the information requested, including the required plan for the operation of the farm, is approved by the department and the proposed farm passes the department's inspection.

C. Any changes in any information submitted in the original application, occurring during or after the application process, shall be submitted in writing to the department. The department must approve, in writing, any change or modification, which shall be in writing, in the written farm operation plan submitted with the original application before such change or modification may go into effect.

D. A farm-raising license shall be valid for the period beginning with the date of issuance and ending the following June 30 or from July 1 of the year of renewal through the following June 30.

E. A farm-raising license may be renewed each year by the department. A licensee shall submit a written request for renewal, the renewal fee, any proposed modification, which shall be in writing, of the written farm operation plan previously submitted to and approved by the department and any proof requested by the department of compliance by the licensee with Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, and any quarantine. If either the written request for renewal or the renewal fee is received by the department after July 31,

the farm-raising license shall be deemed expired, *ipso facto*, retroactive to June 30.

F. In the event that the department determines that a farm does not meet the requirements of or was not complying with Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, and any quarantine, the farm-raising license may not be renewed by the department.

G. The licensee may contest the department's decision not to renew a farm-raising license by filing a written request for an adjudicatory hearing with the department within 15 days from receipt of the notice of nonrenewal. Such a hearing is to be held in accordance with the provisions of the Administrative Procedure Act. Any such hearing shall be held within 30 days of the request, unless continued for good cause.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1507. Fees

A. Farm-Raising License Fees

1. The fee for a new farm-raising license shall be \$50.
2. The farm-raising license renewal fee shall be \$50.
3. The department shall waive the farm-raising license fee for any person who obtains a farm-raising license from this department, and who holds a valid game breeders license issued by the Department of Wildlife and Fisheries for the possession of any alternative livestock at the time these rules and regulations become effective, and who submits a written application within the calendar year that these rules and regulations become effective.
4. The waiver granted in §1507.A.3 applies only to a new farm-raising license and shall not apply to any renewal of a farm-raising license issued by the department under these rules and regulations.

B. Harvesting Permit Fee

1. Each individual intending to harvest or kill any farm-raised alternative livestock at any farm licensed by the department shall obtain a harvesting permit from the department, before harvesting or killing any farm-raised alternative livestock, except as provided by §1507.A.3, herein.
2. The fee for each harvesting permit shall be \$50.
3. No licensee or those persons employed by or assisting such licensee harvesting farm-raised alternative livestock to be taken directly to a state- or federally-approved slaughter facility or capturing farm-raised alternative livestock to be sold or traded for breeding or stocking purposes shall be required to obtain a harvesting permit or pay a fee.

C. Farm-Raised Alternative Livestock Tag Fee

1. Each farm-raised alternative livestock harvested or killed shall have a farm-raised tag attached to the carcass before it leaves the farm, except as provided in §1507.A.3.
2. The farm-raised alternative livestock tag shall be provided by the department at a cost of \$5 per tag.
3. No farm-raised tag shall be required for farm-raised alternative livestock which are to be taken directly to a

state- or federally-approved slaughter facility or which are sold or traded alive for breeding or stocking purposes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1509. Farm-Raising Licensing Requirements

A. Written Application. Each applicant for a farm-raising license shall submit a completed written application on a form supplied by the department. In addition to any other information that may be requested by the department, the applicant shall provide the following information:

1. name, physical address, mailing address, and telephone number of the applicant and whether the applicant will own or lease the land. If the land is leased, then a copy of the lease shall be provided to the department;

2. the name under which the business will operate, the physical address, mailing address, and telephone number of the business, if different than the information provided in §1509.A.1 of this provision;

3. the business structure (sole proprietorship, partnership, corporation, limited liability company, joint venture, or otherwise);

4. the name of the person or persons in charge, position, (e.g., owner, manager, etc.), residence address, and phone number;

5. the physical location and size of the farm;

6. a topographical map of the farm if 50 acres or more;

7. the species of alternative livestock to be farm-raised;

8. the approximate number of animals to be farm-raised;

9. the complete plan for the operation of the farm, including:

a. an enclosure system, including fencing the farm, indicating the location, size, nature, and extent of the fencing material and of any right-of-way related to the farm property;

b. systematic inspection of the enclosure system, including the fence, maintenance, repair, and replacement of the fence, keeping the fence and any clearance along either side of the fence clear, and verification to the department of compliance with this provision;

c. the capture of any farm-raised alternative livestock that may escape from or wild white-tailed deer that may enter the farm through a breach or opening in the enclosure system or fence;

d. removal of white-tailed deer from the farm prior to completion of the enclosure of the farm;

e. controlling farm-raised alternative livestock population;

f. identification by means of an electronic implant of all white-tailed deer born, bought, sold, traded, or which otherwise become farm-raised white-tailed deer, which shall include the systematic capture of farm-raised white-tailed deer for implantation purposes;

g. the removal and disposal of all alternative livestock in the event that the farm ceases operation for any reason or upon revocation or nonrenewal of the farm-raising

license, including a provision for written notice to the department prior to cessation of farming operation;

h. the type of farming operation records that will be kept;

10. a statement that the applicant shall abide by the requirements of Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, and any quarantine;

11. a certified statement that all representations contained in the application, the farm operation plan, and attachments are true and correct.

B. Farm Inspection. An applicant shall have the proposed farm physically inspected and approved by the department before a farm-raising license may be issued by the department. To obtain department approval a proposed farm shall:

1. be located in a rural area of the state;

2. be securely enclosed by an enclosure system, including fencing, that meets the following specifications:

a. a minimum height, above the relevant ground, of 8 feet. Fences or enclosure systems installed prior to April 22, 1997, which have a minimum height of 7 feet, may remain at that height until replaced;

b. a minimum gauge wire of 12½;

c. fencing material of chain link, woven wire, solid panel, or welded panel or, if made with any other material, approved in writing by the department. Welded wire fences shall not be used unless they were approved by the Department of Wildlife and Fisheries and installed prior to April 22, 1997. Such welded wire fences, when replaced or partially replaced, shall be replaced by fencing required by these rules and regulations;

3. have drainage sufficient to leave a majority of the farm free from extended periods of standing water;

4. have adequate space, and if the total enclosed area of the farm is less than 50 acres, allow at least 5,000 square feet for the first elk or farm-raised white-tailed deer placed on the farm and at least 2,500 square feet for each subsequent elk or farm-raised white-tailed deer;

5. have no condition which may cause noncompliance with or substantial difficulty in complying with Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, and any quarantine.

C. Any person who has completely finished fencing the proposed farm prior to April 22, 1997 shall be exempt only from the requirement to submit a plan for the removal of white-tailed deer from the farm due to, and in accordance with, the provisions of Article 3415 of the *Louisiana Civil Code*.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1511. Grounds for Refusal to Issue or Renew a Farm-Raising License

The commissioner may refuse to issue or renew a farm-raising license for any of the following circumstances:

1. the applicant cannot demonstrate, to the satisfaction of the commissioner, a competency to operate an alternative livestock farm;

2. the applicant has failed to provide all of the information required in or with the farm-raising license or renewal application, or has provided false information to the department;

3. the applicant has previously refused to permit the department to inspect the farm or to inspect farm records, or the applicant has otherwise failed to comply with Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, and any quarantine;

4. the department does not approve the farm operation plan;

5. the proposed farm does not pass the department's inspection;

6. the applicant has previously been found in violation of either Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, or any quarantine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1513. Obligations of the Farm-Raising Licensee

A. Identification of Farm-Raised Alternative Livestock

1. All farm-raised white-tailed deer shall be identified by means of an electronic implant implanted as follows:

a. the electronic implant shall be implanted into the subcutaneous tissue at the base of the left ear or in either shoulder;

b. all farm-raised white-tailed deer being brought into Louisiana shall have the electronic implant implanted before or upon arrival at the farm and prior to being released on the farm;

c. farm-raised white-tailed deer born in this state shall have an electronic implant implanted the first time the farm-raised white-tailed deer is captured alive and before the farm-raised white-tailed deer leaves the farm;

d. each electronic implant code shall be listed on the farm-raised white-tailed deer's health certificate and on the bill of sale or certificate of transfer.

2. All farm-raised alternative livestock other than farm-raised white-tailed deer shall be permanently and individually identified as follows:

a. by means of an electronic implant or by a permanent ear tattoo and ear tag;

b. the electronic implant shall be implanted into the subcutaneous tissue at the base of the left ear or in either shoulder;

c. prior to entering the state, alternative livestock, other than farm-raised white-tailed deer, shall be identified as required herein;

d. alternative livestock born in this state, other than farm-raised white-tailed deer, shall be identified, as required herein, the first time any such animal is captured alive and before any such animal leaves the farm;

e. the identification number or electronic implant code shall be listed on the health certificate and on the bill of sale or certificate of transfer.

3. Farm-raised alternative livestock, other than farm-raised white-tailed deer, that will be transported directly to a state- or federally-approved slaughter facility are exempt from this identification requirement.

4. Farm-raised alternative livestock placed on a farm prior to the effective date of these regulations, other than farm-raised white-tailed deer, are not required to be identified by a permanent ear tattoo and ear tag or electronic implant unless removed alive from the farm.

B. Record Keeping

1. Each licensee shall maintain records, for not less than 36 months, of all sales, deaths, kills, trades, purchases, or transfers of any farm-raised alternative livestock. The records shall include:

a. the total number of farm-raised alternative livestock, carcasses, or parts thereof, killed, sold, traded, purchased, or transported;

b. the name and address of the person to whom each farm-raised alternative livestock, or any carcass, or parts thereof, was sold, traded, delivered, presented, or transported to;

c. the electronic implant code or identification number of the farm-raised alternative livestock;

d. copies of any health certificates issued;

e. accurate records showing all inspections, maintenance, repairs, and replacement to the enclosure system, including the fence; and such records shall include the dates and times of each, names of the persons performing services, the location of any breaches of the enclosure system, including the fence, and nature and location of any repairs or replacements made to the fence.

f. records customarily kept in the normal course of conducting business and those records required by these rules and regulations.

2. Sellers, traders, or transferors of farm-raised alternative livestock, any carcass, or any part thereof, shall furnish the purchaser or transferee with a bill of sale or letter of transfer as verification of the farm-raised status.

3. The furnishing of any false information shall be a violation of these rules and regulations.

C. Enclosure System and Fence Inspection and Maintenance

1. Any licensee shall conduct or shall have conducted a visual ground inspection of the enclosure system, including the fence, along the entire perimeter of the fenced area of the farm no less than weekly. An inspection shall be conducted immediately after any major storm or occurrence of any other force of nature that would cause a reasonable person to be concerned about the integrity of the enclosure system, including the fence.

2. Any licensee shall maintain the enclosure system, including the fence, in good repair at all times. Good repair means that farm-raised alternative livestock are not able to leave and wild white-tailed deer are not able to enter through the enclosure system, including the fence, or otherwise.

3. Any licensee who discovers a breach or opening in the enclosure system or fence that would allow farm-raised

alternative livestock to leave from or wild white-tailed deer to enter into the enclosed area shall notify the department, orally and in writing, of the breach or opening.

4. In the event of such a breach or opening, the licensee shall immediately close the breach or opening and make all reasonable efforts to determine if farm-raised alternative livestock left from or wild white-tailed deer entered into the area enclosed by the fence.

D. Other Obligations of the Farm Licensee

1. A licensee shall remove white-tailed deer from the farm prior to completion of the fencing and enclosure system of the farm, unless the fencing and enclosure system was completed prior to April 22, 1997. Removal of the white-tailed deer shall be accomplished to the satisfaction of the department. The department's judgment as to whether the removal of the white-tailed deer has been satisfactorily accomplished shall be the exclusive determinative factor and shall be final.

2. A licensee shall control the population of farm-raised alternative livestock on the farm.

3. A licensee shall make all efforts that a reasonable licensee would make to capture any farm-raised alternative livestock that escapes from the fenced area of the farm and to remove wild white-tailed deer that enter the fenced area of the farm.

4. A licensee shall notify the department, in writing, at least 10 days prior to placing any alternative livestock on the farm if such alternative livestock was not listed on the original application or on any modification previously approved, in writing, by the department.

5. A licensee, upon cessation of operations or upon revocation or nonrenewal of the farm-raising license, shall remove and dispose of all farm-raised alternative livestock on the farm in accordance with the farm operation plan submitted to and approved by the department or in accordance with specific written instructions issued by the department in the event that circumstances warrant removal and disposal of the farm-raised alternative livestock in a manner different from the farm operation plan.

6. A licensee shall be responsible for ensuring that any individual who harvests or kills any farm-raised alternative livestock on the licensee's farm does so in accordance with these rules and regulations.

7. A licensee shall harvest or kill farm-raised alternative livestock in accordance with these rules and regulations.

8. A licensee shall provide that all farm-raised alternative livestock have the necessary health certificates and that the farm-raised alternative livestock meet all applicable health requirements.

9. A licensee shall allow authorized representatives of the department to inspect the farm at any time, and all books and records at any reasonable time.

10. A licensee shall comply with all provisions of Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, and any quarantine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1515. Health Certificates and Health Requirements

A. Prior to entering Louisiana, all alternative livestock, except those being transported directly to a state- or federally-approved slaughter facility, shall:

1. meet the general health requirements promulgated at LAC 7:XXI.107;

2. have an entry permit number issued by the State Veterinarian's Office no more than 15 days before entry into Louisiana, which entry number shall be included on the certificate of veterinary inspection;

3. have written proof of a negative test for brucellosis in accordance with the *Brucellosis Eradication in Cervidae Uniform Methods and Rules*, as and when published by the United States Department of Agriculture, Animal and Plant Health Inspection Service. Until such time as the *Brucellosis Eradication in Cervidae Uniform Methods and Rules* are published, all alternative livestock 6 months of age and older entering Louisiana, except those being transported directly to a state- or federally-approved slaughter facility, shall be tested negative for brucellosis within 30 days prior to entry into Louisiana, and written proof thereof shall be provided, unless the alternative livestock originate from a herd which has been officially declared a certified brucellosis-free herd by the state of origin;

4. have written proof of a negative test for tuberculosis in accordance with the *Tuberculosis Eradication in Cervidae Uniform Methods and Rules*, as published by the United States Department of Agriculture, Animal and Plant Health Inspection Service.

B. Any alternative livestock which has been exposed to brucellosis or tuberculosis shall be quarantined and tested for the diseases to which it has been exposed within 60 days of the date of the quarantine. The quarantine shall remain in effect until removed, in writing, by the State Veterinarian's Office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1517. Harvesting or Killing of Farm-Raised Alternative Livestock

A. Farm-raised white-tailed deer shall be harvested by killing only during the period of October 1 through January 31 of the following year, unless otherwise specifically authorized, in writing, by the department.

B. Except for farm-raised white-tailed deer, farm-raised alternative livestock may be harvested or killed at any time unless the commissioner provides otherwise in accordance with the provisions of §1517.C.

C. The commissioner may establish, by written order, other dates and conditions for the harvesting or killing of farm-raised alternative livestock as the commissioner deems necessary to carry out the purposes of Part I of Chapter 19-A of Title 3 of the Revised Statutes. Such orders shall be issued by the commissioner in January of each year or as soon thereafter as is practical and published in the January issue of the *Louisiana Register* or in the first available issue after any such order is issued.

D. Prior to harvesting or killing farm-raised alternative livestock, any person, except as provided by §1507.B.3, shall

first apply for and obtain a harvesting permit to do so by submitting an application on a form supplied by the department.

1. Any harvesting permit issued by the department shall be valid only for the time periods stated on the face of the permit.

2. The department may issue a harvesting permit upon written application by any individual or by any farm licensee making application on behalf of the individual and upon receipt of the harvesting permit fee.

E. Except as provided by §1507.C.3 of these regulations, any farm-raised alternative livestock harvested or killed, shall have a farm-raised tag attached to each carcass.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1519. Prohibitions

A. No farm-raised alternative livestock shall be released into the wild without express written permission from both the department and the Department of Wildlife and Fisheries.

B. Farm-raised white-tailed deer meat shall not be bought, sold, traded, or moved in commerce in any way.

C. Farm-raised alternative livestock sold for slaughter, except farm-raised white-tailed deer, the sale of which is prohibited, shall be handled in accordance with state and federal meat inspection laws and regulations.

D. It is a violation of these regulations to sell, purchase, trade, transport, or otherwise transfer any farm-raised alternative livestock for any purpose other than immediate slaughter at a state- or federally-approved slaughter facility if such farm-raised alternative livestock originates from a herd which is under quarantine for brucellosis or tuberculosis.

E. Failure to comply with any provision of Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, or any quarantine is prohibited, and each act or omission or each day of a continuing violation shall constitute a separate violation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1521. Enforcement

A. The department's authorized representatives may, at any time, enter and inspect all farms on which farm-raised alternative livestock are located for the purposes of issuing, renewing, or reviewing farm-raising licenses and to insure compliance with Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, and any quarantine.

B. Authorized representatives of the department may inspect, during any reasonable hours, any records regarding or relating to any farm-raised alternative livestock.

C. Farm-raised alternative livestock which escape from the enclosure system of the farm, if not captured by a licensee within 96 hours of the escape, may be captured by authorized representatives of the department or by any law enforcement agency by whatever means deemed necessary by that agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

§1523. Penalties

A. The commissioner may suspend or revoke the farm-raising license of any licensee and the harvesting permit issued to any person found guilty of violating Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, and any quarantine.

B. The commissioner may, in addition to suspending or revoking any farm-raising license or harvesting permit, impose upon any person charged with violating any provisions of Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, and any quarantine, a fine for up to \$100 per violation for each violation of which such person is found guilty.

C. These civil penalties may be assessed only by a ruling of the commissioner based on an adjudicatory hearing held in accordance with the Administrative Procedure Act.

D. The commissioner may seek a restraining order, injunctive relief, or other relief in a proper court of law to restrain violations of or to compel compliance with Part I of Chapter 19-A of Title 3 of the Revised Statutes, these rules and regulations, the written farm operation plan submitted to and approved by the department, or and any quarantine or to enforce any order or ruling made by him in an adjudicatory proceedings.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:3101.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of the Commissioner, LR 23:

Bob Odom
Commissioner

9709#019

DECLARATION OF EMERGENCY

Department of Economic Development Racing Commission

Blanks and Envelopes
(LAC 35:XI.9937)

The Racing Commission is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to the authority granted under R.S. 4:141 et seq., adopts the following emergency rule, effective August 29, 1997.

This emergency rule shall remain in effect for 120 days or until this rule takes effect through the normal promulgation process, whichever occurs first.

The Racing Commission finds it necessary to amend this rule to further clarify its intent and to prevent future discrepancies and voided claims due to the spelling of horses' names.

Title 35

HORSE RACING

Part XI. Claiming Rules and Engagements

Chapter 99. Claiming Rule

§9937. Blanks and Envelopes

All claims shall be on blanks and in envelopes furnished by the association and approved by the commission. Both blanks and envelopes must be filled out completely, and the horse's name must be spelled accurately to identify the claim, otherwise the claim shall be void. The horse's name shall be spelled as it appears in the official racing program of the association, otherwise the claim shall be void.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:142 and R.S. 4:148.

HISTORICAL NOTE: Adopted by the Racing Commission in 1971, amended by the Department of Commerce, Racing Commission, LR 2:446 (December 1976), repromulgated LR 3:42 (January 1977), LR 4:286 (August 1978), amended by the Department of Economic Development, Racing Commission, LR 23:

Paul D. Burgess
Executive Director

9709#018

DECLARATION OF EMERGENCY

**Department of Economic Development
Racing Commission**

Pari-Mutuel Tickets
(LAC 35:XV.12341)

The Racing Commission is exercising the emergency provisions of the Administrative Procedure Act, R.S. 49:953(B), and pursuant to the authority granted under R.S. 4:141 et seq., adopts the following emergency rule effective August 29, 1997; and it shall remain in effect for 120 days or until this rule takes effect through the normal promulgation process, whichever comes first.

Due to extensive national simulcasting, the potential problem of failed communication has increased. Paying track odds, instead of refunding nontransmitted wagers, will avert potential litigation. Therefore, the Racing Commission finds it necessary to amend this rule.

Title 35

HORSE RACING

Part XV. Off-track Wagering

Chapter 123. General Rules

§12341. Pari-Mutuel Tickets

A. - B. ...

C. When wagers are accepted by a host track, guest track, or off-track wagering facility and pari-mutuel tickets are issued therefore, such wagers are to be considered enforceable contracts, evidenced by possession of winning tickets, and such tickets shall be honored by all cashiers of the host track and the off-track wagering facility where such wagers are placed. Refunds of wagers shall be made only:

1. on a horse that is scratched; or
2. if a race is declared off; or

3. if a manual merge is rendered impossible because of an act or event beyond the control of a host track and/or the host track's off-track wagering facility, including but not limited to, a catastrophe or acts of God.

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:141, R.S. 4:176 and R.S. 4:211-227.

HISTORICAL NOTE: Promulgated by the Department of Commerce, Racing Commission, LR 14:290 (May 1988), amended by the Department of Economic Development, Racing Commission, LR 17:261 (March 1991), amended LR 23:

Paul D. Burgess
Executive Director

9709#017

DECLARATION OF EMERGENCY

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

Scholarship and Grant Policy Manual—Tuition
Assistance Program (TAP) and Honors Scholarship

In accordance with the Administrative Procedure Act, R.S. 49:953(B), the Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act in adopting the following changes to the Scholarship and Grant Policy and Procedure Manual.

Acts 287, 1283, and 1375 of the 1997 Regular Legislative Session affect continuing and new recipients of both the Louisiana Tuition Assistance Plan (TAP) and Honors Scholarship. A delay in promulgating rules to address student eligibility would disrupt the lives of affected students and adversely impact their financial condition and that of their families. The agency has, therefore, determined that these emergency rules are necessary in order to prevent imminent peril to the welfare of the affected TAP and Honors Scholarship recipients.

This emergency rule is effective August 15, 1997, and will remain in effect 120 days.

IV. LOUISIANA TUITION ASSISTANCE PLAN (TAP)

AMEND PARAGRAPHS IV.A. AND IV.B. TO READ AS FOLLOWS:

A. Program Description, History and Purpose

The Louisiana Tuition Assistance Plan (TAP) Program, formerly referred to as the Louisiana College Tuition Plan, was first awarded in the fall of 1989, and provides tuition reimbursement for Louisiana residents who enroll in public colleges and universities to pursue an academic undergraduate degree and who meet specific academic standards and financial need criteria. The annual award amount for TAP varies, since it is the actual tuition charged by individual state institutions.

A maximum cumulative award amount is not established; however, there is a five-year limitation on the number of academic years (10 semesters or 15 quarters) a recipient may receive this entitlement. Institutions, after submitting invoices to LASFAC, are reimbursed each term for the tuition and fees awarded for TAP recipients. Effective for academic year 1998-99, the program will be terminated and students

receiving TAP will be continued as TOPS Opportunity award recipients.

B. Legislative Authority

R.S. 17:3026;

Act 789 of the 1989 Regular Legislative Session, effective July 1, 1989;

Act 1055 of the 1990 Regular Legislative Session, effective July 27, 1990;

Act 718 of the 1992 Regular Legislative Session, effective January 1, 1993;

Act 269 of the 1995 Regular Legislative Session, effective January 1, 1996;

Act 872 of the 1995 Regular Legislative Session, effective June 28, 1995;

Act 287 of the 1997 Regular Legislative Session, effective July 15, 1997; and

Act 1375 of the 1997 Regular Legislative Session, effective August 15, 1997, (portions affecting 1996-97 and prior high school graduates).

AMEND PARAGRAPH IV.C.1.o. TO READ AS FOLLOWS:

o. not be receiving a tuition waiver or tuition award from another source including, but not limited to, the Louisiana National Guard Tuition Waiver, the Vocational Rehabilitation Tuition Waiver, the Louisiana Honors Scholarship or any institutional award which is limited to payment of tuition provided that the total cost of the student's tuition would be covered by the TAP award.

AMEND PARAGRAPH IV.C.3.b. TO READ AS FOLLOWS:

b. Achieve a cumulative GPA, as evaluated at the end of each academic year (the conclusion of the spring term), of at least 2.10 after the completion of less than 48 credit hours; at least 2.30 after the completion of 48 credit hours; and at least 2.50 after the completion of 72 credit hours, calculated on a 4.00 scale. Effective with the 1998-99 academic year, students continuing under TOPS who fail to achieve the required cumulative grade point average may be reinstated upon attainment of a cumulative grade point average, as required above, provided that the period of ineligibility did not persist for more than two years from the date of loss of eligibility.

INSERT NEW PARAGRAPH IV.C.3.d. AS FOLLOWS:

d. Effective for the 1997-98 academic year, if a student is placed on academic probation by the college or university attended, the student is ineligible for further TAP payments. The student may be reinstated upon the lifting of academic probation, provided that the period of ineligibility did not persist for more than two years from the date of loss of eligibility.

FORMER PARAGRAPHS IV.C.3.d., IV.C.3.e. and IV.C.3.f. ARE REDESIGNATED AS IV.C.3.e., IV.C.3.f. and IV.C.3.g., RESPECTIVELY.

AMEND FORMER PARAGRAPH IV.C.3.g. AND REDESIGNATE IT AS IV.C.3.h.:

h. TAP recipients prior to Fiscal Year 1997 who were denied continuation because of failure to show financial need, may be reinstated, upon written request, if they have maintained all other requirements for continuation as listed in Section C.3. of Chapter IV.

FORMER PARAGRAPH IV.C.3.h. IS REDESIGNATED AS IV.C.3.i.:

THE FOLLOWING FOOTNOTE HAS BEEN ADDED TO ACCOMPANY PARAGRAPH IV.E.1.:

1. Note: Effective with the 1998-99 award year, campuses of Louisiana Technical College and regionally accredited LAICU member independent colleges and universities are authorized to participate in TOPS, which will replace the TAP program.

AMEND PARAGRAPH IV.E.3.d. TO READ AS FOLLOWS:

d. Institutions may not bill LASFAC for a TAP award if the recipient has elected to accept a tuition waiver or tuition award from another source including, but not limited to, the Louisiana National Guard Tuition Waiver, the Vocational Rehabilitation Tuition Waiver, Louisiana Honors Scholarship or any institutional award which is limited to payment of tuition provided that the total cost of the student's tuition would be covered by the TAP award.

V. LOUISIANA HONORS SCHOLARSHIP PROGRAM

AMEND PARAGRAPHS V.A. AND V.B. TO READ AS FOLLOWS:

A. Program Description, History and Purpose

The Louisiana Honors Scholarship Program, first awarded in the fall of 1992, provides tuition exemption to Louisiana residents to acknowledge, honor and reward the academic achievement of Louisiana's top high school graduates; to ensure that these students have the financial resources to pursue a higher education in one of Louisiana's colleges and universities; and to provide an incentive to these students to seek their higher education in this state. Effective for academic year 1998-99, the program will be terminated and students receiving the Honors Scholarship will be continued as TOPS Performance award recipients.

B. Legislative Authority

R.S. 17:3042:31 through 3042:35;

Act 1085 of the 1992 Regular Legislative Session, effective July 14, 1992;

Act 225 of the 1993 Regular Legislative Session, effective June 2, 1993;

Act 86 of the Third Extraordinary Legislative Session, effective July 7, 1994;

Act 714 of the 1995 Regular Legislative Session, effective June 21, 1995;

Act 1283 of the 1997 Regular Legislative Session, effective July 15, 1997; and

Act 1375 of the 1997 Regular Legislative Session, effective August 15, 1997 (portions affecting 1996-97 and prior year high school graduates).

AMEND PARAGRAPHS V.C.1.e., V.C.1.f. AND V.C.1.g. TO READ AS FOLLOWS:

e. have attained a cumulative high school grade point average of at least 3.00 on a 4.00 scale; and

f. not be receiving other aid which, together with award of the Honors Scholarship, would exceed the student's total cost of attendance as defined by the institution in accordance with federal regulations. This Paragraph shall not preclude an institution from establishing a maximum limitation on aid based upon some other criteria which would result in a limitation that is less than the student's total cost of attendance; and

g. not be receiving a tuition waiver or tuition award from another source including, but not limited to, the Louisiana Tuition Assistance Plan (TAP), the Louisiana National Guard Tuition Waiver, the Vocational Rehabilitation Tuition Waiver or any other institutional award which is limited to payment of tuition provided that the total cost of the student's tuition would be covered by the honors award.

AMEND PARAGRAPH V.C.3.b. TO READ AS FOLLOWS:

b. Maintain by the end of each academic year a cumulative college or Louisiana technical college Grade Point Average (GPA) of at least 3.00 on a 4.00 scale. Effective with the 1998-99 academic year, students who fail to achieve the required cumulative grade point average may be reinstated upon attainment of a 3.00 cumulative grade point average provided that the period of ineligibility did not persist for more than two years from the date of loss of eligibility.

DELETE FORMER PARAGRAPH V.C.3.g. AND REDESIGNATE FORMER PARAGRAPHS V.C.3.h. AND V.C.3.i. as V.C.3.g. AND V.C.3.h., RESPECTIVELY; AND AMEND THE REDESIGNATED V.C.3.g. AND V.C.3.h. TO READ AS FOLLOWS:

g. not be receiving other aid which, together with award of the Honors Scholarship, would exceed the student's total cost of attendance as defined by the institution in accordance with federal regulations. This Paragraph shall not preclude an institution from establishing a maximum limitation on aid based upon some other criteria which would result in a limitation that is less than the student's total cost of attendance; and

h. not be receiving a tuition waiver or tuition award from the state or an institution of higher education including, but not limited to, the Louisiana Tuition Assistance Plan (TAP), the Louisiana National Guard Tuition Waiver, the Vocational Rehabilitation Tuition Waiver or any institutional award which is limited to payment of tuition provided that the total cost of the student's tuition would be covered by the Honors Scholarship.

REDESIGNATE FORMER PARAGRAPH V.C.3.j. AS V.C.3.i. AND INSERT NEW PARAGRAPH V.C.3.j. TO READ AS FOLLOWS:

j. Effective for the 1997-98 Academic Year, if a student attended, the student is ineligible for further payments. The student may be reinstated upon the lifting of academic probation, provided that the period of ineligibility did not persist for more than two years from the date of loss of eligibility.

AMEND PARAGRAPHS V.D.1.f. AND V.C.1.g.iii. TO READ AS FOLLOWS:

f. Each year, by the deadline specified and on the forms provided by LASFAC, city and parish school boards for

public high schools, principals or headmasters for approved special schools and nonpublic BESE-approved high schools, governing boards of eligible non-Louisiana high schools, and Louisiana Department of Education representatives for home study students shall certify and submit to LASFAC the names of students graduating in the top 5 percent of each high school's academic year graduating class who have attained a cumulative high school grade point average of at least 3.00 on a 4.00 scale or the names of those students completing an approved home study program who scored in the upper 5 percent in the state on the National Merit Exam.

g. If the certifying authority (school board, principal, headmaster or State Department of Education representative) elects to notify scholars of their selection, then the following disclaimer Paragraph shall be included in any communication to the scholar:

"Although you have been named a "Louisiana Honors Scholar," you must satisfy all of the following conditions to redeem a scholarship under this program:

iii. You must have attained a cumulative high school grade point average of at least 3.00 on a 4.00 scale,

AMEND PARAGRAPH V.E.3.d. TO READ AS FOLLOWS:

d. LAICU institution's reimbursement is limited to the lesser of actual tuition or the tuition amount charged by the highest cost public institution admitting freshmen. Institutions will be notified each term of the current maximum amount for full-time students and maximum amount for less than full-time students in accordance with Chapter VII.C.3. of this manual. Effective with the continuation of students under TOPS in the fall 1998 term, LAICU institutions may bill for the average tuition paid for students attending public colleges and universities as determined by LASFAC.

VII. GENERAL SCHOLARSHIP/GRANT POLICY

AMEND PARAGRAPH VII.D. TO READ AS FOLLOWS:

D. Release of Scholarship Awards

Awards shall be released to students by the institution if the student is listed on a LASFAC eligibility roster or master listing and is enrolled full-time for the applicable term, except as limited by Chapters IV.C.3.d., V.C.3.j. and VIII.C.3.b. Institutions continue to be responsible for verifying that Rockefeller Scholarship and TOPS-Teacher Award recipients are enrolled in a required field of study prior to the release of award checks.

Glossary

AMEND THE GLOSSARY BY DELETING THE DEFINITION OF *Gratuitous Financial Assistance or Support* IN ITS ENTIRETY.

Jack L. Guinn

Executive Director

9709#011

DECLARATION OF EMERGENCY

Student Financial Assistance Commission Office of Student Financial Assistance

Tuition Opportunity Program for Students (TOPS)—1997 Eligibility

In accordance with the Administrative Procedure Act, R.S. 49:953(B), the Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act to provide eligibility information for 1997 high school graduates under the Tuition Opportunity Program for Students (TOPS), as follows:

Act 476 of the 1997 Regular Legislative Session affects the welfare of 1997 high school graduates who may be eligible for the Tuition Opportunity Program for Students (TOPS). A delay in promulgating rules to address student eligibility would disrupt the lives of affected students and adversely impact their financial condition and that of their families. The agency has, therefore, determined that these emergency rules are necessary in order to prevent imminent peril to the welfare of the affected graduates.

This emergency rule is effective August 15, 1997, and will remain in effect 120 days.

VIII. TUITION OPPORTUNITY PROGRAM FOR STUDENTS (TOPS)

A. Program Description, History and Purpose

The Tuition Opportunity Program for Students (TOPS) is a comprehensive, merit-based student aid program consisting of a series of components, with each component having its own eligibility criteria and titled award. The purpose of TOPS is to financially assist any Louisiana student who has met the criteria for an award and has enrolled in an institution in the state for the purpose of pursuing a postsecondary education. The components of TOPS are the Opportunity Award, the Performance Award, the Honors Award and the Teachers Award. Each component shall be addressed in a separate chapter of this manual.

B. Legislative Authority

The TOPS was created by Act 476 of the 1997 Regular Session of the Louisiana Legislature. The Act created Chapter 20-G of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3048.1 and 3048.2.

C. Effective Date

Although Act 476 became effective on August 15, 1997, the monetary awards authorized under TOPS may only be made for the first time beginning with the 1998-99 academic year.

D. Special Provisions

1. **Applicability.** With the exception of students applying for the TOPS-Teacher Award, the following provisions are only applicable to students who graduated during the period August 15, 1996, to August 15, 1997, from a high school approved by the Louisiana Board of Elementary and Secondary Education (BESE). These emergency rules do not apply to students graduating from approved high schools after these inclusive dates.

2. **Student Eligibility.** With the exception of the TOPS-Teacher Award, TOPS awards are authorized for the first time beginning in August 1998, which is the acknowledged beginning of the 1998-99 academic year. Students must establish their eligibility for TOPS, enroll in an eligible postsecondary institution and be awarded no later than the beginning of the fourth semester (or equivalent period for schools using quarters or other terms) following the date of their graduation from high school. Accordingly, only those students who graduated from approved high schools after August 15, 1996, will be eligible for TOPS. Students graduating before that date, may be eligible to apply for the TOPS-Teacher Award.

a. TOPS-Opportunity Award

i. Students who will not be first-time freshmen in academic year 1998-99 (meaning they have previously attended a postsecondary institution) must apply during the 1997 special application period (see Paragraph D4a, Special Application Periods and Application Deadlines) and establish continuing eligibility in 1998 by showing evidence of a college grade point average that meets the continuation requirement for this program. (See the Glossary, page G-7 for the grade requirement for continuation in this program).

ii. Students who will be first time freshmen in academic year 1998-99 must apply during the regular application period for 1998 (January 1, 1998 to June 1, 1998), and be awarded and accept funds no later than the 1999 spring term, or lose their eligibility for the program.

b. TOPS-Honors Award

i. Students who will not be first-time freshmen in academic year 1998-99 (meaning they have previously attended a postsecondary institution) must apply during the 1998 regular application period (January 1, 1998 to June 1, 1998) and show evidence of having achieved a cumulative grade point average of at least 3.00 on all college course work.

ii. Students who will be first-time freshmen in academic year 1998-99 (meaning they have not previously attended a postsecondary institution) must apply during the 1998 regular application period and be awarded and accept funds no later than the 1999 spring semester, or lose their eligibility for the program.

c. TOPS-Teacher Award is authorized to be awarded during the 1997-98 academic year. Unlike the other TOPS components, students who will be enrolled as college undergraduates (freshmen through college seniors) in academic year 1997-98 may apply for this award. Students applying for the 1997-98 academic year must apply during the 1997 special application period. (See Paragraph D4b, Special Application Periods and Application Deadlines). In addition to the special provisions referred to in this Chapter, applicants for this award must meet the requirements specified in Chapter IX, adopted as emergency rules on August 12, 1997. Since the 1997 special application period will close after the 1997-98 academic year has begun, students who are selected for a Teacher Award should not expect to receive funds prior to the spring semester, 1998. Beginning in academic year 1998-99, students may accept other TOPS awards in conjunction with the Teacher Award.

3. Establishing Eligibility

To establish eligibility for an award under TOPS, students must meet the criteria specific to the individual awards which are depicted on the chart, page G-7 of the Glossary, and the following:

- i. be a U.S. Citizen or National and be registered with the Selective Service if required to do so by law; and
- ii. be a resident of Louisiana, meaning any person who has actually resided in Louisiana continuously during the 24 months immediately preceding enrollment in an eligible postsecondary institution, and who has a domiciliary parent or guardian in Louisiana who has manifested intent to remain in this state by establishing Louisiana as legal domicile as demonstrated by compliance with all of the following:
 - (a) if registered to vote, is registered to vote in Louisiana;
 - (b) if licensed to drive a motor vehicle, is in possession of a Louisiana driver's license;
 - (c) if owning a motor vehicle located within Louisiana, is in possession of a Louisiana registration for that vehicle; and
 - (d) if earning an income, has complied with state income tax laws and regulations.
- iii. be a graduate of a public or nonpublic high school which has been approved, provisionally approved, or probationally approved by the Louisiana Board of Elementary and Secondary Education (BESE);
- iv. annually, complete and submit the Free Application for Federal Student Aid (FAFSA), and authorize the state of Louisiana to receive application results from the federal processor of the form;
- v. meet standards for admission to the desired postsecondary institution and successfully complete 16.5 units of high school course work, constituting the following core curriculum:

UNITS	COURSE
1	English I
1	English II
1	English III
1	English IV
1	Algebra I
1	Algebra II
1	Geometry, Trigonometry, Calculus, or Comparable Advanced Math
1	Biology I
1	Chemistry I
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, or Physics
1	American History
1	World History, World Culture, Western Civilization, or World Geography

- 1 Civics and/or Economics/Free Enterprise
- 1 Fine Arts Survey (or substitute 2 units performance courses in Music, Dance and/or Theater; or 2 units of Studio Art; or one elective from among the other subjects listed in this core curriculum)
- 2 In the same Foreign Language
- ½ Computer Science, Computer Literacy or Data Processing (or substitute at least ½ unit of an elective from among the other subjects listed in this core curriculum)

vi. except for misdemeanor traffic violations, shall not have a criminal conviction.

4. Special Application Periods and Application Deadlines. Special application periods are hereby established for the TOPS-Opportunity Award and the TOPS-Teacher Award. The special application period for the TOPS-Opportunity Award is intended to permit students who will not be first-time freshmen in academic year 1998-99, to establish their eligibility for the award during the current year and, by showing evidence of having met the program's continuation requirements, receive the award during the 1998-99 academic year. Since the TOPS-Teacher Award is authorized to be funded for the current academic year, the special application period for the Teacher Award is intended to assure that all interested students who will be college undergraduates in academic year 1997-98 are afforded the opportunity to compete for these awards.

a. Students who graduated from an approved high school on or after August 15, 1996 and through June 1997, and who enroll in a postsecondary institution during the 1997-98 academic year, must apply for the TOPS-Opportunity Award by completing and mailing the Free Application for Federal Student Aid (FAFSA), School Year 1997-98, or the Renewal FAFSA for the same year, whichever may be applicable to the student, by December 15, 1997, to be received at the address on the FAFSA's mailing envelope by December 31, 1997. Students who have previously submitted the FAFSA for 1997-98 shall be considered and should not resubmit this form.

b. Students who will be college undergraduates during the 1997-98 academic year and who are pursuing a program which leads to regular certification as a teacher may apply for the TOPS-Teacher Award by completing and mailing the Free Application for Federal Student Aid (FAFSA), School Year 1997-98, or the Renewal FAFSA for the same year, whichever may be applicable to the student, by November 1, 1997, to be received at the address on the FAFSA's mailing envelope by November 15, 1997. Students who have previously submitted the FAFSA for 1997-98 shall be considered and should not resubmit this form.

Jack L. Guinn
Executive Director

9709#012

DECLARATION OF EMERGENCY

Student Financial Assistance Commission Office of Student Financial Assistance

Tuition Opportunity Program for Students (TOPS)—Teachers Award

In accordance with the Administrative Procedure Act, R.S. 49:953(B), the Louisiana Student Financial Assistance Commission (LASFAC) is exercising the emergency provisions of the Administrative Procedure Act to adopt rules for the Tuition Opportunity Program for Students (TOPS)—Teachers Award.

Act 476 of the 1997 Regular Legislative Session creates the Tuition Opportunity Program for Students (TOPS)—Teachers Award and affects the welfare of students who may be eligible for the program. A delay in promulgating rules to address student eligibility would disrupt the lives of affected students and adversely impact their financial condition and that of their families. The agency has, therefore, determined that these emergency rules are necessary in order to prevent imminent peril to the welfare of the affected students.

The rule is effective August 15, 1997, and will remain in effect for 120 days or until adoption of the final rule, whichever occurs first.

TOPS—TEACHERS AWARD

A. Program Description, History and Purpose. The Tuition Opportunity Program for Students (TOPS)—Teachers Award was created to attract academically talented high school graduates into the elementary and secondary level teaching profession and to encourage these individuals to practice their profession in Louisiana. The program provides competitively awarded educational loans to residents of Louisiana who indicate their willingness to teach at the elementary or secondary level in Louisiana. When the recipient teaches at an approved institution in Louisiana, the loans are forgiven in the ratio of one year of loan forgiveness for each year of teaching, or two years of loan forgiveness for each year of teaching in an elementary or secondary school which is located in an economically disadvantaged region of the state. The loans are made in the amount of \$6,000 per award year for math and chemistry majors and \$4,000 per year for all other approved majors.

B. Legislative Authority. The TOPS—Teachers Award was created by Act 476, of the 1997 Regular Session of the Louisiana Legislature. This bill amended and reenacted R.S. 17:3042.1(A)(3) and (4), (B), (C), and (D) and 3042.2(A) and (B), reenacted R.S. 17:3042.1(A)(5) and (6) and 3042.8 and renamed Chapter 20-B of Title 17 of the Louisiana Revised Statutes of 1950.

C. Student Applicants

1. Initial Eligibility. To establish initial eligibility, the student must meet all of the following criteria:

- a. be a U.S. citizen or National, and registered with the Selective Service, if required; and
- b. be a resident of Louisiana, as defined for recipients of the Tuition Assistance Plan on page G-5 of the Scholarship and Grant Policy and Procedure Manual; and

c. submit the completed Free Application for Federal Student Aid (FAFSA); and

d. have graduated or will graduate from a public or nonpublic high school that has been approved, provisionally-approved, or probationally-approved by the Louisiana Board of Elementary and Secondary Education (BESE); and

e. have graduated with a cumulative high school grade point average of at least 3.25 calculated on a 4.00 scale for all courses completed in grades 9 through 12; and

f. have attained a composite score on American College Test (ACT) or the Scholastic Aptitude Test (SAT) which is, or is equivalent to at least 23 on the 1990 version of the American College Test; and

g. have successfully completed 16.5 units of high school course work constituting a core curriculum as follows:

UNITS	COURSE
1	English I
1	English II
1	English III
1	English IV
1	Algebra I
1	Algebra II
1	Geometry, Trigonometry, Calculus, or Comparable Advanced Math
1	Biology I
1	Chemistry I
1	Earth Science, Environmental Science, Physical Science, Biology II, Chemistry II, or Physics
1	American History
1	World History, World Culture, Western Civilization, or World Geography
1	Civics and/or Economics/Free Enterprise
1	Fine Arts Survey (or substitute 2 units performance courses in Music, Dance and/or Theater; or 2 units of Studio Art; or one elective from among the other subjects listed in this core curriculum)
2	In the same Foreign Language
1/2	Computer Science, Computer Literacy or Data Processing (or substitute at least one-half unit of an elective from among the other subjects listed in this core curriculum)

h. if by the end of June in the year of application, will have completed 24 or more hours of graded college credit, have at least a 3.25 cumulative college grade point average based on a 4.00 scale; and

i. enroll as an undergraduate student during the fall term at an eligible college or university; and

j. complete and submit such additional materials as may be required by LASFAC; and

k. be in compliance with the terms of other federal and state aid programs which the applicant may be in receipt of and which are administered by LASFAC; and

l. not have a criminal conviction, except for misdemeanor traffic violations; and

m. agree that proceeds, if received, will be used for educational expenses; and

n. enroll full time in a degree program or course of study leading to a degree in education or alternative program leading to regular certification as a teacher at the elementary or secondary level in math or chemistry. LASFAC may require confirmation from the dean of the College of Education or head of the Department of Education at the college or university attended, or from officials of the Louisiana Department of Education; and

o. complete a promissory note approved by the attorney general.

2. Initial Selection Criteria. To be selected for award:

a. applicants meeting the criteria in Section C.1 are assigned a merit score determined by formula. Merit score formulas are defined in the Glossary, page G-5 of the Scholarship and Grant Policy and Procedure Manual;

b. applicants' merit scores are ranked in descending order, with the applicant with the highest merit score ranked first;

c. the number of applicants selected for award is dependent upon the amount of award funds available;

d. prior to the receipt of award funds, applicants must have completed a Teacher Award Program Master Promissory Note.

3. Renewal Eligibility. Annual continuing eligibility is based upon the availability of funds and meeting all of the following requirements:

a. have received less than four years or eight semesters of funding; and

b. not be on academic probation as determined by the college or university attended; and

c. maintain a cumulative college Grade Point Average (GPA) of at least 3.00 calculated on a 4.00 scale at the end of each academic year; and

d. continue to enroll each subsequent semester or quarter as a full-time undergraduate student, unless granted an exception for cause, in a degree program or course of study leading to a degree in education or alternative program leading to regular certification as a teacher at the elementary or secondary level; or

e. enter a program approved by the State Board of Elementary and Secondary Education which leads to a degree in education or to regular certification as a teacher as soon as sufficient credits have been earned to do so; and

f. complete and submit such materials as may be required by the LASFAC, including a promissory note; and

g. annually apply for federal student aid; and

h. have no criminal convictions, except for misdemeanor traffic violations; and

i. be in compliance with the terms of all other federal and state aid programs which the student may be in receipt of and which are administered by LASFAC.

4. Academic Suspension of Awards and Reinstatement.

A student who is placed on academic probation by the college or university attended and/or who fails to achieve the required grade point average is not eligible to receive renewal funding under the provisions of Sections 3.b or c above. The student may be returned to eligible status if:

a. the period of suspension did not persist for more than two years from the date of loss of eligibility; and

b. LASFAC is in receipt of:

i. student request for reinstatement; and

ii. institutional verification that the student:

(a) has been removed from academic probation by the college or university attended and is in good academic standing; and

(b) has regained a cumulative college grade point average of 3.00 based on a 4.00 scale; and

(c) is continuing to pursue initial teacher certification; and

iii. sufficient funding to award the reinstated student after funding all continuing recipients who have not been suspended from funding.

5. Annual Award Amounts

a. Students enrolled in a degree program or course of study leading to a degree in education or alternative program leading to regular certification as a teacher at the elementary or secondary level in a major other than math or chemistry will receive awards of \$4,000 per year, in two equal disbursements of \$2,000 each.

b. Students enrolled in a degree program or course of study leading to a degree in education or alternative program leading to regular certification as a teacher at the elementary or secondary level in math or chemistry will receive awards of \$6,000 per year, in two equal disbursements of \$3,000 each.

c. Students may not receive other aid which, together with award of the Teacher Award, would exceed the students' total cost of attendance as determined by the institution in accordance with regulations implementing federal Title IV student aid.

6. Discharge of Obligation. The loan obligation may be discharged by teaching fulfillment, monetary repayment or cancellation.

a. Teaching Fulfillment. Fulfillment is accomplished by:

i. within two years of the initial teacher certification, perform service as a full-time classroom teacher in a Board of Elementary and Secondary Education (BESE)-approved, provisionally-approved, or probationally-approved elementary or secondary school.

ii. each period of teaching of one-half year or more will fulfill an equivalent period of funding (one semester). However, if teaching in an elementary or secondary school which is located in an economically disadvantaged region of the state, as defined by BESE, one year of teaching will fulfill two years of funding.

iii. the first semester of full-time teaching will fulfill the earliest dated disbursement not previously paid under Subsection b, the second semester the next earliest dated disbursement, and continuing until all disbursements have been fulfilled.

iv. teaching to meet fulfillment requirements shall be completed within six years of completion of the initial teacher certification.

b. Monetary Repayment. Recipients who elect not to discharge the obligation by Teaching Fulfillment and who are not eligible for discharge by cancellation must repay the loan principal plus accrued interest.

i. Interest will accrue on the outstanding principal at the rate of 8 percent per year.

ii. Interest on each disbursement will accrue from the date of said disbursement until lump sum repayment or until capitalized when the recipient enters repayment status.

iii. Repayment Status. The recipient enters repayment status the first of the month following:

(a) determination by LASFAC that the recipient cannot complete fulfillment by teaching;

(b) notification of LASFAC by the recipient that monetary repayment is desired;

(c) six months after LASFAC determines that the recipient is no longer pursuing a degree program or course of study leading to a degree in education or alternative program leading to regular certification as a teacher at the elementary or secondary school level.

iv. Annual repayment amount will be the greater of:

(a) the amount necessary to repay the capitalized amount within 10 years; or

(b) \$1,200 per year or the unpaid balance.

v. Recipients in repayment status may have their payments deferred for the following reasons:

(a) Parental Leave

(i) Definition. The student/recipient must be pregnant or caring for a newborn or newly-adopted child.

(ii) Certification Requirements. Certification by a written statement from a doctor of medicine who is legally authorized to practice or an authorized official of the adoption agency.

(iii) Acceptable Documentation. Includes dates of required leave of absence, the number of days involved, the length of the recovery period, the beginning and ending dates of the doctor's care, and the required treatment.

(iv) Filing Requirements. The recipient must request by letter, with the required certification and documentation, within 60 days after the occurrence of the qualifying event.

(v) Maximum Length of Deferment. Up to one academic year.

(b) Rehabilitation Program

(i) Definition. The recipient must be receiving rehabilitation in a program administered by a licensed rehabilitation center under a written individualized plan with specific dates of beginning and ending services.

(ii) Certification Requirements. Certification by a rehabilitation counselor or doctor of medicine.

(iii) Acceptable Documentation. Includes dates of the required leave of absence, the semester(s) or number of days involved, the length of the recovery period, the beginning and ending dates of the doctor's care, and the required treatment.

(iv) Filing Requirements. The recipient must file a written request, with the required certification and documentation, within 60 days after occurrence of the qualifying treatment.

(v) Maximum Length of Deferment. Up to two academic years.

(c) Temporary Disability of Recipient, Child, Parent, or Spouse

(i) Definition. Temporary total disability of recipient or recipient's child, parent or spouse of whom recipient is primary care giver,

(ii) Certification Requirements. Certification by a qualified physician.

(iii) Acceptable Documentation. Includes dates of the required leave, the length of the recovery or disability period, the beginning and ending dates of the doctor's care, and the required treatment.

(iv) Filing Requirements. The recipient must file a written request with the required certification and documentation no earlier than 30 days but within 60 days after the occurrence of disability.

(v) Maximum Length of Deferment. A deferment under this Subsection for temporary disability of the maker shall not exceed 36 months. A deferment under this Subsection for temporary disability of any other person shall not exceed 12 months.

(d) Military Service, Peace Corps, National Service Corps, VISTA

(i) Definition. The recipient is called on active duty status with the United States Armed Forces or is performing emergency state service with the National Guard or is serving in the Peace Corps, National Service Corps or VISTA.

(ii) Certification Requirements. Certified by a written statement from the commanding officer or regional supervisor or certified military orders.

(iii) Acceptable Documentation. Includes dates of required leave of absence, the semester(s) or number of days involved, the length of duty (beginning and ending dates).

(iv) Filing Requirements. The student/recipient must file a written request with the required certification and documentation, within 60 days after receipt of military orders or letter of appointment.

(v) Maximum Length of Deferment. Up to the length of the required service period.

(e) Recipient is engaging in a full-time course of study at an institution of higher education at the baccalaureate level or higher. A deferment under this Subsection shall not exceed 36 months; or

(f) Recipient is:

(i) seeking and unable to find full-time employment for a single period not to exceed 12 months; or

(ii) seeking and unable to find full-time employment at a qualifying Louisiana school for a period of time not to exceed 27 months; or

(g) Teaching full time as per Subsection a above.

vi. During the period of time a recipient is in deferment status, a recipient is not required to make repayments and interest does not accrue.

vii. The period of time for completion of repayment will be extended by a period of time equal to the length of time the recipient is in deferment status.

c. Cancellation. Upon submission of applicable proof, teacher loans may be canceled for the following:

- i. death of the recipient;
- ii. complete and permanent disability of the recipient which precludes the recipient from gainful employment.

D. High Schools

1. Only graduates of Louisiana BESE-approved, probationally-approved, and probationally-approved public or nonpublic high schools are authorized to participate in the Teacher Award.

2. Participating high schools must complete and return the certification listing of applicants to LASFAC by the deadline specified.

E. College and Universities

1. Those institutions offering degree programs or courses of study leading to a degree in education or an alternative program leading to certification as a teacher at the elementary or secondary level that are:

- a. Louisiana public colleges and universities, or
- b. regionally accredited independent colleges and universities that are members of the Louisiana Association of Independent Colleges and Universities (LAICU).

2. College and university responsibilities include:

a. certification of student status. Upon request by LASFAC, the institution will verify the following:

- i. admission, and if appropriate, full-time enrollment; and
- ii. eligibility for, or enrollment in, a course of study leading to initial teacher certification;
- iii. enrollment in math or chemistry as major while pursuing teacher certification.

b. Disbursement of Funds. Upon receipt of award checks the institution will:

- i. determine that the recipient is enrolled full time, in an approved degree program or course of study leading to a degree in education or alternative program leading to regular certification as a teacher at the elementary or secondary level;
- ii. if designated as math or chemistry recipient, verify enrollment in course of study leading to certification as a math or chemistry teacher;
- iii. release the award check to the recipient as instructed by LASFAC.

c. Reporting of Academic Data. At the conclusion of each academic year, the institution will complete and return to LASFAC, the College Academic Grade Report, including:

- i. academic year and cumulative hours earned;
- ii. cumulative grade point average;
- iii. major;
- iv. upon graduation, degree date and degree program.

F. Louisiana Department of Education. The responsibilities of the Louisiana Department of Education include verification of:

1. eligibility of teacher education programs;
2. award of teacher certification.

* * *

Amend the Glossary of the Scholarship/grant Policy and Procedure Manual by definition of Merit Ranking Formula to read as follows:

Merit Ranking Formula. A formula incorporating selected merit factors which is used to rank eligible applicants in the priority by which competitive scholarships are to be awarded. The following formulas for the merit ranking of scholarship applicants provide for the equating of scores for high school graduating seniors and college students:

Formula I. Utilized for applicants with less than 24 hours of graded college credit.

$$\frac{\text{HSGPA}}{4.00} \times 60 + \frac{\text{ACT}}{36} \times 40 = \text{MERIT SCORE}$$

Formula II. Utilized for applicants with 24 or more hours of graded college credit.

$$\frac{\text{COLLEGE GPA}}{4.00} \times 95 + \frac{\text{COLLEGE LEVEL}}{4} \times 5 = \text{MERIT SCORE}$$

Formula III. Utilized for applicants for the TOPS—Teacher Award

For those applicants majoring in math or chemistry, an additional 10 points is added to the merit score determined by Formula I or II, resulting in an adjusted merit score.

Jack L. Guinn
Executive Director

9709#013

DECLARATION OF EMERGENCY

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

Eligibility of Aliens

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following emergency rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This emergency rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the rule, whichever occurs first. Adoption of this rule on an emergency basis is necessary to avoid sanctions or penalties from the federal government arising from failure to adopt appropriate regulations related to the Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193).

The Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193) significantly changed Medicaid eligibility for individuals who are not citizens of the United States. Medicaid must be provided to eligible citizens or

nationals, but certain noncitizens may be eligible to receive only treatment for an emergency medical condition. This emergency rule adopts the mandatory provisions of P.L. 104-193 and states the options chosen by the state. This emergency rule addresses only the citizenship requirement: every applicant for Medicaid under any classification addressed in this emergency rule must meet all requirements for eligibility. Previous regulations for Medicaid eligibility of lawful permanent residents and aliens Permanently Residing in the United States Under Color of Law (PRUCOL) no longer apply and are replaced by this emergency rule. A previous emergency rule effective January 1, 1997, redefined and replaced all definitions and categories of alien groups (*Louisiana Register*, Volume 23, Number 1, page 24). The following emergency rule will continue the provisions of the corresponding emergency rule in force.

All noncitizens are classified as qualified aliens or nonqualified aliens (which includes illegal aliens). Nonqualified aliens are eligible only for emergency services. Some specifically defined qualified aliens are eligible for regular Medicaid benefits. Those qualified aliens who are not eligible for regular Medicaid benefits are eligible only for emergency services.

In general, aliens who are refugees, asylees, or whose deportation is being withheld are eligible for consideration of Medicaid eligibility until five years after the date of entry into the United States, regardless of when they enter the country, and veterans and those on active duty in the armed services and their families.

Mandatory qualified alien groups eligible for regular Medicaid benefits are:

1. aliens receiving Medicaid on August 22, 1996 (until January 1, 1997);
2. aliens receiving SSI (until SSA notifies Medicaid that SSI benefits have stopped);
3. qualified aliens who were in the United States prior to August 22, 1996, who are members of these groups, whether or not receiving Medicaid on that date and meet any of these criteria:
 - a. lawful permanent residents to whom 40 qualifying quarters of Social Security can be credited;
 - b. refugees until five years after the date of the alien's entry into the United States;
 - c. asylees until five years after the grant of asylum;
 - d. aliens who have had deportation withheld under Section 243(h) of the INA until five years after the grant of withholding; and
 - e. honorably discharged veterans and aliens on active duty in the United States armed forces, and the spouse or dependent child(ren) of such individuals;
4. qualified aliens entering the United States on or after August 22, 1996, who are members of the groups below:
 - a. refugees for five years from date of entry;
 - b. asylees for five years from date of entry;
 - c. aliens whose deportation has been withheld under Section 423(h) of the INA for five years from grant of withholding;
 - d. veterans and aliens on active duty in the United States' armed forces, and the spouse or dependent child(ren) of such individuals;

5. American Indians born in Canada who have at least 50 percent Indian blood who enter and reside in the United States.

The state has determined that the following optional groups of qualified aliens are not eligible for regular Medicaid services under this emergency rule, but may be eligible for emergency services if they meet all eligibility criteria other than citizenship:

1. aliens receiving Medicaid benefits on August 22, 1996, but not receiving SSI, are not eligible January 1, 1997 and afterward.
2. aliens who were in the United States prior to August 22, 1996, who are included in the definition of *qualified alien*, but not included in the mandatory group of qualified aliens living in the United States before August 22, 1996 are not eligible for Medicaid.

Definitions

Illegal Aliens either were never legally admitted to the United States for any period of time, or were admitted for a limited period of time and did not leave the United States when their period of time expired. Illegal aliens are eligible only for emergency services if they meet all eligibility criteria other than citizenship.

Ineligible Aliens are aliens lawfully admitted to the United States but only for a temporary or specified period of time as legal nonimmigrants. Ineligible aliens are eligible only for emergency services if they meet all eligibility criteria other than citizenship. The following categories of individuals are ineligible aliens:

1. foreign government representatives on official business and their families and servants;
2. visitors for business or pleasure, including exchange visitors;
3. aliens in travel status while traveling directly through the U.S.;
4. crewmen on shore leave;
5. treaty traders and investors and their families;
6. foreign students;
7. international organization representation and personnel and their families and servants;
8. temporary workers including agricultural contract workers; and
9. members of foreign press, radio, film, or other information media and their families.

Qualified Aliens are eligible for regular Medicaid if they also meet additional criteria described above for mandatory Medicaid eligibility, or are eligible only for emergency services if they do not. An alien must meet all eligibility requirements for Medicaid other than citizenship to receive either regular Medicaid eligibility or emergency services. Qualified aliens are aliens who are:

1. lawful permanent residents;
 2. refugees;
 3. asylees;
 4. aliens who have had deportation withheld under Section 243(h) of the Immigration and Nationality Act (INA);
 5. aliens granted parole for at least one year by the INS;
- or

6. aliens granted conditional entry under immigration law in effect before April 1, 1980.

Emergency Medical Services are not related to either an organ transplant procedure or routine prenatal or post-partum care. The alien has, after sudden onset, a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

Effective May 1, 1997, an emergency rule was published redefining the above provisions of categories of eligible aliens (*Louisiana Register* Volume 23, Number 4). Therefore, this current emergency rule continues the provisions of the May 1997 emergency in force.

Emergency Rule

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the provisions of Section 401 of the Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193) regarding Medicaid eligibility for noncitizens. The following optional groups of qualified aliens are not eligible for regular Medicaid services under this emergency rule, but may be eligible for emergency services if they meet all eligibility criteria other than citizenship:

1. aliens receiving Medicaid benefits on August 22, 1996, but not receiving SSI, are not eligible January 1, 1997 and afterward;

2. aliens who were in the United States prior to August 22, 1996, who are included in the definition of qualified alien, but not included in the mandatory group of qualified aliens living in the United States before August 22, 1996 are not eligible for Medicaid.

Bobby P. Jindal
Secretary

9709#064

DECLARATION OF EMERGENCY

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

Nursing Homes—Emergency Preparedness Plan

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following emergency rule as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This emergency rule is in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., and shall be in effect for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule, whichever occurs first.

The department maintains minimum licensing requirements for the operation of all nursing homes in the state (*Louisiana Register*, Volume 13, Number 4). The purpose of the nursing

home licensing law and requirements is to provide for the development, establishment, and enforcement of standards of care for individuals in nursing homes and for the construction, maintenance, and operation of nursing homes which will promote safe and adequate treatment of nursing home residents. The department has now determined that it is necessary to amend the minimum licensure standards to require nursing homes to maintain a written emergency preparedness plan that describes the procedures to be followed in the event of an emergency such as a hurricane or flood. The emergency preparedness plan shall include the following procedures for:

(1) the evacuation of residents to a safe place either within the nursing home or to another location;

(2) the delivery of essential care and services whether residents are housed off-site or when additional residents are brought into a nursing home during an emergency;

(3) the provisions for the management of staff, including distribution and assignment of responsibilities and functions either within the nursing home or at another location;

(4) a plan for coordinating transportation services required for evacuating residents to another location; and

(5) assurance that the resident's family or sponsor is notified if the resident is evacuated to another location.

The plan shall be developed in coordination with the local/parish Office of Emergency Preparedness utilizing community-wide resources. These provisions were established and published in a subsequent emergency rule. (*Louisiana Register*, Volume 23, Number 6).

Emergency Rule

Effective October 7, 1997, the Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing adopts the following regulations to require all licensed nursing homes to have a written emergency preparedness plan designed to manage the consequences of a natural disaster or other emergency that disrupts the home's ability to provide care and treatment or threatens the lives or safety of the residents. The nursing home's emergency preparedness plan must conform to the Office of Emergency Preparedness' Model Plan.

Emergency Preparedness Plan

A. As a minimum, written emergency preparedness plan shall address the following:

1. the evacuation of residents to a safe place either within the nursing home or to another location;

2. the delivery of essential care and services to when either residents are evacuated off-site or additional residents are evacuated to the nursing home during an emergency;

3. the provisions for the management of staff, including distribution and assignment of responsibilities and functions, either within the nursing home or at another location;

4. a plan for coordinating transportation services required for evacuating residents to another location; and

5. a method to assure that the resident's family or sponsor is notified if the resident is evacuated to another location.

B. The nursing home's plan shall be implemented at least annually, either in response to an emergency or in a planned drill. The nursing home's performance during

implementations of the plan shall be evaluated, documented, and the plan changed where indicated.

C. The nursing home's plan shall be reviewed and approved by the local/parish office of emergency preparedness, utilizing community-wide resources.

D. The plan shall be available to representatives of the Office of State Fire Marshal as well as DHH personnel.

Bobby P. Jindal
Secretary

9709#063

DECLARATION OF EMERGENCY

Department of Insurance Office of the Commissioner

Regulation 63—Prohibition on the Use of Medical Information and Genetic Test Results

In accordance with the provisions of R.S. 49:953(B) of the Administrative Procedure Act, the Department of Insurance has adopted an emergency regulation in order that it might be implemented without delay and allow the statutory provisions of Act 1418 of the 1997 Regular Session of the Louisiana Legislature to take effect, without causing imminent peril to the health and safety of the residents of the state who could otherwise be denied access to health insurance coverage.

Emergency rulemaking is necessary to establish the statutory prohibitions on the use of medical information, including pregnancy tests, genetic tests and related genetic test information by health insurers, third-party administrators, and insurance agents. This emergency regulation is effective September 8, 1997, and shall remain in effect for the maximum period of time allowed by state law.

Emergency Rule

Section 1. Purpose

The purpose of this regulation is to establish the statutory prohibitions on the use of medical information including pregnancy tests, genetic tests and related genetic test information by health insurers, third-party administrators, and insurance agents.

Section 2. Authority

This regulation is issued pursuant to the authority vested in the commissioner of Insurance under the Administrative Procedure Act and R.S. 22:3, 22:10, 22:2014, 22:2002(7), 22:214(22) and (23), 22:213.6, and 22:213.7 of the *Insurance Code*.

Section 3. Definitions

Collection—obtaining a DNA sample or samples for the purpose of determining inherited or individual characteristics that can be utilized to predict the development of medical conditions in the future. *Collection* shall not mean diagnostic or medical treatment information about an existing medical condition or the prior medical condition of a person applying for or being covered by a health benefit plan.

Compulsory Disclosure—any disclosure of genetic information mandated or required by federal or state law in

connection with a judicial, legislative, or administrative proceeding.

DNA—deoxyribonucleic acid including mitochondrial DNA, complementary DNA, as well as any DNA derived from ribonucleic acid (RNA). *DNA* shall not mean any medical procedure or test utilized in the practice of medicine for the purpose of diagnosing or treating a medical illness or health related condition.

Disclose—to convey or to provide access to genetic information to a person other than the individual.

Family—includes an individual's blood relatives and any legal relatives, including a spouse or adopted child, who may have a material interest in the genetic information of the individual. For purposes of providing individual or group health care coverage, the term *family* shall not be used to prevent the collection of reasonable medical information about individuals applying for health insurance coverage to perform medical underwriting based on existing or past medical conditions of those persons being insured.

Family History/Pedigree—the medical history of blood relatives of an individual that is used to predict the possibility of developing a medical condition in the future. The term shall not include the medical history of an insured or applicant for coverage under a health benefit plan.

Genetic Analysis—the process of characterizing genetic information from a human tissue sample and does not include the performance of medical tests, including but not limited to blood tests, in the diagnosis or treatment of a medical condition.

Genetic Characteristic—any gene or chromosome, or alteration thereof, that is scientifically or medically believed to cause a disease, disorder, or syndrome, or to be associated with a statistically significant increased risk of development of a disease, disorder or syndrome.

Genetic Information—all information about genes, gene products, inherited characteristics, or family history/pedigree that is expressed in common language. *Genetic information* does not include the medical history of an individual insured or applicant for health care coverage.

Genetic Test—any test for determining the presence or absence of genetic characteristics in an individual, including tests of nucleic acids, such as DNA, RNA, and mitochondrial DNA, chromosomes, or proteins in order to diagnose or identify a genetic characteristic. The determination of a genetic characteristic shall not include any diagnosis of the presence of disease, disability, or other existing medical condition.

Health Benefit Plan—any health insurance policy, plan, or health maintenance organization subscriber agreement issued for delivery in this state under a valid certificate of authority and does not include life, disability income, or long-term care insurance.

Individual—the source of a human tissue sample from which a DNA sample is extracted or genetic information is characterized.

Individual Identifier—a name, address, social security number, health insurance identification number, or similar information by which the identity of an individual can be determined with reasonable accuracy, either directly or by reference to other available information. Such term does not

include characters, numbers, or codes assigned to an individual or a DNA sample that cannot singly be used to identify an individual.

Insurer—any hospital, health, or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, health and accident insurance policy, or any other insurance contract of this type, including a group insurance plan, or any policy of group, family group, blanket, or franchise health and accident insurance, a self-insurance plan, health maintenance organization, and preferred provider organization, including insurance agents and third-party administrators, which delivers or issues for delivery in this state an insurance policy or plan. The term *insurer* does not include any individual or entity that does not hold a valid certificate of authority to issue, for delivery in this state, an insurance policy or plan. A certificate of authority to issue an insurance policy or plan for delivery shall not include a license or certificate to act as a preferred provider organization, insurance agent, or third-party administrator.

Person—all persons other than the individual or authorized agent acting on behalf of the individual, who is the source of a tissue sample and shall include a family, corporation, partnership, association, joint venture, government, governmental subdivision or agency, and any other legal or commercial entity. The term shall not include any licensed insurance agent acting on behalf of the individual to complete and submit health insurance application documents required to apply for coverage under a health policy or plan.

Research—scientific investigation that includes systematic development and testing of hypotheses for the purpose of increasing knowledge.

Storage—retention of a DNA sample or of genetic information for an extended period of time after the initial testing process. The term does not include medical history information about insureds or persons applying for coverage under a health benefit plan.

Section 4. Applicability and Scope

Except as otherwise specifically provided, the requirements of this regulation apply to all issuers of health care policies or contracts of insurance, or health maintenance organization subscriber agreements issued for delivery in the state of Louisiana. The requirements of this regulation shall not impinge upon the normal practice of medicine or reasonable medical evaluation of an individual's medical history for the purpose of providing or maintaining health insurance coverage. The requirements of this regulation address the use of medical information, including use of genetic tests, and genetic information for the purpose of issuing, renewing, or establishing premiums for health coverage. The provisions of this regulation do not apply to any actions of an insurer or third parties dealing with an insurer taken in the ordinary course of business in connection with the sale, issuance or administration of a life, disability income, or long-term care insurance policy.

Section 5. Prohibitions on the Use of Pregnancy Test Results

Any insurer shall be authorized to request medical information that verifies the pregnancy of an insured or individual applying for coverage under a health benefit plan.

The results of any prenatal test, other than the determination of pregnancy, shall not be used as the basis to:

1. terminate, restrict, limit, or otherwise apply conditions to the coverage under the policy or plan, or restrict the sale of the policy or plan in force;
2. cancel or refuse to renew the coverage under the policy or plan in force;
3. deny coverage or exclude an individual or family member from coverage under the policy or plan in force;
4. impose a rider that excludes coverage for certain benefits or services under the policy or plan in force;
5. establish differentials in premium rates or cost sharing for coverage under the policy or plan in force;
6. otherwise discriminate against an insured individual or insured family member in the provision of insurance.

Section 6. Requirements for Release of Genetic Test and Related Medical Information

A. A general authorization for the release of medical records or medical information shall not be construed as an authorization for disclosure of genetic information. No insurer shall seek to obtain genetic information from an insured or applicant or from a DNA sample, without first obtaining written informed consent from the individual or authorized representative. To be valid, an authorization to disclose the results of a genetic test shall:

1. be in writing, signed by the individual and dated on the date of such signature;
2. identify the person permitted to make the disclosure;
3. describe the specific genetic information to be disclosed;
4. identify the person to whom the information is to be disclosed;
5. describe with specificity the purpose for which the disclosure is being made;
6. state the date upon which the authorization will expire, which in no event shall be more than 60 days after the date of the authorization;
7. include a statement that the authorization is subject to revocation at any time before the disclosure is actually made or the individual is made aware of the details of the genetic information;
8. include a statement that the authorization shall be invalid if used for any purpose other than the described purpose for which the disclosure is made.

B. A copy of the authorization shall be provided to the individual. An individual may revoke or amend the authorization in whole or in part, at any time. In complying with the provisions of this Section, the record holder is responsible for assuring only authorized information is released to insurers with respect to medical records that contain genetic information. The requirements of this Section shall not act to impede or otherwise impinge upon the ability of the patient's attending physician to provide appropriate and medically necessary treatment or diagnosis of a medical condition.

Section 7. Prohibitions on the Use of Medical Information and Genetic Test Results

A. Any insurer shall be authorized to make reasonable requests for medical history information regarding an insured