

Notices of Intent

NOTICE OF INTENT

Department of Agriculture and Forestry Office of Marketing Market Commission

Sweet Potato Logo
(LAC 7:V.2101-2115)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Agriculture and Forestry, Office of the Marketing, Market Commission proposes to adopt regulations for the purpose of advertising, publicizing and promoting the increased production and packaging of Louisiana sweet potatoes in the state of Louisiana through the creation, licensing, and use of a Louisiana sweet potato logo. These rules are enabled by R.S. 3:413 and 415. No preamble concerning the proposed rules is available.

Title 7

AGRICULTURE AND ANIMALS

Part V. Advertising, Marketing and Processing

Chapter 21. Louisiana Sweet Potato Logo

§2101. Statement of Authority and Purpose

The state Market Commission hereby adopts LAC 7:V.Chapter 21 under the authority of R.S. 3:415 for the purpose of advertising, publicizing and promoting the increased production and packaging of Louisiana sweet potatoes, in the state of Louisiana, through the creation, licensing and use of a Louisiana sweet potato logo.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:415.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Marketing, Market Commission, LR 24:

§2103. Definitions

The terms defined in this Section have the meaning given to them herein, for purposes of LAC 7:V.Chapter 21, except where the context expressly indicates otherwise.

Commission—the Louisiana State Market Commission.

Commissioner—commissioner of the Louisiana Department of Agriculture and Forestry.

Department—the Louisiana Department of Agriculture and Forestry.

Farm—any area of land used to grow and package Louisiana sweet potatoes.

Louisiana Sweet Potato—any sweet potato grown and packaged in the state of Louisiana.

Louisiana Sweet Potato Logo—a distinctive mark, motto, device, symbol or emblem which may be affixed to Louisiana sweet potatoes or the shipping crates, boxes or other packaging containing the Louisiana sweet potatoes so that Louisiana sweet potatoes may be identified as such in the market, and their origin vouched for.

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

Producer—any person who grows or packs Louisiana sweet potatoes.

Promote—includes the use of the Louisiana sweet potato logo on packages, documents, promotional materials and business correspondence to further enhance the marketability of Louisiana sweet potatoes.

Stop Order—a written, printed or stamped order issued by the department preventing a person from shipping or selling sweet potatoes under the Louisiana sweet potato logo or removing them from the premises where they are found in crates, boxes or other packaging marked with the Louisiana sweet potato logo.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:415.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Marketing, Market Commission, LR 24:

§2105. Development, Adoption and Registration of an Official Logo for Louisiana Sweet Potatoes

A. The commission may develop and adopt a Louisiana sweet potato logo to be placed on boxes, crates, or other packages to certify that the sweet potatoes in the boxes, crates or other packages are Louisiana sweet potatoes.

B. Upon adoption of a Louisiana sweet potato logo the commission may register the logo as a trademark or a certification mark with the state of Louisiana, U.S. Government or any other governmental or private entity where necessary or proper to protect the logo's status as a trademark or as a certification mark.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:415.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Marketing, Market Commission, LR 24:

§2107. Licensing Eligibility for Use of Logo

A. The commission may license a producer to use the Louisiana sweet potato logo if the producer meets the following requirements:

1. the producer makes written application to the commission for a license, on a form provided by the department;

2. the producer pays the license fee;

3. the producer agrees in writing to abide by LAC 7:V.Chapter 21 regarding the use of the Louisiana sweet potato logo;

4. the producer agrees in writing to apply the Louisiana sweet potato logo only on crates, cartons or other forms of packaging containing sweet potatoes grown and packed entirely in the state of Louisiana.

B. No sweet potatoes grown in any other state shall qualify for packing and shipping under the Louisiana sweet potato logo.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:415.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Marketing, Market Commission, LR 24:

§2109. Use and Transferability of Logo

A. The Louisiana sweet potato logo shall be reserved for the exclusive use of the department in promoting, advertising and marketing Louisiana sweet potatoes and for each producer licensed to use the logo.

B. The Louisiana sweet potato logo shall not be placed on any box, crate or other package containing sweet potatoes unless the box, crate or other package contains only Louisiana sweet potatoes.

C. No producer licensed to use the Louisiana sweet potato logo shall sell, assign or transfer the use of the Louisiana sweet potato logo to any other person without the specific written permission of the commission.

D. No person shall use the Louisiana sweet potato logo for any purpose unless that person is authorized in writing by the commission to do so or unless that person is a producer licensed by the commission to use the logo.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:415.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Marketing, Market Commission, LR 24:

§2111. Fees and Costs

A. Each producer applying for and receiving an initial license to use the logo shall pay a fee of \$25 before being licensed.

B. Each producer, thereafter, shall pay an annual renewal fee of \$25 on or before June 30 of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:415.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Marketing, Market Commission, LR 24:

§2113. Enforcement

A. The department or its authorized representative shall have the right to enter any Louisiana sweet potato farm and any packaging plant to inspect that facility and any records pertaining to the growing, packaging or sale of any Louisiana sweet potato by any producer licensed under LAC 7:V.Chapter 21.

B. The department or its authorized representative may, while enforcing the provisions of LAC 7:V.Chapter 21, issue and enforce a written, printed or stamped stop order to prevent the use of the Louisiana sweet potato logo on any sweet potatoes to be sold, shipped or removed from the premises where they are found if:

1. the authorized representative of the department has been refused the right to enter the premises where the sweet potatoes are being grown and packaged;

2. the sweet potatoes do not meet the department's inspection and grading standards;

3. the licensed sweet potato producer is in violation of LAC 7:V.Chapter 21;

4. the sweet potatoes in any box, crate or package carrying the Louisiana sweet potato logo are not entirely Louisiana sweet potatoes; or

5. any person is found to be using the Louisiana sweet potato logo either without being a licensed producer or without written authorization from the commission to use the logo.

C. Upon issuance of a stop order the department may:

1. order that the sweet potatoes may not be sold, shipped or removed from the premises at the time the stop order is issued; or

2. prohibit the use of the Louisiana sweet potato logo on any sweet potato subject to the stop order, or on any crate, box or package containing such sweet potatoes when the sweet potatoes are sold, shipped or moved from the premises.

D. The stop order may be released by the department when:

1. proof of compliance with LAC 7:V.Chapter 21 is furnished to the department if the stop order was issued because of a violation of LAC 7:V.Chapter 21;

2. the authorized representative of the department has been allowed to enter the premises where the sweet potatoes are grown or packaged and inspect those sweet potatoes or the records if the stop order was issued based on refusal to allow entry or inspection;

3. the department determines that circumstances warrant the release of the stop order, upon such terms and conditions that the department deems necessary or proper.

E. Any person aggrieved by the issuance of a stop order by the department may request an administrative adjudicatory hearing to contest the validity of the stop order by making a written request, within five calendar days, to the department for such a hearing. Within 10 calendar days after the department receives the written request an administrative adjudicatory hearing shall be held by the department in accordance with the Administrative Procedure Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:415.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Marketing, Market Commission, LR 24:

§2115. Penalty for Violations; Injunctive Relief; Costs; Notification

A. Whoever violates the use of the Louisiana sweet potato logo adopted pursuant to R.S. 3:415 or LAC 7:V.Chapter 21 may be fined not less than \$25 nor more than \$500 for each violation or may have his license to use the Louisiana sweet potato logo suspended, revoked or placed on probation or both.

B. Each violation of LAC 7:V.Chapter 21, any stop order or other orders issued by the department or the commission in the enforcement of LAC 7:V.Chapter 21 and every day of a continuing violation shall be considered a separate and distinct violation chargeable under LAC 7:V.Chapter 21.

C. The commission may impose any or all of the penalties stated in §2115.A and B after an adjudicatory hearing held in accordance with the Louisiana Administrative Procedure Act. Any such adjudicatory hearing may be presided over by a hearing officer appointed by the commissioner. The commission may delegate to the Louisiana Sweet Potato Advertising and Development Commission the authority to conduct any such adjudicatory hearing, to make findings of

fact and conclusions of law and to impose penalties for any violation.

D. The commission, through the commissioner, may apply for injunctive relief restraining violations of the Louisiana sweet potato logo or violations of LAC 7:V.Chapter 21 or institute necessary actions for failure to pay accounts due the commission. The person condemned in any such proceeding shall be liable for the costs of court and for any additional costs incurred by the department or the commission in gathering the necessary evidence, including reasonable attorney fees and expert witness fees.

E. If any Louisiana sweet potatoes inspected by the department are the subject of a stop order or if any producer's license to use the Louisiana sweet potato logo has been suspended, revoked or placed on probation then notification of such action and the reasons therefore shall be sent, by the department, to any and all appropriate public entities or agencies who may be affected by the stop order or by the suspension, revocation or probation of the producer's license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:413 and 415.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Office of Marketing, Market Commission, LR 24:

All interested persons may submit written comments on the proposed rules through March 27, 1998, to Bryce Malone, Department of Agriculture and Forestry, Box 3334, Baton Rouge, LA 70821-3334 or delivered to 5825 Florida Boulevard, Baton Rouge, LA 70806. All interested persons will be afforded an opportunity to submit data, views or arguments in writing at the address above.

Bob Odom
Commissioner

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Sweet Potato Logo**

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

The estimated implementation cost is approximately \$1,250. There will be no costs or savings to local governmental units.

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

The department will collect approximately \$1,250 per year from a \$25 license fee imposed on approximately 50 Louisiana sweet potato producers for use of this logo.

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

The estimated cost to sweet potato producers will be approximately \$1,250. There will be an economic benefit derived from producers using the logo because producers using the logo will be able to maintain maximum market price for their product. There is no estimate at this time of the economic benefit to sweet potato producers; currently, Louisiana-produced sweet potatoes receive 15-20 percent higher prices for the same grade as producers in other states. The use of this logo will help maintain this price margin by properly identifying Louisiana produced and packed sweet potatoes.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There should be no effect on intrastate competition and employment; and Louisiana should maintain an interstate competitive edge.

Skip Rhorer
Assistant Commissioner
9802#015

Richard W. England
Assistant to the
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Civil Service
Board of Ethics**

Drug Testing of Elected Officials
(LAC 52:I.101 and Chapter 17)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Board of Ethics has initiated rulemaking procedures to promulgate rules for the random drug testing of elected officials as required by Section 1116.1 of the *Code of Governmental Ethics* (R.S. 42:1116.1).

No preamble to the proposed rules has been prepared.

**Title 52
ETHICS**

Part I. Board of Ethics

Chapter 1. Definitions

§101. Definitions

* * *

Collection Agency—a person selected by the board, which has collection sites throughout the state of Louisiana.

* * *

Designated Representative—a board-appointed member of the staff of the Ethics Administration Program, whose primary responsibility includes overseeing the implementation of the program to enforce the random drug testing of elected officials.

* * *

Random Number—the number assigned to the elected official, which ensures the confidentiality of the testing process.

Random Number Selector—a person selected by the board, responsible for the selection of those elected officials subject to the random drug testing.

Random Process—a generally accepted method to ensure that the elected officials are chosen by their random numbers in an unsystematic manner.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 23:1288 (October 1997), amended LR 24:

Chapter 17. Random Drug Testing for Elected Officials

§1701. General

The board, pursuant to R.S. 42:1116, shall develop and administer a program to conduct random drug testing on

elected officials by means of a urine specimen collected, stored and transported in a manner effective in detecting and deterring illegal drug use. The board shall adhere to the statutory definitions and guidelines in Chapter 14 of Title 49 of the Louisiana Revised Statutes of 1950 to implement the provisions of the random drug testing for elected officials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:

§1703. Designated Representative; Duties and Responsibilities

A. The designated representative acts as the liaison between the board and the collection agency and the certified laboratories, and such duties shall be carried out as directed in Chapter 14 of Title 49 of the Louisiana Revised Statutes of 1950.

B. The designated representative shall provide the collection agency with a list of the names of the elected officials selected by the random number selector, the elected officials' random numbers and the elected officials' mailing addresses.

C. The designated representative shall ensure the confidentiality of the testing of the elected official.

D. Upon receipt of the results from the medical review officer, the designated representative shall provide the tested elected official with a certified copy of the results of the drug test.

E. Upon receipt of the medical review officer's analysis and confirmation of the positive result of the test, the designated representative shall submit the result of the test to the board for action pursuant to R.S. 42:1141(B)(3).

F. Upon request by the medical review officer, the designated representative shall obtain the medical records of the elected official whose test results are positive.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:

§1705. Random Selection of Elected Officials

Each elected official shall be assigned a number by the designated representative. This number is utilized in the random selection process to ensure that the selection process and test results are kept confidential.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:

§1707. Selection Process; Random Number Selector

A. The designated representative shall supply the random number selector with the random numbers that have been assigned to the elected officials. The random number selector shall select by a random process a percentage of the random numbers, as determined by the board.

B. The random number selector does not, at any time, have access to the corresponding names of the elected officials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:

§1709. Selection Process; Percentage

The board, at its October meeting of each calendar year, or the next subsequent meeting if no meeting is held in October, shall determine the percentage of elected officials to be chosen by a random process for drug testing in the subsequent calendar year. The board may apply the following guidelines:

1. 10 percent of all elected officials the first year; and
2. 5 percent increase every year thereafter, with a maximum of 50 percent of all elected officials to be selected to submit to a drug test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:

§1711. Collection Agency; Duties and Responsibilities

A. The board shall select a collection agency that utilizes the National Institute on Drug Abuse (NIDA) guidelines proscribed in Chapter 14 of Title 49 of the Louisiana Revised Statutes of 1950.

B. The random numbers and each corresponding name are submitted to the collection agency, who then provides notice to the elected officials of their duty to submit a sample to a designated collection agency.

C. The collection agency shall, by certified mail, return receipt or by a commercial delivery service which provides for a signed receipt, notify the selected elected official of his duty to report to a designated collection site within 24 hours to submit a sample.

D. The collection agency shall maintain records evidencing when the notice to the elected official to report to a collection site was forwarded by the collection agency and when it was received by the elected official. The collection agency shall also maintain a record as to the date and time when the elected official reported to the collection site.

E. The collection agency shall provide the designated representative with the names of the elected officials who failed to report to the collection site within the time required.

F. The collection agency shall provide the designated representative with the name of any elected official who fails to report to the collection site within five days of the date the notice was forwarded to the elected official.

G. The collection agency shall insure the transportation of the collected sample to a NIDA-certified or College of American Pathologists-Forensic Urine Drug Testing (CAP-FUDT)-certified laboratory to be analyzed according to Chapter 14 of Title 49 of the Louisiana Revised Statutes of 1950.

H. The collection agency shall provide a certified copy to the designated representative evidencing the chain of custody of each sample from collection of the sample to its receipt by the certified laboratory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:

§1713. Collection Agency; Confidentiality

The collection agency and its employees have a duty to conduct such collecting, storing and transporting of the sample in a confidential manner, respecting the privacy rights of the elected official. The contract between the board and the

collection agency shall prescribe penalties if the collection agency breaches the required confidentiality.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:

§1715. NIDA-Certified and CAP-FUDD-Certified Laboratories

A. The board shall maintain a list of laboratories that are certified by either NIDA or CAP-FUDD as provided by the Department of Health and Hospitals and to which the sample is submitted for testing in accordance with the guidelines in Chapter 14 of Title 49 of the Louisiana Revised Statutes of 1950.

B. Should the initial test of the sample of the elected official produce a negative result, the laboratory shall submit that result to the medical review officer who shall forward it to the designated representative for further processing and dissemination to the elected official.

C. Should the initial test of the sample of the elected official produce a positive result, the laboratory shall conduct a confirmatory test on the remainder of the split sample. The result elicited from the confirmatory test is submitted to the medical review officer for review.

D. The certified laboratory shall provide a certified copy to the designated representative evidencing the chain of custody of each sample from receipt of the sample by the certified laboratory to its analyzation by the laboratory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:

§1717. Second Separate Test

A. Should the initial and confirmatory test illicit positive results, as well as confirmation of the positive test results by the medical review officer, the board shall issue a subpoena for the appearance of the elected official at a collection site not less than six months after the designated representative received confirmation from the medical review officer of the positive results of the initial and confirmatory tests.

B. The provisions of LAC 52:I.Chapter 17 and NIDA guidelines as set forth in Chapter 14 of Title 49 of the Louisiana Revised Statutes of 1950 shall be utilized in collecting, storing, transporting and analyzing the second separate sample.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:

§1719. Elected Officials; Duties and Rights

A. Upon receipt of notification, the elected official has a duty to report to the designated collection site within 24 hours to submit a sample for testing.

B. The elected official shall not avoid receipt of the notice. If the elected official does not report to a collection site within five days of the postmark of the notice mailed to the elected official, such action constitutes a failure by the elected official to submit to the drug test as requested by the board.

C. The elected official has a right to receive from the designated representative a copy of the results of the test and

the confirmation by the medical review officer, if necessary.

D. The elected official must, at the request of the designated representative, authorize the release of his medical records to the designated representative for review by the medical review officer.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:

§1721. Good Cause for Refusal to Report to Collection Site

A. Definition. For the purposes of §1721, the following definitions shall apply:

Good Cause—any reason, in the considered judgment of the board, beyond the control of the elected official that directly prevents the elected official from reporting to the collection site within 24 hours of receipt of the notice.

B. Should the board determine that the elected official had good cause which prevented him from reporting to the collection site within 24 hours from receipt of the notice, the board shall require that the elected official's random number be submitted to the collection agency and the elected official shall appear at a collection site not less than six months after the elected official initially failed to report to the collection agency.

C. Should the board determine that the elected official did not have good cause to prevent him from reporting to the collection site within 24 hours from receipt of the notice, such failure to report to the collection site shall constitute a refusal to submit to a drug test as provided in R.S. 42:12116.1.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:

§1723. Medical Review Officer; Duties and Responsibilities

A. The board shall appoint a medical review officer, who is responsible for reviewing the positive results attained by the certified laboratory, using generally accepted medical practices in reviewing the test results.

B. The medical review officer is supplied with only the random number to identify the sample results that he reviews.

C. The medical review officer provides a report to the designated representative containing his analysis and findings.

D. The medical review officer may require the designated representative to obtain the medical records of the elected official who tested positive if the medical records could supply any possible medical reasons to explain the positive results.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1116.1 and R.S. 42:1141(B)(3).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 24:

Interested persons may direct their comments to R. Gray Sexton, Board of Ethics, 8401 United Plaza Boulevard, Suite 200, Baton Rouge, LA 70809-7017, telephone (504) 922-1400, until March 12, 1998.

In accordance with R.S. 49:953(A), if a public hearing is requested within 20 days from the publication of the proposed rule, one will be scheduled to be held by the Board of Ethics at

8401 United Plaza Boulevard, Baton Rouge, LA 70809-7017. Contact the office of the Ethics Administration at (504) 922-1400 on the possible date.

R. Gray Sexton
Ethics Administrator

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Drug Testing of Elected Officials**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Implementation of this proposed rule will result in increased expenditures of approximately \$59,297 for FY 99 and \$61,973 for FY 2000. One additional employee will be hired to implement the program. It is anticipated that 10 percent of the elected officials (3,893) will be tested in FY 99. In subsequent years, the percentage of elected officials tested each year will increase by 5 percent, with a cap of 50 percent.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This proposed rule is not expected to have any fiscal impact on revenue collections of the state or local governmental units. However, if an elected official tests positive for the use of illegal drugs or if he refuses to submit to a drug test when requested, the board may censure the elected official, or impose a fine of not more than \$10,000, or both.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There will be no costs or economic benefits to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

R. Gray Sexton
Ethics Administrator
9802#038

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Civil Service
Civil Service Commission**

Noncompetitive Classes

The Civil Service Commission will hold a public hearing on March 4, 1998 to consider the proposed adoption of Civil Service Rule 7.20(f). The hearing will begin at 9 a.m. and will be held in the Department of Civil Service Second Floor Hearing Room, Department of Transportation and Development Annex Building, 1201 Capitol Access Road, Baton Rouge, LA. The following will be considered at the meeting:

Proposed Rule

7.20 Noncompetitive Classes

(a) - (e) ...

(f) The director may waive competitive appointment requirements for out-of-state vacancies and approve the noncompetitive appointment of an applicant to a position

provided such applicant meets the minimum qualification requirements for the position.

Explanation

This proposed rule is designed to help agencies fill out-of-state vacancies. This system of recruiting, applying, testing, and certifying is designed to fill in-state vacancies. In order to use this rule, agencies should request prior approval. Refer questions to Bill Rowe, Chief of Examining, at (504) 342-8536.

Persons interested in making comments relative to these proposals may do so at the public hearing or by writing to Allen H. Reynolds, Director, State Civil Service, Box 94111, Baton Rouge, LA 70804-9111. Contact this office prior to the meeting if any accommodations are needed.

Allen H. Reynolds
Director

9802#032

NOTICE OF INTENT

Board of Elementary and Secondary Education

**Bulletin 741—Course Credit
for Private Music Lessons**

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education proposes to amend Bulletin 741, Credit for Strings Lessons.

2.105.24 Approval by the State Department of Education shall be granted before private piano and strings instruction can be given for credit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:7.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 24:

Interested persons may submit comments until 4:30 p.m., April 10, 1998 to Jeannie Stokes, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

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

**RULE TITLE: Bulletin 741—Course Credit for
Private Music Lessons**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The estimated cost to state governmental units is \$100 to update and disseminate the changes to Bulletin 741.
BESE's estimated cost for printing this policy change and first page of the fiscal and economic impact statement in the *Louisiana Register* is approximately \$40.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There is no estimated effect on revenue collections of state or local governmental units.

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

There may be costs to students (parents) who choose to participate in private string lessons.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Marlyn Langley
Deputy Superintendent
Management and Finance
9802#076

Richard W. England
Assistant to the
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 741—Nonpublic Schools

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education proposes to amend Bulletin 741, Louisiana Handbook for School Administrators, Nonpublic. The majority of the changes are for clarity and flexibility, and are editorial in nature. A complete text of the changes is as follows:

Operation and Administration

General Authority

6.001.02 Nonpublic schools are designed to meet the needs of a specific group of students. Each nonpublic school will evaluate itself on the basis of its stated goals and objectives.

Philosophy and Purposes of School

6.003.00 Each nonpublic school shall develop and maintain a written statement of its philosophy and/or mission statement and the major purposes to be served by its program. The statement shall reflect the individual character of the school and the characteristics and needs of the students it serves.

6.003.02 The statement of philosophy shall be reviewed annually and shall be revised as necessary.

6.003.04 Copies of the philosophy and/or mission statement shall be furnished to all staff members and made available to interested persons on request.

6.003.06 Each school shall maintain, on file, the following:

- a) written statement of philosophy and/or mission statement;
- b) goals and objectives for the current year; and
- c) plan for implementation of these goals and objectives.

School Approval

6.006.01 Each state-approved nonpublic school receiving state and/or federal funds shall permit all colleges and universities to have equal access to the schools for the purpose of college recruitment.

6.006.02 When applying to the State Department of Education for a classification category, all nonpublic schools seeking state approval shall include all grades/programs taught at the school.

Classification Categories

Schools shall be classified according to the following categories:

Approved (A). School meets all standards specified in Standards for Approval of Nonpublic Schools.

Provisionally Approved (PA). School has some deficiencies in standards, such as: library books below the required number per pupil; class size; curriculum do not meet prescribed requirements; and number(s) of the faculty teaching in an area for which qualifications specified are not met, etc.

Probationally Approved (P). School has one or more of the following deviations from standards:

(a) principal does not hold a master's degree or principalship certification;

(b) nondegreed teacher with fewer than five years' teaching experience is employed;

(c) school has been on provisional approval for the previous two years for the same deficiency.

Unapproved (U). School maintains any of the above-mentioned deviations from standards which placed it in the probationally approved category the preceding year. A school may not maintain a probationally approved category for two consecutive years.

Each nonpublic school shall submit an Annual School Report to the appropriate bureau (Elementary or Secondary Education) according to the established time line.

The State Department of Education (Bureaus of Elementary and Secondary Education) shall analyze each nonpublic school's annual school report according to the Standards of Approval of Nonpublic Schools approved by the SBESE.

The Department of Education shall submit to the SBESE a yearly report recommending the classification status of the nonpublic schools in accordance with the nonpublic school standards.

After the annual school reports are submitted by the State Department of Education to the State Board of Elementary and Secondary Education (SBESE) for approval classification, all nonpublic schools seeking to change their classification category must submit their request to the SBESE.

6.006.04 Re-Applying for State Approval

An unapproved school reapplying for state approval must qualify as either approved or provisionally approved.

6.009.04 Pre-Kindergarten/Kindergarten

The local educational governing authority shall have the option of establishing a pre-kindergarten and/or kindergarten program on a half-day or full-day schedule.

The pre-kindergarten program shall be listed on the Annual School Report when operated as a developmental program within the total school program.

Any other program which operates in a school as a child care program, shall follow the standards as prescribed by the Department of Health and Hospitals (DHH) and is not to be listed on the Annual School Report.

6.009.16 Minimum Session/Instructional Day

Each school shall adopt a calendar for a minimum session of 180 days, of which at least 175 days shall be scheduled to provide the required instructional time.

Effective with the 1995-96 school year, the length of the school year shall consist of 180 days of which no less than 175 days shall be student contact teaching days, or the

equivalent; the remaining five days may be used for emergencies and/or other instructional activities.

Two or more partial days may be combined to meet the minimal school year requirement of 175 days of 330 minutes of instructional time.

The class schedule must be abbreviated in order to ensure that all classes are taught during partial days.

Each school may include in its calendar a provision for dismissal of senior students prior to the end of the school year. This provision is not to exceed 10 days of instructional time.

Written Policies

6.010.00 Each school shall have written policies and/or regulations governing the general operation of the school.

Emergency Planning and Procedures

6.011.00 Each school shall have written plans and procedures that address the immediate response to emergency situations that may develop in the school.

Certification of Personnel

Instructional Staff

6.016.15 All members of the instructional staff teaching secular subjects, pre-kindergarten through 12, shall have received a bachelor's degree from a regionally-accredited institution.

They shall also have completed a minimum of 12 semester hours of professional education courses. A beginning teacher shall have a two-year period in which to meet this 12-semester-hour standard. The teacher shall be required to have a certificate or college major in the field of work for which the teacher is responsible during one-half or more of the school day or shall have earned credits in the required specific specialized academic courses as described in Bulletin 746, Louisiana Standards for State Certification of School Personnel. A teacher may work in areas other than the major field for a period of time that is less than one-half of the school day provided that he has earned at least 12 semester hours in each such area. (Exception may be made for teachers in Trade and Industrial Education classes.)

Teachers of the pre-kindergarten class shall be qualified in either elementary, kindergarten, or nursery school or have earned 12 hours in child growth and development. The 12 hours in child growth and development may be earned through the College of Education or the Department/School of Home Economics.

Teachers of the kindergarten class shall be qualified in either elementary or kindergarten or have earned 12 hours in child growth and development. The 12 hours in child growth and development may be earned through the College of Education or the Department/School of Home Economics.

Staff members teaching Religion at the high school level (9-12) for Carnegie units must have a minimum of a bachelor's degree. Staff members teaching Religion who do not meet minimum qualifications may be employed in a nonpublic school provided they were employed during the 1995-96 school year as teachers of Religion.

Records and Reports

Maintenance and Use of School Records and Reports

6.026.00 Each school shall maintain necessary records for the effective operation of the school. These records shall be retained by the school for not less than three years.

Transfer of Student Records from Schools That Are Not State-Approved

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

Students Transferring from Home Study

6.026.09 The school shall adhere to the policies and procedures established by the school/system for students entering or reentering the school/system from an approved home study program.

Students Transferring from Foreign Schools

6.026.10 The school shall determine placement of students transferring from foreign schools. This determination shall be accepted by the State Department of Education (SDE).

6.026.11 Credits earned by students in American schools in foreign countries shall be accepted at face value.

Textbook Records

6.026.13 State funds allocated for buying textbooks shall be used to buy books on the state-adopted textbook lists and academically related ancillary materials according to the state guidelines.

Waivers: Local schools may use state textbook dollars for the purchase of nonadopted instructional materials when:

(1) they are purchasing instructional materials for grades K-3 that are manipulative concrete materials, or gross motor materials;

(2) they do not exceed 10 percent of the total state textbook allocation; and

(3) schools may petition in writing the State Department of Education for permission to spend in excess of the 10 percent allowance.

Health Records

6.026.15 A health record shall be maintained on each student from pre-kindergarten through grade 12.

School Reports

Annual Financial and Statistical Report

6.027.02 Information required for the completion of the Annual Financial and Statistical Report shall be recorded on forms furnished by the State Department of Education.

A complete form shall be sent to each nonpublic school principal by the State Department of Education. A copy of this report shall be filed in the principal's office and a copy forwarded to the Bureau of School Accountability in the State Department of Education.

Scheduling

Secondary Scheduling

6.037.09 The minimum length of periods for any high school class in which a Carnegie unit is earned shall be no less than 55 minutes of instructional time in a six-period day and no less than 50 minutes of time in a seven-period day.

The schedule of subjects offered in the program of studies may be arranged by school principals in order to reduce or

increase the number of class periods per week provided that the yearly aggregate time requirements are met.

9,625 minutes (six-period day)

8,750 minutes (seven-period day)

The schedule of subjects offered in the program of studies may be arranged by school principals in order to reduce or increase the number of class periods per week, provided that the aggregate time requirements are met. Significant modifications may be made for special education students in accordance with the Individualized Education Program (IEP) provided that the integrity of the Carnegie unit is not diminished.

Student Services

Age Requirements

6.055.19 The minimum age for kindergarten shall be one year younger than the age requirement for that child to enter first grade.

Each school may adopt by rule and enforce ages for entrance into first grade in the school.

Health Services and Screening

Immunization

6.056.04 The school principal of each school shall be responsible for checking student records to ensure that immunization requirements are enforced. (Refer to R.S. 17:170.)

6.056.05 After parental notification that a student's immunization schedule is not up-to-date, the student shall be excluded from school until evidence has been presented that the required immunization program is in progress or unless R.S. 17:170(E) is invoked. (Refer to R.S. 17:170.)

Curriculum and Instruction

Elementary Schools

6.090.05 The following elementary program of studies will be followed for nonpublic elementary schools:

Program of Studies

For Nonpublic Elementary Schools
(Grades 1-6)

Subject	Percent of School Day
Reading	50 Percent (Minimum)
Language Arts	
Mathematics	
Social Studies	50 Percent (Maximum)
Fine Arts	
Science	
Physical Education/Health	
Religion and/or Electives	

An articulated elementary foreign language program is recommended for academically-able students and optional for all others.

The above minimum time requirements shall apply to all students performing at or above grade levels in Language Arts and Mathematics. Subject to review and approval of the principal, teachers may vary the daily schedule for the various subject time requirements as long as the weekly aggregate of time for each subject is in accordance with the above.

For students performing below grade level in Language Arts or Mathematics, teachers may increase the daily/weekly time

in Language Arts or Mathematics by reducing instructional time in other subjects.

Grades 7 and 8 (Six-Period Day Option)

	Periods per Week	Minimum Time
Language Arts	5	55
Mathematics and Introduction to Algebra	5	55
Social Studies (Louisiana Studies and American History)	5	55
Science	5	55
Health and Physical Education; or Health and Physical Education and Electives	10	110
		330 minutes per day

Grades 7 and 8 (Seven-Period Day Option)

	Periods per Week	Minimum Time
Language Arts	5	50
Mathematics and Introduction to Algebra	5	50
Social Studies (Louisiana Studies and American History)	5	50
Science	5	50
Health and Physical Education and Electives	15	150
		350 minutes per day

Grade 6 may adhere to the six-period or seven-period options only in organizational patterns which include grades 7 and 8.

The schedule of subjects offered in the program of studies may be arranged by school principals in order to reduce or increase the number of minutes per week, provided that the yearly aggregate time requirements are met.

9,625 minutes (six-period day all subjects except Language Arts)
19,250 minutes (six-period day Language Arts)

8,750 minutes (seven-period day all subjects except Language Arts)
17,500 minutes (seven-period day Language Arts)

Grades 7 and 8 (including grade 6 when grouped with grades 7 and 8) may offer electives from the following:

- Reading;
- Exploratory Agriculture;
- Industrial Arts;
- Construction;
- Manufacturing;
- Communication;

Transportation;
 Industry (sixth);
 Exploratory Homemaking;
 Art;
 Foreign Languages;
 Instrumental or Vocal Music;
 Typing/Keyboarding;
 Speech;
 Computer Literacy/Computer Science.

In Industrial Arts, the minimum time for any cluster is six weeks. Maximum time allowed in a cluster is 36 weeks. All areas in each cluster should be taught.

Choice of electives may be alternated during the year and/or semester. Additional electives may be offered with the approval of the State Department of Education.

For a six-period day option:

1. electives may be offered on alternate days with Health and Physical Education for the entire year, provided an equal number of days is given to each subject;

2. electives may be offered five periods per week, for one semester; and Health and Physical Education for five periods per week, for one semester.

Secondary Schools

6.099.01 The 23 units required for graduation shall include 15 required units and eight elective units.

Minimum Requirements for High School Graduation

English—shall be English I, II, and III in consecutive order; and English IV or Business English. 4 units

Mathematics
 (Effective for 1998-99 incoming freshmen and thereafter.)

Shall be selected from the following courses and may include a maximum of two entry level courses (designated by E): Introductory Algebra/Geometry (E), Algebra I-Part 1 (E), Algebra I-Part 2, Integrated Mathematics I (E), Integrated Mathematics II, Integrated Mathematics III, Applied Mathematics I (E), Applied Mathematics II, Applied Mathematics III, Algebra I (E), Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics.
 (Effective for incoming freshmen prior to 1998-99.)

Shall be Algebra I and one of the following options: (1) Algebra II and either Geometry or Applied Geometry (effective 1996-97 school year), or (2) Algebra II and either Geometry or Applied Geometry (effective 1996-97 school year) and one of the following: Advanced Mathematics, Calculus, Consumer Mathematics, Business Mathematics, or Integrated Algebra/Geometry. 3 units

Science—shall be Biology and two of the following: General Science or Physical Science (but not both), Earth Science, Chemistry, Chemistry II, Physics, Physics II, Aerospace Science, Environmental Science, Physics for Technology, Biology II, or both Vocational Agriculture I and II for one requirement of science. 3 units

Social Studies—shall be American History; Civics or ½ unit of Civics and 1/2 unit of Free Enterprise; and one of the following: World History, World Geography, or Western Civilization. 3 units

Health and Physical Education—shall be Health and Physical Education I and Health and Physical Education II, or Adapted Physical Education for eligible special education students. Note: The substitution of R.O.T.C. is permissible. A maximum of four units may be used toward graduation.	2 units
Electives	8 units
Total	23 Units

The State Board of Elementary and Secondary Education Honors' Curriculum

English English I, II, III, IV (no substitutions)	4 units
Mathematics Algebra I; Algebra II, Geometry; and one additional unit to be selected from Calculus, Trigonometry, or Advanced Mathematics	4 units
Natural Science Biology; Chemistry; and Earth Science or Physics	3 units
Social Studies United States History; World History; and World Geography or Western Civilization	3 units
Free Enterprise	½ unit
Civics	½ unit
Fine Arts Survey Any two units of credit in band, orchestra, choir, dance, art or drama may be substituted for one unit of Fine Arts Survey	1 unit
Foreign Language (in same language)	2 units
Physical Education	2 units
Electives	4 units
Total	24 units

The Fine Arts requirement can be met by completing the courses Fine Arts Survey (Art) ½ unit and Fine Arts Survey (Music) ½ unit.

Special Requirements

High School Credit for Elementary Students

6.102.01 An elementary student shall be eligible to receive high school credit in a course listed in the program of studies provided that:

- a) the time requirements for the awarding of a Carnegie unit are met;
- b) the teacher is qualified at the secondary level in the course taught; and
- c) the student has mastered the set standards of the course taken.

The school system may grant credit on either a letter grade or a Pass or Fail (P/F) basis, provided there is consistency systemwide. The course title, year taken, Pass or Fail (P/F) or the letter grade and unit of credit shall be entered on the Certificate of High School Credits (transcript). High School Credit (H.S.C.) must be indicated in the remarks column; or

d) the student has passed the credit examination in the subject taken, mastering the set standards for the course.

Credit shall be granted on a Pass or Fail (P/F) basis only. The course title, year taken, Pass or Fail (P/F), and unit of credit earned shall be entered on the Certificate of High School Credits (transcript). Credit Examination (C.E.) must be indicated in the remarks column.

If a credit examination has not been developed in a subject area, the school may submit an examination developed locally that will test mastery of the performance objectives in the state curricular guides. The testing instrument and the passing score must be approved by the Bureau of Secondary Education, State Department of Education.

Credit or credit examinations may be given in the following subjects: Computer Literacy, Computer Science I-II, English I-IV, Advanced Mathematics, Algebra I-II, Calculus, Geometry, Trigonometry, and Keyboarding. Additionally, credit may be given in all courses listed in the Program of Studies in Foreign Languages, Science, and Social Studies. Exceptions may be made by the Bureau of Secondary Education, State Department of Education upon request of the school principal.

Proficiency Examination

6.102.04 High school credit shall be granted to a student following the student's passing of a Proficiency Examination for the eligible course. Refer to Standards 6.026.09 for students transferring from an approved Home Study Program.

A proficiency examination shall be made available to a student when a school official believes that a student has mastered eligible subject matter and has reached the same or a higher degree of proficiency as that of a student who successfully completed an equivalent course at the regular high school or college level.

The testing instrument and the passing score shall be submitted for approval to the Bureau of Secondary Education, State Department of Education.

The course title, year taken, Pass or Fail (P/F) and unit of credit earned shall be entered on the Certificate of High School Credits (transcript). Minimum Proficiency Standards (M.F.P.) must be indicated in the remarks column.

6.102.05 Students shall not be allowed to take proficiency examinations in courses previously completed in high school or at a level below that which they have completed.

Proficiency examinations may be given in the following subjects: Computer Literacy, Computer Science I-II, English I-IV, Advanced Mathematics, Algebra I-II, Calculus, Geometry, Trigonometry, and Keyboarding. Additionally, credit may be given in all courses listed in the Program of Studies in Foreign Languages, Science and Social Studies. Exceptions may be made by the Bureau of Secondary Education, State Department of Education upon the request of the school principal.

High School Program of Studies

6.105.15 Mathematics. Effective for 1998-99 incoming freshmen and thereafter, three units of Mathematics shall be required for graduation. They shall be selected from the following courses and may include a maximum of two entry level courses (designated by E): Introductory Algebra/Geometry (E), Algebra I-Part 1 (E), Algebra I-Part 2,

Integrated Mathematics I (E), Integrated Mathematics II, Integrated Mathematics III, Applied Mathematics I (E), Applied Mathematics II, Applied Mathematics III, Algebra I (E), Geometry, Algebra II, Financial Mathematics, Advanced Mathematics I, Advanced Mathematics II, Pre-Calculus, Calculus, Probability and Statistics, and Discrete Mathematics.

For incoming freshmen prior to 1998-99, three units of Mathematics shall be required for graduation. They shall be:

Algebra I and one of the following options: (1) Algebra II and either Geometry or Applied Geometry (effective 1996-97 school year), or (2) Algebra II and either Geometry or Applied Geometry (effective 1996-97 school year) and one of the following: Advanced Mathematics, Calculus, Consumer Mathematics, Business Mathematics, or Integrated Algebra/Geometry. The Mathematics course offerings shall be as follows:

Course Title	Unit(s)
Advanced Mathematics	1
Algebra I	1
Applied Algebra IA	1
Applied Algebra IB	1
Business Mathematics	1
Calculus	1
Consumer Mathematics	1
Geometry	1
Applied Geometry (1996-97 school year)	1
Integrated Algebra/Geometry	1
Trigonometry	½

Business Mathematics may be taught by the Business Education Department.

Students may not earn a unit in both Business Mathematics and Consumer Mathematics.

Teachers selected to teach Applied Algebra IA, Applied Algebra IB, or Applied Geometry shall be provided with the appropriate staff development/in-service.

Science

6.105.20 Three units of Science shall be required for graduation. They shall be Biology and two of the following:

General Science or Physical Science (but not both); Earth Science, Chemistry, Chemistry II, Physics, Physics II, Aerospace Science, Environmental Science, Physics for Technology, Biology II, or both Vocational Agriculture I and II for one requirement of science. Science course offerings shall be as follows:

Course Title	Unit(s)
Aerospace Science	1
Biology	1
Biology II	1
Chemistry	1
Chemistry II	1
Earth Science	1

Ecology	1
Environmental Science	1
General Science	1
Physical Science	1
Physics	1
Physics II	1
Physics for Technology	1

Recommended

Course Title	Grade Level	Units
Family and Consumer Sciences	9-10	1

Education I

Family and Consumer Sciences	10-12	1
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Education II

Adult Responsibilities	11-12	½
Child Development	10-12	½
Clothing and Textiles	10-12	½
Family Economics	10-12	½
Food and Nutrition	10-12	½
Home and Family	11-12	½
Housing	10-12	½
Nutrition Education	10-12	½
Parenthood Education	11-12	½

(Advanced Semester Courses)

Advanced Child Development	10-12	½
Advanced Clothing and Textiles	10-12	½
Advanced Food and Nutrition	10-12	½
Advanced Nutrition Education	10-12	½

Secondary Students Attending a Postsecondary Technical College

6.105.35 Secondary students attending a postsecondary technical college may receive credit for instruction in any program area offered in the vocational-technical school, if time requirements for Carnegie units are met and if an equivalent course is not offered by the local school system.

If the course content is equivalent to the content of a vocational education course offering listed under Standards 6.105.24 - 6.105.32, the unit(s) of credit shall be reported on the student's transcript by that title.

If the course content is not equivalent to a course listed under Standards 6.105.24 - 6.105.32, the unit(s) of credit shall be reported by the postsecondary title.

High School Credit for College Courses

(Applies to students attending colleges part time)

6.105.46 The student shall have scored at least a minimum composite score of 25 on the ACT or a minimum of 28 in English or 25 in Mathematics if pursuing those areas or have a SAT composite score of 1050 or have a score of 500 on the verbal portion or 560 on the Mathematics portion of the SAT in the area to be pursued at the college level.

Early College Admissions Policy

(Applies only to high school students attending college full time)

6.108.02 The student shall have earned a minimum composite score of 25 on the ACT or a SAT score of 1050; this score must be submitted to the college.

Social Studies

6.105.21 Three units of Social Studies shall be required for graduation. They shall be American History; Civics or ½ unit of Civics and ½ unit of Free Enterprise; and one of the following: World History, World Geography, or Western Civilization. Social Studies course offerings shall be as follows:

Course Title	Unit(s)
American Government	1
American History	1
Anthropology	1
Civics	1
Economics	1
Far East Studies	1
Free Enterprise System	½
Law Studies	1
Modern European History	1
Psychology	1
Sociology	1
Western Civilization	1
World Geography	1
World History	1

Economics may be taught in Business Education.

Free Enterprise shall be taught by teachers qualified in Social Studies, Business Education, or Distributive Education.

Course Credit for Religion

6.105.23 A maximum of four units of credit in Religion shall be allowed to meet graduation requirements.

Course Title	Unit(s)
Religion I, II, III, IV	1 each

A maximum of four units in Religion shall be granted to students transferring from state-approved private and sectarian high schools. Those credits shall be accepted in meeting the requirements for high school graduation.

Home Economics—Consumer and Homemaking Education

6.105.29 Home Economics—Consumer and Homemaking Education course offerings shall be as follows:

Summer Schools

Elementary Summer Schools

6.113.14 Time Requirements

Elementary summer schools shall offer a minimum of 70 hours of instruction per subject for removal of deficiencies.

Secondary Summer Schools

The local system may impose a stricter minimum attendance policy.

Instruction by Private Teachers

6.116.18 Credit may be allowed for high school work completed under private instructors, subject to the following conditions:

1. The instruction must be under the direction of a private tutor only when the tutor is eligible for regular employment in an approved nonpublic high school.

2. The time requirements for credits in a regular high school will apply.

3. The necessary facilities peculiar to a particular subject must be available for instructional purposes.

4. Prior to enrolling in a privately tutored course, a student must obtain written approval from the principal of the high school in which he/she is enrolled.

Southern Association of Colleges and Schools member schools should comply with Principle D, Standard 6. (Member schools shall not give credit for private tutoring.)

Approval of Alternative Schools/Programs

6.151.01 Approval shall be obtained from the State Board of Elementary and Secondary Education (SBESE), prior to the establishment of the alternative school/program.

A narrative proposal describing the alternative school/program shall be submitted and shall include the following information:

1. purpose;
2. needs assessment;
3. type (Alternative within Regular Education or Alternative to Regular Education placement);
4. list of the Louisiana Handbook for School Administrators, Bulletin 741 policy and standard deviations;
5. anticipated date of implementation;
6. student eligibility;
7. entrance and exit criteria;
8. total number of students;
9. individual class size;
10. detailed outline of curriculum;
11. methods of instruction to meet individual student needs certification;
12. type and number of staff including qualifications/certification;
13. plan for awarding Carnegie units, when applicable;
14. grading and reporting procedures;
15. plan for parental and community involvement;
16. educational support services;
17. in-service;
18. type and location of physical facility;
19. procedure for program evaluation.

A school choosing to implement an alternative school/program shall submit the above proposal to the director of the appropriate bureau (Elementary Education or Secondary Education, State Department of Education) and the State Board

of Elementary and Secondary Education no later than March 1 for approval for the subsequent school year. Refer to guidelines for alternative schools.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Amended by the State Board of Elementary and Secondary Education, LR 24:

Interested persons may submit comments on the proposed changes until 4:30 p.m., April 10, 1998, to Jeannie Stokes, State Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Bulletin 741—Nonpublic Schools

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

It is estimated that at least 30 pages of Nonpublic Bulletin 741 will need to be printed and disseminated to LEAs. The estimated cost at \$100 per page is \$3,000.

BESE estimated cost for printing this policy change and first page of fiscal and economic impact statement in the *Louisiana Register* is approximately \$560.

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

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

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

Nonpublic schools may realize a possible savings by taking advantage of some of the deregulation. It is not possible to determine how many systems will take advantage of the changes at this time nor is it possible to project the amount of savings.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
9802#078

Richard W. England
Assistant to the
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 746—Family and Consumer Science Certification

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education approved for advertisement the proposed change of the name of the certification area of Home Economics to Family and Consumer Sciences. The certification requirements are listed in Bulletin 746, Louisiana Standards for State Certification of School Personnel, and are amended as printed below.

Family and Consumer Sciences* (Vocational)

A minimum of 42 semester hours distributed as follows:

- A. Clothing and Textiles—6 semester hours;
- B. Consumer Education and Management—6 semester hours;
- C. Food and Nutrition—6 semester hours;
- D. Housing, Home Furnishings and Equipment—3 semester hours;
- E. Human Development and Relationships (including observation and participation in the nursery school)—9 semester hours;
- F. Family and Consumer Sciences Electives—12 semester hours.

*Early Childhood Endorsements, see pages 11-13

Mandatory for all individuals applying for certification in Family and Consumer Sciences (Vocational) on or after July 1, 1998.

Family and Consumer Sciences (Occupational Programs)

Authorization to teach Family and Consumer Sciences occupational programs may be added to the certificate of a teacher who is certified in vocational Family and Consumer Sciences and has completed the following:

- 1. at least 3 semester hours in organization and administration of Family and Consumer Sciences occupational programs including cooperative education; and
- 2. 2,000 hours of successful work experience or a minimum of 120 hours in supervised field practicum in the area of occupational certification.

Family and Consumer Sciences (Food Science)

Authorization to teach Family and Consumer Sciences food science programs may be added to the certificate of a teacher who is certified in vocational Family and Consumer Sciences provided that the teacher has:

- 1. at least six semester hours in college chemistry; and
- 2. at least six semester hours in food science.

Ancillary Family and Consumer Sciences (Occupational Programs)

1. Provisional Certification. Valid for three years and renewable upon request of employing authority, may be issued to a person who has completed the following:

- a. bachelor's degree in a subject area of Family and Consumer Sciences;
- b. at least 12 semester hours in professional education courses to include organization and administration of Family and Consumer Sciences occupational programs; and
- c. 2,000 hours of successful work experience in the area of occupational certification.

2. Permanent Certification. Valid for life for continuous service, may be issued upon completion of the requirements for provisional certification and three years of teaching experience in Family and Consumer Sciences occupational programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 24:

Interested persons may submit comments until 4:30 p.m., April 10, 1998 to Jeannie Stokes, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES
RULE TITLE: Bulletin 746—Family and Consumer Science Certification

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The adoption of this proposed rule will cost the Department of Education approximately \$700 (printing and postage) to disseminate the policy.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The proposed rule will have no effect on revenue collection.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
The proposed rule will result in no costs or economic benefits to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rule will not affect competition or employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
9802#074

Richard W. England
Assistant to the
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1196—Food and Nutrition Programs—Sale of Snack Concessions

(Editor's Note: A portion of the following notice of intent, published on pages 1721 - 1722 of the December 1997 Louisiana Register, is being republished to correct a typographical error.)

4.19 Competitive Foods

Grades K-6. Reimbursement for lunch, special milk, and/or breakfast may be withheld from schools if concessions, canteens, snack bars, or vending machines are operated on a profit basis before the end of the last lunch period. Such services are operated for profit if the income is not deposited to the nonprofit school food service program, and expended only for the purpose of the Child Nutrition Program(s).

* * *

Weegie Peabody
Executive Director

9802#010

NOTICE OF INTENT

Board of Elementary and Secondary Education

Bulletin 1882—Principal/Assistant Principal Internship

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education proposes to amend Bulletin 1882—Administrative Leadership Academy Guidelines. Bulletin 1882 is referenced in LAC 28:I.920.A.

The amendment defines Newly Appointed Assistant Principals and Newly Appointed Principals. The revision, located on page 11 and 12 of Bulletin 1882 is amended as follows.

Training

Principal Internship

* * *

(See Prior Text)

Newly Appointed Principal

A person appointed to a principalship is considered to be "newly appointed" if at least one of the following conditions apply:

1. first time serving as a principal in a Louisiana public school;
2. prior experience in a Louisiana public school for two or more years as a principal and has been out of the principalship for five or more years; or
3. prior experience in a Louisiana public school for less than two years as a principal and reenters the principalship.

Training

Assistant Principal Internship

* * *

(See Prior Text)

Newly Appointed Assistant Principal

A person appointed to an assistant principalship is considered to be "newly appointed" if a least one of the following conditions apply:

1. first time appointed to an assistant principalship in a Louisiana public school;
2. prior experience in a Louisiana public school, for more than one year as an assistant principal, but has been out of the assistant principalship for five or more years; or
3. prior experience in a Louisiana public school for less than one year and reenters the assistant principalship.

Note: Situations that are not addressed by the above guidelines will be considered by the department on an individual basis. Decisions regarding participation will be based on written information from the superintendent of the respective school system or his/her designee.

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

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 24:

Interested persons may submit written comments until 4:30 p.m., April 10, 1998 to Jeannie Stokes, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

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

**RULE TITLE: Bulletin 1882—Principal/Assistant
Principal Internship**

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
 - a) BESE's estimated cost for printing this policy change and first page of the fiscal and economic impact statement in the *Louisiana Register* is approximately \$60. Funds are available.
 - b) The Department of Education's estimated cost to update Bulletin 1882 will be \$320.
 - c) There is no cost to local school systems for principals to participate.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There is no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

The persons who will be directly affected by the proposed action are newly appointed principals and assistant principals. The proposed rule will be used to determine which principals and assistant principals participate in the internship program.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no effect on competition and employment.

Marlyn J. Langley
Deputy Superintendent
Management and Finance
9802#075

Richard W. England
Assistant to the
Legislative Fiscal Officer

NOTICE OF INTENT

Board of Elementary and Secondary Education

School Psychologists' Appeals Council
(LAC 28:I.105 and 107)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given that the Board of Elementary and Secondary Education proposes to amend the *Louisiana Administrative Code*. The amendment abolishes the School Psychologists' Appeals Council.

Title 28

EDUCATION

Part I. Board of Elementary and Secondary Education

Chapter 1. Organization

§105. Board Advisory Councils

A. Creation

1. - 8. ...
9. Special Education Advisory Council (R.S. 17:1954);
10. Teacher Certification Advisory Council (R.S. 17:31);
11. Teacher Certification Appeals Council;
12. Textbook and Media Advisory Council (R.S. 17:415.1).

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 24:

§107. Board Appeals Councils

A. ...

B.1. - 2.b.iii. Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:6.

HISTORICAL NOTE: Amended by the Board of Elementary and Secondary Education, LR 24:

Interested persons may submit comments until 4:30 p.m., April 10, 1998 to Jeannie Stokes, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064.

Weegie Peabody
Executive Director

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

RULE TITLE: School Psychologists' Appeals Council

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This action will have no fiscal effect other than \$40 for advertising in the *Louisiana Register*.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
This action will have no effect on revenue collections of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
This action will have no effect on costs and/or economic benefits to directly affected persons or nongovernmental groups.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
This action will have no effect on competition and employment.

Weegie Peabody
Executive Director
9802#077

Richard W. England
Assistant to the
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of Environmental Quality
Office of Air Quality and Radiation Protection
Air Quality Division**

Chemical Accident Prevention
(LAC 33:III.5901)(AQ170*)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air Quality Division Regulations, LAC 33:III.5901 (AQ170*).

This proposed rule is identical to federal law or regulation, 63 FR 639-645, January 6, 1998, which is applicable in Louisiana. For more information regarding the federal

requirement, contact the Investigations and Regulation Development Division at the address or phone number given below. No fiscal or economic impact will result from the proposed rule. Therefore, the rule will be promulgated in accordance with R.S. 49:953(F)(3) and (4). This proposed rule meets the exceptions listed in R.S. 30:2019(D)(3) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

The proposed rule will amend the Chemical Accident Prevention rule to include the recently adopted changes to the Environmental Protection Agency's Risk Management rule (40 CFR part 68). These changes finalize the "stay provisions" that were part of the rule and expired on December 22, 1997. These changes include deleting the category of Division 1.1 explosives (as listed by the federal Department of Transportation) from the list of regulated substances; exempting from threshold quantity determinations the regulated flammable substances in gasoline used as fuel and in naturally occurring hydrocarbon mixtures prior to entry into a natural gas processing plant or a petroleum refining process unit; clarifying the provision for threshold determination of flammable substances in a mixture; modifying to clarify the definition of stationary source to exempt transportation and storage incident to transportation; clarifying that naturally occurring hydrocarbon reservoirs are not stationary sources or parts of stationary sources; and clarifying that the chemical accident prevention provisions do not apply to sources located on the outer continental shelf. This proposed rule is needed because without it facilities that were previously exempt under provisions of the stay in 40 CFR part 68 are subject to LAC 33:III.Chapter 59.

The basis and rationale for this proposed rule are to make the department's Chemical Accident Prevention rule consistent with the EPA Risk Management rule.

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

**Chapter 59. Chemical Accident Prevention and
Minimization of Consequences**

Subchapter A. General Provisions

**§5901. Incorporation by Reference of Federal
Regulations**

A. Except as provided in Subsection C of this Section, the department incorporates by reference 40 CFR Part 68 (July 1, 1997), and as amended in 63 FR 639-645 (January 6, 1998).

* * *

[See Prior Text in B-C.5]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054 and 30:2063.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Air Quality Division, LR 20:421 (April 1994), amended LR 22:1124 (November 1996), repromulgated LR 22:1212 (December 1996), amended LR 24:

A public hearing will be held on March 30, 1998, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral

comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by AQ170*. Such comments must be received no later than March 30, 1998, at 4:30 p.m., and should be sent to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70884 or to FAX (504) 765-0486. The comment period for this proposed rule ends on the same date as the public hearing.

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

Gus Von Bodungen
Assistant Secretary

9802#027

NOTICE OF INTENT

Department of Environmental Quality Office of Waste Services Hazardous Waste Division

RCRA Updates (LAC 33:V.3105)(HW061*)

(Editor's Note: A portion of the following notice of intent, which appeared on pages 192 through 194 of the January 20, 1998 Louisiana Register, is being republished to correct typographical errors.)

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental

Quality—Hazardous Waste

Chapter 31. Incinerators

§3105. Applicability

* * *

[See Prior Text in A-E]

Table 1. Hazardous Constituents			
Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
* * * [See Prior Text in Acetonitrile - Beryllium compounds, N.O.S. ¹]			
Bis (pentamethylene)-thiuram tetrasulfide	Piperidine, 1,1'-(tetrathiodicarbonothioyl)-bis-	120-54-7	U400
* * * [See Prior Text in Bromoacetone - Butyl benzyl phthalate]			
Butylate	Carbamothioic acid, bis (2-methylpropyl)-, S-ethyl ester	2008-41-5	U392
* * * [See Prior Text in Cacodylic acid - Copper Cyanide]			
Copper dimethyl-dithiocarbamate	Copper, bis(dimethylcarbamodithioato-S,S')-	137-29-1	U393
* * * [See Prior Text in Creosote - Cycasin]			
Cycloate	Carbamothioic acid, cyclohexylethyl-, S-ethyl ester	1134-23-2	U386
* * * [See Prior Text in 2-Cyclohexyl-4,6- dinitrophenol - Daunomycin]			
Dazomet	2H-1,3,5-thiadiazine-2-thione, tetrahydro-3,5-dimethyl	533-74-4	U366
* * * [See Prior Text in DDD - Di-n-propylnitrosamine]			
Disulfiram	Thioperoxydicarbonic diamide, tetraethyl	97-77-8	U403

* * *			
[See Prior Text in Disulfoton - Epinephrine]			
EPTC	Carbamothioic acid, dipropyl-, S-ethyl ester	759-94-4	U390
* * *			
[See Prior Text in Ethyl carbamate (urethane) - Ethyl methanesulfonate]			
Ethyl Ziram	Zinc, bis(diethylcarbamodithioato-S,S')-	14324-55-1	U407
* * *			
[See Prior Text in Famphur]			
Ferbam	Iron, tris(dimethylcarbamodithioato-S,S')-,	14484-64-1	U396
* * *			
[See Prior Text in Fluoranthene - Hydrogen sulfide]			
3-Iodo-2-propynyl n-butylcarbamate	Carbamic acid, butyl-, 3-iodo-2-propynyl ester	55406-53-6	U375
* * *			
[See Prior Text in Indeno[1,2,3-cd]pyrene - Mercury fulminate]			
Metam Sodium	Carbamodithioic acid, methyl-, monosodium salt	137-42-8	U384
* * *			
[See Prior Text in Methacrylonitrile - MNNG]			
Molinate	1H-Azepine-1-carbothioic acid, hexahydro-, S-ethyl ester	2212-67-1	U365
* * *			
[See Prior Text in Mustard gas - Parathion]			
Pebulate	Carbamothioic acid, butylethyl-, S-propyl ester	1114-71-2	U391
* * *			
[See Prior Text in Pentachlorobenzene - Potassium cyanide]			
Potassium dimethyldithiocarbamate	Carbamodithioic acid, dimethyl, potassium salt	128-03-0	U383
Potassium hydroxymethyl-n-methyl- dithiocarbamate	Carbamodithioic acid, (hydroxymethyl)methyl-, monopotassium salt	51026-28-9	U378
Potassium n-methyldithiocarbamate	Carbamodithioic acid, methyl-monopotassium salt	137-41-7	U377
* * *			
[See Prior Text in Potassium pentachlorophenate - Selenium sulfide]			
Selenium, tetrakis (dimethyl-dithiocarbamate	Carbamodithioic acid, dimethyl-, tetraanhydrosulfide with orthothioselenious acid	144-34-3	U376
* * *			
[See Prior Text in Selenourea - Sodium cyanide]			
Sodium dibutyldithiocarbamate	Carbamodithioic acid, dibutyl, sodium salt	136-30-1	U379
Sodium diethyldithiocarbamate	Carbamodithioic acid, diethyl-, sodium salt	148-18-5	U381
Sodium dimethyldithiocarbamate	Carbamodithioic acid, dimethyl-, sodium salt	128-04-1	U382
* * *			
[See Prior Text in Sodium pentachlorophenate - Strychnine salts]			
Sulfallate	Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester	95-06-7	U277
* * *			
[See Prior Text in TCDD]			

Tetrabutylthiuram disulfide	Thioperoxydicarbonic diamide, tetrabutyl	1634-02-2	U402
Tetrabutylthiuram monosulfide	Bis (dimethylthiocarbamoyl) sulfide	97-74-5	U401
* * *			
[See Prior Text in 1,2,4,5-Tetrachlorobenzene - Vanadium pentoxide]			
Vernolate	Carbamothioic acid, dipropyl-, S-propyl ester	1929-77-7	U385
* * *			
[See Prior Text in Vinyl chloride - Zinc phosphide]			
Ziram	Zinc, bis(dimethylcarbamodithioato-S,S')-(T-4)-	137-30-4	P205

¹The abbreviation N.O.S. (not otherwise specified) signifies those members of the general class not specifically listed by name in this table.

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

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:1139 (December 1985), LR 13:433 (August 1987), LR 14:424 (July 1988), LR 15:737 (September 1989), LR 16:399 (May 1990), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:944 (September 1995), LR 22:835 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:

H.M. Strong
Assistant Secretary

9802#087

IV. Pre-Retirement Death Benefits

Repealed.

V. General

Repealed.

A public hearing will be conducted by the Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity on March 30, 1998, at 9:30 a.m. at 329 South Dorgenois Street, New Orleans, LA 70119.

Any interested person may submit data, views, or arguments, orally or in writing, concerning these proposed rules or may make inquiries concerning the repeal of these rules to Richard J. Hampton, Jr., Secretary-Treasurer of the Board of Trustees, 329 South Dorgenois Street, New Orleans, LA 70119.

William M. Carrouché
President

NOTICE OF INTENT

Firefighters' Pension and Relief Fund City of New Orleans and Vicinity

Repeal of Death Benefit Payments

The Board of Trustees of the Firefighters' Pension and Relief Fund for the City of New Orleans and Vicinity ("fund"), pursuant to R.S. 11:3363(F), proposes to repeal rules applicable to death benefit payments due to the many amendments to the enabling statute causing the rule to become incomplete, incorrect, and/or inapplicable to benefit applications submitted by surviving spouses and other beneficiaries of the fund's old and new systems. The fund is presently reevaluating and redrafting the Payments of Death Benefit rule to reflect the current law and the board's application of same.

I. Definitions

Repealed.

II. Beneficiary Designations and Election of Retirement and Death Benefits

Repealed.

III. Calculation of Death Benefits

Repealed.

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Repeal of Death Benefit Payments

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation costs to the state or local governmental units due to the repeal of the proposed rule for the Payments of Death Benefits.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Repeal of the proposed rule for Payments of Death Benefits will have no effect whatever on revenue collection of state or local governmental units.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There will be no economic benefit to any directly affected persons or nongovernmental group, nor will there be any cost attributable to these parties.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The repeal of the proposed rule for Payments of Death Benefits will have no effect on competition and employment.

Marie Healey
Fund Counsel
9802#021

Richard W. England
Assistant to the
Legislative Fiscal Office

NOTICE OF INTENT

**Office of the Governor
Office of Veterans Affairs**

Travel (LAC 4:VII.911)

By authority of R.S. 29:254, the Office of Veterans Affairs does hereby give notice of intent to amend LAC 4:VII.911.A allowing travel reimbursement to commission members in the course of official state business on days per diem is not paid. Section 911 is printed in its entirety for the purpose of continuity.

The executive director of the Office of Veterans Affairs is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this notice of intent and the final rule including, but not limited to, the filing of the fiscal and economic impact statement, filing of the notice of intent and final rule, and the preparation of reports and correspondence to other agencies of government.

Title 4

ADMINISTRATION

Part VII. Governor's Office

Chapter 9. Veterans Affairs

Subchapter A. Office of Veterans Affairs

§911. Travel

A. Travel will only be authorized on days that per diem is paid, unless prior approval is granted by the chairman or his designated representative. Travel must be for official state business.

B. Commission members may not be authorized travel reimbursement for out-of-state trips.

C. All travel vouchers for the commission members shall be authorized by the chairman or his designated representative, the director of the Office of Veterans Affairs, with ultimate responsibility held by the chairman, in accordance with adopted rules relating to travel.

D. The director, as secretary of the commission, shall keep the chairman and all members of the commission apprised of the availability or nonavailability of travel monies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 29:254.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Office of Veterans Affairs, LR 7:486 (October 1981), amended LR 20:48 (January 1994), LR 24:

Interested persons are invited to submit inquiries or written comments on the proposed amendment by 4:30 p.m., March 27, 1998, to John E. Caulking, Executive Director, Box 94095, Capitol Station, Baton Rouge, LA 70804-9095, or to 1885 Wooddale Boulevard, Tenth Floor, Baton Rouge, LA 70806.

John E. Caulking
Executive Director

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

RULE TITLE: Travel

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

The proposed amendments would allow travel reimbursement to Veterans Affairs Commission members in the course of official state business on days when per diem is not paid. The Office of Veterans Affairs estimates additional travel expenditures of \$680 in FY 98 and \$1,224 annually, beginning in FY 99. These expenditures are based on one travel day for each of the nine commission members reimbursed at \$136/day based on state travel regulations (\$24 meals, \$60 lodging, \$52 mileage). FY 98 expenditures are based on a total of five travel days occurring late in the fiscal year.

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

The proposed amendments are not estimated to have any effect on revenue collections of state or local governmental units.

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

There are no estimated costs to directly affected persons or nongovernmental groups. The economic benefits to directly affected persons will be reimbursement of travel expenses to commission members in the performance of official state business.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated effect on competition and employment from the proposed amendments.

John E. Caulking
Executive Director
9802#046

Richard W. England
Assistant to the
Legislative Fiscal Officer

NOTICE OF INTENT

**Office of the Governor
Patient's Compensation Fund Oversight Board**

Actuarial Study and Rate Application,
Filing, and Notice (LAC 37:III.703 and 707)

The Patient's Compensation Fund Oversight Board, under authority of the Medical Malpractice Act, R.S. 40:1299.41 et seq., and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., advertises its intent to amend LAC 37:III.Chapter 7, as follows, pertaining to the dates which the actuarial study and application for surcharge rates or rate changes must be completed and filed with the Insurance Rating Commission.

**Title 37
INSURANCE**

**Part III. Patient's Compensation Fund Oversight
Board**

Chapter 7. Surcharges

§703. Annual Actuarial Study

A. An actuarial study of the fund and the surcharge rate structure necessary and appropriate to ensure that it is and remains financially and actuarially sound shall be performed annually by the PCF's consulting actuary on the basis of an actuarial analysis of all relevant claims experience data collected and maintained by the fund. In conjunction with the executive director, the consulting actuary shall, on behalf of the board, develop and prepare for submission to the Louisiana Insurance Rating Commission (LIRC) an application for surcharge rates or rate changes.

B. - C. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:175 (February 1992), amended LR 19:204 (February 1993), LR 24:

§707. Rate Applications, Filings; Notice of Rates

A. The PCF's application for surcharge rates or rate changes, if indicated by the annual actuarial study conducted pursuant to §703, shall be filed with the LIRC by the executive director on behalf of the board.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1299.44D(3).

HISTORICAL NOTE: Promulgated by the Office of the Governor, Patient's Compensation Fund Oversight Board, LR 18:175 (February 1992), amended LR 24:

All interested persons are invited to submit written comments on the amended rules. Such comments should be submitted no later than March 20, 1997 at 4:30 p.m. to Michael A. Walsh, Executive Director, Patient's Compensation Fund Oversight Board, 650 North Sixth Street, Baton Rouge, LA 70802 or to FAX number (504) 342-6053.

Michael A. Walsh
Executive Director

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Actuarial Study and Rate Application, Filing,
and Notice**

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

The proposed rule amendments pertain to the dates which the actuarial study and application for surcharge rates or rate changes must be completed. It is estimated that the costs to implement the proposed rule amendments will not exceed \$2,000. The costs will include printing, copy charges, administrative overhead expenses and legal fees which will be paid by the Patient's Compensation Fund, R.S. 40:1299.44 et seq., from statutorily dedicated funds available in the FY 97-98 budget.

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

There is no estimated effect on revenue collections of state or

local governmental units from implementation of the proposed rule amendments.

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

There are no estimated costs or economic benefits to directly affected persons or nongovernmental groups. These proposed rule amendments pertain to the dates which the actuarial study and application for surcharge rates or rate changes must be completed and filed with the Louisiana Insurance Rating Commission.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The Patient's Compensation Fund Oversight Board anticipates no effect on either competition or employment as a result of adopting the proposed rule amendments. These proposed amendments pertain to the dates which the actuarial study and application for surcharge rates or rate changes must be completed and filed with the Louisiana Insurance Rating Commission.

Michael Walsh
Executive Director
9802#082

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Health and Hospitals
Board of Dentistry**

Patient's Records (LAC 46:XXXIII.318)

(Editor's Note: The following section was inadvertently omitted from a notice of intent published by the Board of Dentistry on pages 203 - 212 of the January 1998 Louisiana Register. Section 318 does not alter the fiscal and economic impact statement published with the original proposed rule and will be included upon final rule promulgation.)

**Title 46
PROFESSIONAL AND OCCUPATIONAL
STANDARDS
Part XXXIII. Dental Health Professions**

Chapter 3. Dentists

§318. Patient's Records

A. Upon written request from the patient or the patient's legal representative, each dentist shall furnish a copy of any of the patient's dental records maintained in the dentist's office within 15 days, exclusive of holidays or weekends, from the receipt of the request.

B.1. The original dental records are the property of the dentist. However, the dentist may charge a reasonable copying charge not to exceed:

\$1 per page for the first 25 pages;

\$.50 per page for pages 26 - 500; and

\$.25 per page thereafter.

2. A handling charge not to exceed \$5, and actual postage may also be charged.

3. The dentist may also charge a reasonable fee for duplication of diagnostic materials.

AUTHORITY NOTE: Promulgated in accordance with R. S. 37:760(8) and R.S. 37:1299.96.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Board of Dentistry, LR 24:

Interested persons may submit written comments on this proposed rule to C. Barry Ogden, Executive Director, Board of Dentistry, 1515 Poydras Street, Suite 1850, New Orleans, LA 70112. Written comments must be submitted to and received by the board within 30 days of this notice.

A request pursuant to R.S. 49:953(A)(2) for oral presentation, argument, or public hearing must be made in writing and received by the board within 20 days of the date of this notice.

C. Barry Ogden
Executive Director

9802#026

NOTICE OF INTENT

Department of Health and Hospitals Board of Nursing

Comprehensive Rule Revisions
(LAC 46:XLVII.Chapters 31- 43)

Notice is hereby given in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., that the Board of Nursing (board), pursuant to the authority vested in the board by R.S. 37:911 et seq., intends to amend LAC 46:XLVII.Chapters 37 - 41, pertaining to nursing practice, employment of unlicensed persons, nursing function delegation, Hepatitis B and HIV viruses transmission prevention, educational programs, disciplinary proceedings, and financial disclosure.

The full text of these proposed rules may be obtained by contacting the Office of the State Register, 1051 North Third Street, Baton Rouge, LA 70802, (504)342-5015 or by contacting the State Board of Nursing, 3510 North Causeway Boulevard, Suite 501, Metairie, LA 70002, (504)838-5396.

Interested persons may submit written comments on the proposed rules no later than 4:30 p.m. on March 27, 1998, to Barbara L. Morvant, Executive Director, Board of Nursing, 3510 North Causeway Boulevard, Suite 501, Metairie, LA 70002.

Barbara L. Morvant, RN, MN
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Comprehensive Rule Revisions

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

Re: Chapter 33—For initial implementation in fiscal year 1998-1999, a one-time mailing to all individuals, age 60 and over, currently inactive or delinquent status (4,600 individuals) is projected to include printing, postage and mail service at \$1,500. Additional costs are based on an assumption that approximately 600 of these individuals will seek RN retired status; therefore, printing forms, applications, and licenses, and related postage are projected for a total of \$2,000. Computer

programming costs of \$1,000 are projected for the first year adjustments. The \$200 cost projected for the following years includes mailing of applications to those eligible for retired status, mailing and printing of licenses to those who apply, and miscellaneous expenses.

Re: Chapter 34—It is anticipated that the proposed rules will assist the board in more efficient handling of reports against licensees through a large number of reports being resolved through either a contract with the RNP, consent agreement, or settlement committee, rather than the more costly disciplinary hearing process. It is anticipated that the eight to nine days per year spent in entire board hearings will be reduced to four to five days per year and more cases being resolved through cost-effective options. It is anticipated that there will be a decrease in costs of \$19,880 per year.

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

Re: Chapter 33—A one-time fee of \$25 will be assessed to individuals requesting retired license status. It is anticipated that approximately 600 RNs will apply for this status. First-year implementation revenue will increase by 100 RNs, the number of individuals requesting retired status from inactive or delinquent status. Revenues will begin to decrease in the third year of implementation by the number of individuals retiring the previous year and no longer required to pay renewal fee.

Re: Chapter 34—There is no change of revenue projected as a result of these rules changes. The 1995 Nurse Practice Act authorized the board to impose costs and fines as a component of the disciplinary process. The board imposes these costs and fines on an individual basis. The board projected in the 1997 and 1998 budget \$50,000 revenue from costs and fines. There is no anticipated increase or decrease as a result of these proposed rules.

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

Re: Chapter 33—Individuals applying for retired status as opposed to inactive status will be required to pay a one-time fee of \$25. There is no cost for inactive status. Individuals on retired status will no longer be allowed to practice as registered nurses. The majority of these RNs requesting this status will be age 60 and over and are likely not employed or on inactive status already. Therefore, the estimated costs to directly affected persons is the one-time fee of \$25 and loss of income for those currently employed and choosing retired status. There is no anticipated economic benefit to directly affected persons.

Re: Chapter 34—Licensees or individuals requesting to enroll in clinical nursing courses are offered the opportunity to resolve complaints of violations through alternative, informal or formal methods which would be more cost effective than full board hearings. It is difficult to determine an estimated effect; however, such effect might include such cost to the individual as attorney fees, travel to hearing, hearing cost, as well as, projected loss of salary or denial to enroll in clinical nursing courses dependent on the nature of the offense.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Re: Chapter 33—Individuals on retired status will no longer be allowed to practice. The majority of RNs requesting this status will be age 60 and over and are likely not employed or converting from inactive status. Therefore, this will have no significant impact on competition and employment.

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NOTICE OF INTENT

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

Lab Service Fees
(LAC 48:V.Chapter 137)

In accordance with provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Health and Hospitals, Office of Public Health proposes to amend the following rule pursuant to R.S. 40:29, as amended and reenacted by Act Number 840 of 1997, relative to costs of laboratory services provided by the Office of Public Health as submitted by any physician, hospital, clinic, nurse, veterinarian, sanitarian or any other licensed health care provider authorized by the Office of Public Health to submit specimens for scientific analysis. This current rulemaking will have the effect of rescinding *en toto* the rulemaking on this subject promulgated May 20, 1977 in Volume 3, Number 5 of the *Louisiana Register*, on pages 245-247. (The 1977 rule was apparently overlooked in the codification work in 1987, and it was not included in the *Louisiana Administrative Code* published in 1987.) This rulemaking will also have the effect of revising the lab fees set out in Volume 15, Number 6 of the *Louisiana Register* promulgated June 20, 1989, on pages 477-478 concerning neonatal and genetic screening, and testing for sexually transmitted diseases. This current rulemaking has been assigned to LAC 48:V.Chapter 137.

Title 48

PUBLIC HEALTH

Part V. Preventive Health Services

Subpart 51. Laboratory Fees

Chapter 137. Laboratory Services

§13701. Definitions

Unless the context otherwise requires, the words defined in §13701 shall have the following meanings in LAC 48:V.Chapter 137.

Billable Submitter—individual authorized to submit specimens for scientific analysis by the Division of Laboratories that does not fall into one of the categories listed under §13703.B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:29.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 24:

§13703. Applicability

A. These laboratory fees shall not be charged:

1. to the Office of Public Health of the Department of Health and Hospitals or for laboratory services for a patient at a clinic or health unit operated by the Office of Public Health or to any physician, nurse, dentist, veterinarian, sanitarian or other licensed health care provider who is treating a patient or providing services in an official capacity in relation to the treatment of a patient of the Office of Public Health of the Department of Health, including the network of parish health units operated by the Office of Public Health;

2. in any instance when the state health officer declares an epidemic, for any test, procedure, function, or operation related to such epidemic;

3. if exemption from payment is otherwise provided by the *State Sanitary Code*; or

4. to any state hospital or institution when the secretary of the Department of Health and Hospitals requires the Office of Public Health laboratory to act for such institution in case of emergency.

B. These fees shall be charged for all tests, procedures, functions, or any operations performed by each laboratory independently operated by the Office of Public Health of the Department of Health and Hospitals as a state laboratory on human specimens, environmental samples, cultures, analytical and research procedures and related services which are submitted by any physician, hospital, clinic or health unit not operated by the Office of Public Health, nurse, veterinarian, sanitarian or any other licensed health care provider authorized to submit specimens for scientific analysis by the Division of Laboratories of the Office of Public, DHH. The charges or fees for these services will be assessed according to the following schedule.

Test Description	Fee
1. Ab identification, RBC each panel, each serum technique	\$ 57
2. Ab screen, RBC each serum technique	\$ 21
3. Adenovirus Ab	\$ 18
4. Alpha Fetal protein (amniotic fluid)	\$ 22
5. Alpha Fetal protein (Serum)	\$ 22
6. Antibiotic Disc Test	\$ 4
7. Blood-Hemogram, automated and manual differential WBC (CBC)	\$ 8
8. Blood-RBC antigen other than ABO and Rh(D), each antigen	\$ 5
9. Blood-Rh (D) antigen	\$ 19
10. Blood-typing, ABO	\$ 4
11. Bordatella parapertusis Ab	\$ 19
12. Bordatella pertusis Antigen	\$ 19
13. Bordatella pertusis Culture	\$ 11
14. Borrelia Ab IgG (Relapsing fever)	\$ 19
15. Borrelia Ab IgM (Relapsing fever)	\$ 19
16. Borrelia Ab Total (Relapsing fever)	\$ 19
17. Brucella abortus Ab	\$ 14
18. Chlamydia AB(LGV)	\$ 18
19. Chlamydia testing by DNA gene probe, each probe used	\$ 18
20. Clinical chemistries/21 + amylase	\$ 15
21. Corynebacterium diphtheriae culture (throat or nose)	\$ 11
22. Coxiella Brunetti (Q fever) Phase 1-IgG and IgM	\$ 18
23. Coxiella Brunetti (Q fever) Phase 2-IgG and IgM	\$ 18
24. Cryptococcus Ab	\$ 21

25. Culture Typing, Precipitin Method (grouping) per antiserum	\$ 7
26. Culture Typing, Serologic method, agg grouping, per antiserum	\$ 7
27. Culture Typing, Serologic Method, speciation	\$ 5
28. Culture, Bact, screen, stool	\$ 13
29. Culture, Bact, anaerobe, ID, any source without GLC	\$ 11
30. Culture, Bact, ID, aerobe, any source	\$ 11
31. Culture, Bact, screen (aerobic and anaerobic plates)	\$ 15
32. Culture, Bact, screen, other source	\$ 12
33. Culture, Bact, screen, throat or nose	\$ 11
34. Culture, Bact, anaerobe, isolation, any source	\$ 13
35. Culture, Bacti, ID anaerobe with GLC	\$ 20
36. Culture, Bacti, ID any source, in addition to primary culture	\$ 8
37. Culture, Bacti, ID presumptive, any souce, multiple organism	\$ 12
38. Culture, Bacti, ID presumptive, any souce, single organism	\$ 10
39. Culture, Bacti, ID screen, any souce, single Organism	\$ 9
40. Culture, Bacti, ID, screen, multiple organisms	\$ 12
41. Culture, Bacti, ID, urine	\$ 9
42. Cytomegalovirus (CMV) Ab IgG	\$ 20
43. Cytomegalovirus (CMV) Ab IgM	\$ 20
44. Dengue Fever Ab	\$ 18
45. Encephalitis testing in birds (per viral study)	\$ 19
46. Encephalitis, Eastern Equine IgG	\$ 19
47. Encephalitis, Eastern Equine IgM	\$ 19
48. Encephalitis, La Crose (California) IgG	\$ 19
49. Encephalitis, La Crose (California) IgM	\$ 19
50. Encephalitis, Saint Louis IgG	\$ 19
51. Encephalitis, Saint Louis IgM	\$ 19
52. Encephalitis, Western Equine IgG	\$ 19
53. Encephalitis, Western Equine IgM	\$ 19
54. Enterovirus Ab (e.g. coxsackie, echo, polio)	\$ 19
55. Erlichia Ab	\$ 18
56. Estradiol Assay	\$ 52
57. Fluorescent Ab screen, each Ab (Bordatella)	\$ 18
58. Fluorescent Ab titer, each Ab	\$ 17
59. Fluorescent Antibody (Direct) (Rabies DFA)	\$ 18
60. Fluorescent Antibody (Indirect)	\$ 34
61. Fluorescent Antibody-double stain	\$ 8
62. Follicle Stimulating Hormone (FSH)	\$ 35

63. Francisella tularensis Ab	\$ 15
64. Glucose quantitative	\$ 7
65. Hepatitis, Anti-A	\$ 18
66. Hepatitis, Anti-C	\$ 18
67. Hepatitis, Anti-HBc Total	\$ 17
68. Hepatitis, Anti-HBe	\$ 18
69. Hepatitis, Anti-HBs	\$ 15
70. Hepatitis, HBe Ag	\$ 16
71. Hepatitis, HBs Ag	\$ 15
72. Herpes I Group IgG	\$ 19
73. Herpes II Group IgG	\$ 19
74. Herpes II Group IgM	\$ 19
75. Herpes simplex Type 1 and 2 Ab differential	\$ 20
76. HIV- Dry Blood spot analysis	\$ 6
77. HIV-1 EIA	\$ 13
78. HIV-1 WB	\$ 28
79. Human Arbovirus IgG	\$ 18
80. Human Arbovirus IgM	\$ 18
81. Human Chorionic Gonadotropic (hCG) Pregnancy Test-Quantitative	\$ 21
82. Human Chorionic Gonadotropic (hCG) Pregnancy Test-Qualitative	\$ 11
83. Human Rickettsia IgG	\$ 10
84. Human Rickettsia IgM	\$ 10
85. Influenza A Ab	\$ 20
86. Influenza B Ab IgG	\$ 20
87. Legionella Ab	\$ 21
88. Leptospira Ab	\$ 19
89. Leutinizing Hormone Assay	\$ 36
90. Lipoproteins HDL cholesterol	\$ 14
91. Lipoproteins triglycerides	\$ 11
92. Lymes-(Borellia burgdorferi) IgG	\$ 22
93. Lymes-(Borellia burgdorferi) IgM	\$ 22
94. Meningoencephalytic Ab (adult)	\$ 18
95. Meningoencephalytic Ab (childhood)	\$ 18
96. Mumps Virus Ab	\$ 19
97. Mycoplasma pneumonia Ab	\$ 19
98. Neisseria gonorrhoeae testing by DNA gene probe	\$ 18
99. Newborn Screening Panel	\$ 31
100. Parainfluenza I Ab	\$ 18
101. Parainfluenza II Ab	\$ 18
102. Borellia III Ab	\$ 18
103. Parasite large volume filtration	\$ 47

104. Polio Virus Ab-Type I	\$ 19
105. Polio Virus Ab-Type II	\$ 19
106. Polio Virus Ab-Type III	\$ 19
107. Prolactin Assay	\$ 36
108. R. rickettsii Ab to antigen (Rocky Mountain Spotted Fever) IgG or IgM	\$ 18
109. R. typhi Ab (Typhus fever) IgG or IgM	\$ 18
110. Rabies Analysis	\$ 73
111. Reovirus Ab	\$ 18
112. Respiratory Syncytial Virus (RSV) Ab	\$ 18
113. Rheumatoid factor-qualitative (latex)	\$ 8
114. Rheumatoid factor-quantitative	\$ 8
115. Rotavirus Ab	\$ 19
116. Rubella (German measles) Ab, IgG	\$ 20
117. Rubella (German measles) Ab, IgM	\$ 20
118. Rubeola (Red measles) Ab, IgG	\$ 18
119. Rubeola (Red measles) Ab, IgM	\$ 18
120. Sensitivity study; antibiotics, disk method, per plate (212)	\$ 10
121. Smear with interpretation	\$ 6
122. Syphilis test VDRL qualitative (serum and CSF)	\$ 6
123. Syphilis test VDRL-quantitative, MHA-TP (serum and CSF)	\$ 6
124. T cells including cell ratio	\$ 54
125. TB Panel (bilirubin, AST, uric acid, creatinine)	\$ 11
126. TB Screen-AST	\$ 7
127. TB, AFB, Antibiotic sensitivities; each drug (includes culture)	\$ 8
128. TB-AFB smear	\$ 8
129. TB-Concentration and Isolation of Mycobacteria, each	\$ 16
130. TB-DNA probe identification of AFB cultures	\$ 18
131. TB-HPLC Ident of Mycobacterium	\$ 26
132. Tissue Culture Studies	\$ 163
133. TORCH Ab (CMV, Herpes, Rubella, Toxo)IgG	\$ 82
134. TORCH Ab (CMV, Herpes, Rubella, Toxo)IgM	\$ 82
135. Toxoplasma Ab, IgG	\$ 18
136. Toxoplasma Ab, IgM	\$ 21
137. Treponema pallidum Ab-Confirmatory test FTA-ABS	\$ 19
138. Typhus in rats-antigen to antibody	\$ 10
139. Varicella Zoster Ab, IgG	\$ 18
140. Vibrio cholerae ID	\$ 93
141. Vibrio vulnificus ID	\$ 47
142. Viral Load studies for HIV	\$ 121

143. Virus ID-Tissue Cult. Additional Studies, each isolate	\$ 34
144. Virus ID-Tissue Cult. Inoculation and Observation	\$ 37
145. Virus ID-Tissue Cult. Inoculation of Egg/Small animal, Observation and Dissection	\$ 28
146. Yersinia pestis (plague) study in rats; includes slide prep, animal inoculation, plague demo	\$ 154
147. Any Public Health Biochemistry procedure not expressly stated will be charged based on the cost per unit of time (Work Time Unit or WTU) as calculated by the fiscal department of the Office of Public Health	Not to exceed \$1.75 WTU
148. Any Public Health Microbiology procedure not expressly stated will be charged based on the cost per unit of time(Work Time Unit or WTU) as calculated by the fiscal department of the Office of Public Health	Not to exceed \$1.75 WTU
149. Any Public Health Serology procedure not expressly stated will be charged based on the cost per unit of time (Work Time Unit or WTU) as calculated by the fiscal department of the Office of Public Health	Not to exceed \$1.75 WTU
150. Any Public Health Virology procedure not expressly stated will be charged based on the cost per unit of time (Work Time Unit or WTU) as calculated by the fiscal department of the Office of Public Health	Not to exceed \$1.75 WTU
151. Any Research Procedure not expressly stated will be charged based on the cost per unit of time (Work Time Unit or WTU) as calculated by the fiscal department of the Office of Public Health	Not to exceed \$1.75 WTU
152. A-1 (FC MPN)	\$ 20
153. Adipates/Phthalates	\$ 160
154. Alfatoxins (HPLC)	\$ 119
155. Alfatoxins (Screen)	\$ 40
156. Alkalinity (Total)	\$ 9
157. Aluminum	\$ 16
158. Antibiotic disc assay	\$ 16
159. Antibiotic sensitivity study/antibiotic	\$ 6
160. Antimony	\$ 33
161. Arsenic	\$ 16
162. Barium	\$ 16
163. Beryllium	\$ 16
164. BOD-5 day (manual)	\$ 160
165. BOD-Automated robotics testing	\$ 26
166. Bottled and Vended waters-Colilert	\$ 4
167. Bottled Water-Herbicides	\$ 237
168. Bottled Water-Trihalomethanes (THM)	\$ 33
169. Bottled Water-VOC (P/T)	\$ 172
170. Butter analysis	\$ 121
171. Butterfat, Babcock	\$ 27
172. Butterfat, Roesse-Gotlieb (Confirmation)	\$ 92

173. Butterfats and Nonfat Solids	\$ 32
174. C. jejeuni and C. campylobacter-Environmental	\$ 33
175. Cadmium	\$ 16
176. Cadmium in foods	\$ 3
177. Caffeine	\$ 79
178. Calcium hardness	\$ 8
179. Carbamates	\$ 200
180. Caustics	\$ 11
181. Cereal analysis-qualitative	\$ 1
182. Cereal analysis-quantitative	\$ 32
183. Charm I; App N antibiotic testing	\$ 13
184. Charm II; App N antibiotic testing-Cloxacillin	\$ 13
185. Charm II; App N antibiotic testing-Other	\$ 13
186. Charm II; App N antibiotic testing-Quantitative	\$ 40
187. Charm II; App N antibiotic testing-Sequential	\$ 13
188. Chemical Oxygen Demand (COD)	\$ 80
189. Chloride percent-Hypochlorites and Chloramines (screen)	\$ 7
190. Chloride percent; Hypochlorites and Chloramines (Confirmation)	\$ 21
191. Chlorides	\$ 7
192. Chromium	\$ 17
193. Coffee (chicory)	\$ 4
194. Coliform Determinations-Confirmed (includes MPN for coliform and fecal coliform)	\$ 31
195. Coliform Determinations-E. coli (Verified)-each isolate	\$ 13
196. Coliform Determinations-Fecal	\$ 8
197. Coliform Determinations-Fecal by MPN (includes presumptive, completed and confirmed tests)	\$ 45
198. Coliform Determinations-Fecal Coliforms (includes coliform and E.coli MPN)	\$ 31
199. Colilert	\$ 8
200. Color	\$ 5
201. Color and preservatives in food	\$ 80
202. Compliance analysis of nutritional content and labeling	\$ 13
203. Conductivity	\$ 7
204. Copper Flame AA	\$ 9
205. Copper ICAP	\$ 4
206. Corrosion Control (copper, lead, pH, Alkalinity, THRD)	\$ 53
207. Cosmetics (organoleptics, net weight, filth and foreign material)	\$ 13
208. Cryoscope (added water)	\$ 8
209. Cyanide	\$ 160

210. Dairy Waters-MTF	\$ 19
211. Diquat	\$ 200
212. Dissolved Oxygen (DO)	\$ 8
213. Drained weight analysis	\$ 7
214. Dry Skim Milk-Qualitative	\$ 3
215. Dry Skim Milk-Quantitative	\$ 119
216. Dual Column (confirmation)	\$ 33
217. E. coli 015:H7	\$ 27
218. E. coli MPN	\$ 31
219. E. coli speciation	\$ 20
220. Endothall	\$ 253
221. Ethylene Dibromide (EDB)	\$ 133
222. Etiological agent ID for consumer food, beverages	\$ 100
223. Fecal Coliform MPN (includes presumptive, completed and confirmed tests)	\$ 31
224. Filth and Foreign (filter)	\$ 5
225. Filth and Foreign (Macro)	\$ 5
226. Filth and Foreign (Micro)	\$ 7
227. Filth and Foreign (trap/sv)	\$ 389
228. Fluoride analysis	\$ 20
229. Fluorides	\$ 11
230. Foreign Fat (RI)	\$ 4
231. Formaldehyde testing (AIR)	\$ 409
232. Fossomatic CC	\$ 12
233. Fossomatic OSCC	\$ 13
234. Free CO2	\$ 12
235. Gamma screen	\$ 26
236. GC/MS Confirmation	\$ 479
237. General Chemistry (Borellia, Net weight, filth and foreign materials)	\$ 16
238. Glycol/Recirculating Water (10-Tube MPN)	\$ 13
239. Glycol/Recirculating Water (HPC)	\$ 8
240. Glyphosphate	\$ 160
241. Gross alpha and beta (Radon 222, Radium 226, Radium 228, Radon, Uranium)	\$ 67
242. Heavy Metal (ICAP)	\$ 100
243. Heavy Metals (Includes Hg)	\$ 180
244. Herbicides	\$ 240
245. Heterotrophic Plate Count (HPC)	\$ 8
246. Inorganic Chemicals	\$ 299
247. Iodine 131	\$ 396
248. Iron	\$ 17
249. Iron and alumina oxide	\$ 33
250. Lead-Other analysis by furnace atomic absorption	\$ 55

251. Lead analysis (wipes)	\$ 20
252. Lead analysis in water/chemistry	\$ 20
253. Lead analysis in waters schools, day care, water coolers, faucets/chemistry	\$ 20
254. Lead analysis of paint	\$ 40
255. Lead and copper analysis for private residence water	\$ 23
256. Lead-Blood lead Screen by Graphite Furnace Atomic Absorption	\$ 13
257. Listeria analysis-milk	\$ 27
258. Listeria analysis-food	\$ 100
259. Listeria culture-Environmental	\$ 20
260. Loss on Ignition	\$ 5
261. Manganese	\$ 16
262. Mercury in foods	\$ 79
263. Mercury in Water	\$ 20
264. Metal (1 metal) ICAP	\$ 16
265. Metals (13 metals)ICAP	\$ 53
266. Metals (4 metals) ICAP	\$ 24
267. Metals (ICAP) plus Mercury	\$ 180
268. Metals in food-ICAP	\$ 40
269. Microbiology culture for Environmental organisms (Listeria, Campylobacter, Yersinia, Salmonella, Staphylococcus and E.coli)	\$ 175
270. Milk Containers-paper and Plastic	\$ 17
271. Net Weight and Contents	\$ 7
272. Nickel	\$ 16
273. Nitrate	\$ 13
274. Nitrates and Nitrites	\$ 13
275. Nitrites	\$ 13
276. Nonfat Solids	\$ 5
277. Nuisance Organisms	\$ 20
278. Oil and Grease	\$ 158
279. Organoleptic Exam	\$ 3
280. Organoleptic Exam in foods	\$ 13
281. Oyster meat analysis for Vibrio and Salmonella	\$ 40
282. Oyster waters-analysis for Salmonella, Shigella, Vibrio, Staph	\$ 33
283. Oyster waters; metals	\$ 100
284. Oyster waters; organics	\$ 40
285. Oyster waters; Pesticides	\$ 233
286. Pesticide (Endrin, lindane, methoxychem. toxophene)	\$ 100
287. Pesticide battery 12 assays	\$ 201
288. Pesticide residues-food	\$ 273

289. Pesticide residues-grains	\$ 273
290. Pesticide residues-vegetables	\$ 233
291. Pesticide/PCBs in soil	\$ 246
292. Pesticides/Herbicides and PCB	\$ 100
293. Pesticides/metals-ICP	\$ 313
294. Pesticides/PCBs	\$ 233
295. Pesticides/PCBs (Food)	\$ 233
296. Pesticides/PCBs (HECD)	\$ 273
297. Pesticides/PCBs (NPD)	\$ 273
298. Pesticides/PCBS (Serum)	\$ 64
299. Pesticides/PCBS GC/MS	\$ 475
300. Pesticides/PCBs in seafood	\$ 233
301. Pesticides/PCBs in water (multi scan)	\$ 233
302. Pesticides/water (Multi scan)	\$ 231
303. pH	\$ 5
304. Phenols	\$ 319
305. Phosphatase by Fluorophos	\$ 7
306. Phosphatase by Sharer	\$ 11
307. Phosphatase by Sharer-Reactivation	\$ 46
308. Phosphatase by Sharer-Interfering Substances	\$ 11
309. Phosphatase by Sharer-Microbial	\$ 34
310. Phosphates	\$ 40
311. Polyaromatic Hydrocarbons (PAH)	\$ 79
312. Potassium	\$ 16
313. Priority Chemicals	\$ 166
314. Radionuclides; Gamma	\$ 53
315. Radium 226 and 228	\$ 725
316. Radon 222	\$ 79
317. Red Tide (Sample prep for mouse assay)	\$ 67
318. Red Tide (Tissue Culture assay)	\$ 133
319. Reducing Sugars	\$ 133
320. Residual Chlorine (chloramines)	\$ 20
321. Residue/insoluble materials (pipe scales)	\$ 237
322. Salinity	\$ 7
323. Salmonella analysis-food	\$ 27
324. Salmonella and Vibrio analysis	\$ 126
325. Salmonella culture	\$ 20
326. Salmonella culture-chocolate	\$ 47
327. Secondary Chemicals	\$ 146
328. Sediment analysis	\$ 240
329. Selenium	\$ 33
330. Shellfish-Microbial Screen (Staph aureus, Salmonella, Shigella, Vibrio, Listeria)	\$ 166

331. Silicates	\$ 40
332. Silver	\$ 16
333. Silvex 2-,4-D and 2,4 TP	\$ 237
334. Sodium	\$ 16
335. Sodium and Potassium	\$ 11
336. Staphylococcus analysis-Environmental	\$ 20
337. Staphylococcus aureus ID-Environmental	\$ 13
338. Strontium 89 and 90	\$ 396
339. Sulfates	\$ 8
340. Sulfides	\$ 47
341. Sulfite analysis-qualitative	\$ 3
342. Sulfite analysis-quantitative	\$ 48
343. Surfactants (MBAS)	\$ 158
344. Synthetic Organic Chemicals (13 classes)	\$ 1,131
345. Syrup-polarization	\$ 106
346. Thallium	\$ 33
347. Total Chlorine residual	\$ 11
348. Total Dissolved Solids	\$ 11
349. Total Hardness	\$ 8
350. Total Solids	\$ 11
351. Total Solids (lactometer)	\$ 7
352. Total Solids-Drying	\$ 17
353. Total Suspended Solids	\$ 27
354. Trihalomethanes (THM)-(Liquid/Liquid)	\$ 33
355. Trihalomethanes (THM)-(purge and trap)	\$ 79
356. Tritium (H3)	\$ 79
357. Turbidity	\$ 4
358. Unregulated Volatile Organics	\$ 173
359. Uranium	\$ 198
360. Urines for methylparathion	\$ 8
361. Vibrio cholerae Identification and Typing	\$ 150
362. Vibrio vulnificus Identification	\$ 118
363. Vitamin A	\$ 158
364. Vitamin A and D	\$ 185
365. Vitamin D	\$ 158
366. Volatile Organic Chemicals (VOCs) (Liquid/Liquid)	\$ 33
367. Volatile Organic Chemicals (VOCs) (Purge and Trap)	\$ 172
368. Yersinia culture-Environmental	\$ 30
369. Zinc	\$ 16
370. Zinc in foods	\$ 3

371. Any Environmental Chemistry and Toxicology procedure not expressly stated will be charged based on the cost per unit of time (Work Time Unit or WTU) as calculated by the fiscal department of the Office of Public Health	Not to exceed \$1.75 WTU
372. Any Environmental Microbiology procedure not expressly stated will be charged based on the cost per unit of time (Work Time Unit or WTU) as calculated by the fiscal department of the Office of Public Health	Not to exceed \$1.75 WTU
373. Any Research Procedure not expressly stated will be charged based on the cost per unit of time (Work Time Unit or WTU) as calculated by the fiscal department of the Office of Public Health	Not to exceed \$1.75 WTU

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:29.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Health Services and Environmental Quality, LR 3:245 (May 1977), amended by the Department of Health and Hospitals, Office of the Secretary, LR 15:477 (June 1989), amended by the Office of Public Health, LR 24:

§13705. Billing and Payment Procedures

The fees shall be billed to the submitter as follows.

1. A submitter who meets the definition of a billable submitter and wishes to contract with the Division of Laboratories (DOL) to provide one or more of the laboratory tests described in the fee schedule should contact the health laboratory director or the health laboratory assistant director at (504) 568-5373 or in writing at Box 60630, New Orleans, LA 70160.

2. A contract stating the tests and associated fees to be charged will be signed by both parties and an account number assigned. The submitter will be issued a Laboratory Submission Manual by the DOL and may begin submitting specimens and samples following approved DOL procedures and lab submittal forms. The submitter must place the account number on all lab forms when requesting analysis.

3. Billing will be done on a monthly basis. The Division of Laboratories will submit an invoice of fees for laboratory services by the fifteenth each month for each separate account. The invoice shall describe the analysis performed, the date of analysis, date of report, the fee per test and the total charge for current services rendered. Past due amounts will be added to the current charges and the extended total provided.

4. The customer will remit payment by check within 30 days of the billing date. Checks will be made out to the Office of Public Health and mailed to Box 60630, New Orleans, LA. 70112. When the checks are received they will be credited to the appropriate account number by staff in the Division of Laboratories. A roster of checks by number and account will be generated. The checks and the accompanying check roster will be transferred to the Fiscal Office of DHH at 1001 Howard Avenue, New Orleans, LA 70112 for final processing within the state system.

5. If payment is not received within 30 days of the billing date, the DOL will issue a past due letter. The customer must respond in writing or by telephone if a discrepancy exists. Otherwise, payment by check to cover the overdue amount

on the statement must be made within 30 days of the date of the past due letter.

6. If the customer does not respond or payment is not received within 30 days, the account will be turned over to the OPH Fiscal Services Department and future laboratory services will be discontinued until full payment is made.

7. If the customer does not respond to the collection agency and payment is not received within 90 days of the transfer of the account to the collection agency then the account will be turned over to the DHH Bureau of Legal for action.

8. The DOL will engage the services of a CPA (Certified Public Accountant) to oversee the ongoing collection of fees and to audit the system on an annual basis.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:29.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of Public Health, LR 24:

A public hearing on the proposed amendment of these fees has been scheduled for 10 a.m, March 30, 1998, at the Office of Public Health, fourth floor conference room, 1201 Capitol Access Road, Baton Rouge LA.

Interested persons may comment on the proposed rule by contacting Susan Daigle, Department of Health and Hospitals, Office of Public Health, Box 60630, New Orleans, LA 70160, (504) 568-5378 prior to the scheduled public hearing.

Bobby P. Jindal
Secretary

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

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

It is anticipated that it will cost about \$300,000 to implement delivery of services. Implementation costs include costs for operating services, accounting, tracking and management of revenues and purchase of supporting software. The Division of Laboratories will establish a fiscal mechanism for collection, monitoring and surveillance of revenues. Minimally, to implement this proposed rule would require personal and professional services of about \$80,000 in FY 97/98; \$85,000 in FY 98/99; and \$89,000 in FY 99/2000; operating services of about \$185,000 in FY 97/98; \$215,000 in FY 98/99; and \$221,000 in FY 99/2000; and equipment purchases of about \$35,000 in FY 97/98; \$25,000 in FY 98/99; and \$15,000 in FY 99/2000. Additional costs include a one-time cost of publication of this proposed rule in the *Louisiana Register* at about \$600.

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

It is estimated that the proposed rule will allow the Public Health Lab to generate funds of \$300,000 for laboratory services provided. The request for fee changes is a fiscally responsible move to cover the increased cost of necessary public health laboratory analyses resulting from new and advanced technology; emergence of new and antibiotic-resistant pathogens such as HIV, Ebola, Dengue fever; reemergence of previously controlled pathogens; advancing knowledge concerning the interconnection of environmental factors and public health, as

well as demand by the public for enhanced detection levels, capabilities, and capacity as it becomes available. Fees will be used to cover the cost of providing the services and to support public health programmatic functions. Added revenues will help put OPH on a sound fiscal basis buffered from changes in funding from outside sources. In addition, this updated and more realistic fee structure will allow the agency to make better strategically-based health decisions which are more in line with integrity and commitment to our vision and mission, rather than profit alone. Revenues will allow the lab to absorb the expense of testing that is done at low frequency and high cost and not performed in the public sector, such as Dengue fever or encephalitis and toxic chemicals in humans. Without the ability to collect fees for laboratory tests, the ability to achieve our mission to protect the public health would be seriously diminished.

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

Act 840 of 1997 allows health care providers to access specialized analytical public health services within the state rather than sending specimens out of state to private labs at increased cost. Additionally, it strengthens epidemic surveillance in Louisiana and assures that the data necessary to decision making and disease prevention in Louisiana is not lost. The proposed rule responds to public and private requests for services performed by the Public Health Laboratories and allows the state of Louisiana to be compensated for these services. Expanding community access to public health services enlarges the database of scientific knowledge, offers preventive health care to citizens seeking it and leads to a healthier population.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This proposed rule should not have a significant impact on competition and employment in the public and private sectors. Both public and private sectors currently submit various samples and specimens to the Public Health Laboratory for analyses.

Bobby P. Jindal
Secretary
9802#081

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

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

Medicaid—Eligibility of Aliens

The Department of Health and Hospitals, Office of the Secretary, Bureau of Health Services Financing proposes to adopt the following rule in the Medical Assistance Program as authorized by R.S. 46:153 and pursuant to Title XIX of the Social Security Act. This proposed rule is adopted in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

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. Effective January 1, 1997, the department promulgated an emergency rule which adopted the mandatory provisions of P.L. 104-193. This rule addressed only the citizenship requirement: every applicant for Medicaid under any classification addressed in this rule must meet all requirements for eligibility (*Louisiana Register*, Volume 23, Numbers 1, 4, and 9). 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 were replaced by the January 1997 rule.

Effective August 5, 1997, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 was amended by sections 5301-5306 and 5562-5563 of the Balanced Budget Act of 1997 as follows:

1. the eligibility period of refugees and asylees (includes those whose deportation has been withheld under section 243(h) of the Immigration and Nationality Act and Cuban or Haitian entrants) increased from five to seven years; and

2. the definition of *qualified alien* was expanded to include aliens granted status as Cuban or Haitian entrants.

All noncitizens are classified as *qualified aliens* or *nonqualified aliens*. *Nonqualified aliens* include both illegal and ineligible persons.

Definitions

Illegal Aliens—aliens who 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—aliens lawfully admitted to the United States but only for a temporary or specified period of time as legal nonimmigrants. 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.

Ineligible aliens are eligible only for emergency services if they meet all eligibility criteria other than citizenship.

Qualified Aliens—aliens who:

1. are lawful permanent residents;

2. are refugees;

3. are asylees;

4. have had deportation withheld under section 243(h) of the Immigration and Nationality Act (INA);

5. are granted parole for at least one year by the Immigration and Naturalization Services (INS);

6. are granted conditional entry under immigration law in effect before April 1, 1980; or

7. are granted status as a Cuban or Haitian entrant.

Qualified aliens who are otherwise eligible for Medicaid, are eligible for regular Medicaid coverage.

Emergency Medical Services—services necessary for treatment of an emergency medical condition as follows. 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. *Emergency Medical Services* do not include any organ transplant procedure or routine prenatal or postpartum care.

Mandatory Qualified Aliens—aliens who are:

1. *qualified aliens* who were in the United States prior to August 22, 1996, and are members of these groups:

a. lawful permanent residents to whom 40 qualifying quarters of Social Security can be credited;

b. refugees until seven years after the date of the alien's entry into the United States;

c. asylees until seven years after the grant of asylum;

d. aliens who have had deportation withheld under section 243(h) of the INA until seven years after the grant of withholding;

e. honorably discharged veterans who fulfill the minimum active-duty service requirements; aliens on active duty in the United States armed forces; the spouse or unmarried dependent child(ren) of such individuals; and the unremarried surviving spouse of a deceased honorably discharged veteran;

f. aliens granted status as Cuban or Haitian entrants until seven years after status granted.

2. *qualified aliens* entering the United States on or after August 22, 1996, who are members of the groups below:

a. refugees for seven years from date of entry;

b. asylees for seven years from date of entry;

c. aliens whose deportation has been withheld under section 423(h) of the INA for seven years from grant of withholding;

d. honorably discharged veterans who fulfill the minimum active-duty service requirements; aliens on active duty in the United States armed forces; the spouse or unmarried dependent child(ren) of such individuals; and the unremarried surviving spouse of a deceased honorably discharged veteran;

e. aliens with Cuban or Haitian entrance status until seven years from grant of status.

3. Native Americans born in Canada who have at least 50 percent Native American blood who enter and reside in the United States.

Optional Qualified Aliens—persons who meet the definition of *qualified aliens* but who are not *mandatory qualified aliens*. Effective December 21, 1997, the state elected to provide regular Medicaid coverage to *optional qualified aliens* who were in the United States prior to August 22, 1996.

Optional qualified aliens entering the United States on or after August 22, 1996 (those not described as *mandatory qualified aliens* above), are not eligible for Medicaid benefits for five years after entry into the United States. Such *qualified aliens* are eligible for emergency services only. Upon expiration of the five-year period, coverage for regular Medicaid services shall be considered if the *optional* group of *qualified aliens* meets all eligibility criteria.

Effective December 21, 1997, the department adopted an emergency rule (*Louisiana Register*, Volume 23, Number 12) in order to avoid sanctions or penalties from the federal government arising from failure to adopt appropriate regulations related to amendments to the Personal Responsibility and Work Opportunity Act of 1996 (P.L. 104-193) contained in the Balanced Budget Act of 1997 (P.L. 105-33).

Proposed 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) as amended by the Balanced Budget Act of 1997 (P.L. 105-33) regarding Medicaid eligibility for noncitizens.

The state elects to provide regular Medicaid coverage to *optional qualified aliens* who were in the United States prior to August 22, 1996, who meet all eligibility criteria.

Optional qualified alien groups entering the United States on or after August 22, 1996, are not eligible for Medicaid for five years after entry into the United States. Such *qualified aliens* are eligible for emergency services only. Upon expiration of the five-year period, coverage for regular Medicaid services shall be considered if the *optional qualified alien* meets all eligibility criteria.

Interested persons may submit written comments to Thomas D. Collins, Office of the Secretary, Bureau of Health Services Financing, Box 91030, Baton Rouge, LA 70821-9030. He is responsible for responding to inquiries regarding this proposed rule.

A public hearing will be held on Friday, March 27, 1998, at 9:30 a.m. in the Auditorium of the Department of Transportation and Development, 1201 Capitol Access Road, Baton Rouge, LA. At that time all interested parties will be afforded an opportunity to submit data, views, or arguments, orally or in writing. The deadline for the receipt of all comments is 4:30 p.m. on the next business day following the public hearing.

Bobby P. Jindal
Secretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Medicaid—Eligibility of Aliens

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
The fiscal impact for this proposed rule cannot be determined, as aliens are not a separate eligibility category and each case must be individually evaluated at application or redetermination. However, \$220 will be incurred in SFY 1997-98 for the state's share of promulgating this proposed rule as well as the final rule.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
Federal revenue collections cannot be determined, as aliens are not a separate eligibility category and each case must be individually evaluated at application or redetermination. However, the federal share of promulgating this proposed rule as well as the final rule is \$220 for SFY 1997-98.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
The estimated costs and/or economic benefits to directly affected persons or nongovernmental groups cannot be determined as aliens are not a separate eligibility category and each case must be individually evaluated at application or redetermination. There is no known estimated revenue impact resulting from this rule.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There is no known effect on competition and employment.

Thomas D. Collins
Director
9802#083

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Gaming Control Board

Video Draw Poker—Gaming
Establishments (LAC 42:XI.2415)

The Gaming Control Board hereby gives notice that it intends to amend LAC 42:XI.2415.C.3 in accordance with R.S. 27:1 et seq., and the Administrative Procedure Act, R.S. 49:950 et seq.

Title 42 LOUISIANA GAMING Part XI. Video Poker

Chapter 24. Video Draw Poker §2415. Gaming Establishments

A. - C.1. - 2. ...

3. No video draw poker devices which a qualified truck stop facility is licensed to operate on the premises shall be located or operated in the convenience store, trucker lounges,

laundry rooms, shower rooms, and/or hallway areas of the truck stop facility. Video draw poker devices shall be located and operated in areas designated primarily for gaming, as defined in R.S. 27:301 et seq., and/or in lounges/bars and restaurants that meet the criteria of R.S. 27:301 et seq., and Part II of Chapter 1 or Part II of Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950. In areas legally accessible to minors the device areas shall comply with the provisions of R.S. 27:302(D)(2) and LAC 42:XI:2415.D.2.

D. - E.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 33:4862.1 et seq. and R.S. 27:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Gaming Enforcement Section, Video Gaming Division, LR 18:196 (February 1992), amended LR 21:582 (June 1995), amended by the Department of Public Safety and Corrections, Gaming Control Board, LR 23:1322 (October 1997), LR 24:

All interested persons may contact Tom Warner, Attorney General's Gaming Division, phone (504) 342-2465 and may submit written comments relative to these proposed rules through March 13, 1998 to 339 Florida Boulevard, Suite 500, Baton Rouge, LA 70801.

Hillary J. Crain
Chairman

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Video Draw Poker—Gaming Establishments

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

Hillary J. Crain
Chairman
9802#043

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Public Safety and Corrections Office of State Police

Motor Carrier Safety and Hazardous
Materials (LAC 33:V.10303)

The Department of Public Safety and Corrections, Office of State Police, Transportation and Environmental Safety Section

proposes to amend LAC 33:V.10303 pertaining to Motor Carrier Safety and Hazardous Materials requirements to add part 382 of 49 CFR (Controlled Substances and Alcohol Use and Testing) as authorized by R.S. 32:1501 et seq. The proposed amendment is critical to the Motor Carrier Safety efforts and consists solely of the addition of 49 CFR part 382.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 2. Department of Public Safety and Corrections—Hazardous Materials

Chapter 103. Motor Carrier Safety and Hazardous Materials

§10303. Federal—Motor Carrier Safety and Hazardous Materials

A. ...

Hazardous Materials Regulations

Parts 171 - 180 ...

Motor Carrier Safety Regulations

Part 382 Controlled Substances and Alcohol Use and Testing

Parts 383 - 397 ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1501 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 14:31 (January 1988), amended LR 17:1115 (November 1991), LR 19:351 (March 1993), LR 20:58 (January 1994), LR 24:

Interested persons may submit written comments until 4:30 p.m., March 20, 1998, to Paul Schexnayder, Attorney, Department of Public Safety and Corrections, Office of State Police, Legal Section, Box 66614, Baton Rouge, LA 70896.

Thomas Normile
Undersecretary

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Motor Carrier Safety and Hazardous Materials

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no implementation cost (savings) to state or local governmental units.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenue collections of state or local governmental units
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
There will be no additional costs to the affected groups; these are updates of existing rules.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be no effect on competition and employment.

Thomas Normile
Undersecretary
9802#044

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Social Services Office of Family Support

Support Enforcement and Program Administration
(LAC 67:III.Chapter 25 and repeal of §2751)

The Department of Social Services, Office of Family Support proposes to amend the *Louisiana Administrative Code*, Title 67, Part III, Subpart 4, Support Enforcement Services (SES), the child support enforcement program.

Pursuant to Public Law 105-33, the Balanced Budget Act of 1997, SES will cooperate in automated administrative enforcement in interstate cases. Recent review of the SES State Plan by the U.S. Department of Health and Human Services, Office of Child Support Enforcement (OCSE), prompted that agency to advise SES to incorporate this change into the *Louisiana Administrative Code*, §2525. OCSE review also prompted SES to clarify and expand language pursuant to Public Law 104-193 and R.S. 9:311(C) wherein the procedure for review and adjustment of child support cases has been changed (§2512).

Further review of the *Louisiana Administrative Code* for SES revealed that regulations at §2519 and §2751 should be repealed, having been obsoleted by changes in state and federal laws. In order to correctly codify regulations at this time, LAC 67:III.Chapter 25.Subchapter G is being reserved and the current policy at §2525 will maintain its history and be renumbered §2520. Therefore, §2525 as it appears in this notice is new. Language in other sections is being updated to clarify current regulations.

Title 67

SOCIAL SERVICES

Part III. Office of Family Support

Subpart 4. Support Enforcement Services

Chapter 25. Support Enforcement

Subchapter C. Formula for Support Obligation

§2511. Child Support Award Guidelines

The child support award guidelines established in R.S. 9:315 et seq. shall be used in any proceeding to establish or modify child support orders. There shall be a rebuttable presumption that the amount of the child support established by use of the guidelines is the proper amount of child support.

AUTHORITY NOTE: Promulgated in accordance with R.S. 9:315 et seq., 45 CFR 302.56.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 13:497 (September 1987), amended by the Department of Social Services, Office of Eligibility Determinations, LR 15:807 (October 1989), LR 16:34 (January 1990), amended by the Office of Family Support, LR 24:

§2512. Adjustment of Child Support Orders

SES will send a notice every three years advising both parties to the support order of the right to request a review. If either party requests a review, SES will conduct the review and, if appropriate, judicially adjust the order in accordance with the guidelines if the amount of the child support in the order differs from the amount of the child support award in accordance with the guidelines.

AUTHORITY NOTE: Promulgated in accordance with P.L. 104-193, §351 and R.S. 9:311(C).

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 19:1178 (September 1993), amended LR 23:748 (June 1997), LR 24:

Subchapter E. Individuals Not Otherwise Eligible §2519. State Plan

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 302.33, 45 CFR 232.11(a)(1), 45 CFR 232.11(a)(4), 45 CFR 302.31, 45 CFR 302.32, 45 CFR 302.51, 45 CFR 302.52 and 45 CFR 232.11.

HISTORICAL NOTE: Promulgated by the Health and Human Resources Administration, Division of Youth Services, LR 2:111 (April 1976), repealed by the Department of Social Services, Office of Family Support, LR 24:

§2520. Locate Fee for Non-FITAP Recipients (previous §2525)

The IV-D Program shall charge a fee of \$10 per request for non-FITAP, locate-only requests. An additional \$4 charge shall be made if the Social Security Number of the noncustodial parent is not provided.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 303.70.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 9:131 (March 1983), amended by the Department of Social Services, Office of Family Support, LR 24:

§2521. Child Support Application Fee for Non-FITAP Applicants

SES will charge an application fee of \$25 for services to individuals who do not receive FITAP, Medicaid, or IV-E Foster Care assistance. When SES takes the application, the SES regional office will collect the fee. When a contracted office of the district attorney takes the application, the district attorney's office will collect the fee and retain the nonfederal share of the fee.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 302.33.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 12:115 (February 1986), amended by the Department of Social Services, Office of Family Support, LR 24:

Subchapter F. Cooperation with Other States

§2525. Automated Administrative Enforcement in Interstate Cases

A. SES shall use high-volume, automated administrative enforcement on interstate cases to the same extent as used for intrastate cases.

B. SES may transmit a request for assistance to another state by electronic or other means in a case involving the enforcement of a support order. The request shall contain sufficient information to enable the receiving state to compare such information with information in its data base. The request shall constitute a certification of the amount of court-ordered support which is in arrears, and that the state has complied with all procedural due process requirements applicable to the case.

C. SES shall promptly respond to a request made by another state for automated enforcement of a support order. SES shall maintain records of the number of such requests for assistance received, the number of cases for which support was

collected in response to such a request, and the amount of support collected.

AUTHORITY NOTE: Promulgated in accordance with P.L. 105-33.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Family Support, LR 24:

Subchapter G. Reserved (previously Parent Locator Service)

(Editor's Note: The previous §2525 is relocated and renumbered §2520.)

Subchapter I. Tax Refund Offset

§2533. Federal Tax Refunds

A. SES shall collect past-due support by federal tax refund offset according to federal criteria.

B. SES shall deduct the processing fee imposed by the Internal Revenue Service from each non-FITAP payee's refund check.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 303.72.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 11:1083 (November 1985), amended by the Department of Social Services, Office of Family Support, LR 24:

Chapter 27. General Program Administration

Subchapter B. Reserved (previously Notice of Collection of Assigned Support)

§2751. Annual Notice of Collection

Repealed.

AUTHORITY NOTE: Promulgated in accordance with 45 CFR 302.54.

HISTORICAL NOTE: Promulgated by the Department of Health and Human Resources, Office of Family Security, LR 11:1151 (December 1985), amended by the Department of Social Services, Office of Family Support, LR 22:117 (February 1996), repealed LR 24:

Interested persons may submit written comments to Vera W. Blakes, Assistant Secretary, Office of Family Support, Box 94065, Baton Rouge, LA 70804-9065. She is responsible for responding to inquiries regarding this proposed rule. The deadline for the receipt of all written comments is 4:30 p.m. on the day of the public hearing.

A public hearing on the proposed rule will be held on March 27, 1998 at the Department of Social Services, Second Floor Auditorium, 755 Third Street, Baton Rouge, LA beginning at 9 a.m. All interested persons will be afforded an opportunity to submit data, views, or arguments, orally or in writing, at said hearing. Individuals with disabilities who require special services should contact the Bureau of Appeals at least seven working days in advance of the hearing. For assistance, call 504-342-4120 (Voice and TDD).

Madlyn B. Bagneris
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Support Enforcement and
Program Administration**

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

The administrative nature of the proposed rule will require minor policy and form revisions which can be routinely

accomplished. Automated administrative enforcement and the change in adjustment of support can be implemented with existing personnel and automated systems. The immediate cost of implementation in FY 97/98 is negligible. There are no anticipated costs or savings to local governmental units,

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

An increase in child support collections by the state may result, but no amounts can be projected at this time. There is no effect on revenue collections of local governmental units.

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

Parties to child support orders may have an increase or decrease in support being paid or received.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There is no estimated impact on competition and employment.

Vera W. Blakes
Assistant Secretary
9802#079

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Social Services
Office of Rehabilitation Services**

**Vocational Rehabilitation Policy Manual
Applicant/Client Appeal Rights and Rehabilitation
Technology (LAC 67:VII.107 and 115)**

In accordance with the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Social Services, Rehabilitation Services proposes to amend the following rule in the Vocational Rehabilitation Services Policy Manual: Applicant/Client Appeal Rights and Rehabilitation Technology.

The rule governing Rehabilitation Services' policy relative to applicant/client appeal rights and policy relative to rehabilitation technology is being revised to meet the regulations set forth in the final federal regulations for the state Vocational Rehabilitation Program.

Title 67

SOCIAL SERVICES

Part VII. Rehabilitation Services

Chapter 1. Vocational Rehabilitation Policy Manual

§107. Applicant/Client Appeal Rights

A. Administrative Review

* * *

B. Fair Hearing

1. The fair hearing is the final level of appeal within Louisiana Rehabilitation Services. Subsequent to a decision being reached as a result of the fair hearing, any further pursuit of the issue by the applicant/client must be through the public court system.

2. The fair hearing is a process which may be used by applicants/clients to appeal disputed findings of an administrative review, or as a direct avenue of appeal bypassing the administrative review option.

3. The fair hearing will be conducted by an impartial

hearing officer within 45 calendar days of receipt of the initial written request if no administrative review was conducted and within 30 calendar days if the fair hearing follows an administrative review.

4. The impartial hearing officer must render a final decision within 30 calendar days following the fair hearing.

5. The entire appeal process, whether it is inclusive of the administrative review or not, will not exceed 45 calendar days unless an exception is agreed upon jointly by the participating parties, i.e.:

a. the applicant/client and/or their representative, if applicable;

b. the appropriate regional manager, and the impartial hearing officer.

6. An exception to this time line should only be made as a result of sufficient cause as agreed upon by the participants. However, if the request for a fair hearing is directly related to an agency decision to end or alter services in progress, then a fair hearing must be conducted and a decision must be reached within 60 calendar days of the initial request.

7. The client will not have the option of requesting delays past this time.

8. The failure of the client who is contesting an agency decision regarding a plan of services currently in progress to participate in a fair hearing within the 60-calendar-day requirement will result in a dismissal of the appeal.

Note: The maximum 60-calendar-day time period for participating in a fair hearing with a resulting decision does not apply to applicants/clients requesting an appeal regarding matters other than services currently in progress. With sufficient cause and joint agreement of the participating parties, the fair hearing and decision can be delayed for a longer period of time.

9. The impartial hearing officer shall be selected from among a pool of qualified persons identified jointly by Louisiana Rehabilitation Services and members of the Louisiana Rehabilitation Services Vocational Rehabilitation Advisory Council.

10. The impartial hearing officer shall be selected to hear a particular case on a random basis, or by agreement between the LRS director and the applicant/client (or the client's representation, as appropriate).

11. All applicants/clients must be provided adequate notification of appeal rights regarding eligibility, determination of severe disability, the provision or denial of rehabilitation services, and/or the client's right to representation. Unless services being provided under the current Individualized Written Rehabilitation Program have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the client, such services will continue during the fair hearing appeal process.

12. If an administrative review has been conducted, in order to insure that the applicant/client is afforded the option of availing themselves of the opportunity to pursue a fair hearing, adequate notification by the regional manager must include:

- a. the agency's decision;
- b. the basis for, and effective date of, that decision;
- c. the specific means for appealing the decision;

d. the applicant's/client's right to submit additional evidence and information, including the client's right to representation;

e. advise the applicant/client of the Client Assistance Program and how they can access the program, including the telephone number; and

f. the means through which a fair hearing may be requested, including the name and address of the regional manager.

Note: All fair hearings must be conducted in a manner which insures that the proceedings are understood by the applicant/client.

C. Director's Review of Fair Hearing

1. The director shall notify the individual of the intent to review a fair hearing decision in whole or in part within 20 calendar days of the mailing of the impartial hearing officer's decision to the individual.

2. If the director decides to review the decision, the individual shall be provided an opportunity to submit additional evidence and information relevant to a final decision.

3. The director may not overturn or modify a decision of an impartial hearing officer, or part of such a decision, that supports the position of the individual unless:

a. the initial decision is arbitrary, capricious, an abuse of discretion, or otherwise unreasonable;

b. the initial decision is not supported by substantial evidence, i.e., consistent with the facts and applicable federal and state policies;

c. the initial decision by the impartial hearing officer has not given appropriate and adequate interpretation to such factors as:

i. the federal statute and regulations as they apply to the specific issue;

ii. the state plan as it applies to the specific issue in question;

iii. the state procedures manual as it applies to the issue in question;

iv. key portions of conflicting testimony;

v. state agency options in the delivery of services if such options are permissible by federal statute;

vi. restrictions in the federal statute or regulations with regard to such supportive services as maintenance and transportation;

vii. approved federal or state agency policy as it relates to the issue in question.

4. A final decision shall be made in writing by the director within 30 calendar days of providing notice of intent to review the impartial hearing officer's decision and shall include a full report of the findings and the grounds for the decision. The director shall provide a copy of the final decision to such individual.

D. Impartial Hearing Officers

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Rehabilitation Services, LR 17:891 (September 1991), amended LR 20:317 (March 1994), LR 21:189 (February 1995), LR 24:

§115. Financial

A. - A.1.b.v. ...

vi. rehabilitation technology;

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 49:664.4 and R.S. 36:477.

HISTORICAL NOTE: Promulgated by the Department of Social Services, Office of Rehabilitation Services, LR 17:891 (September 1991), amended LR 20:317 (March 1994), LR 21:837 (August 1995), LR 24:

Interested persons may submit written comments for 40 days from the date of this publication to May Nelson, Louisiana Rehabilitation Services, 8225 Florida Boulevard, Baton Rouge, LA 70806. She is responsible for responding to inquiries.

Madlyn B. Bagneris
Secretary

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

**RULE TITLE: Vocational Rehabilitation Policy
Manual—Applicant/Client Appeal Rights and
Rehabilitation Technology**

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

There is no projected implementation cost. This proposed rule changes the criteria used by the director in the decision to review the impartial hearing officer's decision. Louisiana Rehabilitation Services (LRS) has sufficient funds to provide for the operation of Louisiana Rehabilitation Services as Act 18 of 1997 was approved by the Louisiana Legislature. LRS has contracted with approximately 18 providers statewide for an estimated \$200,000 in order to provide fair hearings.

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

There is no anticipated increase or decrease in revenue.

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

There is no change in the estimated cost and/or economic benefits to directly affected persons or nongovernmental groups.

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

There is no proposed change in competition and employment in the public and private sectors.

May Nelson
Director
9802#080

H. Gordon Monk
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

**Department of Transportation and Development
Highways/Engineering**

Joint Use Agreements
(LAC 70:III.1901)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is

hereby given that the Department of Transportation and Development intends to adopt a rule entitled "Joint Use Agreements," in accordance with R.S. 48:381.1.

Title 70

TRANSPORTATION

Part III. Highways/Engineering

Chapter 19. Contracts, Leases and Agreements

§1901. Joint Use Agreements

A. Elements of the Lease

1. At the initiation of the lease, DOTD's Real Estate Section will estimate the fair market lease value of the property. That value will be utilized in determining the amount charged as a rental fee. At the conclusion of a five-year term, the market value of the leased property will be reassessed. If the lessee chooses not to renew the lease and pay the revised fair market value as a fee, the lease shall expire.

2. DOTD property that is "excess," or that was expropriated through unfriendly negotiations will not be eligible for lease. DOTD "excess" property shall be disposed of in accordance with R.S. 48:224 and EDSM Number I.1.1.10, and shall not be leased.

3. Property that bears improvements constructed with public funds will not be eligible for lease for a period of 20 years from the date of completion of said improvements.

4. Preference in use of right-of-way is as follows:

- a. highway purposes;
- b. drainage purposes;
- c. legal street connections purposes;
- d. legal driveway connections purposes;
- e. utilities purposes;
- f. joint use (lease) purposes.

5. Preference for availability of joint use leases shall be given to the following entities, in the following order:

- a. governmental bodies using the property for the general public and generating no revenue;
- b. governmental bodies;
- c. the land owner from whom the property was expropriated;
- d. adjacent land owners;
- e. general public.

6. Title and control of the area of right-of-way involved will remain with DOTD.

7. Subleasing is prohibited without the prior written consent of DOTD.

8. Use of property shall be in accordance with local building and zoning ordinances and/or codes.

9. DOTD may terminate the lease agreement at any time and require lessee to vacate the premises and remove all improvements. Improvements not removed by lessee within 30 days may be removed by DOTD at lessee's expense.

10. The lease shall be subordinate to any existing agreements between DOTD and other parties affecting the leased property.

11. Illegal activities on the premises conducted by lessee are prohibited and shall trigger automatic termination of the lease.

12. All heavy commercial activity and the serving of alcohol are prohibited on the leased premises.

B. Application Procedure

1. Parties interested in leasing state right-of-way must contact the headquarter's utility and permit engineer at the permit office of DOTD.

2. The applicant must submit, in writing to the headquarter's utility and permit engineer, a proposal detailing the use of the property including a location description. The headquarter's utility and permit engineer will distribute copies of the proposal to the district office and other appropriate parties within the department.

3. DOTD will investigate proposed highway improvements in the area and the viability of leasing the property.

4. If a lease agreement is viable, then the applicant must submit:

a. a layout map of the requested area showing DOTD right-of-way, including a metes and bounds description;

b. a written metes and bounds description of the area labeled as "Exhibit A";

c. detailed plans showing any improvements to be placed on the premises including structures, type of material used, appearance, fences which may be required, and any other pertinent information, labeled "Exhibit B";

d. vertical clearance between area to be used and bottom of overhead structure.

5. DOTD's Real Estate Section will estimate the fair market lease value of the property.

6. If more than one party is interested in leasing the same parcel of property:

a. DOTD shall first attempt to facilitate a cooperative endeavor agreement between the parties, so that the property can be shared;

b. if a cooperative endeavor is not possible, then §1901.A.5 shall be utilized to select a lessee;

c. if two or more parties tie for top choice, then DOTD shall initiate a bidding process as follows:

i. all parties will be informed of the bid situation and given 30 days to prepare bids;

ii. DOTD shall designate a date to receive sealed bids;

iii. the headquarter's utility and permit engineer shall open all bids on the same day;

iv. bids more than 10 percent below the estimated fair market value shall be rejected. All bids for uses that the headquarter's utility and permit engineer deems prohibited, inappropriate, or inconsistent with use of the property by DOTD shall be rejected. If any bids remain, the lease shall be awarded to the highest bid. If no eligible bids remain, then the bid process may be repeated. If there are still no eligible bids, then all proposals shall be discarded. In the event of a tie, the tied parties will be allowed to toss a coin to determine the winning bidder.

7. DOTD performs all required reviews of the request, including an environmental assessment. The applicant may be required to submit corrected and/or additional information.

8. Once the submittal is complete and correct and the environmental clearance is issued, the request is given final approval by the headquarter's utility and permit engineer.

9. The request is then submitted to the Federal Highway Administration (FHWA) for review and becomes effective upon the concurrence of FHWA. (Note: FHWA concurrence is not required for some state routes.)

C. Improvements

1. No improvements or alterations, including landscaping, shall be made upon the premises without written approval of DOTD.

2. The improvements and the property must be maintained by the lessee in good condition. Maintenance must be accomplished so that there is no unreasonable interference with the transportation facility.

3. All plans for construction of any improvements must be reviewed and approved by DOTD. Preliminary plans must be submitted with the initial application.

4. At the conclusion of the lease, all improvements must be removed leaving the property in its original condition. In special cases improvements may remain with written consent from DOTD, provided there is no expense to DOTD.

D. Maintenance and Inspection

1. The lessee shall, at its sole expense, keep and maintain the premises at all times in an orderly, clean, safe, and sanitary condition.

2. If proper maintenance is not performed, DOTD reserves the option to cancel the lease or perform the maintenance and obtain reimbursement from the lessee.

3. The lessee shall maintain the premises at the lessee's own expense, including all driveways, fences, and guardrails, subject to the approval of DOTD. The lessee shall be liable for reimbursement to DOTD for any damage to DOTD property.

4. On-premise signs, displays, or devices may be authorized by DOTD, but shall be restricted to those indicating ownership and type of activity being conducted in the facility, and shall be subject to reasonable restrictions with respect to number, size, location, and design.

5. Inspections of the property may be performed by a DOTD representative to assure compliance with all the rules set forth in the lease. DOTD specifically reserves the right of entry by any authorized employee, contractor, or agent of DOTD for the purpose of inspecting said premises, or the doing of any and all acts necessary on said premises in connection with protection, maintenance, painting, and operation of structures and appurtenances. DOTD reserves the further right, at its discretion, to immediate entry upon the premises and to take immediate possession of the same only in case of any national or other emergency and for the protection of said structures; and, during said period, lessee shall be relieved from the performance of all conditions of the agreement.

6. All structures shall be of fire resistant construction as defined by the applicable building codes, and will not be utilized for the manufacture of flammable material, or for the storage of materials or other purposes deemed by the DOTD or Federal Highway Administration to be a potential fire or other hazard to the highway.

7. The lessee shall secure all necessary permits required in connection with operations on the premises and shall comply with all federal, state, and local statutes, ordinances, or regulations which may affect the lessee's use of the premises.

E. Liability of Lessee

1. The lessee shall occupy and use the property at its own expense, and shall hold DOTD, its officers, agents, and employees, harmless from any and all claims for damage to property, or injury to, or death of, any person entering upon same with lessee's consent, expressed, or implied.

2. The lessee shall carry liability insurance to indemnify claims resulting from accidents and property damage, which coverage shall be extended to include the facilities authorized in this agreement, to provide for the payment of any damages occurring to the highway facility and to the public for personal injury, loss of life and property damage resulting from lessee's use of the premises. DOTD shall be named as an additional insured and proof of such required insurance shall be provided to DOTD prior to occupancy. The insurance company and lessee shall notify DOTD, in writing, at least 30 days prior to cancellation of changes affecting the required insurance coverage.

F. Credit Check and Security Deposit

1. DOTD may require a credit check.

2. A security deposit may be required at the discretion of the DOTD.

G. Payment

1. Payment will be due on the first day of every year. If the lease begins in the middle of the year, the rent will be prorated for that year according to the number of days remaining in that year.

2. At the discretion of DOTD, payment may be due on a monthly basis.

3. Payments must be made by check, money order, or certified check.

4. If a lessee submits a bad check for payment, he will no longer be allowed to pay with personal checks. Future payments must be made by certified checks or money orders.

H. Governmental Entities

1. The fees may be waived for governmental entities if there is no revenue derived by the use of the property.

2. If the revenue generated is not sufficient to cover operating expenses and the joint use fee, the rent may be reduced to 10 percent of the gross revenue.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:381.1.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Highways/Engineering, LR 24:

All interested persons so desiring shall submit oral or written data, views, comments, or arguments no later than 30 days from the date of publication of the notice of intent to John Collins, Headquarter's Utility and Permit Engineer, Box 94245, Baton Rouge, LA 70804-9245, (504) 379-1509.

Frank M. Denton
Secretary

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Joint Use Agreements**

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

The provisions of this rule will be implemented using existing staff and resources. There are no implementation costs to the Department of Transportation and Development or to local government units.

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

State revenue collections will increase by approximately \$20,000 per year. This calculation assumes that the Department of Transportation and Development executes one new lease per year, and that each lease will generate \$20,000 per year. (Most joint use agreements will be with governmental units and will generate no revenue.) All fees collected will be credited to the Right-of-Way Permit Processing Fund in the state treasury to be used to defray the expenses of the right-of-way permit office.

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

Persons and nongovernmental groups will benefit from the ability to lease property to expand or initiate business ventures. It is not possible to calculate this benefit.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This action may increase employment, but the overall effect on competition or employment will be negligible.

Frank M. Denton
Secretary
9802#084

Richard W. England
Assistant to the
Legislative Fiscal Officer

NOTICE OF INTENT

**Department of the Treasury
Board of Trustees of the Teachers' Retirement System**

Deferred Retirement Option Plan (DROP)
Withdrawal (LAC 58:III.511 and 519)

In accordance with R.S. 49:950 et seq., the Administrative Procedure Act, notice is hereby given by the Board of Trustees of Teachers' Retirement System of Louisiana (TRSL) of its intent to amend rules relative to the withdrawal of Deferred Retirement Option Plan (DROP) funds.

Title 58

RETIREMENT

Part III. Teachers' Retirement System

Chapter 5. Deferred Retirement Option Plan (DROP)

§511. Change of Drop Withdrawal Method

A. The participant will have one opportunity per 12-month period to change the chosen withdrawal method if the original method selected was either §509.A.2, 3, 4, or 5. Any change in the withdrawal method must be made in accordance with the life expectancy of the participant, and at no time may the disbursement from the account be less than the amount of the originally selected periodic payment.

B. When the life expectancy of the participant governs the selected periodic withdrawal method, disbursements from the DROP account shall be made in accordance with the following schedule for all DROP participants first eligible to begin withdrawing on or after November 19, 1996:

Life Expectancy Schedule		
Age when DROP Participant Terminates Employment	Number of Months for Permitted Withdrawals	Number of Years for Permitted Withdrawals
55 or under	360 months	30 years
55 and one day to 60	310 months	25.8 years
60 and one day to 65	260 months	21.7 years
65 and one day to 70	210 months	17.5 years
70 and one day and older	160 months	13.3 years

C. The selection of a withdrawal method and the amount of the periodic payment must be designated by the participant 30 days prior to completion of DROP participation and termination of employment on the form prescribed by the TRSL. Should a participant fail to choose a withdrawal method, or to notify TRSL that employment will continue, TRSL will consider the participant still employed. No benefit will be payable to the participant until official notification of termination of employment, on the prescribed form, is received in the office of TRSL.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:739 and R.S. 11:786-791.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Teachers' Retirement System, LR 18:621 (June 1992), amended LR 18:1419 (December 1992), LR 19:1601 (December 1993), LR 20:1020 (September 1994), LR 21:1267 (November 1995), LR 23:85 (January 1997), LR 24:

§519. Application for DROP

A member shall not begin their DROP participation until TRSL has received a fully completed, signed, and witnessed original Application for DROP, Form 11F. FAX copies will not be accepted for this purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 11:739 and R.S. 11:786-791.

HISTORICAL NOTE: Promulgated by the Department of the Treasury, Board of Trustees of the Teachers' Retirement System, LR 18:621 (June 1992), amended LR 18:1419 (December 1992), LR 19:1601 (December 1993), LR 20:1020 (September 1994), LR 21:1267 (November 1995), LR 23:85 (January 1997), LR 24:

Interested persons may comment on the notice of intent in writing until 4:30 p.m., April 30, 1998, to Bonita B. Brown, Assistant Director, Teachers' Retirement System of Louisiana, Box 94123, Baton Rouge, LA 70804-9123.

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Deferred Retirement Option Plan (DROP) Withdrawal

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

This proposed rule revises DROP withdrawal rules to allow one change per 12-month period and revises life expectancy tables to conform to federal law. No costs will be incurred by state or local governmental units as a result of these revisions.

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

There will be no impact on revenue collections of state or local governmental units by the revision of these proposed rules.

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

There will be no impact on costs to directly affected persons or nongovernmental groups. Directly affected persons will have more flexibility to schedule their DROP account withdrawals and will have a longer life expectancy during which to receive these withdrawals.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be no effect on competition and employment as a result of the revision of these proposed rules.

James P. Hadley, Jr.
Director
9802#041

Richard W. England
Assistant to the
Legislative Fiscal Officer

NOTICE OF INTENT

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

**Reef Fish Daily Take and Size
Limits (LAC 76:VII.335)**

The Wildlife and Fisheries Commission does hereby give notice of intent to amend LAC 76:VII.335, modifying commercial red snapper harvest requirements and establishing a closed season for commercial harvest of greater amberjack, as part of the existing rule for daily take, possession and size limits for reef fishes set by the commission. The authority for adoption of this proposed rule is included in R.S. 56:6(25)(a), 56:326.1 and 56:326.3.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statement, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

**Title 76
WILDLIFE AND FISHERIES**

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

**§335. Reef Fish—Daily Take, Possession and Size Limits
Set by Commission**

* * *

E. All persons who do not possess a Class 1 or Class 2 red snapper license issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico reef fish resources are limited to the recreational bag limit for red snapper. Those persons possessing a Class 2 red snapper licenses issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico reef fish resources are limited to a daily take and possession limit of 200 pounds of red snapper per vessel.

F. Those persons possessing a Class 1 red snapper license issued by the National Marine Fisheries Service under the Federal Fishery Management Plan for the Gulf of Mexico Reef Fish resources are limited to a daily take and possession limit of 2,000 pounds of red snapper per vessel.

* * *

J. The season for the commercial harvest of greater amberjack shall be closed during the months of March through May of each year. Possession of greater amberjack in excess of the daily bag limit while on the water is prohibited during the closed season. Any greater amberjack harvested during the closed season shall not be purchased, sold, traded, bartered or exchanged or attempted to be purchased, sold, traded, bartered or exchanged. The provisions of §335.J apply to fish taken within or without Louisiana's territorial waters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), 56:326.1 and 326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 16:539 (June 1990), amended LR 19:1442 (November 1993), LR 20:797 (July 1994), LR 21:1267 (November 1995), LR 22:860 (September 1996), LR 24:

Interested persons may submit written comments on the proposed rule to Harry Blanchet, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Friday, April 3, 1998.

Daniel J. Babin
Chairman

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

RULE TITLE: Reef Fish Daily Take and Size Limits

- I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no state or local governmental implementation costs.
- II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)
There will be no effect on revenues to any state or local governmental units from the proposed rule.
- III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)
The proposed rule is intended to provide consistent regulations for commercial fishers harvesting reef fishes in state waters and in adjacent federal waters. The proposed regulation would modify licensing requirements for commercial harvest of red snapper to remain consistent with federal regulations and establish a closed season for commercial harvest of greater amberjack that would run from March through May.
Reduction of harvest of any or all of these fish may reduce benefits to commercial harvesters. Reduced benefits could occur from increased costs associated with increased fishing efforts and from differential values of redirected harvested species compared to greater amberjack. Overall benefit reductions are not estimable at this time. Long-term benefits may also accrue to fishermen in both recreational and commercial sectors as a result of possible increases in the stocks protected by the proposed limits. No additional costs, permits, fees, workload or paperwork will occur from the proposed rule change.
- IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
There will be little or no effect on employment in the public or private sector. Some harvesters may redirect their fishing efforts to other species, geographic areas, or into nonfishing activities.

Ronald Couvillion
Undersecretary
9802#035

Richard W. England
Assistant to the
Legislative Fiscal Officer